

CHAPTER 2

REVENUE - ACTIVITIES REGULATION

SENATE BILL 23-019

BY SENATOR(S) Kolker and Simpson, Cutter, Danielson, Exum, Gonzales, Hinrichsen, Jaquez Lewis, Liston, Marchman, Moreno, Rodriguez, Winter F.;
also REPRESENTATIVE(S) Boesenecker and Frizell, Bird, Brown, Duran, English, Hamrick, Herod, Jodeh, Lieder, Lindsay, Lindstedt, Mauro, Michaelson Jenet, Ricks, Sharbini, Snyder, Taggart, Titone.

AN ACT

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

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

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

44-20-104. Board - oath - meetings - powers and duties - rules. (3) The board is authorized and empowered:

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

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

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

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

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

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

(II) INVOLVES A RESIDENT OF COLORADO.

(b) WHEN PERFORMING AN ACTIVITY DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, A PERSON IS SUBJECT TO THIS PART 1 AND THE RULES PROMULGATED BY THE BOARD UNDER THIS PART 1; EXCEPT THAT THE PERSON NEED NOT OBTAIN A LICENSE UNDER THIS PART 1 IF THE PERSON ENGAGES IN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS PART 1 WHEN PERFORMED IN COLORADO BUT THE PERSON DOES NOT OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY RESIDENTS OF COLORADO.

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

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

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

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

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

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

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

(II) INVOLVES A RESIDENT OF COLORADO.

(b) WHEN PERFORMING AN ACTIVITY DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION, A PERSON IS SUBJECT TO THIS PART 4 AND THE RULES PROMULGATED BY THE BOARD UNDER THIS PART 4; EXCEPT THAT THE PERSON NEED NOT OBTAIN A LICENSE UNDER THIS PART 4 IF THE PERSON ENGAGES IN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS PART 4 WHEN PERFORMED IN COLORADO BUT THE PERSON DOES NOT OPERATE AT A PHYSICAL LOCATION IN COLORADO OR EMPLOY RESIDENTS OF COLORADO.

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

Approved: March 3, 2023