

CHAPTER 56

PROFESSIONS AND OCCUPATIONS

SENATE BILL 04-128

BY SENATOR(S) Nichol;
also REPRESENTATIVE(S) Sinclair, Carroll, and McFadyen.

AN ACT**CONCERNING ADMINISTRATION OF THE LAWS REGULATING PERSONS WHO SELL INTERESTS IN MOTOR VEHICLES.**

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

SECTION 1. 12-6-109, Colorado Revised Statutes, is amended to read:

12-6-109. Display, form, custody, and use of licenses. The board and the executive director shall prescribe the form of the license to be issued by the executive director, and each license shall have imprinted thereon the seal of their offices. The license of each motor vehicle salesperson shall be ~~delivered or~~ mailed to ~~the salesperson's home address~~ THE BUSINESS ADDRESS WHERE THE SALESPERSON IS LICENSED UNDER THIS ARTICLE and shall be kept by the salesperson at such salesperson's place of employment for inspection by employers, consumers, the executive director, or the board. It is the duty of each motor vehicle dealer, manufacturer, distributor, wholesaler, manufacturer representative, wholesale motor vehicle auction dealer, or used motor vehicle dealer to display conspicuously such person's own license in such person's place of business. Each license issued pursuant to this part 1 is separate and distinct. It shall be a violation of this part 1 for ~~any~~ A person to exercise any of the privileges granted under a license that such person does not hold, or for ~~any~~ A licensee to knowingly allow such an exercise of privileges.

SECTION 2. 12-6-110 (3) (b), Colorado Revised Statutes, is amended to read:

12-6-110. Fees - disposition - expenses - expiration of licenses. (3) (b) Thirty days prior to the expiration of such licenses, the executive director shall mail to any such licensee's ~~home~~ BUSINESS address OF RECORD a notice stating when such person's license is due to expire and the fee necessary to renew such license. FOR A SALESPERSON OR MANUFACTURER REPRESENTATIVE, THE NOTICE SHALL BE MAILED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TO THE ADDRESS OF THE DEALER OR MANUFACTURER WHERE SUCH PERSON IS LICENSED.

SECTION 3. 12-6-118 (4), Colorado Revised Statutes, is amended to read:

12-6-118. Licenses - grounds for denial, suspension, or revocation. (4) A wholesaler's or wholesale motor vehicle auction dealer's license may be denied, suspended, or revoked for the selling, LEASING, or offering or attempting to negotiate the sale, LEASE, or exchange of an interest in motor vehicles by such wholesaler or wholesale motor vehicle auction dealer to persons other than motor vehicle dealers, used motor vehicle dealers, or other wholesalers or wholesale motor vehicle auction dealers.

SECTION 4. The introductory portion to 12-6-102 (13) and 12-6-102 (14) and (18), Colorado Revised Statutes, are amended to read:

12-6-102. Definitions. As used in this part 1, unless the context otherwise requires:

(13) "Motor vehicle dealer" means ~~any~~ A person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, LEASES, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale, LEASE, or exchange of an interest in new or new and used motor vehicles or who is engaged wholly or in part in the business of selling OR LEASING new or new and used motor vehicles, whether or not such motor vehicles are owned by such person. The sale OR LEASE of three or more new or new and used motor vehicles or the offering for sale OR LEASE of more than three new or new and used motor vehicles at the same address or telephone number in any one calendar year shall be prima facie evidence that a person is engaged in the business of selling OR LEASING new or new and used motor vehicles. "Motor vehicle dealer" includes ~~any~~ AN owner of real property who allows more than three new or new and used motor vehicles to be offered for sale OR LEASE on such property during one calendar year unless said property is leased to a licensed motor vehicle dealer. "Motor vehicle dealer" does not include:

(14) "Motor vehicle salesperson" means ~~any~~ A natural person who, for a salary, commission, or compensation of any kind, is employed either directly or indirectly, regularly or occasionally, by ~~any~~ A motor vehicle dealer or used motor vehicle dealer to sell, LEASE, purchase, or exchange or to negotiate for the sale, LEASE, purchase, or exchange of motor vehicles.

(18) "Wholesaler" means a person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, or offers or attempts to negotiate a sale, LEASE, or exchange of an interest in new or new and used motor vehicles solely to motor vehicle dealers or used motor vehicle dealers.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine

die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 23, 2004