

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 17, 2017
Date

Committee on Business, Labor, & Technology.

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

HB17-1249 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 5 insert:

2 "SECTION 2. In Colorado Revised Statutes, 12-6-120, **amend**
3 (2) as follows:

4 **12-6-120. Unlawful acts.** (2) It is unlawful for any person to act
5 as a motor vehicle dealer, manufacturer, distributor, wholesaler,
6 manufacturer representative, used motor vehicle dealer, buyer agent,
7 wholesale motor vehicle auction dealer, or motor vehicle salesperson
8 unless such person has been duly licensed under ~~the provisions of this~~
9 part 1, except for:

10 (a) Persons exempt from licensure as a manufacturer pursuant to
11 section 12-6-102 (11); however, such persons shall comply with all other
12 applicable requirements for manufacturers, including, but not limited to,
13 those pertaining to vehicle identification numbers and manufacturers'
14 statements of origin; AND

15 (b) BUSINESS OWNERS SELLING A VEHICLE IF THE VEHICLE HAS
16 BEEN OWNED FOR MORE THAN ONE YEAR, THE VEHICLE HAS BEEN USED
17 EXCLUSIVELY FOR BUSINESS PURPOSES, THE VEHICLE IS TITLED IN THE
18 NAME OF THE BUSINESS, ALL APPLICABLE TAXES RELATED TO THE VEHICLE
19 HAVE BEEN PAID, AND THE TOTAL NUMBER OF VEHICLES SOLD BY A
20 BUSINESS OWNER OVER A TWO-YEAR PERIOD DOES NOT EXCEED TWENTY
21 VEHICLES."

22 Renumber succeeding sections accordingly.

1 Page 3, after line 24 insert:

2 "SECTION 5. In Colorado Revised Statutes, **amend** 12-6-527 as
3 follows:

4 **12-6-527. Penalty.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
5 OF THIS SECTION, a person who willfully violates this part 5 commits a
6 class 1 misdemeanor and shall be punished as provided in section
7 18-1.3-501. ~~C.R.S.; except that~~

8 (2) (a) A person who WILLFULLY violates section 12-6-523 (2) BY
9 ACTING AS A POWERSPORTS VEHICLE MANUFACTURER, POWERSPORTS
10 VEHICLE DISTRIBUTOR, OR POWERSPORTS VEHICLE MANUFACTURER
11 REPRESENTATIVE WITHOUT PROPER AUTHORIZATION commits a class 3
12 misdemeanor and, upon conviction thereof, shall be punished by a fine of
13 not less than one hundred dollars nor more than one thousand dollars for
14 each separate offense, or if the violator is a corporation, the fine shall be
15 not less than five hundred dollars nor more than two thousand five
16 hundred dollars for each separate offense. A second conviction shall be
17 punished by a fine of two thousand five hundred dollars.

18 (b) A PERSON WHO WILLFULLY VIOLATES SECTION 12-6-523 (2) BY
19 ACTING AS A WHOLESALER, POWERSPORTS VEHICLE DEALER, USED
20 POWERSPORTS VEHICLE DEALER, OR POWERSPORTS VEHICLE SALESPERSON
21 WITHOUT PROPER AUTHORIZATION COMMITS A CLASS 3 MISDEMEANOR
22 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT
23 LESS THAN ONE THOUSAND DOLLARS AND A PENALTY OF TWENTY-FIVE
24 HOURS OF USEFUL PUBLIC SERVICE, NEITHER OF WHICH THE COURT MAY
25 SUSPEND, FOR EACH SEPARATE OFFENSE; EXCEPT THAT, IF THE VIOLATOR
26 IS A CORPORATION, THE CORPORATION SHALL BE PUNISHED BY A FINE OF
27 NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE
28 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE. A SECOND
29 CONVICTION FOR AN INDIVIDUAL SHALL BE PUNISHED BY A FINE OF NOT
30 LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE
31 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE, WHICH THE COURT
32 MAY NOT SUSPEND."

33 Renumber succeeding sections accordingly.

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