

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-1060.01 Richard Sweetman x4333

**HOUSE BILL 19-1325**

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**HOUSE SPONSORSHIP**

**Hansen and McKean,**

**SENATE SPONSORSHIP**

**Priola and Bridges, Winter**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASING CONSUMER ACCESS TO ELECTRIC MOTOR**  
102           **VEHICLES BY ALLOWING ELECTRIC MOTOR VEHICLE**  
103           **MANUFACTURERS TO SELL THEIR OWN ELECTRIC MOTOR**  
104           **VEHICLES DIRECTLY TO CONSUMERS.**

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**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>.)*

Current law states that, with certain exceptions, a motor vehicle manufacturer may not own, operate, or control any motor vehicle dealer or used motor vehicle dealer in Colorado. The bill creates a new

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.

exception that allows the ownership, operation, or control of a motor vehicle dealer by an electric motor vehicle manufacturer that engages exclusively in the sale of electric motor vehicles of the same line-make as are manufactured by the electric motor vehicle manufacturer.

An "electric motor vehicle" is a motor vehicle that operates entirely on electrical power, does not include a fuel combustion engine, and has at least 4 wheels in contact with the ground during normal operation. An "electric motor vehicle manufacturer" is an entity that manufactures and sells electric motor vehicles and does not manufacture or sell motor vehicles that are fully or partly powered by a fuel combustion engine.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-102, **amend**  
3 (14) introductory portion and (14)(b) as follows:

4 **44-20-102. Definitions.** As used in this part 1, and in part 4 of this  
5 article 20, unless the context or section 44-20-402 otherwise requires:

6 (14) "Manufacturer" means any person, firm, association,  
7 corporation, or trust, resident or nonresident, ~~who~~ THAT manufactures or  
8 assembles new and unused motor vehicles; except that "manufacturer"  
9 does not include:

10 (b) A person, other than a manufacturer OR AN ELECTRIC MOTOR  
11 VEHICLE MANUFACTURER, AS THAT TERM IS DEFINED IN SECTION  
12 44-20-126 (3)(a.6), operating a motor vehicle dealer in accordance with  
13 section 44-20-126, ~~who~~ THAT is a licensed dealer selling motor vehicles  
14 that the person has manufactured.

15 **SECTION 2.** In Colorado Revised Statutes, 44-20-126, **amend**  
16 (2)(e) and (2)(f); and **add** (2)(g), (3)(a.3), and (3)(a.6) as follows:

17 **44-20-126. Independent control of dealer - definitions -**  
18 **exceptions.** (2) Notwithstanding subsection (1) of this section, the  
19 following activities are not prohibited:

1 (e) Ownership, operation, or control of a used motor vehicle  
2 dealer if the manufacturer owned, operated, or controlled the used motor  
3 vehicle dealer on January 1, 2009, and has continuously operated or  
4 controlled the used motor vehicle facilities after January 1, 2009; ~~and~~

5 (f) Operation of a motor vehicle dealer if the manufacturer was  
6 operating the dealer on January 1, 2009, so long as the dealer is in  
7 continuous operation after January 1, 2009; AND

8 (g) OWNERSHIP, OPERATION, OR CONTROL OF A MOTOR VEHICLE  
9 DEALER BY AN ELECTRIC MOTOR VEHICLE MANUFACTURER THAT ENGAGES  
10 EXCLUSIVELY IN THE SALE OF ELECTRIC MOTOR VEHICLES OF THE SAME  
11 LINE-MAKE AS ARE MANUFACTURED BY THE ELECTRIC MOTOR VEHICLE  
12 MANUFACTURER.

13 (3) As used in this section:

14 (a.3) "ELECTRIC MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT  
15 OPERATES ENTIRELY ON ELECTRICAL POWER, DOES NOT INCLUDE A FUEL  
16 COMBUSTION ENGINE, AND HAS AT LEAST FOUR WHEELS IN CONTACT WITH  
17 THE GROUND DURING NORMAL OPERATION.

18 (a.6) "ELECTRIC MOTOR VEHICLE MANUFACTURER" MEANS AN  
19 ENTITY THAT MANUFACTURES AND SELLS ELECTRIC MOTOR VEHICLES  
20 AND DOES NOT MANUFACTURE OR SELL MOTOR VEHICLES THAT ARE FULLY  
21 OR PARTLY POWERED BY A FUEL COMBUSTION ENGINE.

22 **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2020 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.