

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 20-0668.01 Thomas Morris x4218

SENATE BILL 20-036

SENATE SPONSORSHIP

Zenzinger and Cooke, Bridges, Donovan, Garcia, Gardner, Ginal, Gonzales, Hansen, Hisey, Holbert, Lee, Marble, Moreno, Rankin, Rodriguez, Scott, Smallwood, Sonnenberg, Story, Tate, Todd, Woodward

HOUSE SPONSORSHIP

Liston and Melton,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUBMISSION TO THE FEDERAL ENVIRONMENTAL**
102 **PROTECTION AGENCY OF A PROPOSED REVISION TO THE STATE**
103 **IMPLEMENTATION PLAN THAT WOULD ENABLE A VEHICLE THAT**
104 **FAILS THE ON-BOARD DIAGNOSTICS TEST SOLELY BECAUSE A**
105 **CHECK ENGINE LIGHT IS ILLUMINATED ON THE VEHICLE'S**
106 **DASHBOARD TO UNDERGO A TAILPIPE EMISSIONS TEST.**

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>.)

Under current law, a motor vehicle fails an emissions inspection

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

SENATE
3rd Reading Unamended
February 3, 2020

SENATE
Amended 2nd Reading
January 31, 2020

solely because a check engine light is illuminated on the motor vehicle's dashboard, regardless of what the vehicle's actual emissions are. The bill directs the air quality control commission to submit to the federal environmental protection agency by May 5, 2021, a proposed revision to the state implementation plan that would enable a vehicle that fails the on-board diagnostics test solely because a check engine light is illuminated on the vehicle's dashboard to undergo a tailpipe emissions test.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-306, **add** (7)(c)
3 as follows:

4 **42-4-306. Powers and duties of commission - automobile**
5 **inspection and readjustment program - basic emissions program -**
6 **enhanced emissions program - clean screen program - repeal.**

7 (7) (c) (I) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
8 SHALL SEEK APPROVAL FROM THE ENVIRONMENTAL PROTECTION AGENCY
9 OF A PROPOSED REVISION TO THE SIP THAT WOULD REPLACE THE EXISTING
10 ON-BOARD DIAGNOSTICS TEST WITH AN IM240 TAILPIPE EMISSIONS TEST
11 AS SPECIFIED IN GUIDANCE ISSUED BY THE ENVIRONMENTAL PROTECTION
12 AGENCY, EXCEPT IN CASES WHERE THE VEHICLE CANNOT BE TESTED USING
13 THE TAILPIPE EMISSIONS TEST, INCLUDING WHERE USING THE TAILPIPE
14 EMISSIONS TEST WOULD BE UNSAFE. THE DEPARTMENT SHALL SUBMIT THE
15 PROPOSED SIP REVISION TO THE COMMISSION BY SEPTEMBER 31, 2020;
16 THE COMMISSION SHALL ADOPT THE PROPOSAL BY DECEMBER 31, 2020;
17 AND THE DEPARTMENT SHALL SUBMIT THE PROPOSAL TO THE
18 ENVIRONMENTAL PROTECTION AGENCY BY MAY 5, 2021. BEFORE
19 SUBMITTING THE PROPOSAL TO THE COMMISSION, THE DEPARTMENT SHALL
20 PROVIDE THE OPPORTUNITY FOR WRITTEN COMMENT AND SHALL HOLD A
21 STAKEHOLDER MEETING TO SOLICIT INPUT ON THE PROPOSAL. THE

1 PROPOSAL MUST TAKE INTO CONSIDERATION ANY STAKEHOLDER INPUT
2 RECEIVED, INCLUDING FROM EMISSIONS INSPECTORS, OWNERS OF VEHICLES
3 THAT FAILED THE ON-BOARD DIAGNOSTICS TEST SOLELY BECAUSE A CHECK
4 ENGINE LIGHT WAS ILLUMINATED ON THE VEHICLES' DASHBOARDS,
5 LEGISLATORS, MOTOR VEHICLE MANUFACTURERS, AND AIR QUALITY
6 CONTROL EXPERTS.

7 (II) THIS SUBSECTION (7)(c) WILL BE REPEALED IF THE
8 ENVIRONMENTAL PROTECTION AGENCY REJECTS THE PROPOSED SIP
9 REVISION SUBMITTED PURSUANT TO SUBSECTION (7)(c)(I) OF THIS
10 SECTION. THE DIRECTOR OF THE DIVISION SHALL NOTIFY THE REVISOR OF
11 STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED
12 IN THIS SUBSECTION (7)(c)(II) HAS OCCURRED BY E-MAILING THE NOTICE
13 TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (7)(c) IS
14 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
15 THE CONDITION OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT
16 DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.