

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0947.01 Yelana Love x2295

HOUSE BILL 17-1249

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Tate,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE UNLICENSED SELLING OF MOTOR VEHICLES.

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 increases the penalties on unlicensed motor vehicle sales.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-6-121 as

3 follows:

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

1 **12-6-121. Penalty.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
2 OF THIS SECTION, any person who willfully violates ~~any of the provisions~~
3 ~~of this part 1~~ or who willfully commits any offense in this part 1 declared
4 to be unlawful commits a class 1 misdemeanor and shall be punished as
5 provided in section 18-1.3-501. ~~C.R.S.; except that~~

6 (2) (a) Any person who WILLFULLY violates ~~the provisions of~~
7 section 12-6-120 (2) BY ACTING AS A MANUFACTURER, DISTRIBUTOR, OR
8 MANUFACTURER REPRESENTATIVE WITHOUT PROPER AUTHORIZATION
9 commits a class 3 misdemeanor and, upon conviction thereof, shall be
10 punished by a fine of not less than one hundred dollars or more than one
11 thousand dollars for each separate offense; except that, if the violator is
12 a corporation, the fine shall be not less than five hundred dollars or more
13 than two thousand five hundred dollars for each separate offense. A
14 second conviction shall be punished by a fine of two thousand five
15 hundred dollars.

16 (b) ANY PERSON WHO WILLFULLY VIOLATES SECTION 12-6-120 (2)
17 BY ACTING AS A MOTOR VEHICLE DEALER, WHOLESALER, USED MOTOR
18 VEHICLE DEALER, BUYER AGENT, WHOLESALE MOTOR VEHICLE AUCTION
19 DEALER, OR MOTOR VEHICLE SALESPERSON WITHOUT PROPER
20 AUTHORIZATION COMMITS A CLASS 3 MISDEMEANOR AND, UPON
21 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN
22 ONE THOUSAND DOLLARS AND A PENALTY OF TWENTY-FIVE HOURS OF
23 USEFUL PUBLIC SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND,
24 FOR EACH SEPARATE OFFENSE; EXCEPT THAT, IF THE VIOLATOR IS A
25 CORPORATION, THE CORPORATION SHALL BE PUNISHED BY A FINE OF NOT
26 LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE
27 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE. A SECOND

1 CONVICTION FOR AN INDIVIDUAL SHALL BE PUNISHED BY A FINE OF NOT
2 LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE
3 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE, WHICH THE COURT
4 MAY NOT SUSPEND.

5 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-6-121.5
6 as follows:

7 **12-6-121.5. Fines - disposition - unlicensed sales.** ~~Any~~ OF ANY
8 fine collected for a violation of section 12-6-120 (2), HALF shall be
9 awarded to the law enforcement agency ~~which~~ THAT investigated and
10 issued the citation for ~~said~~ THE violation AND HALF SHALL BE CREDITED
11 TO THE AUTO DEALERS LICENSE FUND CREATED IN SECTION 12-6-123.

12 **SECTION 3.** In Colorado Revised Statutes, 12-6-123, **amend** (1)
13 introductory portion; and **add** (1)(d) as follows:

14 **12-6-123. Disposition of fees - auto dealers license fund -**
15 **creation.** (1) All ~~moneys~~ MONEY received under this part 1, except fines
16 awarded pursuant to section 12-6-121.5, shall be deposited with the state
17 treasurer by the department of revenue, subject to ~~the provisions of~~
18 section 24-35-101, ~~C.R.S.~~, together with a detailed statement of such
19 receipts, and such funds deposited with the state treasurer shall constitute
20 a fund to be known as the auto dealers license fund, which fund is hereby
21 created and which shall be used under the direction of the board in the
22 following manner:

23 (d) TO ENFORCE SECTION 12-6-120 (2).

24 **SECTION 4. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly (August 9, 2017, if adjournment sine die is on May 10,

1 2017); except that, if a referendum petition is filed pursuant to section 1
2 (3) of article V of the state constitution against this act or an item, section,
3 or part of this act within such period, then the act, item, section, or part
4 will not take effect unless approved by the people at the general election
5 to be held in November 2018 and, in such case, will take effect on the
6 date of the official declaration of the vote thereon by the governor.

7 (2) This act applies to offenses committed on or after the
8 applicable effective date of this act.