

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-1130.01 Jery Payne x2157

HOUSE BILL 18-1354

HOUSE SPONSORSHIP

McKean, Arndt, Hooton, Thurlow

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno

House Committees
Transportation & Energy

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT WRITTEN WARRANTIES FOR**
102 **POWERSPORTS VEHICLES BE HONORED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Current law appears to forbid a powersports vehicle manufacturer or distributor from honoring written warranties. The bill clarifies that the powersports dealer is required to honor written warranties.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 1, 2018

SENATE
Amended 2nd Reading
April 30, 2018

HOUSE
3rd Reading Unamended
April 18, 2018

HOUSE
2nd Reading Unamended
April 17, 2018

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

2 **SECTION 1. Legislative declaration.** The purpose of this
3 legislation, enacted in 2018, is to clarify that it is unlawful for a
4 powersports vehicle manufacturer or distributor to fail to perform written
5 warranties on the powersports vehicle.

6 **SECTION 2.** In Colorado Revised Statutes, 12-6-523, **amend**
7 (1)(a) and (1)(x)(I) introductory portion as follows:

8 **12-6-523. Unlawful acts.** (1) It is unlawful and a violation of
9 this part 5 for any powersports vehicle manufacturer, distributor, or
10 manufacturer representative:

11 (a) To willfully fail to PERFORM OR cause to ~~not~~ be performed any
12 written warranties made with respect to a powersports vehicle or parts
13 thereof;

14 (x) (I) To sell or offer to sell new powersports vehicles to a
15 franchised ~~motor~~ POWERSPORTS vehicle dealer with whom the
16 manufacturer has a franchise agreement at a lower actual price than the
17 actual price offered to any other powersports vehicle dealer with whom
18 the manufacturer has a franchise agreement for the same ~~motor~~
19 POWERSPORTS vehicle similarly equipped; except that this subsection
20 (1)(x) does not apply to:

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect October 1, 2018; except that, if a referendum petition is filed
23 pursuant to section 1 (3) of article V of the state constitution against this
24 act or an item, section, or part of this act within the ninety-day period
25 after final adjournment of the general assembly, then the act, item,
26 section, or part will not take effect unless approved by the people at the
27 general election to be held in November 2018 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.