

HB1240\_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB19-1240 be amended as follows:

1 Amend printed bill, page 4, line 16, strike "FOR" and substitute  
2 "BEGINNING OCTOBER 1, 2019, FOR".

3 Page 4, strike lines 18 and 19.

4 Renumber succeeding sub-subparagraphs accordingly.

5 Page 9, strike lines 3 through 27.

6 Page 10, strike lines 1 through 14 and substitute:

7 "(5.9) (a) "MARKETPLACE FACILITATOR" MEANS A PERSON WHO:

8 (I) CONTRACTS WITH A MARKETPLACE SELLER TO FACILITATE FOR  
9 CONSIDERATION, REGARDLESS OF WHETHER THE CONSIDERATION IS  
10 DEDUCTED AS FEES FROM THE TRANSACTION, THE SALE OF THE  
11 MARKETPLACE SELLER'S TANGIBLE PERSONAL PROPERTY, COMMODITIES,  
12 OR SERVICES THROUGH A MARKETPLACE;

13 (II) ENGAGES DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE  
14 AFFILIATED PERSONS, IN TRANSMITTING OR OTHERWISE COMMUNICATING  
15 THE OFFER AND ACCEPTANCE BETWEEN THE PURCHASER AND  
16 MARKETPLACE SELLER; AND

17 (III) EITHER DIRECTLY OR INDIRECTLY, THROUGH AGREEMENTS OR  
18 ARRANGEMENTS WITH THIRD PARTIES, COLLECTS THE PAYMENT FROM THE  
19 PURCHASER AND TRANSMITS THE PAYMENT TO THE MARKETPLACE SELLER.

20 (b) A "MARKETPLACE FACILITATOR" DOES NOT INCLUDE A PERSON  
21 THAT EXCLUSIVELY PROVIDES INTERNET ADVERTISING SERVICES OR LISTS  
22 PRODUCTS FOR SALE, AND THAT DOES NOT OTHERWISE MEET THE  
23 DEFINITION SET FORTH IN SUBSECTION (5.9)(a) OF THIS SECTION."

24 Page 29, line 4, strike "2019." and substitute "2019; except that section  
25 39-26-102 (5.9), (6), (6.1), (6.2), (6.3) and (8), Colorado Revised Statutes,  
26 as enacted in section 1 of this act, and section 4 of this act take effect  
27 October 1, 2019."

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