

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 14, 2016
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB16-1342 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 12-6-121 as
4 follows:

5 **12-6-121. Penalty.** Any person who willfully violates any ~~of the~~
6 ~~provisions~~ PROVISION of this part 1 or who willfully commits any offense
7 in this part 1 declared to be unlawful commits a class 1 misdemeanor and
8 shall be punished as provided in section 18-1.3-501, C.R.S.; except that
9 any person who violates ~~the provisions of~~ section 12-6-120 (2) commits
10 a ~~class 3~~ misdemeanor and, upon conviction thereof, shall be punished by
11 a fine of not less than ~~one hundred dollars or more than one thousand~~
12 ~~dollars~~ AND A PENALTY OF TWENTY-FIVE HOURS OF USEFUL PUBLIC
13 SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND, for each separate
14 offense; except that, if the violator is a corporation, the CORPORATION
15 SHALL BE PUNISHED BY A fine ~~shall be~~ OF not less than five ~~hundred~~
16 THOUSAND dollars ~~or~~ NOR more than ~~two thousand five hundred~~
17 TWENTY-FIVE THOUSAND dollars for each separate offense. A second
18 conviction FOR AN INDIVIDUAL shall be punished by a fine of ~~two~~
19 ~~thousand five hundred dollars~~ NOT LESS THAN FIVE THOUSAND DOLLARS
20 NOR MORE THAN TWENTY-FIVE THOUSAND DOLLARS, WHICH THE COURT
21 MAY NOT SUSPEND.

22 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-6-121.5
23 as follows:

1 **12-6-121.5. Fines - disposition - unlicensed sales.** Any OF ANY
2 fine collected for a violation of section 12-6-120 (2), ~~shall be~~ HALF IS
3 awarded to the law enforcement agency ~~which~~ THAT investigated and
4 issued the citation for ~~said~~ THE violation AND THE OTHER HALF IS
5 CREDITED TO THE AUTO DEALERS LICENSE FUND, CREATED IN SECTION
6 12-6-123.

7 **SECTION 3.** In Colorado Revised Statutes, **add** part 24 to article
8 4 of title 42 as follows:

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PART 24

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BRANDED MOTOR VEHICLE REPORTING

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42-4-2401. NMVTIS reporting - definitions. (1) Applicability.

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THIS SECTION APPLIES TO ANY PERSON REQUIRED TO REPORT TO NMVTIS
BY 28 CFR 25.56 (A JUNK YARD OR SALVAGE YARD). THIS SECTION DOES
NOT APPLY TO A LICENSED MOTOR VEHICLE DEALER OR LICENSED USED
MOTOR VEHICLE DEALER WHEN SELLING A MOTOR VEHICLE TO A PERSON
WHO INTENDS TO USE THE VEHICLE FOR TRANSPORTATION; EXCEPT THAT
THIS SECTION DOES APPLY TO A PERSON WHO HOLDS EITHER OF THE
LICENSES BUT IS SELLING A MOTOR VEHICLE AS A PART OF A SALVAGING OR
AUCTION BUSINESS. THIS SECTION DOES NOT APPLY TO A BUSINESS THAT
PURCHASES MOTOR VEHICLES PRIMARILY FOR RECYCLING, AS DEFINED IN
SECTION 42-4-2201 (4), IF THE PERSON REPORTS THE FACT THAT THE
MOTOR VEHICLE WAS RECYCLED TO THE DEPARTMENT IN ACCORDANCE
WITH ARTICLE 6 OF THIS TITLE. NOTHING IN THIS SUBSECTION (1) EXEMPTS
A RECYCLER FROM THE FEDERAL REPORTING REQUIREMENTS TO NMVTIS.

**(2) Sale of motor vehicle required to have certain branded
certificates of title - record keeping - definition.** A PERSON COVERED BY
THIS SECTION WHO SELLS A SALVAGE VEHICLE, NONREPAIRABLE MOTOR
VEHICLE, FLOOD-DAMAGED MOTOR VEHICLE, JUNK MOTOR VEHICLE, OR
SIMILARLY BRANDED MOTOR VEHICLE SHALL:

(a) KEEP AN ELECTRONIC RECORD OF EACH SALE OF THE MOTOR
VEHICLE WITH THE FOLLOWING INFORMATION:

(I) THE MOTOR VEHICLE'S MAKE, MODEL, YEAR, VEHICLE
IDENTIFICATION NUMBER, AND, IF AVAILABLE, CURRENT ODOMETER
READING; AND

(II) THE NAME AND ADDRESS OF BOTH THE PURCHASER, IF THE
PURCHASER IS AN INDIVIDUAL, AND THE SELLER OF THE MOTOR VEHICLE;

(b) (I) OBTAIN FROM THE PURCHASER A COPY OF THE PURCHASER'S
DRIVER'S LICENSE OR OTHER GOVERNMENT-ISSUED IDENTIFICATION
DOCUMENT; OR

(II) OBTAIN FROM THE PURCHASER DOCUMENTED PROOF OF ANY

1 REQUIRED LICENSE TO BUY OR SELL MOTOR VEHICLES UNDER PART 1 OF
2 ARTICLE 6 OF TITLE 12, C.R.S., OR ANY EQUIVALENT LICENSE IN ANOTHER
3 JURISDICTION; AND
4 (c) MAINTAIN A COPY, FOR THREE YEARS AFTER THE SALE, OF THE
5 PURCHASER'S IDENTIFICATION DOCUMENT AND DOCUMENTED PROOF OF
6 ANY REQUIRED LICENSE OBTAINED UNDER PARAGRAPHS (b) AND (c) OF
7 THIS SUBSECTION (1).
8 (3) **Fees.** THE CONSOLIDATOR MAY CHARGE A FEE FOR ANY
9 SERVICE PROVIDED TO A NONGOVERNMENTAL ENTITY.
10 (4) **Access to information - law enforcement - contract entities.**
11 (a) THE CONSOLIDATOR SHALL MAKE THE INFORMATION RECEIVED UNDER
12 THIS SECTION AVAILABLE, WITHOUT CHARGE AND UPON REQUEST, TO A
13 LAW ENFORCEMENT AGENCY OR THE DEPARTMENT OF REVENUE WHEN THE
14 PERSON ACTING ON BEHALF OF ANY OF THESE ENTITIES IS ACTING WITHIN
15 THE COURSE AND SCOPE OF THE ENTITY'S DUTIES.
16 (b) EXCEPT AS AUTHORIZED BY THIS SECTION, THE CONSOLIDATOR
17 SHALL NOT RELEASE PERSONAL INFORMATION RECEIVED UNDER THIS
18 SECTION.
19 (c) THE CONSOLIDATOR SHALL NOT RELEASE INFORMATION ON:
20 THE MAKE, MODEL, OR YEAR OF A MOTOR VEHICLE; THE VEHICLE
21 IDENTIFICATION NUMBER; OR CURRENT ODOMETER READING TO ANY
22 NONGOVERNMENTAL ENTITY UNLESS THE DEPARTMENT OF REVENUE
23 APPROVES THE ENTITY TO RECEIVE THE INFORMATION.
24 (5) **Required reports.** EXCEPT AS PROVIDED IN PARAGRAPH (b) OF
25 THIS SUBSECTION (5), A PERSON COVERED BY THIS SECTION WHO SELLS A
26 SALVAGE VEHICLE, JUNK MOTOR VEHICLE, FLOOD-DAMAGED MOTOR
27 VEHICLE, NONREPAIRABLE MOTOR VEHICLE, OR SIMILARLY BRANDED
28 MOTOR VEHICLE SHALL REPORT EACH SALE TO AN NMVTIS
29 CONSOLIDATOR WITHIN TEN DAYS AFTER THE SALE, AND THE
30 CONSOLIDATOR SHALL FORWARD THE REPORT, WITHOUT PERSONAL
31 IDENTIFYING INFORMATION, TO NMVTIS ON BEHALF OF THE REPORTING
32 ENTITY. TO COMPLY WITH THIS SECTION, THE PERSON SHALL ALSO REPORT:
33 (a) THE MOTOR VEHICLE'S MAKE, MODEL, YEAR, VEHICLE
34 IDENTIFICATION NUMBER, AND, IF AVAILABLE, CURRENT ODOMETER
35 READING;
36 (b) THE NAME AND ADDRESS OF BOTH THE PURCHASER AND SELLER
37 OF THE MOTOR VEHICLE; AND
38 (c) (I) THE NUMBER OF THE GOVERNMENT-ISSUED IDENTIFICATION
39 DOCUMENT ISSUED TO THE PURCHASER IF THE PURCHASER IS AN
40 INDIVIDUAL; OR

1 (II) THE NUMBER OF ANY REQUIRED LICENSE TO BUY OR SELL
2 MOTOR VEHICLES UNDER PART 1 OF ARTICLE 6 OF TITLE 12, C.R.S., OR ANY
3 EQUIVALENT LICENSE IN ANOTHER JURISDICTION IF THE PURCHASER IS A
4 BUSINESS ENTITY.

5 (6) **Violations.** A PERSON WHO KNOWINGLY VIOLATES SUBSECTION
6 (4) OF THIS SECTION COMMITS A PETTY OFFENSE AND, UPON CONVICTION,
7 SHALL BE PUNISHED BY A FINE OF TWO HUNDRED FIFTY DOLLARS PER
8 TRANSACTION. THE FINE IS CREDITED TO THE AUTO DEALERS LICENSE
9 FUND CREATED IN 12-6-123.

10 (7) **Definitions.** AS USED IN THIS SECTION:

11 (a) "CONSOLIDATOR" MEANS AN ENTITY APPROVED BY NMVTIS
12 AS A THIRD-PARTY DATA CONSOLIDATOR.

13 (b) "NMVTIS" MEANS THE NATIONAL MOTOR VEHICLE TITLE
14 INFORMATION SYSTEM.

15 **SECTION 4. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect January 1, 2017; except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within the ninety-day period after final adjournment of the general
20 assembly, then the act, item, section, or part will not take effect unless
21 approved by the people at the general election to be held in November
22 2016 and, in such case, will take effect on January 1, 2017, or on the date
23 of the official declaration of the vote thereon by the governor, whichever
24 is later.

25 (2) This act applies to offenses committed on or after the
26 applicable effective date of this act."

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