

CHAPTER 86

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 95-1094

BY REPRESENTATIVES Acquafresca, Chlouber, and Entz;
also SENATOR Alexander.

AN ACT

CONCERNING THE PRINCIPAL PLACE OF BUSINESS OF A MOTOR VEHICLE DEALER.

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

SECTION 1. 12-6-102, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-6-102. Definitions. (4.5) (a) "CUSTOM TRAILER" MEANS ANY MOTOR VEHICLE WHICH IS NOT DRIVEN OR PROPELLED BY ITS OWN POWER AND IS DESIGNED TO BE ATTACHED TO, BECOME A PART OF, OR BE DRAWN BY A MOTOR VEHICLE AND WHICH IS UNIQUELY DESIGNED AND MANUFACTURED FOR A SPECIFIC PURPOSE OR CUSTOMER.

(b) "CUSTOM TRAILER" DOES NOT INCLUDE MANUFACTURED HOUSING, FARM TRACTORS, AND OTHER MACHINES AND TOOLS USED IN THE PRODUCTION, HARVEST, AND CARE OF FARM PRODUCTS.

SECTION 2. 12-6-117, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-6-117. Principal place of business - requirements. (1) The building or structure required to be located on a principal place of business shall have electrical service and adequate sanitary facilities.

(2) (a) In no event shall a room in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this part 1, unless the entire ground floor of such hotel, apartment house, or rooming house building or such dwelling house is devoted principally to and occupied for commercial purposes and

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

the office of the dealer is located on the ground floor thereof.

(b) A MOTOR VEHICLE DEALER WHO OPERATES SUCH MOTOR VEHICLE DEALER'S BUSINESS FROM HIS OR HER PRIMARY RESIDENCE AND WHO HAS BEEN A RESIDENT OF COLORADO FOR THE IMMEDIATELY PRECEDING TWELVE-MONTH PERIOD AND IS A MOTOR VEHICLE DEALER ONLY BECAUSE SUCH DEALER SELLS CUSTOM TRAILERS FOR ONE OR MORE MANUFACTURERS AND MAINTAINS AN INVENTORY OF FEWER THAN FOUR VEHICLES AT ALL TIMES SHALL BE EXEMPT FROM THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2). ANY MOTOR VEHICLE DEALER WHO IS ISSUED DEALER PLATES IN ACCORDANCE WITH THIS PARAGRAPH (b) PURSUANT TO SECTION 42-3-127, C.R.S., SHALL ONLY USE SUCH PLATES ON TRAILERS.

(3) (a) On such site or location adequate facilities shall be maintained for reconditioning and repairing either new or used cars, but if the motor vehicle dealer or used motor vehicle dealer files, in the office of the board, a contract with a duly licensed and reputable garage with such facilities, such dealers shall not be required to maintain such reconditioning facilities at their principal place of business.

(b) If such contract is cancelled or expires, then such motor vehicle dealer or used motor vehicle dealer shall notify the board within three days after the cancellation or expiration that such dealer no longer has a valid contract in existence for the reconditioning and repairing of either new or used cars.

(c) Such dealer shall file a valid contract with a duly licensed and reputable garage within ten days after any valid and existing contract with a duly licensed and reputable garage has been cancelled or has expired.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXEMPT A MOTOR VEHICLE DEALER FROM LOCAL ZONING ORDINANCES.

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, and safety.

Approved: April 17, 1995