

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0947.01 Yelana Love x2295

HOUSE BILL 17-1249

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Tate,

House Committees
Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE UNLICENSED SELLING OF MOTOR VEHICLES, AND, IN
102 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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>.)

The bill increases the penalties on unlicensed motor vehicle sales.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-6-121 as

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 4, 2017

1 follows:

2 **12-6-121. Penalty.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2)
3 OF THIS SECTION, any person who willfully violates ~~any of the provisions~~
4 ~~of this part 1~~ or who willfully commits any offense in this part 1 declared
5 to be unlawful commits a class 1 misdemeanor and shall be punished as
6 provided in section 18-1.3-501. ~~C.R.S.; except that~~

7 (2) (a) Any person who WILLFULLY violates ~~the provisions of~~
8 section 12-6-120 (2) BY ACTING AS A MANUFACTURER, DISTRIBUTOR, OR
9 MANUFACTURER REPRESENTATIVE WITHOUT PROPER AUTHORIZATION
10 commits a class 3 misdemeanor and, upon conviction thereof, shall be
11 punished by a fine of not less than one hundred dollars or more than one
12 thousand dollars for each separate offense; except that, if the violator is
13 a corporation, the fine shall be not less than five hundred dollars or more
14 than two thousand five hundred dollars for each separate offense. A
15 second conviction shall be punished by a fine of two thousand five
16 hundred dollars.

17 (b) ANY PERSON WHO WILLFULLY VIOLATES SECTION 12-6-120 (2)
18 BY ACTING AS A MOTOR VEHICLE DEALER, WHOLESALER, USED MOTOR
19 VEHICLE DEALER, BUYER AGENT, WHOLESALE MOTOR VEHICLE AUCTION
20 DEALER, OR MOTOR VEHICLE SALESPERSON WITHOUT PROPER
21 AUTHORIZATION COMMITS A CLASS 3 MISDEMEANOR AND, UPON
22 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN
23 ONE THOUSAND DOLLARS AND A PENALTY OF TWENTY-FIVE HOURS OF
24 USEFUL PUBLIC SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND,
25 FOR EACH SEPARATE OFFENSE; EXCEPT THAT, IF THE VIOLATOR IS A
26 CORPORATION, THE CORPORATION SHALL BE PUNISHED BY A FINE OF NOT
27 LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE

1 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE. A SECOND
2 CONVICTION FOR AN INDIVIDUAL SHALL BE PUNISHED BY A FINE OF NOT
3 LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TWENTY-FIVE
4 THOUSAND DOLLARS FOR EACH SEPARATE OFFENSE, WHICH THE COURT
5 MAY NOT SUSPEND.

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-6-121.5
7 as follows:

8 **12-6-121.5. Fines - disposition - unlicensed sales.** ~~Any~~ OF ANY
9 fine collected for a violation of section 12-6-120 (2), HALF shall be
10 awarded to the law enforcement agency ~~which~~ THAT investigated and
11 issued the citation for ~~said~~ THE violation AND HALF SHALL BE CREDITED
12 TO THE AUTO DEALERS LICENSE FUND CREATED IN SECTION 12-6-123.

13 **SECTION 3.** In Colorado Revised Statutes, 12-6-123, **amend** (1)
14 introductory portion; and **add** (1)(d) as follows:

15 **12-6-123. Disposition of fees - auto dealers license fund -**
16 **creation.** (1) All ~~moneys~~ MONEY received under this part 1, except fines
17 awarded pursuant to section 12-6-121.5, shall be deposited with the state
18 treasurer by the department of revenue, subject to ~~the provisions of~~
19 section 24-35-101, ~~C.R.S.~~, together with a detailed statement of such
20 receipts, and such funds deposited with the state treasurer shall constitute
21 a fund to be known as the auto dealers license fund, which fund is hereby
22 created and which shall be used under the direction of the board in the
23 following manner:

24 (d) TO ENFORCE SECTION 12-6-120 (2).

25 **SECTION 4. Appropriation.** For the 2017-18 state fiscal year,
26 \$8,000 is appropriated to the department of revenue. This appropriation
27 is from the auto dealers license fund created in section 12-6-123 (1),

1 C.R.S. To implement this act, the department may use this appropriation
2 for tax administration IT system (GenTax) support.

3 **SECTION 5. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 9, 2017, if adjournment sine die is on May 10,
7 2017); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2018 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to offenses committed on or after the
14 applicable effective date of this act.