

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1034.01 Richard Sweetman x4333

SENATE BILL 14-176

SENATE SPONSORSHIP

Johnston,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CRIMES RELATED TO ENTITIES THAT TRADE IN STOLEN
102 VEHICLES.

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/bills summaries>.)

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 identifying feature or number, an unlawfully obtained

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.

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 PERSON COMMITS ALTERING OR REMOVING A VEHICLE
17 IDENTIFICATION NUMBER IF, EXCEPT AS NECESSARY TO EFFECT
18 LEGITIMATE REPAIRS, HE OR SHE KNOWINGLY:

19 (a) REMOVES, CHANGES, ALTERS, COUNTERFEITS, DEFACES,
20 DESTROYS, DISGUISES, FALSIFIES, FORGES, OR OBLITERATES THE VEHICLE
21 IDENTIFICATION NUMBER, MANUFACTURER'S NUMBER, OR ENGINE NUMBER
22 OF A MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART; OR

23 (b) POSSESSES, PURCHASES, DISPOSES OF, SELLS, OR TRANSFERS A
24 MOTOR VEHICLE OR A MAJOR COMPONENT MOTOR VEHICLE PART THAT
25 CONTAINS A REMOVED, CHANGED, ALTERED, COUNTERFEITED, DEFACED,
26 DESTROYED, DISGUISED, FALSIFIED, FORGED, OR OBLITERATED VEHICLE
27 IDENTIFICATION NUMBER, MANUFACTURER'S NUMBER, OR ENGINE

1 NUMBER.

2 (4) ALTERING OR REMOVING A VEHICLE IDENTIFICATION NUMBER
3 IS A CLASS 5 FELONY.

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

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

8 (I) ANY PERSON OR PERSONS POSSESS, RECEIVE, STORE,
9 DISASSEMBLE, OR ALTER, INCLUDING THE ALTERATION OR CONCEALMENT
10 OF ANY IDENTIFYING FEATURE OR NUMBER, AN UNLAWFULLY OBTAINED
11 MOTOR VEHICLE OR MAJOR COMPONENT MOTOR VEHICLE PART FOR THE
12 PURPOSE OF USING, SELLING, OR DISPOSING OF THE MOTOR VEHICLE OR
13 MAJOR COMPONENT MOTOR VEHICLE PART; OR

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

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

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

21 (I) THE ENGINE;

22 (II) THE TRANSMISSION;

23 (III) A FRONT FENDER;

24 (IV) THE HOOD;

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

27 (VI) THE FRONT OR REAR BUMPER;

- 1 (VII) A REAR QUARTER PANEL;
- 2 (VIII) THE DECK LID, TAILGATE, OR HATCHBACK;
- 3 (IX) THE TRUNK FLOOR PAN;
- 4 (X) THE CARGO BOX OF A PICKUP TRUCK;
- 5 (XI) THE FRAME, OR IF THE VEHICLE HAS A UNITIZED BODY, THE
- 6 SUPPORTING STRUCTURE OR STRUCTURES THAT SERVE AS THE FRAME;
- 7 (XII) THE CAB OF A TRUCK;
- 8 (XIII) THE BODY OF A PASSENGER VEHICLE;
- 9 (XIV) AN AIRBAG OR AIRBAG ASSEMBLY;
- 10 (XV) A WHEEL OR TIRE; OR
- 11 (XVI) ANY OTHER PART OF A MOTOR VEHICLE THAT IS
- 12 COMPARABLE IN DESIGN OR FUNCTION TO ANY OF THE PARTS THAT HAVE
- 13 BEEN LISTED, OR THAT HAVE BEEN LABELED WITH A UNIQUE TRACEABLE
- 14 IDENTIFICATION NUMBER, BY THE MANUFACTURER OF THE MOTOR VEHICLE
- 15 OR PART.

16 (c) "MOTOR VEHICLE" MEANS ALL VEHICLES OF WHATEVER
17 DESCRIPTION THAT ARE PROPELLED BY ANY POWER OTHER THAN
18 MUSCULAR POWER; EXCEPT THAT "MOTOR VEHICLE" DOES NOT INCLUDE
19 VEHICLES THAT RUN ON RAILS.

20 (d) "UNLAWFULLY OBTAINED" MEANS OBTAINED BY THEFT,
21 FRAUD, OR DECEIT OR OBTAINED WITHOUT THE PERMISSION OF THE
22 OWNER.

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

24 **SECTION 3. Potential appropriation.** Pursuant to section
25 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
26 in periods of imprisonment in the state correctional facilities must include
27 an appropriation of moneys that is sufficient to cover any increased

1 capital construction and operational costs for the first five fiscal years in
2 which there is a fiscal impact. Because this act may increase periods of
3 imprisonment, this act may require a five-year appropriation.

4 **SECTION 4. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 6, 2014, if adjournment sine die is on May 7,
8 2014); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2014 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

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