

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 14-0395.01 Jery Payne x2157

HOUSE BILL 14-1100

HOUSE SPONSORSHIP

Swalm and Pabon, Wilson, McCann, Fields, Gardner, Holbert, McNulty, Navarro,
Rosenthal, Scott, Tyler, Williams

SENATE SPONSORSHIP

Grantham,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF TITLE DOCUMENTS TO GIVE NOTICE OF**
102 **CHARACTERISTICS OF MOTOR VEHICLES THAT AFFECT A**
103 **VEHICLE'S VALUE, AND, IN CONNECTION THEREWITH, MAKING**
104 **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://www.leg.state.co.us/billsummaries>.)

Currently, the title of a motor vehicle that has been rebuilt from salvage must be branded. The bill expands branding to include a vehicle

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
February 27, 2014

that:

- ! Is nonrepairable;
- ! Is built from 2 or more vehicles;
- ! Is flood damaged;
- ! Has had its odometer tampered with;
- ! Has an incorrect odometer; or
- ! Has a designation placed on the title by another jurisdiction.

These brands are carried forward to all subsequent titles. Brands from other states are carried forward in Colorado.

If a vehicle is classified as junk, its title is canceled and cannot be reissued. If a vehicle is nonrepairable, the owner must apply for a nonrepairable title and the vehicle must be sold for parts or scrap. When the part is sold, a copy of the nonrepairable title shows ownership of the part.

The salvage brand statute is moved to its own section.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-102, **amend**
3 (17) (a) (I) and (17) (c); and **add** (1.7), (6.1), (6.4), (11.2), and (11.3) as
4 follows:

5 **42-6-102. Definitions.** As used in this part 1, unless the context
6 otherwise requires:

7 (1.7) "BRAND" MEANS A PERMANENT DESIGNATION OR MARKING
8 ON A MOTOR VEHICLE'S TITLE, ASSOCIATED WITH THE VEHICLE
9 IDENTIFICATION NUMBER, THAT CONVEYS INFORMATION ABOUT THE
10 VALUE OF THE VEHICLE OR INDICATES THAT THE VEHICLE:

- 11 (a) IS A SALVAGE VEHICLE;
- 12 (b) IS REBUILT FROM SALVAGE;
- 13
- 14 (c) IS NONREPAIRABLE;
- 15
- 16 (d) IS FLOOD DAMAGED;

- 1 (e) HAS HAD ITS ODOMETER TAMPERED WITH;
- 2 (f) HAS AN INCORRECT ODOMETER; OR
- 3 (g) HAS A DESIGNATION PLACED ON THE TITLE BY ANOTHER
- 4 JURISDICTION.

5 (6.1) "FLOOD DAMAGED" MEANS A MOTOR VEHICLE WAS
6 SUBMERGED IN WATER TO THE POINT THAT RISING WATER HAS REACHED
7 OVER THE DOORSILL AND ENTERED THE PASSENGER COMPARTMENT AND
8 DAMAGED ELECTRICAL, COMPUTER, OR MECHANICAL COMPONENTS.

9
10 (6.4) "JUNK" MEANS A VEHICLE THAT IS INCAPABLE OF OPERATING
11 ON ROADS AND IS NO LONGER A VEHICLE BECAUSE IT HAS BEEN
12 DESTROYED, DISMANTLED, OR CHANGED. THESE VEHICLES MAY NOT BE
13 ISSUED A CERTIFICATE OF TITLE, AND ANY TITLE SECURED IN THE
14 PURCHASE OF SUCH A VEHICLE IS TO BE SURRENDERED TO THE
15 DEPARTMENT, WHICH SHALL CANCEL THE VEHICLE IDENTIFICATION
16 NUMBER AND REMOVE THE VEHICLE FROM THE MOTOR VEHICLE SYSTEM.

17 (11.2) "NONREPAIRABLE" MEANS A MOTOR VEHICLE THAT:

18 (a) IS INCAPABLE OF SAFE OPERATION ON THE ROAD AND THAT HAS
19 NO RESALE VALUE EXCEPT AS SCRAP OR AS A SOURCE OF PARTS; OR

20 (b) THE OWNER HAS DESIGNATED AS SCRAP OR AS A SOURCE OF
21 PARTS.

22 (11.3) "NONREPAIRABLE TITLE" MEANS A TITLE DOCUMENT ISSUED
23 BY THE DIRECTOR OR AUTHORIZED AGENT TO INDICATE OWNERSHIP OF A
24 NONREPAIRABLE VEHICLE.

25 (17) (a) (I) "Salvage vehicle" means:

26 (A) A FLOOD-DAMAGED VEHICLE;

27 (B) A VEHICLE BRANDED AS A SALVAGE VEHICLE BY ANOTHER

1 STATE; OR

2 (C) A vehicle that is damaged by collision, fire, flood, accident,
3 trespass, or other occurrence, excluding hail damage, to the extent that the
4 cost of repairing the vehicle to a roadworthy condition and for legal
5 operation on the highways exceeds the vehicle's retail fair market value
6 immediately prior to the damage, as determined by the person who owns
7 the vehicle at the time of the occurrence or by the insurer or other person
8 acting on behalf of the owner.

9 (c) This subsection (17) ~~shall~~ DOES not apply to a vehicle whose
10 model year of manufacture is six years or older at the time of damage
11 UNLESS THE VEHICLE IS A FLOOD-DAMAGED VEHICLE OR HAS BEEN
12 BRANDED AS A SALVAGE VEHICLE BY ANOTHER STATE.

13 **SECTION 2.** In Colorado Revised Statutes, 42-6-107, **amend** (1)
14 (a) as follows:

15 **42-6-107. Certificates of title - contents - rules.** (1) (a) (I) The
16 department or authorized agent shall mail or deliver certificates of title to
17 motor or off-highway vehicles issued under this part 1 to the applicant,
18 except as provided in section 42-6-124, and the director shall retain and
19 appropriately index and file information appearing and concerning the
20 issuance of the certificates of title. The certificates may be electronic
21 records in compliance with rules adopted by the director.

22 (II) In addition to other information that the director may by rule
23 require, the certificates OF TITLE must contain the make and model of the
24 motor or off-highway vehicle described in the record, if the information
25 is available, together with the motor and any other serial number of the
26 vehicle, and a description of any other marks or symbols placed upon the
27 vehicle by the vehicle manufacturer for identification purposes.

1 (III) IF A VEHICLE SHOWS A BRAND IN ITS TITLE HISTORY, OR IF THE
2 VEHICLE IS SUBJECT TO A BRAND, THE DEPARTMENT SHALL PLACE THE
3 APPROPRIATE BRAND ON THE CERTIFICATE OF TITLE. IF THE VEHICLE HAS
4 MULTIPLE BRANDS, THE DEPARTMENT SHALL PLACE THE MOST RECENT
5 BRAND ON THE CERTIFICATE OF TITLE AND THE NOTICE "OTHER BRANDS
6 EXIST". IF THE BRAND IS FROM A CERTIFICATE OF TITLE ISSUED IN ANOTHER
7 JURISDICTION, THE BRAND MUST BE CARRIED FORWARD TO THE COLORADO
8 CERTIFICATE OF TITLE ALONG WITH THE NAME OF THE JURISDICTION
9 ORIGINATING THE BRAND.

10 (IV) The year listed on the certificate of title of a kit vehicle is the
11 year of manufacture of the kit from which the vehicle was assembled, as
12 indicated in the manufacturer's statement of origin.

13 **SECTION 3.** In Colorado Revised Statutes, 42-6-110 **add** (1.5)
14 as follows:

15 **42-6-110. Certificate of title - transfer.** (1.5) (a) IF AN INSURER,
16 AS DEFINED IN SECTION 10-1-102 (13), C.R.S., OR A SALVAGE POOL
17 AUTHORIZED BY AN INSURER IS UNABLE TO OBTAIN THE PROPERLY
18 ENDORSED CERTIFICATE OF OWNERSHIP OR OTHER EVIDENCE OF
19 OWNERSHIP ACCEPTABLE TO THE DEPARTMENT WITHIN THIRTY DAYS
20 FOLLOWING ORAL OR WRITTEN ACCEPTANCE BY THE OWNER OF AN OFFER
21 OF SETTLEMENT OF A TOTAL LOSS, THAT INSURER OR SALVAGE POOL MAY
22 REQUEST, ON A FORM PROVIDED BY THE DEPARTMENT AND SIGNED UNDER
23 PENALTY OF PERJURY, THE DEPARTMENT TO ISSUE A SALVAGE OR
24 NONREPAIRABLE TITLE FOR THE VEHICLE. THE REQUEST MUST INCLUDE
25 INFORMATION DECLARING THAT THE INSURER OR SALVAGE POOL HAS
26 MADE AT LEAST TWO WRITTEN ATTEMPTS TO OBTAIN THE CERTIFICATE OF
27 OWNERSHIP OR OTHER ACCEPTABLE EVIDENCE OF TITLE AND MUST

1 INCLUDE THE FEE FOR A DUPLICATE TITLE. THE FORM REQUESTING A
2 SALVAGE OR NONREPAIRABLE TITLE IS THE ONLY EVIDENCE REQUIRED TO
3 OBTAIN A SALVAGE OR NONREPAIRABLE TITLE.

4 (b) UPON RECEIVING THE FEE FOR A DUPLICATE TITLE AND THE
5 CERTIFICATE OF OWNERSHIP, OTHER EVIDENCE OF TITLE, OR A PROPERLY
6 EXECUTED REQUEST DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION,
7 THE DEPARTMENT SHALL ISSUE THE SALVAGE OR NONREPAIRABLE TITLE
8 FOR THE VEHICLE.

9 SECTION 4. In Colorado Revised Statutes, amend 42-6-136 as
10 follows:

11 **42-6-136. Surrender and cancellation of certificate - penalty**
12 **for violation.** (1) (a) The owner of a motor or off-highway vehicle for
13 which a Colorado certificate of title has been issued, upon the destruction
14 or dismantling of the vehicle OR upon its being changed so that it is no
15 longer a motor or off-highway vehicle, ~~or upon its being sold or otherwise~~
16 ~~disposed of as salvage,~~ shall surrender the certificate of title to the vehicle
17 to the director or the authorized agent ~~to be canceled~~ or notify the director
18 or the authorized agent on director-approved forms indicating the loss,
19 destruction, or dismantling. ~~or sale for salvage.~~ UPON RECEIVING THE
20 SURRENDERED CERTIFICATE OF TITLE OR THE NOTICE OF LOSS,
21 DESTRUCTION, OR DISMANTLING, THE DIRECTOR OR AUTHORIZED AGENT
22 SHALL CLASSIFY THE VEHICLE AS JUNK.

23 (b) THE DEPARTMENT SHALL NOT ISSUE A CERTIFICATE OF TITLE TO
24 A VEHICLE CLASSIFIED AS JUNK. THE HOLDER OF A LIEN OR MORTGAGE
25 SECURED BY THE VEHICLE'S TITLE FOR THE PURCHASE SHALL SURRENDER
26 THE TITLE TO THE DEPARTMENT. THE DEPARTMENT SHALL CANCEL THE
27 TITLE AND REMOVE THE VEHICLE IDENTIFICATION NUMBER FROM THE

1 MOTOR VEHICLE DATABASE.

2 (c) Upon the owner's procuring the consent of the holders of
3 unreleased mortgages or liens noted on or recorded as part of the
4 certificate of title, the director or authorized agent shall cancel the
5 certificate.

6 (d) A person who violates this section commits a class 1 petty
7 offense and shall be punished as provided in section 18-1.3-503, C.R.S.

8 ~~(2) (a) Upon the sale or transfer of a motor vehicle for which a~~
9 ~~current Colorado certificate of title has been issued or filed and that has~~
10 ~~become a salvage vehicle, as defined in section 42-6-102 (17), the~~
11 ~~purchaser or transferee shall apply for a salvage certificate of title. The~~
12 ~~owner of such a motor vehicle may apply for a salvage certificate of title~~
13 ~~before the sale or transfer of such vehicle. An owner applying for a~~
14 ~~salvage certificate of title shall provide the director evidence of~~
15 ~~ownership that satisfies the director of the right of the applicant to have~~
16 ~~a salvage certificate of title filed in favor of the owner~~ WHEN A MOTOR
17 VEHICLE OWNER DETERMINES THAT A MOTOR VEHICLE FOR WHICH A
18 COLORADO CERTIFICATE OF TITLE HAS BEEN ISSUED IS NONREPAIRABLE,
19 THE OWNER OF THE VEHICLE SHALL APPLY FOR A NONREPAIRABLE TITLE.
20 TO BE ISSUED A NONREPAIRABLE TITLE, AN APPLICANT MUST PROVIDE THE
21 DIRECTOR WITH EVIDENCE OF OWNERSHIP THAT SATISFIES THE DIRECTOR
22 OF THE APPLICANT'S RIGHT TO HAVE A NONREPAIRABLE TITLE FILED IN THE
23 APPLICANT'S FAVOR. IF A MOTOR VEHICLE IS NONREPAIRABLE, THE
24 DIRECTOR OR AUTHORIZED AGENT SHALL ISSUE THE VEHICLE A
25 NONREPAIRABLE TITLE.

26 (b) ■■■ UPON THE OWNER'S PROCURING THE CONSENT OF THE
27 HOLDER OF AN UNRELEASED MORTGAGE OR LIEN NOTED ON THE

1 CERTIFICATE OF TITLE, THE DIRECTOR OR AUTHORIZED AGENT SHALL
2 CANCEL THE VEHICLE'S REGISTRATION.

3 ~~(3) (a) An owner of a salvage motor vehicle that has been made~~
4 ~~roadworthy who applies for a certificate of title as provided in section~~
5 ~~42-6-116 shall include such information regarding the vehicle as the~~
6 ~~director may require by rule. The owner shall provide to the director~~
7 ~~evidence of ownership that satisfies the director that the applicant is~~
8 ~~entitled to filing of a certificate of title. The director or the authorized~~
9 ~~agent shall designate in a conspicuous place in the record for a vehicle~~
10 ~~that it is a salvage vehicle that has been made roadworthy. Such~~
11 ~~designation shall include the words "REBUILT FROM SALVAGE" and~~
12 ~~shall become a permanent part of the certificate of title for such vehicle~~
13 ~~and shall appear on all subsequent certificates of title for such vehicle.~~

14 ~~(b) (I) An owner of a salvage motor vehicle that has been made~~
15 ~~roadworthy who applies for a certificate of title as provided in section~~
16 ~~42-6-116 shall include a certified VIN inspection, DR2704, performed by~~
17 ~~a law enforcement officer certified as a VIN inspector.~~

18 ~~(II) Prior to the inspection, the applicant shall stamp into the~~
19 ~~motor vehicle the words "REBUILT FROM SALVAGE" with each letter~~
20 ~~being not less than one-fourth inch in size. Such words shall be a salvage~~
21 ~~brand and be stamped in the following locations:~~

22 ~~(A) In a motorcycle, on the frame in a visible location;~~

23 ~~(B) In a class A manufactured motor home, on the main entrance~~
24 ~~door jamb;~~

25 ~~(C) In a trailer, adjacent to the public vehicle identification~~
26 ~~number;~~

27 ~~(D) In all other motor vehicles, on the body post to which the~~

1 driver's door latches, also known as the driver's door B pillar.

2 ~~(HH) The law enforcement officer shall not complete the~~
3 ~~inspection required by this paragraph (b) unless the salvage brand~~
4 ~~complies with this paragraph (b).~~

5 ~~(c) (I) Except as provided in subparagraph (H) of this paragraph~~
6 ~~(c), a person commits a class 1 misdemeanor and, upon conviction, shall~~
7 ~~be punished as provided in section 18-1.3-501, C.R.S., if such person:~~

8 ~~(A) Intentionally removes or alters a salvage brand; or~~

9 ~~(B) Possesses a motor vehicle without retitling the vehicle with a~~
10 ~~salvage brand for forty-five days after learning that the motor vehicle's~~
11 ~~salvage brand may have been removed or altered.~~

12 ~~(H) A person may remove or alter a salvage brand if necessary to~~
13 ~~legitimately repair a motor vehicle. Such person shall provide evidence~~
14 ~~of such repair to the investigating law enforcement authority, including~~
15 ~~pre-repair and post-repair photographs of the affected motor vehicle part~~
16 ~~and the salvage brand and a signed affidavit describing the repairs. Upon~~
17 ~~repair, or subsequent repair, the vehicle shall be restamped.~~

18 **SECTION 5.** In Colorado Revised Statutes, **add** 42-6-136.5 as
19 follows:

20 **42-6-136.5. Salvage title.** (1) UPON THE SALE OR TRANSFER OF A
21 MOTOR VEHICLE FOR WHICH A CURRENT COLORADO CERTIFICATE OF TITLE
22 HAS BEEN ISSUED OR FILED AND THAT HAS BECOME A SALVAGE VEHICLE,
23 THE PURCHASER OR TRANSFEREE SHALL APPLY FOR A SALVAGE
24 CERTIFICATE OF TITLE. THE OWNER OF THE VEHICLE MAY APPLY FOR A
25 SALVAGE CERTIFICATE OF TITLE BEFORE THE SALE OR TRANSFER OF THE
26 VEHICLE. TO BE ISSUED A SALVAGE TITLE, AN OWNER APPLYING FOR A
27 SALVAGE CERTIFICATE OF TITLE MUST PROVIDE THE DIRECTOR WITH

1 EVIDENCE OF OWNERSHIP THAT SATISFIES THE DIRECTOR OF THE
2 APPLICANT'S RIGHT TO HAVE A SALVAGE CERTIFICATE OF TITLE FILED IN
3 THE APPLICANT'S FAVOR.

4 (2) (a) AN OWNER OF A SALVAGE MOTOR VEHICLE THAT HAS BEEN
5 MADE ROADWORTHY WHO APPLIES FOR A CERTIFICATE OF TITLE AS
6 PROVIDED IN SECTION 42-6-116 SHALL INCLUDE THE INFORMATION
7 REGARDING THE VEHICLE AS THE DIRECTOR MAY REQUIRE BY RULE. TO BE
8 ISSUED A SALVAGE TITLE, THE OWNER MUST PROVIDE TO THE DIRECTOR
9 EVIDENCE OF OWNERSHIP THAT SATISFIES THE DIRECTOR THAT THE
10 APPLICANT IS ENTITLED TO FILE A CERTIFICATE OF TITLE. THE DIRECTOR
11 SHALL PLACE A DESIGNATION IN A CONSPICUOUS PLACE IN THE RECORD
12 WHEN A SALVAGE VEHICLE HAS BEEN MADE ROADWORTHY. THE DIRECTOR
13 SHALL INCLUDE THE WORDS "REBUILT FROM SALVAGE" AND SHALL
14 MAKE THE DESIGNATION A PERMANENT PART OF THE CERTIFICATE OF TITLE
15 FOR THE VEHICLE, SO THAT THE PHRASE APPEARS ON ALL SUBSEQUENT
16 CERTIFICATES OF TITLE FOR THE VEHICLE.

17 (b) (I) AN OWNER OF A SALVAGE MOTOR VEHICLE THAT HAS BEEN
18 MADE ROADWORTHY WHO APPLIES FOR A CERTIFICATE OF TITLE IN
19 ACCORDANCE WITH SECTION 42-6-116 SHALL INCLUDE A CERTIFIED VIN
20 INSPECTION IN ACCORDANCE WITH SECTION 42-5-202 BY A CERTIFIED VIN
21 INSPECTOR.

22 (II) TO PASS THE VIN INSPECTION REQUIRED BY THIS PARAGRAPH
23 (b), THE APPLICANT MUST STAMP A MOTOR VEHICLE WITH A SALVAGE
24 BRAND USING THE WORDS "REBUILT FROM SALVAGE" WITH EACH
25 LETTER BEING NOT LESS THAN ONE-FOURTH INCH IN HEIGHT. THE BRAND
26 MUST BE PLACED IN THE FOLLOWING LOCATIONS:

27 (A) IN A MOTORCYCLE, ON THE FRAME IN A VISIBLE LOCATION;

1 (B) IN A CLASS A MANUFACTURED MOTOR HOME, ON THE MAIN
2 ENTRANCE DOOR JAMB;

3 (C) IN A TRAILER, ADJACENT TO THE PUBLIC VEHICLE
4 IDENTIFICATION NUMBER; AND

5 (D) IN ALL OTHER MOTOR VEHICLES, ON THE BODY POST TO WHICH
6 THE DRIVER'S DOOR LATCHES, ALSO KNOWN AS THE DRIVER'S DOOR B
7 PILLAR.

8 (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH (c), A PERSON COMMITS A CLASS 1 MISDEMEANOR AND, UPON
10 CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501,
11 C.R.S., IF THE PERSON:

12 (A) INTENTIONALLY REMOVES OR ALTERS A SALVAGE BRAND; OR

13 (B) POSSESSES A MOTOR VEHICLE WITHOUT RETITLING THE
14 VEHICLE WITH A SALVAGE BRAND FOR FORTY-FIVE DAYS AFTER LEARNING
15 THAT THE MOTOR VEHICLE'S SALVAGE BRAND MAY HAVE BEEN REMOVED
16 OR ALTERED.

17 (II) A PERSON MAY REMOVE OR ALTER A SALVAGE BRAND IF
18 NECESSARY TO LEGITIMATELY REPAIR A MOTOR VEHICLE. TO QUALIFY FOR
19 THIS EXCEPTION, THE PERSON MUST PROVIDE EVIDENCE OF THE REPAIR TO
20 THE INVESTIGATING LAW ENFORCEMENT AUTHORITY. THE EVIDENCE MUST
21 INCLUDE PRE-REPAIR AND POST-REPAIR PHOTOGRAPHS OF THE AFFECTED
22 MOTOR VEHICLE PART AND THE SALVAGE BRAND AND A SIGNED AFFIDAVIT
23 DESCRIBING THE REPAIRS. UPON REPAIR, OR SUBSEQUENT REPAIR, THE
24 PERSON OR OWNER MUST RESTAMP THE VEHICLE.

25 **SECTION 6.** In Colorado Revised Statutes, **add** 42-12-105 as
26 follows:

27 **42-12-105. Evidence of ownership of parts - copy of**

1 **nonrepairable title.** THE DIRECTOR SHALL ACCEPT A COPY OF THE
2 NONREPAIRABLE TITLE AS EVIDENCE OF OWNERSHIP OF A PART WHEN THE
3 PART IS USED TO RESTORE ANOTHER VEHICLE UNDER THIS ARTICLE.

4 **SECTION 7. Appropriation.** (1) In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys in the
6 Colorado state titling and registration account of the highway users tax
7 fund created in section 42-1-211 (2), Colorado Revised Statutes, not
8 otherwise appropriated, to the department of revenue, for the fiscal year
9 beginning July 1, 2014, the sum of \$97,850, or so much thereof as may
10 be necessary, to be allocated to the information technology division for
11 the purchase of computer programming services related to the
12 implementation of this act.

13 (2) In addition to any other appropriation, there is hereby
14 appropriated to the governor - lieutenant governor - state planning and
15 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$97,850,
16 or so much thereof as may be necessary, for allocation to the office of
17 information technology, for the provision of computer center services for
18 the department of revenue related to the implementation of this act. Said
19 sum is from reappropriated funds received from the department of
20 revenue out of the appropriation made in subsection (1) of this section.

21 **SECTION 8. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 6, 2014, if adjournment sine die is on May 7,
25 2014); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2014 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to acts committed on or after January 1, 2015.