

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0512.01 Jery Payne x2157

HOUSE BILL 18-1105

HOUSE SPONSORSHIP

Liston and Melton,

SENATE SPONSORSHIP

Tate,

House Committees
Business Affairs and Labor

Senate Committees
Business, Labor, & Technology

A BILL FOR AN ACT

101 CONCERNING THE UNLICENSED SALE OF 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>.)

Section 1 of the bill clarifies that money received as fines for the following violations may be deposited in the auto dealers license fund:

- ! Issuance of a bad check by a motor vehicle dealer; and
- ! Failure to obtain any necessary license to be a motor vehicle dealer, manufacturer, distributor, wholesaler, manufacturer representative, used motor vehicle dealer, buyer agent, wholesale motor vehicle auction dealer, or motor vehicle salesperson.

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.

SENATE
2nd Reading Unamended
February 26, 2018

HOUSE
3rd Reading Unamended
February 8, 2018

HOUSE
2nd Reading Unamended
February 7, 2018

Currently, a law enforcement agency may keep any fine money if it issues a citation for failing to obtain a license to be a wholesaler, powersports vehicle dealer, used powersports vehicle dealer, powersports vehicle manufacturer, powersports vehicle distributor, or powersports vehicle manufacturer representative. **Section 3** diverts half of this fine to the auto dealers license fund.

Section 2 applies to the requirement that specified sellers of powersports vehicles be licensed. It exempts businesses that sell vehicles that meet the following criteria:

- ! The vehicle has been owned for more than one year;
- ! The vehicle has been used exclusively for business purposes;
- ! The vehicle is titled in the name of the business;
- ! All taxes for the vehicle have been paid; and
- ! The total number of vehicles sold by the business owner over a 2-year period does not exceed 20 vehicles.

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

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

4 **12-6-123. Disposition of fees - auto dealers license fund -**
5 **created.** (1) THE DEPARTMENT OF REVENUE SHALL DEPOSIT all money
6 received under this part 1 ~~except fines awarded pursuant to sections~~
7 ~~12-6-121.5 and 12-6-121.6 (2), shall be deposited~~ with the state treasurer,
8 ~~by the department of revenue,~~ subject to section 24-35-101, together with
9 a detailed statement of ~~such~~ receipts, and the money deposited with the
10 state treasurer constitutes a fund to be known as the auto dealers license
11 fund, which fund is hereby created; EXCEPT THAT THE DEPARTMENT
12 SHALL DEPOSIT FINES IMPOSED UNDER SECTIONS 12-6-121.5 AND
13 12-6-121.6 (2) IN ACCORDANCE WITH SECTIONS 12-6-121.5 AND
14 12-6-121.6(2). The fund shall be used under the direction of the board in
15 the following manner:

16 (e) TO IMPLEMENT PART 5 OF THIS ARTICLE 6.

1 (f) TO ENFORCE SECTION 12-6-523 (2).

2 **SECTION 2.** In Colorado Revised Statutes, 12-6-523, **amend** (2)
3 as follows:

4 **12-6-523. Unlawful acts.** (2) It is unlawful for a person to act as
5 a wholesaler, powersports vehicle dealer, used powersports vehicle
6 dealer, powersports vehicle manufacturer, powersports vehicle
7 distributor, powersports vehicle manufacturer representative, or
8 powersports vehicle salesperson unless the person has been duly licensed
9 under ~~the provisions of this part 5~~; EXCEPT THAT THIS SUBSECTION (2)
10 DOES NOT APPLY TO A BUSINESS OWNER SELLING A POWERSPORTS VEHICLE
11 IF THE VEHICLE HAS BEEN OWNED FOR MORE THAN ONE YEAR, THE
12 VEHICLE HAS BEEN USED EXCLUSIVELY FOR BUSINESS PURPOSES, THE
13 VEHICLE IS TITLED IN THE NAME OF THE BUSINESS, ALL TAXES FOR THE
14 VEHICLE HAVE BEEN PAID, AND THE TOTAL NUMBER OF VEHICLES SOLD BY
15 THE BUSINESS OWNER OVER A TWO-YEAR PERIOD DOES NOT EXCEED
16 TWENTY VEHICLES.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-6-528 as
18 follows:

19 **12-6-528. Fines - disposition - unlicensed sales.** Of any fine
20 collected for a violation of section 12-6-523 (2), ~~shall be~~ HALF IS awarded
21 to the law enforcement agency that investigated and issued the citation for
22 the violation AND HALF IS CREDITED TO THE AUTO DEALERS LICENSE FUND
23 CREATED IN SECTION 12-6-123.

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

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