

CHAPTER 28

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 18-1105

BY REPRESENTATIVE(S) Liston and Melton, Rosenthal, Van Winkle;
also SENATOR(S) Tate, Crowder, Holbert, Jones, Kerr, Neville T., Grantham.

AN ACT**CONCERNING THE UNLICENSED SALE OF VEHICLES.**

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

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

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

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

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

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

12-6-523. Unlawful acts. (2) It is unlawful for a person to act as a wholesaler, powersports vehicle dealer, used powersports vehicle dealer, powersports vehicle manufacturer, powersports vehicle distributor, powersports vehicle manufacturer representative, or powersports vehicle salesperson unless the person has been duly

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

licensed under the provisions of this part 5; EXCEPT THAT THIS SUBSECTION (2) DOES NOT APPLY TO A BUSINESS OWNER SELLING A POWERSPORTS VEHICLE IF 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 TWO-YEAR PERIOD DOES NOT EXCEED TWENTY VEHICLES.

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

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 7, 2018