

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 25-0554.01 Jennifer Berman x3286

**SENATE BILL 25-157**

---

**SENATE SPONSORSHIP**

**Weissman and Gonzales J.**, Cutter, Jodeh, Kipp, Kolker

**HOUSE SPONSORSHIP**

**Mabrey and Titone**, Bacon, Brown, Froelich, Garcia, Lindsay, Mauro, Rutinel, Sirota, Story, Velasco, Willford, Zokaie

---

**Senate Committees**

Business, Labor, & Technology

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING REDUCING BURDENS TO ENFORCEMENT OF LAWS**  
102      **PROHIBITING DECEPTIVE ACTS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill establishes that certain evidence that a person has engaged in an unfair or deceptive trade practice constitutes a significant impact to the public. The bill also clarifies that a deceptive trade practice claim cannot be based solely on a claim that a person breached a contract or engaged in negligence or on a claim for damages based on the rendering of professional services, unless the claim for damages involves an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

SENATE  
Amended 2nd Reading  
March 28, 2025

allegation of a material misrepresentation of fact, a failure to disclose material information, or an action that cannot be characterized as providing advice, judgment, or opinion.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2       **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4       (a) For more than 100 years, it has been the policy of the United  
5 States and of the state of Colorado to promote honest competition among  
6 businesses and to discourage unfair competition;

7       (b) In 1914, Congress passed the "Federal Trade Commission  
8 Act", 15 U.S.C. sec. 41 et seq., to prohibit "unfair methods of competition  
9 in commerce";

10       (c) The "Federal Trade Commission Act" has been continually  
11 updated as the economy has evolved and currently prohibits "[u]nfair  
12 methods of competition in or affecting commerce, and unfair or deceptive  
13 acts or practices in or affecting commerce";

14       (d) In 1915, the Colorado general assembly passed legislation  
15 prohibiting "untrue, deceptive, or misleading" advertising, as codified in  
16 C.L. 1921 sec. 6942;

17       (e) In 1969, the Colorado general assembly passed the "Colorado  
18 Consumer Protection Act", the first modern consumer protection law to  
19 prohibit "deceptive trade practices" and to protect consumers from unfair,  
20 unconscionable, and deceptive acts or practices;

21       (f) In 1998, in *Hall v. Walter*, 969 P.2d 224, 234 (Colo. 1998), the  
22 Colorado supreme court limited the application of the "Colorado  
23 Consumer Protection Act", part 1 of article 1 of title 6, Colorado Revised  
24 Statutes, by holding that an injured individual or business must prove that

1 an unfair, unconscionable, or deceptive act or practice "significantly  
2 impacts the public", placing a requirement on injured individuals or  
3 businesses to prove circumstances far outside their own knowledge or  
4 control;

5 (g) The requirement that an injured individual or business prove  
6 that an unfair or deceptive trade practice "significantly impacts the  
7 public" is nowhere to be found in the text of the "Colorado Consumer  
8 Protection Act";

9 (h) According to the most recent 50-state survey from the National  
10 Consumer Law Center, Colorado is one of only 7 states that curtail their  
11 consumer protection laws with this type of "significantly impacts the  
12 public" limitation;

13 (i) According to the federal trade commission, Colorado ranks  
14 above the national average for reports of consumer fraud per capita, with  
15 the fifteenth highest reporting numbers;

16 (j) Certain populations, including seniors, veterans, active duty  
17 military service members, and people with disabilities, are especially  
18 targeted and victimized by deceptive acts and practices;

19 (k) By clarifying the availability of remedies available under the  
20 "Colorado Consumer Protection Act" for populations especially targeted  
21 and victimized by deceptive acts and practices, Colorado can better  
22 promote honest competition among businesses, discourage unfair  
23 competition, and protect certain consumers who are especially vulnerable;  
24 and

25 (l) Under this act, all other persons will maintain the right to  
26 pursue claims under the "Colorado Consumer Protection Act" consistent  
27 with current law, which considers, among other things, the vulnerabilities

1 of the people harmed by deceptive acts and practices and the asymmetries  
2 of power between the parties.

3 **SECTION 2.** In Colorado Revised Statutes, 6-1-102, **add** (6.5)  
4 as follows:

5 **6-1-102. Definitions.** As used in this article 1, unless the context  
6 otherwise requires:

7 (6.5) "PERSON PARTICULARLY TARGETED BY DECEPTIVE ACTS OR  
8 PRACTICES" MEANS:

9 (a) A SENIOR CITIZEN SIXTY YEARS OF AGE OR OLDER;

10 (b) AN INDIVIDUAL CURRENTLY SERVING IN THE UNITED STATES  
11 ARMED FORCES;

12 (c) A VETERAN OF THE UNITED STATES ARMED FORCES;

13 (d) A GOLD STAR MILITARY SPOUSE;

14 (e) A PERSON WITH A DISABILITY, AS DEFINED IN SECTION  
15 24-34-301 (7); OR

16 (f) A PREGNANT INDIVIDUAL.

17 **SECTION 3.** In Colorado Revised Statutes, 6-1-113, **add** (5) and  
18 (6) as follows:

19 **6-1-113. Civil actions - damages - other relief - class actions.**

20 (5) IN AN ACTION COMMENCED UNDER THIS SECTION, A PERSON  
21 PARTICULARLY TARGETED BY DECEPTIVE ACTS OR PRACTICES MAY

22 ESTABLISH THAT AN UNFAIR OR A DECEPTIVE ACT OR PRACTICE  
23 SIGNIFICANTLY IMPACTS THE PUBLIC BECAUSE THE ACT OR PRACTICE:

24 (a) VIOLATES A PROVISION OF THIS TITLE 6 THAT IS A DECEPTIVE  
25 TRADE PRACTICE; OR

26 (b) INJURED, HAD THE CAPACITY TO INJURE, OR HAS THE CAPACITY  
27 TO INJURE OTHER PERSONS.

1           (6) IN AN ACTION COMMENCED UNDER THIS SECTION:

2           (a) A BREACH OF CONTRACT CLAIM, WITHOUT AN ALLEGATION OF

3           ADDITIONAL CONDUCT, DOES NOT CONSTITUTE A CLAIM THAT A PERSON

4           ENGAGED IN A DECEPTIVE TRADE PRACTICE;

5           (b) A CLAIM OF NEGLIGENCE, WITHOUT AN ALLEGATION OF

6           ADDITIONAL CONDUCT, DOES NOT CONSTITUTE A CLAIM THAT A PERSON

7           ENGAGED IN A DECEPTIVE TRADE PRACTICE; AND

8           (c) A CLAIM FOR DAMAGES BASED ON THE RENDERING OF A

9           PROFESSIONAL SERVICE, THE ESSENCE OF WHICH SERVICE IS PROVIDING

10          ADVICE, JUDGMENT, OPINION, OR SIMILAR PROFESSIONAL SKILL, WITHOUT

11          AN ALLEGATION OF ADDITIONAL CONDUCT, DOES NOT CONSTITUTE A

12          CLAIM THAT A PERSON ENGAGED IN A DECEPTIVE TRADE PRACTICE;

13          EXCEPT THAT THIS SUBSECTION (6)(c) DOES NOT APPLY TO:

14          (I) AN EXPRESS MISREPRESENTATION OF A MATERIAL FACT THAT

15          CANNOT BE CHARACTERIZED AS PROVIDING ADVICE, JUDGMENT, OR

16          OPINION;

17          (II) A FAILURE TO DISCLOSE INFORMATION CONCERNING GOODS OR

18          SERVICES, WHICH INFORMATION WAS KNOWN AT THE TIME OF THE

19          TRANSACTION, IF SUCH FAILURE TO DISCLOSE THE INFORMATION WAS

20          INTENDED TO INDUCE THE CONSUMER INTO A TRANSACTION THAT THE

21          CONSUMER WOULD NOT HAVE ENTERED INTO HAD THE INFORMATION BEEN

22          DISCLOSED;

23          (III) AN ACTION OR COURSE OF ACTION THAT CANNOT BE

24          CHARACTERIZED AS PROVIDING ADVICE, JUDGMENT, OR OPINION; OR

25          (IV) A BREACH OF AN EXPRESS WARRANTY THAT CANNOT BE

26          CHARACTERIZED AS PROVIDING ADVICE, JUDGMENT, OR OPINION.

27          **SECTION 4. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate  
2 preservation of the public peace, health, or safety or for appropriations for  
3 the support and maintenance of the departments of the state and state  
4 institutions.