

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend the Business, Labor, and Technology Committee Report, dated
2 April 24, 2019, page 2, strike line 24 and substitute "PASSENGERS, NOT
3 INCLUDING:

4 (A) A VEHICLE DESIGNED PRIMARILY FOR TRANSPORTING MORE
5 THAN TEN INDIVIDUALS; OR

6 (B) A TRUCK HAVING AN ENCLOSED CAB AND AN OPEN CARGO
7 AREA.".

8 Page 4 of the committee report, after line 4 insert:

9 "Page 5 of the bill, line 10, strike "OR".

10 Page 5 of the bill, line 15, strike "SALE." and substitute "SALE;

11 (p) FAILING TO MAINTAIN IN COLORADO, WHEN THE BUSINESS
12 DISPOSER IS LICENSED, A PLACE OF BUSINESS THAT:

13 (I) IS MAINTAINED BY THE BUSINESS DISPOSER AND IS LOCATED AT
14 A FIXED ADDRESS, OTHER THAN SOLELY A POST OFFICE BOX OR AN
15 ELECTRONIC ADDRESS; AND

16 (II) EMPLOYS ONE OR MORE INDIVIDUALS ON A FULL-TIME
17 BASIS.".

18 Page 4 of the committee report, strike line 6 and substitute:

19 **""SECTION 7.** In Colorado Revised Statutes, 44-20-122, amend
20 (2)(a)(I) as follows:

21 **44-20-122. Procedure for denial, suspension, or revocation of**
22 **license - judicial review.** (2) (a) (I) The board shall appoint an
23 administrative law judge pursuant to part 10 of article 30 of title 24 to
24 conduct any hearing concerning the licensing or discipline of a motor
25 vehicle dealer, used motor vehicle dealer, wholesaler, buyer's agent,
26 BUSINESS DISPOSER, or wholesale motor vehicle auction dealer; except
27 that the board may, upon a unanimous vote of the members present when
28 the vote is taken, conduct the hearing in lieu of appointing an
29 administrative law judge.

30 **SECTION 8.** In Colorado Revised Statutes, 44-20-123, amend
31 (1)(a) as follows:

32 **44-20-123. Sales activity following license denial, suspension,**
33 **or revocation - unlawful act - penalty.** (1) (a) It shall be IS unlawful
34 and a violation of this part 1 for any person whose motor vehicle dealer's,
35 used motor vehicle dealer's, motor vehicle wholesaler's, BUSINESS

1 DISPOSER'S, or motor vehicle salesperson's license has been denied,
2 suspended, or revoked to exercise any of the privileges of the license that
3 was denied, suspended, or revoked.

4 **SECTION 9.** In Colorado Revised Statutes, 44-20-124,
5 **amend".".**

6 Page 4 of the committee report, line 14, strike "8." and substitute "10.".

7 Page 4 of the committee report, line 29, strike "suspend."." and substitute
8 "suspend.

9 **SECTION 11.** In Colorado Revised Statutes, 44-20-131, **amend**
10 (1) as follows:

11 **44-20-131. Right of action for loss.** (1) (a) If ~~any~~ A person
12 suffers loss or damage by reason of ~~any~~ fraud practiced on the person or
13 fraudulent representation made to the person by a licensed dealer or one
14 of the dealer's salespersons acting ~~for the dealer~~ on the dealer's behalf or
15 within the scope of the employment of the salesperson or suffers any loss
16 or damage by reason of the violation by the dealer or salesperson of ~~any~~
17 ~~of the provisions of~~ this part 1 that are designated by the board by rule,
18 whether or not the violation is the basis for denial, suspension, or
19 revocation of a license, the person ~~shall have~~ SUFFERING LOSS OR
20 DAMAGES HAS a right of action against the dealer, the dealer's motor
21 vehicle salespersons, and the sureties upon their respective bonds. The
22 right of a person to recover for loss or damage as provided in this
23 subsection (1) against the dealer or salesperson ~~shall~~ is not be limited to
24 the amount of their respective bonds.

25 (b) A PERSON SUFFERING LOSS OR DAMAGES HAS A RIGHT OF
26 ACTION AGAINST A LICENSED BUSINESS DISPOSER AND THE SURETY UPON
27 THE DISPOSER'S BOND IF:

28 (I) THE LOSS OR DAMAGE IS CAUSED BY FRAUD PRACTICED ON THE
29 PERSON OR A FRAUDULENT REPRESENTATION MADE TO THE PERSON BY THE
30 DISPOSER OR THE DISPOSER'S AGENT WITHIN THE SCOPE OF EMPLOYMENT;
31 OR

32 (II) THE LOSS OR DAMAGE IS CAUSED BY THE DISPOSER VIOLATING
33 THIS PART 1 AND THE VIOLATION IS DESIGNATED BY THE BOARD BY RULE,
34 WHETHER OR NOT THE VIOLATION IS THE BASIS FOR DENIAL, SUSPENSION,
35 OR REVOCATION OF THE LICENSE."".

*** * * * *