

C.R.S. 6-1-702

Statutes current through Chapter 52 of the 2024 Regular Session, effective as of April 4, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

Colorado Revised Statutes Annotated > *Title 6. Consumer and Commercial Affairs (§§ 6-1-101 — 6-28-102)*
> *Fair Trade and Restraint of Trade (Arts. 1 — 6.5)* > *Article 1. Colorado Consumer Protection Act (Pts. 1 — 15)* > *Part 7. Specific Provisions (§§ 6-1-701 — 6-1-734)*

6-1-702. Unsolicited facsimiles - deceptive trade practice - definitions.

- (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:
 - (a) Uses a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine;
 - (b) Uses a computer or other electronic device to send any message via a telephone facsimile machine unless such person clearly marks, in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission:
 - (I) The date and time the facsimile is sent;
 - (II) An identification of the person sending the facsimile; and
 - (III) The telephone number of the sending machine of the person; or
 - (c) Violates 47 U.S.C. sec. 227 or any rule promulgated thereunder.
- (2) For the purposes of this section, unless the context otherwise requires:
 - (a) "Telephone facsimile machine" means equipment that has the capacity to:
 - (I) Transcribe text or images from paper into an electronic signal and to transmit that signal over a regular telephone line; or
 - (II) Transcribe text or images from an electronic signal received over a regular telephone line onto paper.
 - (b) "Unsolicited advertisement" means material that advertises the commercial availability or quality of any property, good, or service and that is transmitted to a person without that person's prior express invitation or permission.
- (3)
 - (a) The provisions of this section shall not apply to:
 - (I) A person who has an existing business relationship with the person receiving a facsimile; or

(II) A nonprofit organization operating pursuant to 26 U.S.C. sec. 501 (c) of the federal “Internal Revenue Code of 1986”, as amended, that sends a facsimile to a nonmember recipient, if the nonprofit organization has received, by facsimile or other means, such nonmember recipient’s prior express written invitation or permission to deliver facsimiles that includes the recipient’s signature and facsimile number.

(b) For the purposes of this subsection (3), “existing business relationship” means a relationship formed by a voluntary two-way communication between a person or entity and a residential or business subscriber, with or without an exchange of consideration on the basis of an inquiry, application, purchase, membership, or transaction by the residential or business subscriber regarding products or services offered by such person or entity.

History

Source: L. 99:Entire part added with relocations, p. 641, § 2, effective May 18. L. 2004:Entire section R&RE, p. 406, § 1, effective August 4. L. 2005:(3) added, p. 463, § 1, effective May 4.