

CHAPTER 409

PROFESSIONS AND OCCUPATIONS

SENATE BILL 10-201

BY SENATOR(S) Mitchell and Romer, Foster, Hodge, Kester, Kopp, Morse, Newell, Penry, Scheffel, Shaffer B., Tapia, Brophy, Gibbs, Harvey, King K., Lundberg, Schultheis, Spence, Whitehead, Williams;
also REPRESENTATIVE(S) Soper and Balmer, Baumgardner, Bradford, Casso, DelGrosso, Hullinghorst, Kagan, Liston, Looper, McNulty, Merrifield, Priola, Rice, Scanlan, Sonnenberg, Stephens, Frangas, Gardner C., Kefalas, Middleton, Summers.

AN ACT**CONCERNING ENFORCEMENT OF THE MOTOR VEHICLE FRANCHISE LAWS AGAINST CERTAIN TYPES OF LICENSEES.**

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

SECTION 1. 12-6-118 (1) (c), Colorado Revised Statutes, is amended to read:

12-6-118. Licenses - grounds for denial, suspension, or revocation. (1) A manufacturer's or distributor's license may be denied, suspended, or revoked on the following grounds:

(c) Willful failure to comply with ~~any provisions of this part 1, INCLUDING THE RIGHT OF FIRST REFUSAL CREATED IN SECTION 12-6-120.3 (5), or any rule or regulation promulgated by the executive director;~~

SECTION 2. 12-6-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-6-105. Powers and duties of executive director. (3) THE EXECUTIVE DIRECTOR MAY IMPOSE A CIVIL FINE OF NOT LESS THAN TEN THOUSAND DOLLARS AND NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS ON A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER'S REPRESENTATIVE WHO KNOWINGLY VIOLATES SECTION 12-6-120.3 (5). EACH DAY THAT A MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER'S REPRESENTATIVE VIOLATES SECTION 12-6-120.3 (5) BY FAILING TO OFFER THE RIGHT OF FIRST REFUSAL OR FAILING TO MAKE A PAYMENT REQUIRED BY SECTION 12-6-120.3 (5) IS A SEPARATE OFFENSE.

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

SECTION 3. 12-6-122 (3), Colorado Revised Statutes, is amended to read:

12-6-122. Right of action for loss. (3) If any licensee suffers any loss or damage ~~by reason of any unlawful act as provided in~~ BECAUSE OF A VIOLATION OF section 12-6-120 (1) ~~such~~ OR 12-6-120.3 (5), THE licensee shall have a right of action against ~~such~~ THE manufacturer, distributor, or manufacturer representative. In any court action wherein a manufacturer, distributor, or manufacturer representative has been found liable in damages to any licensee under this part 1, any licensee so damaged shall also be entitled to recover reasonable attorney fees AND COSTS as part of his or her damages.

SECTION 4. Applicability. This act applies to offenses committed on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 10, 2010