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HB1342_L.011

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

HB16-1342 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 12-6-121 as
4 follows:

5 **12-6-121. Penalty.** Any person who willfully violates any of the
6 provisions PROVISION of this part 1 or who willfully commits any offense
7 in this part 1 declared to be unlawful commits a class 1 misdemeanor and
8 shall be punished as provided in section 18-1.3-501, C.R.S.; except that
9 any person who violates ~~the provisions of~~ section 12-6-120 (2) commits
10 a ~~class 3~~ misdemeanor and, upon conviction thereof, shall be punished by
11 a fine of not less than ~~one hundred dollars or more than one thousand~~
12 ~~dollars~~ AND A PENALTY OF TWENTY-FIVE HOURS OF USEFUL PUBLIC
13 SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND, for each separate
14 offense; except that, if the violator is a corporation, the CORPORATION
15 SHALL BE PUNISHED BY A fine ~~shall be~~ OF not less than five hundred
16 THOUSAND dollars ~~or~~ NOR more than ~~two thousand five hundred~~
17 TWENTY-FIVE THOUSAND dollars for each separate offense. A second
18 conviction FOR AN INDIVIDUAL shall be punished by a fine of ~~two~~
19 ~~thousand five hundred dollars~~ NOT LESS THAN FIVE THOUSAND DOLLARS
20 NOR MORE THAN TWENTY-FIVE THOUSAND DOLLARS, WHICH THE COURT
21 MAY NOT SUSPEND.

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

24 **12-6-121.5. Fines - disposition - unlicensed sales.** Any OF ANY
25 fine collected for a violation of section 12-6-120 (2), ~~shall be~~ HALF IS
26 awarded to the law enforcement agency ~~which~~ THAT investigated and
27 issued the citation for ~~said~~ THE violation AND THE OTHER HALF IS
28 CREDITED TO THE AUTO DEALERS LICENSE FUND, CREATED IN SECTION
29 12-6-123.

30 SECTION 3. In Colorado Revised Statutes, **add** part 24 to article
31 4 of title 42 as follows:

32 PART 24

33 BRANDED MOTOR VEHICLE REPORTING

34 **42-4-2401. NMVTIS reporting - definitions.** (1) **Applicability.**
35 THIS SECTION APPLIES TO ANY PERSON REQUIRED TO REPORT TO NMVTIS
36 BY 28 CFR 25.56 (A JUNK YARD OR SALVAGE YARD).

37 (2) **Sale of motor vehicle required to have certain branded**



1 **certificates of title - record keeping - definition.** A PERSON COVERED BY
2 THIS SECTION WHO SELLS A SALVAGE VEHICLE, NONREPAIRABLE MOTOR
3 VEHICLE, FLOOD-DAMAGED MOTOR VEHICLE, JUNK MOTOR VEHICLE, OR
4 SIMILARLY BRANDED MOTOR VEHICLE SHALL:

5 (a) KEEP AN ELECTRONIC RECORD OF EACH SALE OF THE MOTOR
6 VEHICLE WITH THE FOLLOWING INFORMATION:

7 (I) THE MOTOR VEHICLE'S MAKE, MODEL, YEAR, VEHICLE
8 IDENTIFICATION NUMBER, AND, IF AVAILABLE, CURRENT ODOMETER
9 READING; AND

10 (II) THE NAME AND ADDRESS OF BOTH THE PURCHASER, IF THE
11 PURCHASER IS AN INDIVIDUAL, AND THE SELLER OF THE MOTOR VEHICLE;

12 (b) (I) OBTAIN FROM THE PURCHASER A COPY OF THE PURCHASER'S
13 DRIVER'S LICENSE OR OTHER GOVERNMENT-ISSUED IDENTIFICATION
14 DOCUMENT; OR

15 (II) OBTAIN FROM THE PURCHASER DOCUMENTED PROOF OF ANY
16 REQUIRED LICENSE TO BUY OR SELL MOTOR VEHICLES UNDER PART 1 OF
17 ARTICLE 6 OF TITLE 12, C.R.S., OR ANY EQUIVALENT LICENSE IN ANOTHER
18 JURISDICTION; AND

19 (c) MAINTAIN A COPY, FOR THREE YEARS AFTER THE SALE, OF THE
20 PURCHASER'S IDENTIFICATION DOCUMENT AND DOCUMENTED PROOF OF
21 ANY REQUIRED LICENSE OBTAINED UNDER PARAGRAPHS (b) AND (c) OF
22 THIS SUBSECTION (1).

23 (3) **Fees.** THE CONSOLIDATOR MAY CHARGE A FEE FOR ANY
24 SERVICE PROVIDED TO A NONGOVERNMENTAL ENTITY.

25 (4) **Access to information - law enforcement - contract entities.**

26 (a) THE CONSOLIDATOR SHALL MAKE THE INFORMATION RECEIVED UNDER
27 THIS SECTION AVAILABLE, WITHOUT CHARGE AND UPON REQUEST, TO A
28 LAW ENFORCEMENT AGENCY OR THE DEPARTMENT OF REVENUE WHEN THE
29 PERSON ACTING ON BEHALF OF ANY OF THESE ENTITIES IS ACTING WITHIN
30 THE COURSE AND SCOPE OF THE ENTITY'S DUTIES.

31 (b) EXCEPT AS AUTHORIZED BY THIS SECTION, THE CONSOLIDATOR
32 SHALL NOT RELEASE PERSONAL INFORMATION RECEIVED UNDER THIS
33 SECTION.

34 (c) THE CONSOLIDATOR SHALL NOT RELEASE INFORMATION ON:
35 THE MAKE, MODEL, OR YEAR OF A MOTOR VEHICLE; THE VEHICLE
36 IDENTIFICATION NUMBER; OR CURRENT ODOMETER READING TO ANY
37 NONGOVERNMENTAL ENTITY UNLESS THE DEPARTMENT OF REVENUE
38 APPROVES THE ENTITY TO RECEIVE THE INFORMATION.

39 (5) **Required reports.** (a) EXCEPT AS PROVIDED IN PARAGRAPH
40 (b) OF THIS SUBSECTION (5), A PERSON COVERED BY THIS SECTION WHO
41 SELLS A SALVAGE VEHICLE, JUNK MOTOR VEHICLE, FLOOD-DAMAGED



1 MOTOR VEHICLE, NONREPAIRABLE MOTOR VEHICLE, OR SIMILARLY
2 BRANDED MOTOR VEHICLE SHALL REPORT EACH SALE TO AN NMVTIS
3 CONSOLIDATOR WITHIN TEN DAYS AFTER THE SALE, AND THE
4 CONSOLIDATOR SHALL FORWARD THE REPORT, WITHOUT PERSONAL
5 IDENTIFYING INFORMATION, TO NMVTIS ON BEHALF OF THE REPORTING
6 ENTITY. TO COMPLY WITH THIS SECTION, THE PERSON SHALL ALSO REPORT:

7 (I) THE MOTOR VEHICLE'S MAKE, MODEL, YEAR, VEHICLE
8 IDENTIFICATION NUMBER, AND, IF AVAILABLE, CURRENT ODOMETER
9 READING;

10 (II) THE NAME AND ADDRESS OF BOTH THE PURCHASER AND
11 SELLER OF THE MOTOR VEHICLE; AND

12 (III) (A) THE NUMBER OF THE GOVERNMENT-ISSUED
13 IDENTIFICATION DOCUMENT ISSUED TO THE PURCHASER IF THE PURCHASER
14 IS AN INDIVIDUAL; OR

15 (B) THE NUMBER OF ANY REQUIRED LICENSE TO BUY OR SELL
16 MOTOR VEHICLES UNDER PART 1 OF ARTICLE 6 OF TITLE 12, C.R.S., OR ANY
17 EQUIVALENT LICENSE IN ANOTHER JURISDICTION IF THE PURCHASER IS A
18 BUSINESS ENTITY.

19 (b) A PERSON COVERED BY THIS SECTION NEED NOT MAKE THE
20 REPORT REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (5) FOR A
21 MOTOR VEHICLE THAT THE PERSON RECYCLES, AS DEFINED IN SECTION
22 42-4-2201, IF THE PERSON REPORTS THE FACT THAT THE MOTOR VEHICLE
23 WAS RECYCLED TO THE DEPARTMENT IN ACCORDANCE WITH ARTICLE 6 OF
24 THIS TITLE.

25 (6) **Violations.** A PERSON WHO KNOWINGLY VIOLATES SUBSECTION
26 (4) OF THIS SECTION COMMITS A PETTY OFFENSE AND, UPON CONVICTION,
27 SHALL BE PUNISHED BY A FINE OF TWO HUNDRED FIFTY DOLLARS PER
28 TRANSACTION. THE FINE IS CREDITED TO THE AUTO DEALERS LICENSE
29 FUND CREATED IN 12-6-123.

30 (7) **Definitions.** AS USED IN THIS SECTION:

31 (a) "CONSOLIDATOR" MEANS AN ENTITY APPROVED BY NMVTIS
32 AS A THIRD-PARTY DATA CONSOLIDATOR.

33 (b) "NMVTIS" MEANS THE NATIONAL MOTOR VEHICLE TITLE
34 INFORMATION SYSTEM.

35 **SECTION 4. Act subject to petition - effective date -**
36 **applicability.** (1) This act takes effect January 1, 2017; except that, if a
37 referendum petition is filed pursuant to section 1 (3) of article V of the
38 state constitution against this act or an item, section, or part of this act
39 within the ninety-day period after final adjournment of the general
40 assembly, then the act, item, section, or part will not take effect unless
41 approved by the people at the general election to be held in November



1 2016 and, in such case, will take effect on January 1, 2017, or on the date
2 of the official declaration of the vote thereon by the governor, whichever
3 is later.

4 (2) This act applies to offenses committed on or after the
5 applicable effective date of this act."

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