

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

REREVISED

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

LLS NO. 20-0775.02 Jery Payne x2157

SENATE BILL 20-167

SENATE SPONSORSHIP

Hansen and Priola, Bridges, Fenberg, Winter, Fields, Foote, Ginal, Hill, Lee, Moreno, Story, Todd, Williams A.

HOUSE SPONSORSHIP

Becker, Bird, Buckner, Buentello, Cutter, Garnett, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McLachlan, Michaelson Jenet, Mullica, Roberts, Sirota, Tipper, Titone, Valdez A., Weissman, Woodrow

Senate Committees
Transportation & Energy

House Committees
Energy & Environment

A BILL FOR AN ACT

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

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 exception that allows the ownership, operation, or control of a motor vehicle dealer that sells electric motor vehicles of a manufacturer's

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.

HOUSE
3rd Reading Unamended
March 12, 2020

HOUSE
Amended 2nd Reading
March 11, 2020

SENATE
Amended 3rd Reading
February 28, 2020

SENATE
Amended 2nd Reading
February 21, 2020

line-make. An "electric motor vehicle" is a motor vehicle that can operate entirely on electrical power.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-126, **amend**
3 **(2)(d); repeal (2)(e) and (2)(f); and add (2)(g) as follows:**

4 **44-20-126. Independent control of dealer - definitions.**
5 **(2) Notwithstanding subsection (1) of this section, the following**
6 **activities are not prohibited:**

7 (d) Operation of a motor vehicle dealer if the manufacturer has no
8 other dealers of the same line-make in this state; OR

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

13 ~~(f) Operation of a motor vehicle dealer if the manufacturer was~~
14 ~~operating the dealer on January 1, 2009, so long as the dealer is in~~
15 ~~continuous operation after January 1, 2009.~~

16 (g) OWNERSHIP, OPERATION, OR CONTROL OF ONE OR MORE MOTOR
17 VEHICLE DEALERS IF THE MANUFACTURER MANUFACTURES ONLY ELECTRIC
18 VEHICLES AND HAS NO FRANCHISED DEALERS OF THE SAME LINE-MAKE IN
19 THIS STATE.

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) **This act takes effect at 12:01 a.m. on the day following**
22 **the expiration of the ninety-day period after final adjournment of the**
23 **general assembly (August 5, 2020, if adjournment sine die is on May 6,**
24 **2020); except that, if a referendum petition is filed pursuant to section 1**
25 **(3) of article V of the state constitution against this act or an item, section,**

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

5 (2) This act applies to ownership, operation, or control of a motor
6 vehicle dealer on or after the applicable effective date of this act.