

SB249_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.SB19-249 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 44-20-104, amend
3 (3)(a), (3)(f)(I), (3)(h) introductory portion, and (3)(l)(I) introductory
4 portion as follows:

5 **44-20-104. Board - oath - meetings - powers and duties - rules.**

6 (3) The board is authorized and empowered:

7 (a) To promulgate, amend, and repeal rules reasonably necessary
8 to implement this part 1, including the administration, enforcement,
9 issuance, and denial of licenses to motor vehicle dealers, motor vehicle
10 salespersons, used motor vehicle dealers, wholesale motor vehicle auction
11 dealers, BUSINESS DISPOSERS, and wholesalers, and the laws of the state
12 of Colorado;

13 (f) (I) To investigate through the director, on its own motion or
14 upon the written and signed complaint of any person, any suspected or
15 alleged violation by a motor vehicle dealer, motor vehicle salesperson,
16 used motor vehicle dealer, wholesale motor vehicle auction dealer,
17 BUSINESS DISPOSER, or wholesaler of any of the terms and provisions of
18 this part 1 or of any rule promulgated by the board under the authority
19 conferred upon it in this section. The board shall order an investigation
20 of all written and signed complaints, may issue subpoenas, and may
21 delegate the authority to issue subpoenas to the director, and the director
22 shall make an investigation of all complaints transmitted by the board
23 pursuant to section 44-20-105 (3). The board may seek to resolve disputes
24 before beginning an investigation or hearing through its own action or by
25 direction to the director.

26 (h) To prescribe the forms to be used for applications for motor
27 vehicle dealers', motor vehicle salespersons', used motor vehicle dealers',
28 wholesale motor vehicle auction dealers', BUSINESS DISPOSALS, and
29 wholesalers' licenses to be issued and to require of the applicants, as a
30 condition precedent to the issuance of the licenses, such information
31 concerning their fitness to be licensed under this part 1 as it may consider
32 necessary. Every application for a motor vehicle dealer's license or used
33 motor vehicle dealer's license ~~shall~~ MUST contain, in addition to such
34 information as the board may require, a statement of the following facts:

35 (l) (I) To prescribe a form or forms to be used as a part of a
36 contract for the sale of a motor vehicle by any motor vehicle dealer,
37 BUSINESS DISPOSER, or motor vehicle salesperson, other than a retail
38 installment sales contract subject to the provisions of the "Uniform
39 Consumer Credit Code", articles 1 to 9 of title 5, which shall include the
40 following information in addition to any other disclosures or information

1 required by state or federal law:".

2 Renumber succeeding sections accordingly.

3 Page 2, after line 13 insert:

4 "SECTION 3. In Colorado Revised Statutes, 44-20-112, amend
5 (1) and (2)(a) as follows:

6 **44-20-112. Bond of licensee.** (1) Before any motor vehicle
7 dealer's, wholesaler's, wholesale motor vehicle auction dealer's, BUSINESS
8 DISPOSAL, or used motor vehicle dealer's license ~~shall be~~ IS issued by the
9 board through the executive director to ~~any~~ AN applicant, ~~therefor~~; the
10 applicant ~~shall~~ MUST procure and file with the board evidence of a
11 savings account, deposit, or certificate of deposit meeting the
12 requirements of section 11-35-101 or a good and sufficient bond with
13 corporate surety thereon duly licensed to do business within the state,
14 approved as to form by the attorney general of the state, and conditioned
15 that the applicant ~~shall~~ MUST not practice fraud, make any fraudulent
16 representation, or violate any of the provisions of this part 1 that are
17 designated by the board by rule in the conduct of the business for which
18 the applicant is licensed. A motor vehicle dealer, BUSINESS DISPOSER, or
19 used motor vehicle dealer ~~shall not be required to~~ NEED NOT furnish an
20 additional bond, savings account, deposit, or certificate of deposit under
21 this section if the dealer furnishes a bond, savings account, deposit, or
22 certificate of deposit under section 44-20-412.

23 (2)(a) The purpose of the bond procured by the applicant pursuant
24 to subsection (1) of this section and section 44-20-114 (1) is to provide
25 for the reimbursement for any loss or damage suffered by any retail
26 consumer caused by violation of this part 1 by a motor vehicle dealer,
27 used motor vehicle dealer, wholesale motor vehicle auction dealer,
28 BUSINESS DISPOSER, or wholesaler. For a wholesale transaction, the bond
29 is available to each party to the transaction; except that, if a retail
30 consumer is involved, the consumer shall have priority to recover from
31 the bond. The amount of the bond shall be fifty thousand dollars for a
32 motor vehicle dealer applicant, used motor vehicle dealer applicant,
33 wholesale motor vehicle auction dealer applicant, BUSINESS DISPOSAL
34 APPLICANT, or wholesaler applicant except the amount of the bond shall
35 be five thousand dollars for those dealers who sell only small utility
36 trailers that weigh less than two thousand pounds. The aggregate liability
37 of the surety for all transactions shall not exceed the amount of the bond,
38 regardless of the number of claims or claimants."

39 Renumber succeeding sections accordingly.

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