

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 14-1034.01 Richard Sweetman x4333

SENATE BILL 14-176

SENATE SPONSORSHIP

Johnston,

HOUSE SPONSORSHIP

Murray and Court,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 CONCERNING CRIMES RELATED TO ENTITIES THAT TRADE IN STOLEN
102 VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN
103 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://www.leg.state.co.us/billsummaries>.)

The bill defines a chop shop as any building, lot, facility, or other structure or premise where:

! Any person or persons possess, receive, store, disassemble, or alter, including the alteration or concealment of any

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
2nd Reading Unamended
May 2, 2014

SENATE
3rd Reading Unamended
April 25, 2014

SENATE
Amended 2nd Reading
April 24, 2014

identifying feature or number, an unlawfully obtained motor vehicle or major component motor vehicle part for the purpose of using, selling, or disposing of the motor vehicle or major component motor vehicle part; or

- ! Two or more unlawfully obtained motor vehicles are present for the purpose of alteration, sale, or disposal; or
- ! Six or more unlawfully obtained major component motor vehicle parts from 2 or more motor vehicles are present for the purpose of alteration, sale, or disposal.

A person commits a class 4 felony if he or she knowingly owns or operates a chop shop, knowing that it is a chop shop, or conspires with another person to own, operate, or conduct a chop shop, knowing that it is a chop shop.

A person commits a class 5 felony if he or she knowingly:

- ! Transports an unlawfully obtained motor vehicle or major component motor vehicle part to or from a chop shop, knowing that it is a chop shop; or
- ! Sells or transfers to, or purchases or receives from, a chop shop, knowing that it is a chop shop, an unlawfully obtained motor vehicle or major component motor vehicle part.

A person commits altering or removing a vehicle identification number if, except as necessary to effect legitimate repairs, he or she knowingly:

- ! Removes, changes, alters, counterfeits, defaces, destroys, disguises, falsifies, forges, or obliterates the vehicle identification number, manufacturer's number, or engine number of a motor vehicle or major component motor vehicle part; or
- ! Possesses, purchases, disposes of, sells, or transfers a motor vehicle or a major component motor vehicle part that contains a removed, changed, altered, counterfeited, defaced, destroyed, disguised, falsified, forged, or obliterated vehicle identification number, manufacturer's number, or engine number.

Altering or removing a vehicle identification number is a class 5 felony.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-4-420 as
3 follows:

4 **18-4-420. Chop shop activity - ownership or operation of a**

1 **chop shop - altered or removed identification number - penalties -**

2 **definitions.** (1) A PERSON COMMITS OWNERSHIP OR OPERATION OF A CHOP
3 SHOP IF HE OR SHE KNOWINGLY:

4 (a) OWNS OR OPERATES A CHOP SHOP, KNOWING THAT IT IS A CHOP
5 SHOP, OR CONSPIRES WITH ANOTHER PERSON TO OWN OR OPERATE A CHOP
6 SHOP, KNOWING THAT IT IS A CHOP SHOP;

7 (b) TRANSPORTS AN UNLAWFULLY OBTAINED MOTOR VEHICLE OR
8 MAJOR COMPONENT MOTOR VEHICLE PART TO OR FROM A CHOP SHOP,
9 KNOWING THAT IT IS A CHOP SHOP; OR

10 (c) SELLS OR TRANSFERS TO, OR PURCHASES OR RECEIVES FROM,
11 A CHOP SHOP, KNOWING THAT IT IS A CHOP SHOP, AN UNLAWFULLY
12 OBTAINED MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART.

13 (2) A VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS
14 SECTION IS A CLASS 4 FELONY. A VIOLATION OF PARAGRAPH (b) OR (c) OF
15 SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY.

16 (3) (a) A PERSON COMMITS ALTERING OR REMOVING A VEHICLE
17 IDENTIFICATION NUMBER IF HE OR SHE KNOWINGLY:

18 (I) REMOVES, CHANGES, ALTERS, COUNTERFEITS, DEFACES
19 DESTROYS, DISGUISES, FALSIFIES, FORGES, OR OBLITERATES THE VEHICLE
20 IDENTIFICATION NUMBER, MANUFACTURER'S NUMBER, OR ENGINE NUMBER
21 OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART WITH
22 AN INTENT TO MISREPRESENT THE IDENTITY OR PREVENT THE
23 IDENTIFICATION OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR
24 VEHICLE PART; OR

25 (II) POSSESSES, PURCHASES, DISPOSES OF, SELLS, OR TRANSFERS A
26 MOTOR VEHICLE OR A MAJOR COMPONENT MOTOR VEHICLE PART WITH
27 KNOWLEDGE THAT IT CONTAINS A REMOVED, CHANGED, ALTERED,

1 COUNTERFEITED, DEFACED, DESTROYED, DISGUISED, FALSIFIED, FORGED,
2 OR OBLITERATED VEHICLE IDENTIFICATION NUMBER, MANUFACTURER'S
3 NUMBER, OR ENGINE NUMBER UNLESS SUCH MOTOR VEHICLE OR MAJOR
4 COMPONENT MOTOR VEHICLE PART IS OTHERWISE IN COMPLIANCE WITH
5 THE PROVISIONS OF SECTION 42-5-110, C.R.S.

6 (b) THIS SUBSECTION (3) DOES NOT APPLY TO A PRIVATE PARTY OR
7 TO AN AGENT OF A PRIVATE PARTY THAT IS ACTING WITH THE
8 AUTHORIZATION OF A LAW ENFORCEMENT AGENCY TO LAWFULLY SEIZE,
9 RETAIN, RECYCLE, TRANSPORT, OR OTHERWISE DISPOSE OF A MOTOR
10 VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART WITH A VEHICLE
11 IDENTIFICATION NUMBER, MANUFACTURER NUMBER, OR ENGINE NUMBER
12 THAT IS REMOVED, CHANGED, ALTERED, COUNTERFEITED, DEFACED,
13 DESTROYED, DISGUISED, FALSIFIED, FORGED, OR OBLITERATED.

14 (4) ALTERING OR REMOVING A VEHICLE IDENTIFICATION NUMBER
15 IS A CLASS 5 FELONY.

16 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "CHOP SHOP" MEANS ANY BUILDING, LOT, FACILITY, OR OTHER
19 STRUCTURE OR PREMISE WHERE:

20 (I) ANY PERSON OR PERSONS POSSESS, RECEIVE, STORE,
21 DISASSEMBLE, OR ALTER, INCLUDING THE ALTERATION OR CONCEALMENT
22 OF ANY IDENTIFYING FEATURE OR NUMBER, AN UNLAWFULLY OBTAINED
23 MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART FOR THE
24 PURPOSE OF USING, SELLING, OR DISPOSING OF THE MOTOR VEHICLE OR
25 MAJOR COMPONENT MOTOR VEHICLE PART; OR

26 (II) TWO OR MORE UNLAWFULLY OBTAINED MOTOR VEHICLES ARE
27 PRESENT FOR THE PURPOSE OF ALTERATION, SALE, OR DISPOSAL; OR

1 (III) SIX OR MORE UNLAWFULLY OBTAINED MAJOR COMPONENT
2 MOTOR VEHICLE PARTS FROM TWO OR MORE MOTOR VEHICLES ARE
3 PRESENT FOR THE PURPOSE OF ALTERATION, SALE, OR DISPOSAL.

4 (b) "MAJOR COMPONENT MOTOR VEHICLE PART" MEANS ANY OF
5 THE FOLLOWING PARTS OF A MOTOR VEHICLE:

6 (I) THE ENGINE;

7 (II) THE TRANSMISSION;

8 (III) A FRONT FENDER;

9 (IV) THE HOOD;

10 (V) ANY DOOR ALLOWING ENTRANCE TO OR EGRESS FROM THE
11 PASSENGER COMPARTMENT OF THE VEHICLE;

12 (VI) THE FRONT OR REAR BUMPER;

13 (VII) A REAR QUARTER PANEL;

14 (VIII) THE DECK LID, TAILGATE, OR HATCHBACK;

15 (IX) THE TRUNK FLOOR PAN;

16 (X) THE CARGO BOX OF A PICKUP TRUCK;

17 (XI) THE FRAME, OR IF THE VEHICLE HAS A UNITIZED BODY, THE
18 SUPPORTING STRUCTURE OR STRUCTURES THAT SERVE AS THE FRAME;

19 (XII) THE CAB OF A TRUCK;

20 (XIII) THE BODY OF A PASSENGER VEHICLE;

21 (XIV) AN AIRBAG OR AIRBAG ASSEMBLY;

22 (XV) A WHEEL OR TIRE; OR

23 (XVI) ANY OTHER PART OF A MOTOR VEHICLE THAT IS
24 COMPARABLE IN DESIGN OR FUNCTION TO ANY OF THE PARTS THAT HAVE
25 BEEN LISTED, OR THAT HAVE BEEN LABELED WITH A UNIQUE TRACEABLE
26 IDENTIFICATION NUMBER, BY THE MANUFACTURER OF THE MOTOR VEHICLE
27 OR PART.

1 (c) "MOTOR VEHICLE" MEANS ALL VEHICLES OF WHATEVER
2 DESCRIPTION THAT ARE PROPELLED BY ANY POWER OTHER THAN
3 MUSCULAR POWER; EXCEPT THAT "MOTOR VEHICLE" DOES NOT INCLUDE
4 VEHICLES THAT RUN ON RAILS.

5 (d) "UNLAWFULLY OBTAINED" MEANS OBTAINED BY THEFT,
6 FRAUD, OR DECEIT OR OBTAINED WITHOUT THE PERMISSION OF THE
7 OWNER.

8 **SECTION 2.** In Colorado Revised Statutes, **repeal** 42-5-102.

9

10 **SECTION 3.** In Colorado Revised Statutes, **add** 17-18-111 as
11 follows:

12 **17-18-111. Appropriation to comply with section 2-2-703 - SB**
13 **14-176 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
14 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
15 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 14-176,
16 ENACTED IN 2014:

17 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO
18 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
19 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
20 OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR
21 HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).

22 (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, IN ADDITION TO
23 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
24 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
25 OTHERWISE APPROPRIATED, THE SUM OF FORTY-TWO THOUSAND NINE
26 HUNDRED SIXTY-EIGHT DOLLARS (\$42,968).

27 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION TO

1 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
2 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
3 OTHERWISE APPROPRIATED, THE SUM OF SIXTY-FOUR THOUSAND FOUR
4 HUNDRED FIFTY-TWO DOLLARS (\$64,452).

5 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, IN ADDITION TO
6 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
7 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
8 OTHERWISE APPROPRIATED, THE SUM EIGHTY-TWO THOUSAND FIVE
9 HUNDRED THIRTY-FOUR DOLLARS (\$82,534).

10 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

11 **SECTION 4. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 6, 2014, if adjournment sine die is on May 7,
15 2014); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2014 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

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