

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-1060.01 Richard Sweetman x4333

HOUSE BILL 19-1325

HOUSE SPONSORSHIP

Hansen and McKean,

SENATE SPONSORSHIP

Priola and Bridges, Winter

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING CONSUMER ACCESS TO ELECTRIC MOTOR**
102 **VEHICLES BY ALLOWING ELECTRIC MOTOR VEHICLE**
103 **MANUFACTURERS TO SELL THEIR OWN ELECTRIC MOTOR**
104 **VEHICLES DIRECTLY TO CONSUMERS.**

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>.)

Current law states that, with certain exceptions, a motor vehicle manufacturer may not own, operate, or control any motor vehicle dealer or used motor vehicle dealer in Colorado. The bill creates a new

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.

exception that allows the ownership, operation, or control of a motor vehicle dealer by an electric motor vehicle manufacturer that engages exclusively in the sale of electric motor vehicles of the same line-make as are manufactured by the electric motor vehicle manufacturer.

An "electric motor vehicle" is a motor vehicle that operates entirely on electrical power, does not include a fuel combustion engine, and has at least 4 wheels in contact with the ground during normal operation. An "electric motor vehicle manufacturer" is an entity that manufactures and sells electric motor vehicles and does not manufacture or sell motor vehicles that are fully or partly powered by a fuel combustion engine.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-102, **amend**
3 (14) introductory portion and (14)(b) as follows:

4 **44-20-102. Definitions.** As used in this part 1, and in part 4 of this
5 article 20, unless the context or section 44-20-402 otherwise requires:

6 (14) "Manufacturer" means any person, firm, association,
7 corporation, or trust, resident or nonresident, who manufactures or
8 assembles new and unused motor vehicles. "MANUFACTURER" INCLUDES
9 AN ELECTRIC MOTOR VEHICLE MANUFACTURER, AS DEFINED IN SECTION
10 44-20-126 (3)(a.6). ~~except that~~ "Manufacturer" does not include:

11 (b) A person, other than a manufacturer OR AN ELECTRIC MOTOR
12 VEHICLE MANUFACTURER, AS THAT TERM IS DEFINED IN SECTION
13 44-20-126 (3)(a.6), operating a motor vehicle dealer in accordance with
14 section 44-20-126, ~~who~~ THAT is a licensed dealer selling motor vehicles
15 that the person has manufactured.

16 **SECTION 2.** In Colorado Revised Statutes, 44-20-126, **amend**
17 (2)(e) and (2)(f); and **add** (2)(g), (3)(a.3), and (3)(a.6) as follows:

18 **44-20-126. Independent control of dealer - definitions -**
19 **exceptions.** (2) Notwithstanding subsection (1) of this section, the

1 following activities are not prohibited:

2 (e) Ownership, operation, or control of a used motor vehicle
3 dealer if the manufacturer owned, operated, or controlled the used motor
4 vehicle dealer on January 1, 2009, and has continuously operated or
5 controlled the used motor vehicle facilities after January 1, 2009; ~~and~~

6 (f) Operation of a motor vehicle dealer if the manufacturer was
7 operating the dealer on January 1, 2009, so long as the dealer is in
8 continuous operation after January 1, 2009; AND

9 (g) OWNERSHIP, OPERATION, OR CONTROL OF A MOTOR VEHICLE
10 DEALER BY AN ELECTRIC MOTOR VEHICLE MANUFACTURER THAT ENGAGES
11 EXCLUSIVELY IN THE SALE OF ELECTRIC MOTOR VEHICLES OF THE SAME
12 LINE-MAKE AS ARE MANUFACTURED BY THE ELECTRIC MOTOR VEHICLE
13 MANUFACTURER.

14 (3) As used in this section:

15 (a.3) "ELECTRIC MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT
16 OPERATES ENTIRELY ON ELECTRICAL POWER, DOES NOT INCLUDE A FUEL
17 COMBUSTION ENGINE, AND HAS AT LEAST FOUR WHEELS IN CONTACT WITH
18 THE GROUND DURING NORMAL OPERATION.

19 (a.6) "ELECTRIC MOTOR VEHICLE MANUFACTURER" MEANS AN
20 ENTITY THAT MANUFACTURES AND SELLS ELECTRIC MOTOR VEHICLES
21 AND DOES NOT MANUFACTURE OR SELL MOTOR VEHICLES THAT ARE FULLY
22 OR PARTLY POWERED BY A FUEL COMBUSTION ENGINE.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.