

CHAPTER 44

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 23-1140

BY REPRESENTATIVE(S) Snyder and Evans, Hamrick, Lindsay, Lindstedt, Mauro, Taggart, Velasco, Weinberg, Wilson;
also SENATOR(S) Rodriguez and Van Winkle, Priola.

AN ACT

**CONCERNING THE REQUIREMENT THAT BUSINESSES LICENSED TO SELL POWERSPORTS VEHICLES
HAVE A PRINCIPAL PLACE OF BUSINESS.**

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

SECTION 1. In Colorado Revised Statutes, 44-20-419, **amend** (2) as follows:

44-20-419. Principal place of business - requirements - exceptions. (2) (a) A room in a hotel, rooming house, or apartment ~~house~~ building or a part of any single or multiple unit dwelling house ~~shall~~ **MUST** not be used as a principal place of business unless:

(I) The entire ground floor of the hotel, ~~ROOMING HOUSE, apartment house, or rooming house~~ building, or the dwelling house is devoted principally to and occupied for commercial purposes; and

(II) The office of the dealer is located on the ground floor ~~thereof~~ OF THE HOTEL, ROOMING HOUSE, APARTMENT BUILDING, OR DWELLING HOUSE.

(b) IT IS NOT A VIOLATION OF THIS PART 4 OR ANY RULE PROMULGATED UNDER THIS PART 4 FOR A POWERSPORTS VEHICLE DEALER OR USED POWERSPORTS VEHICLE DEALER TO:

(I) DELIVER A POWERSPORTS VEHICLE TO A CUSTOMER FOR A TEST DRIVE AT A LOCATION THAT IS AWAY FROM THE DEALER'S PRINCIPAL PLACE OF BUSINESS;

(II) DELIVER DOCUMENTS FOR A CUSTOMER TO SIGN AT A LOCATION THAT IS AWAY FROM THE DEALER'S PRINCIPAL PLACE OF BUSINESS;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(III) DELIVER DOCUMENTS TO, OR OBTAIN DOCUMENTS FROM, A CUSTOMER AT A LOCATION THAT IS AWAY FROM THE DEALER'S PRINCIPAL PLACE OF BUSINESS; OR

(IV) DELIVER A POWERSPORTS VEHICLE TO A CUSTOMER AT A LOCATION THAT IS AWAY FROM THE DEALER'S PRINCIPAL PLACE OF BUSINESS.

SECTION 2. In Colorado Revised Statutes, 44-20-420, **amend (3)(k)** as follows:

44-20-420. Licenses - grounds for denial, suspension, or revocation. (3) A wholesaler's license, powersports vehicle dealer's license, or a used powersports vehicle dealer's license may be denied, suspended, or revoked on the following grounds:

(k) Engaging in the business for which the dealer is licensed without at all times maintaining a principal place of business as required by this part 4 during reasonable business hours; EXCEPT THAT THE LICENSE OF A POWERSPORTS VEHICLE DEALER OR USED POWERSPORTS VEHICLE DEALER IS NOT SUBJECT TO DENIAL, SUSPENSION, OR REVOCATION FOR ENGAGING IN ACTIVITIES AT LOCATIONS AWAY FROM THE PRINCIPAL PLACE OF BUSINESS AS DESCRIBED IN SECTION 44-20-419 (2)(b);

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: March 31, 2023