

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 16-1005.01 Jery Payne x2157

HOUSE BILL 16-1296

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Tate,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE UNLICENSED SELLING OF AUTOMOBILES.

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://www.leg.state.co.us/billsummaries>.)

The bill increases the penalties on unlicensed car dealers.

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.

HOUSE
3rd Reading Unamended
March 28, 2016

HOUSE
Amended 2nd Reading
March 24, 2016

1 **12-6-121. Penalty.** Any person who willfully violates any of the
2 provisions of this part 1 or who willfully commits any offense in this part
3 1 declared to be unlawful commits a class 1 misdemeanor and shall be
4 punished as provided in section 18-1.3-501, C.R.S.; except that any
5 person who violates ~~the provisions of~~ section 12-6-120 (2) commits a
6 ~~class 3~~ misdemeanor and, upon conviction thereof, shall be punished by
7 a fine of not less than ~~one hundred dollars or more than~~ one thousand
8 dollars AND A PENALTY OF TWENTY-FIVE HOURS OF USEFUL PUBLIC
9 SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND, for each separate
10 offense; except that, if the violator is a corporation, the CORPORATION
11 SHALL BE PUNISHED BY A fine ~~shall be~~ OF not less than five hundred
12 THOUSAND dollars ~~or~~ NOR more than ~~two thousand five hundred~~
13 TWENTY-FIVE THOUSAND dollars for each separate offense. A second
14 conviction FOR AN INDIVIDUAL shall be punished by a fine of ~~two~~
15 ~~thousand five hundred dollars~~ NOT LESS THAN FIVE THOUSAND DOLLARS
16 NOR MORE THAN TWENTY-FIVE THOUSAND DOLLARS AND IMPRISONMENT
17 OF TEN DAYS, NEITHER OF WHICH THE COURT MAY SUSPEND.

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

20 **12-6-121.5. Fines - disposition - unlicensed sales.** ~~Any~~ OF ANY
21 fine collected for a violation of section 12-6-120 (2) HALF shall be
22 awarded to the law enforcement agency which investigated and issued the
23 citation for ~~said~~ THE violation AND THE OTHER HALF SHALL BE CREDITED
24 TO THE AUTO DEALERS LICENSE FUND CREATED IN 12-6-123.

25 **SECTION 3. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,
2 2016); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

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