

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

**REVISED**

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

LLS NO. 23-0261.01 Josh Schultz x5486

**SENATE BILL 23-019**

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**SENATE SPONSORSHIP**

**Kolker and Simpson**, Cutter, Danielson, Exum, Gonzales, Hinrichsen, Jaquez Lewis, Liston, Marchman, Moreno, Rodriguez, Winter F.

**HOUSE SPONSORSHIP**

**Boesenecker and Frizell**,

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

Business Affairs & Labor

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**A BILL FOR AN ACT**

101 **CONCERNING CONSUMER PROTECTION FOR COLORADANS PURCHASING**  
102 **VEHICLES FROM OUT-OF-STATE ONLINE RETAILERS.**

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**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>.)*

The bill requires out-of-state online dealers and salespersons selling motor vehicles or powersports vehicles to submit to the jurisdiction of the motor vehicle dealer board (board) when selling to a Colorado consumer. The bill does not require these online dealers and salespersons to obtain a Colorado dealer license or have a physical location in Colorado if they are licensed in another state but requires them

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
2nd Reading Unamended  
February 10, 2023

SENATE  
3rd Reading Unamended  
February 1, 2023

SENATE  
2nd Reading Unamended  
January 31, 2023

to comply with Colorado laws and the board's rules.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-104, **amend**  
3 (3)(g); and **add** (5) as follows:

4 **44-20-104. Board - oath - meetings - powers and duties - rules.**

5 (3) The board is authorized and empowered:

6 (g) To summarily issue cease-and-desist orders, FOLLOWED BY  
7 NOTICE AND A HEARING IN ACCORDANCE WITH SECTION 44-20-122, on  
8 such terms and conditions and for such period of time as to the board  
9 appears fair and just to: ~~any person who is licensed by the board pursuant~~  
10 ~~to this part 1 if the orders are followed by notice and a hearing pursuant~~  
11 ~~to section 44-20-122;~~

12 (I) A PERSON WHO IS LICENSED BY THE BOARD PURSUANT TO THIS  
13 PART 1; OR

14 (II) A PERSON ENGAGING IN ACTIVITY THAT REQUIRES A LICENSE  
15 UNDER THIS PART 1 WHEN PERFORMED IN COLORADO, BUT THE PERSON  
16 DOES NOT OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY  
17 RESIDENTS OF COLORADO.

18 (5) (a) THE BOARD HAS JURISDICTION OVER ACTIVITY THAT:

19 (I) REQUIRES A LICENSE UNDER THIS PART 1 WHEN PERFORMED IN  
20 COLORADO; AND

21 (II) INVOLVES A RESIDENT OF COLORADO.

22 (b) WHEN PERFORMING AN ACTIVITY DESCRIBED IN SUBSECTION  
23 (5)(a) OF THIS SECTION, A PERSON IS SUBJECT TO THIS PART 1 AND THE  
24 RULES PROMULGATED BY THE BOARD UNDER THIS PART 1; EXCEPT THAT  
25 THE PERSON NEED NOT OBTAIN A LICENSE UNDER THIS PART 1 IF THE

1 PERSON ENGAGES IN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS  
2 PART 1 WHEN PERFORMED IN COLORADO BUT THE PERSON DOES NOT  
3 OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY RESIDENTS  
4 OF COLORADO.

5 **SECTION 2.** In Colorado Revised Statutes, 44-20-404, **amend**  
6 (1)(g); and **add (6)** as follows:

7 **44-20-404. Board - powers and duties - rules.** (1) In addition  
8 to the duties and powers of the board under section 44-20-104, the board  
9 may:

10 (g) Summarily issue ~~to any person who is licensed by the board~~  
11 ~~pursuant to this part 4~~ cease-and-desist orders, FOLLOWED BY NOTICE AND  
12 A HEARING IN ACCORDANCE WITH SECTION 44-20-421, on such terms and  
13 conditions and for such time as the board deems fair and just ~~if the orders~~  
14 ~~are followed by notice and a hearing pursuant to this section;~~ TO:

15 (I) A PERSON WHO IS LICENSED BY THE BOARD PURSUANT TO THIS  
16 PART 4; OR

17 (II) A PERSON ENGAGING IN ACTIVITY THAT REQUIRES A LICENSE  
18 UNDER THIS PART 4 WHEN PERFORMED IN COLORADO, BUT THE PERSON  
19 DOES NOT OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY  
20 RESIDENTS OF COLORADO.

21 (6) (a) THE BOARD HAS JURISDICTION OVER ACTIVITY THAT:

22 (I) REQUIRES A LICENSE UNDER THIS PART 4 WHEN PERFORMED IN  
23 COLORADO; AND

24 (II) INVOLVES A RESIDENT OF COLORADO.

25 (b) WHEN PERFORMING AN ACTIVITY DESCRIBED IN SUBSECTION  
26 (6)(a) OF THIS SECTION, A PERSON IS SUBJECT TO THIS PART 4 AND THE  
27 RULES PROMULGATED BY THE BOARD UNDER THIS PART 4; EXCEPT THAT

1 THE PERSON NEED NOT OBTAIN A LICENSE UNDER THIS PART 4 IF THE  
2 PERSON ENGAGES IN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS  
3 PART 4 WHEN PERFORMED IN COLORADO BUT THE PERSON DOES NOT  
4 OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY RESIDENTS  
5 OF COLORADO.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.