

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0665.01 Richard Sweetman x4333

HOUSE BILL 18-1248

HOUSE SPONSORSHIP

Kraft-Tharp and Sias,

SENATE SPONSORSHIP

Priola and Williams A.,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UNAUTHORIZED ELECTRONIC FUNDS TRANSFERS.**

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>.)

Current law requires each Colorado bank that engages in electronic funds transfers to provide certain protections to each "account holder", which is defined as a person having an established demand, savings, or loan account at a Colorado bank. The bill amends the law to require banks to provide such protections to each "consumer", which is defined as an individual who enters into a transaction primarily for personal, family, or household purposes.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 11-105-208, **amend**
3 (2) as follows:

4 **11-105-208. Consumer protection.** (2) With respect to any card
5 or other device issued to ~~an account holder~~ A CONSUMER, AS DEFINED IN
6 SECTION 4-1-201 (10.5), for use at a communications facility, any ~~account~~
7 ~~holder~~ CONSUMER whose card or device is lost or stolen and subsequently
8 used by an unauthorized person ~~shall only be~~ IS liable for the lesser of
9 ~~fifty dollars or the amount of money, goods, or services obtained by~~ ONLY
10 AS SET FORTH IN REGULATION E, 12 CFR 1005.1 ET SEQ., PROMULGATED
11 IN ACCORDANCE WITH THE FEDERAL "ELECTRONIC FUND TRANSFER ACT",
12 15 U.S.C. SEC. 1693 ET SEQ., FOR the unauthorized use prior to notice to
13 the Colorado bank that issued the card or device of the theft or loss. If the
14 unauthorized use occurs through no fault of the ~~account holder~~
15 CONSUMER, no liability shall be imposed on the ~~account holder~~
16 CONSUMER.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2018 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.