

CHAPTER 170

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 95-167

BY SENATORS Ament, Bishop, Blickensderfer, Casey, Feeley, Gallagher, Martinez, Mutzebaugh, Norton, Pascoe, Perlmutter, Rizzuto, Tebedo, Thiebaut, and Wattenberg;
also REPRESENTATIVES May, Berry, Dean, Epps, Lamborn, Martin, Moellenberg, Schwarz, and Tool.

AN ACT

CONCERNING FULL-USE DEALER PLATES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 42-3-127, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-127. Manufacturers or dealers. (6) (a) (I) AN APPLICATION FOR A FULL-USE DEALER PLATE MAY BE SUBMITTED BY A MOTOR VEHICLE DEALER OR WHOLESALER WHO:

(A) HAS SOLD MORE THAN TWENTY-FIVE MOTOR VEHICLES IN THE TWELVE-MONTH PERIOD PRECEDING APPLICATION;

(B) PURCHASES AN EXISTING MOTOR VEHICLE DEALERSHIP OR WHOLESALE BUSINESS THAT HAS SOLD MORE THAN TWENTY-FIVE VEHICLES DURING THE TWELVE-MONTH PERIOD PRECEDING APPLICATION; OR

(C) OBTAINS A LICENSE TO OPERATE A NEW OR USED MOTOR VEHICLE DEALERSHIP OR WHOLESALE BUSINESS WITH AN INVENTORY OF FIFTY OR MORE MOTOR VEHICLES.

(II) FULL-USE DEALER PLATES MAY BE USED IN LIEU OF, IN THE SAME MANNER AS, AND TO THE SAME EXTENT AS NUMBER PLATES ISSUED PURSUANT TO SECTION 42-3-113.

(b) (I) THE DEPARTMENT SHALL ISSUE FULL-USE DEALER PLATES UPON PAYMENT OF THE FEE SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) AND UPON

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

APPLICATION OF A MOTOR VEHICLE DEALER OR WHOLESALER ACCOMPANIED BY SATISFACTORY EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE PLATE IN ACCORDANCE WITH THE CRITERIA ESTABLISHED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6).

(II) THE ANNUAL FEE FOR FULL-USE DEALER PLATES SHALL BE ESTABLISHED AND ADJUSTED ANNUALLY BY THE DEPARTMENT BASED ON THE AVERAGE OF SPECIFIC OWNERSHIP TAXES AND REGISTRATION FEES PAID FOR PASSENGER VEHICLES AND LIGHT DUTY TRUCKS THAT ARE SEVEN MODEL YEARS OLD OR NEWER AND THAT WERE REGISTERED DURING THE ONE-YEAR PERIOD PRECEDING JANUARY 1 OF EACH YEAR.

(III) FULL-USE DEALER PLATES SHALL BE VALID FOR A PERIOD NOT TO EXCEED ONE YEAR. EACH FULL-USE DEALER PLATE SHALL EXPIRE ON JUNE 30 IN THE YEAR OF EXPIRATION.

(IV) EACH FULL-USE DEALER PLATE SHALL BE RETURNED TO THE DEPARTMENT WITHIN TEN DAYS AFTER THE SALE OR CLOSURE OF A MOTOR VEHICLE DEALERSHIP OR WHOLESALE BUSINESS LISTED IN AN APPLICATION SUBMITTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(c) FULL-USE DEALER PLATES MAY BE USED ONLY FOR VEHICLES OWNED AND OFFERED FOR SALE BY THE DEALER OR WHOLESALER. FULL-USE DEALER PLATES SHALL NOT BE USED ON VEHICLES OWNED BY DEALERSHIPS OR WHOLESALERS THAT ARE COMMONLY USED BY THAT DEALER AS TOW TRUCKS OR VEHICLES COMMONLY USED BY THAT DEALER TO PICK UP OR DELIVER PARTS. AT THE DEALER'S OR WHOLESALER'S DISCRETION, THE FULL-USE PLATE MAY BE TRANSFERRED FROM ONE MOTOR VEHICLE TO ANOTHER MOTOR VEHICLE. THE DEALER OR WHOLESALER SHALL NOT BE REQUIRED TO REPORT ANY SUCH TRANSFER TO THE DEPARTMENT.

(d) A MOTOR VEHICLE DEALER OR WHOLESALER MAY ASSIGN A FULL-USE DEALER PLATE ONLY TO THE FOLLOWING PERSONS:

(I) OWNERS OR CO-OWNERS OF THE LICENSED DEALERSHIP OR WHOLESALE MOTOR VEHICLE BUSINESS;

(II) AN EMPLOYEE OF THE MOTOR VEHICLE DEALER OR WHOLESALER;

(III) TO ANY PERSON, INCLUDING FORMER, CURRENT, AND PROSPECTIVE CUSTOMERS, IN ORDER TO SERVE THE LEGITIMATE BUSINESS INTEREST OF THE MOTOR VEHICLE DEALERSHIP OR MOTOR VEHICLE WHOLESALE BUSINESS; AND

(IV) A SPOUSE OR DEPENDENT CHILD LIVING IN THE SAME HOUSEHOLD AS THE LICENSED DEALER OR WHOLESALER.

(e) AS USED IN THIS SUBSECTION (6), "MOTOR VEHICLE DEALER OR WHOLESALER" INCLUDES MOTOR VEHICLE DEALERS, USED MOTOR VEHICLE DEALERS, AND WHOLESALERS AS THOSE TERMS ARE DEFINED IN SECTION 12-6-102 (13), (17), AND (18), C.R.S.

SECTION 2. 42-3-134 (11) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes.

(11) (a) The provisions of subsections (8), (9) (a), and (10) of this section shall not apply to any motor vehicle, trailer, or semitrailer operated by a dealer or transporter for such dealer's or transporter's private use OR TO ANY MOTOR VEHICLE BEARING FULL-USE DEALER PLATES AS DESCRIBED IN SECTION 42-3-127 (6) (d).

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the distributive data processing fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1995, the sum of ten thousand two hundred seventy-seven dollars (\$10,277), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect January 1, 1996.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1995