

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 20-0775.02 Jery Payne x2157

SENATE BILL 20-167

SENATE SPONSORSHIP

Hansen and Priola, Bridges, Fenberg, Winter

HOUSE SPONSORSHIP

Becker,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING CONSUMER ACCESS TO ELECTRIC MOTOR**
102 **VEHICLES BY ALLOWING MANUFACTURERS TO SELL THEIR OWN**
103 **ELECTRIC MOTOR 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 exception that allows the ownership, operation, or control of a motor vehicle dealer that sells electric motor vehicles of a manufacturer's

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
Amended 2nd Reading
February 21, 2020

line-make. An "electric motor vehicle" is a motor vehicle that can operate entirely on electrical power.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-126, **amend**
3 (2)(e), (2)(f), and (3) introductory portion; and **add** (2)(g) and (3)(a.3) as
4 follows:

5 **44-20-126. Independent control of dealer - definitions -**
6 **exceptions.** (2) Notwithstanding subsection (1) of this section, the
7 following activities are not prohibited:

8 (e) Ownership, operation, or control of a used motor vehicle
9 dealer if the manufacturer owned, operated, or controlled the used motor
10 vehicle dealer on January 1, 2009, and has continuously operated or
11 controlled the used motor vehicle facilities after January 1, 2009; ~~and~~

12 (f) Operation of a motor vehicle dealer if the manufacturer was
13 operating the dealer on January 1, 2009, so long as the MOTOR VEHICLE
14 dealer is in continuous operation after January 1, 2009; AND

15 (g) (I) OWNERSHIP, OPERATION, OR CONTROL OF A MOTOR VEHICLE
16 DEALER THAT SELLS ELECTRIC MOTOR VEHICLES OF A LINE-MAKE
17 MANUFACTURED BY THE MANUFACTURER.

18 (II) NOTHING IN THIS SUBSECTION (2)(g) AFFECTS FRANCHISE
19 AGREEMENTS OR RIGHTS TO RELEVANT MARKET AREAS AS PROVIDED IN AN
20 EXISTING FRANCHISE AGREEMENT OR IN SECTION 44-20-125.

21 (3) As used in this section, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a.3) "ELECTRIC MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT
24 CAN OPERATE ENTIRELY ON ELECTRICAL POWER.

25 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2020 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.