

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0125.01 Jennifer Berman x3286

SENATE BILL 22-179

SENATE SPONSORSHIP

Ginal and Liston,

HOUSE SPONSORSHIP

Lontine,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS TAMPERING WITH A MOTOR
102 VEHICLE'S EMISSION CONTROL SYSTEM.

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>.)

Section 5 of the bill prohibits a person, on or after March 1, 2023, from tampering with a motor vehicle's emission control system, conveying or offering to convey a motor vehicle with an emission control system that has been tampered with, or operating a motor vehicle with an emission control system that has been tampered with (anti-tampering provisions).

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.

Section 5 also:

- Provides a "safe harbor" from enforcement of the anti-tampering provisions for a period up to one year for a person that self-reports noncompliance with the anti-tampering provisions;
- Authorizes the air quality control commission to adopt rules as necessary to implement the anti-tampering provisions;
- Exempts motorcycles from the anti-tampering provisions; and
- Requires the department of public health and environment, on or before January 1, 2024, and on or before January 1 of each year thereafter, to report to the committees that hear energy matters a summary of the complaints filed, enforcement actions taken, and penalties assessed for violations of the anti-tampering provisions.

Section 1 authorizes the attorney general to bring a civil action to enforce the anti-tampering provisions, and **sections 3 and 4** establish penalties for the anti-tampering provisions. **Section 3** requires penalties collected to be credited to the catalytic converter identification and theft prevention grant program cash fund (fund), which fund is created in **section 2** and is to be used for the catalytic converter identification and theft prevention grant program created in House Bill 22-1217, if that bill becomes law. **Sections 2 and 3** take effect only if House Bill 22-1217 becomes law. Alternatively, if House Bill 22-1217 does not become law, **section 4** requires penalties collected to be credited to the AIR account in the highway users tax fund for the administration of the automobile inspection and readjustment program. **Section 4** takes effect only if House Bill 22-1217 does not become law.

Section 6 makes nonsubstantive changes to the definition of "motor vehicle".

Section 7 extends the period during which a motor vehicle dealer remains liable to a consumer for a recently purchased motor vehicle's compliance with emissions standards from 3 business days after purchase to 7 business days after purchase.

Section 8 authorizes the department of revenue to deny, suspend, or revoke a motor vehicle dealer's, wholesale motor vehicle auction dealer's, wholesaler's, buyer agent's, or used motor vehicle dealer's license for selling to a retail customer a motor vehicle that is not equipped with a properly functioning emission control system.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-101, **amend**

1 (1)(p) and (1)(q); and **add** (1)(r) as follows:

2 **24-31-101. Powers and duties of attorney general.** (1) The
3 attorney general:

4 (p) May bring a civil action to enforce ~~the provisions of~~ section
5 24-31-113; and

6 (q) May bring a civil action to enforce ~~the provisions of~~ section
7 24-31-307 (2) or a criminal action to enforce ~~the provisions of~~ section
8 24-31-307 (3); AND

9 (r) MAY BRING A CIVIL ACTION TO ENFORCE SECTION 25-7-143.

10 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-230, **as**
11 **added by House Bill 22-1217, add** (5.5) as follows:

12 **24-33.5-230. Catalytic converter identification and theft**
13 **prevention grant program - cash fund - creation - repeal.**

14 (5.5) (a) THE CATALYTIC CONVERTER IDENTIFICATION AND THEFT
15 PREVENTION GRANT PROGRAM CASH FUND, REFERRED TO IN THIS
16 SUBSECTION (5.5) AS THE "FUND", IS CREATED IN THE STATE TREASURY.
17 MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE COLORADO
18 STATE PATROL, WHICH SHALL ADMINISTER THE FUND TO IMPLEMENT THE
19 CATALYTIC CONVERTER IDENTIFICATION AND THEFT PREVENTION GRANT
20 PROGRAM CREATED IN SUBSECTION (1) OF THIS SECTION.

21 (b) THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
22 PURSUANT TO SECTION 25-7-122 (1)(j)(III) AND ANY OTHER MONEY THAT
23 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.
24 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
25 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
26 FUND.

27 (c) THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED

1 MONEY REMAINING IN THE FUND ON JUNE 30, 2025, TO THE AIR ACCOUNT
2 IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS CREATED IN
3 SECTION 42-3-304 (18)(a).

4 **SECTION 3.** In Colorado Revised Statutes, 25-7-122, **add** (1)(j)
5 as follows:

6 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
7 application of the division, the division may collect penalties as
8 determined under this article 7 by instituting an action in the district court
9 for the district in which the air pollution source affected is located, in
10 accordance with the following provisions:

11 (j) (I) A PERSON WHO VIOLATES SECTION 25-7-143 IS SUBJECT TO
12 A CIVIL PENALTY IN THE FOLLOWING AMOUNT:

13 (A) FOR EACH MOTOR VEHICLE FOR WHICH THE VIOLATION WAS
14 COMMITTED, A PERSON WHO OWNS OR OPERATES TEN OR MORE MOTOR
15 VEHICLES AS PART OF THE PERSON'S BUSINESS OR COMMERCIAL ACTIVITIES
16 IS SUBJECT TO A PENALTY OF UP TO ONE THOUSAND DOLLARS FOR A FIRST
17 VIOLATION, UP TO SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A
18 SECOND VIOLATION, AND UP TO FIFTEEN THOUSAND DOLLARS FOR A THIRD
19 OR SUBSEQUENT VIOLATION; OR

20 (B) FOR EACH MOTOR VEHICLE FOR WHICH THE VIOLATION WAS
21 COMMITTED, A PERSON WHO OWNS OR OPERATES NINE OR FEWER MOTOR
22 VEHICLES IS SUBJECT TO A PENALTY OF UP TO TWO HUNDRED DOLLARS FOR
23 THE FIRST VIOLATION, UP TO FIVE HUNDRED DOLLARS FOR THE SECOND
24 VIOLATION, AND UP TO ONE THOUSAND TWO HUNDRED DOLLARS FOR A
25 THIRD OR SUBSEQUENT VIOLATION.

26 (II) NOTWITHSTANDING SUBSECTION (1)(j)(I)(B) OF THIS SECTION,
27 A PERSON WHO VIOLATES SECTION 25-7-143 BY TAMPERING WITH, OR

1 ASSISTING ANOTHER PERSON IN TAMPERING WITH, AN EMISSION CONTROL
2 SYSTEM FOR PROFIT IS SUBJECT TO A PENALTY UNDER SUBSECTION
3 (1)(j)(I)(A) OF THIS SECTION REGARDLESS OF THE NUMBER OF MOTOR
4 VEHICLES OWNED OR OPERATED.

5 (III) NOTWITHSTANDING SECTION 25-7-129, THE DIVISION SHALL
6 TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION
7 (1)(j) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE
8 CATALYTIC CONVERTER IDENTIFICATION AND THEFT PREVENTION GRANT
9 PROGRAM CASH FUND CREATED IN SECTION 24-33.5-230 (5.5). THE
10 COLORADO STATE PATROL SHALL USE THE MONEY CREDITED TO THE FUND
11 TO IMPLEMENT THE CATALYTIC CONVERTER IDENTIFICATION AND THEFT
12 PREVENTION GRANT PROGRAM CREATED IN SECTION 24-33.5-230 (1).

13 **SECTION 4.** In Colorado Revised Statutes, 25-7-122, **add** (1)(j)
14 as follows:

15 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
16 application of the division, the division may collect penalties as
17 determined under this article 7 by instituting an action in the district court
18 for the district in which the air pollution source affected is located, in
19 accordance with the following provisions:

20 (j) (I) A PERSON WHO VIOLATES SECTION 25-7-143 IS SUBJECT TO
21 A CIVIL PENALTY IN THE FOLLOWING AMOUNT:

22 (A) FOR EACH MOTOR VEHICLE FOR WHICH THE VIOLATION WAS
23 COMMITTED, A PERSON WHO OWNS OR OPERATES TEN OR MORE MOTOR
24 VEHICLES AS PART OF THE PERSON'S BUSINESS OR COMMERCIAL ACTIVITIES
25 IS SUBJECT TO A PENALTY OF UP TO ONE THOUSAND DOLLARS FOR A FIRST
26 VIOLATION, UP TO SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A
27 SECOND VIOLATION, AND UP TO FIFTEEN THOUSAND DOLLARS FOR A THIRD

1 OR SUBSEQUENT VIOLATION; OR

2 (B) FOR EACH MOTOR VEHICLE FOR WHICH THE VIOLATION WAS
3 COMMITTED, A PERSON WHO OWNS OR OPERATES NINE OR FEWER MOTOR
4 VEHICLES IS SUBJECT TO A PENALTY OF UP TO TWO HUNDRED DOLLARS FOR
5 THE FIRST VIOLATION, UP TO FIVE HUNDRED DOLLARS FOR THE SECOND
6 VIOLATION, AND UP TO ONE THOUSAND TWO HUNDRED DOLLARS FOR A
7 THIRD OR SUBSEQUENT VIOLATION.

8 (II) NOTWITHSTANDING SUBSECTION (1)(j)(I)(B) OF THIS SECTION,
9 A PERSON WHO VIOLATES SECTION 25-7-143 BY TAMPERING WITH, OR
10 ASSISTING ANOTHER PERSON IN TAMPERING WITH, AN EMISSION CONTROL
11 SYSTEM FOR PROFIT IS SUBJECT TO A PENALTY UNDER SUBSECTION
12 (1)(j)(I)(A) OF THIS SECTION REGARDLESS OF THE NUMBER OF MOTOR
13 VEHICLES OWNED OR OPERATED.

14 (III) NOTWITHSTANDING SECTION 25-7-129, THE DIVISION SHALL
15 TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION
16 (1)(j) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE
17 AIR ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS
18 CREATED IN SECTION 42-3-304 (18)(a). THE DIVISION AND THE
19 DEPARTMENT OF REVENUE SHALL USE THE MONEY CREDITED TO THE
20 ACCOUNT FOR THEIR JOINT ADMINISTRATION OF THE AUTOMOBILE
21 INSPECTION AND READJUSTMENT PROGRAM DEFINED IN SECTION 42-4-304
22 (1).

23 **SECTION 5.** In Colorado Revised Statutes, **add** 25-7-143 as
24 follows:

25 **25-7-143. Tampering with motor vehicle emission control**
26 **systems - violations - exceptions - rules - reporting - definitions.**

27 (1) ON OR AFTER MARCH 1, 2023, EXCEPT AS PROVIDED OTHERWISE IN

1 THIS SECTION, A PERSON SHALL NOT:

2 (a) TAMPER WITH ANY EMISSION CONTROL SYSTEM;

3 (b) SELL, OFFER FOR SALE, OR POSSESS FOR SALE TO AN END USER;
4 ADVERTISE; MANUFACTURE; INSTALL; OR USE ANY PART OR COMPONENT
5 THAT IS INTENDED FOR USE WITH, OR AS PART OF, ANY MOTOR VEHICLE IF
6 THE PRIMARY EFFECT OF USING THE PART OR COMPONENT WITH THE
7 MOTOR VEHICLE IS TO BYPASS, DEFEAT, OR RENDER INOPERATIVE, IN
8 WHOLE OR IN PART, THE EMISSION CONTROL SYSTEM; OR

9 (c) EXCEPT WITH RESPECT TO A MOTOR VEHICLE SOLD AT
10 WHOLESALE OR FOR WHICH THE ASSOCIATED OWNERSHIP DOCUMENT IS A
11 SALVAGE CERTIFICATE OF TITLE, A NONREPAIRABLE TITLE, OR, IF ISSUED
12 BY ANOTHER STATE, A SIMILAR DOCUMENT:

13 (I) SELL, LEASE, OR RENT A MOTOR VEHICLE WITH AN EMISSION
14 CONTROL SYSTEM THAT HAS BEEN TAMPERED WITH;

15 (II) OFFER TO SELL, LEASE, OR RENT A MOTOR VEHICLE WITH AN
16 EMISSION CONTROL SYSTEM THAT HAS BEEN TAMPERED WITH; OR

17 (III) TRANSFER OR OFFER TO TRANSFER TITLE TO, OR THE RIGHT TO
18 POSSESS, A MOTOR VEHICLE WITH AN EMISSION CONTROL SYSTEM THAT
19 HAS BEEN TAMPERED WITH.

20 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
21 SECTION, ON OR AFTER MARCH 1, 2023, A PERSON SHALL NOT OPERATE A
22 MOTOR VEHICLE WITH AN EMISSION CONTROL SYSTEM THAT HAS BEEN
23 TAMPERED WITH IF:

24 (I) THE MOTOR VEHICLE OR ITS ENGINE HAS BEEN GRANTED A
25 CERTIFICATE OF CONFORMITY UNDER THE FEDERAL ACT AS MEETING THE
26 FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S MOTOR VEHICLE
27 EMISSION STANDARDS OR, UNDER 42 U.S.C. SEC. 7507, ALSO KNOWN AS

1 "SECTION 177" OF THE FEDERAL ACT, CALIFORNIA'S MOTOR VEHICLE
2 EMISSION STANDARDS; AND

3 (II) THE PERSON KNEW OR, THROUGH THE EXERCISE OF
4 REASONABLE CARE, SHOULD HAVE KNOWN THAT THE EMISSION CONTROL
5 SYSTEM WAS TAMPERED WITH.

6 (b) A PERSON DOES NOT OPERATE A MOTOR VEHICLE IN VIOLATION
7 OF THIS SUBSECTION (2) IF ANOTHER PERSON TAMPERED WITH THE
8 EMISSION CONTROL SYSTEM IN RELATION TO, OR AFTER COMMITTING,
9 THEFT OF THE MOTOR VEHICLE, AND THE PERSON OPERATING THE MOTOR
10 VEHICLE IS NEITHER A COMPLICITOR OF NOR AN ACCESSORY TO THE THEFT.

11 (c) IF A COMPLAINT ALLEGING A VIOLATION OF THIS SUBSECTION
12 (2) IS FILED AGAINST A PERSON WHO HAS ALREADY BEEN FOUND TO HAVE
13 VIOLATED THIS SUBSECTION (2) ON A PREVIOUS OCCASION, THE PERSON IS
14 STRICTLY LIABLE, AND EVIDENCE DEMONSTRATING THE MENTAL STATE
15 REQUIRED IN SUBSECTION (2)(a)(II) OF THIS SECTION NEED NOT BE SHOWN
16 TO PROVE A SUBSEQUENT VIOLATION.

17 (3) THE FOLLOWING ACTIVITIES CONSTITUTE SEPARATE OFFENSES
18 UNDER THIS SECTION:

19 (a) SELLING, OFFERING FOR SALE, OR POSSESSING FOR SALE TO AN
20 END USER; ADVERTISING; MANUFACTURING; INSTALLING; OR USING A PART
21 OR COMPONENT OF A MOTOR VEHICLE IN VIOLATION OF SUBSECTION (1)(b)
22 OF THIS SECTION; AND

23 (b) SELLING, LEASING, OR RENTING A MOTOR VEHICLE; OFFERING
24 TO SELL, LEASE, OR RENT A MOTOR VEHICLE; OR TRANSFERRING OR
25 OFFERING TO TRANSFER A TITLE OR A RIGHT TO POSSESS A MOTOR VEHICLE
26 IN VIOLATION OF SUBSECTION (1)(c) OF THIS SECTION.

27 (4) A PERSON DOES NOT VIOLATE SUBSECTION (1)(b) OR (1)(c) OF

1 THIS SECTION IF THE PERSON ENGAGES IN THE CONDUCT FOR THE PURPOSE
2 OF HAVING THE MOTOR VEHICLE'S EMISSION CONTROL SYSTEM, OR AN
3 ELEMENT OR DEVICE OF AN EMISSION CONTROL SYSTEM, REPAIRED,
4 REPLACED, REMOVED FOR REPAIR, OR REMOVED FOR REPLACEMENT TO
5 BRING THE MOTOR VEHICLE IN COMPLIANCE WITH EMISSION CONTROL
6 STANDARDS UNDER THE FEDERAL ACT OR STATE LAW.

7 (5) (a) A PERSON IS NOT SUBJECT TO PENALTIES OR AN
8 ENFORCEMENT ACTION FOR A VIOLATION OF THIS SECTION WITH RESPECT
9 TO ANY MOTOR VEHICLE FOR WHICH THE PERSON SELF-REPORTS TO THE
10 DIVISION THAT THE PERSON IS NOT IN COMPLIANCE WITH THIS SECTION. IF
11 A COMPLAINT HAS BEEN FILED AGAINST THE PERSON WITH RESPECT TO ONE
12 OR MORE MOTOR VEHICLES, THE PERSON IS NOT SUBJECT TO PENALTIES OR
13 AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS SECTION WITH
14 RESPECT TO ANY ADDITIONAL MOTOR VEHICLES FOR WHICH THE PERSON
15 SELF-REPORTS THAT THE PERSON IS NOT IN COMPLIANCE WITH THIS
16 SECTION.

17 (b) THE COMMISSION SHALL DETERMINE BY RULE THE FORM,
18 MANNER, AND SUBSTANCE OF INFORMATION REQUIRED FOR
19 SELF-REPORTING UNDER THIS SUBSECTION (5).

20 (c) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, IF A
21 PERSON SELF-REPORTS PURSUANT TO THIS SUBSECTION (5) THAT THE
22 PERSON IS NOT IN COMPLIANCE WITH THIS SECTION WITH RESPECT TO A
23 MOTOR VEHICLE, BUT THE PERSON DOES NOT BECOME COMPLIANT WITH
24 THIS SECTION WITHIN TWELVE MONTHS AFTER THE DATE OF
25 SELF-REPORTING WITH REGARD TO THE MOTOR VEHICLE, THE PERSON IS
26 SUBJECT TO PENALTIES OR AN ENFORCEMENT ACTION FOR A VIOLATION OF
27 THIS SECTION WITH RESPECT TO THAT MOTOR VEHICLE.

1 (6) THE COMMISSION MAY ADOPT RULES AS NECESSARY TO
2 IMPLEMENT THIS SECTION.

3 (7) (a) ON OR BEFORE JANUARY 1, 2024, AND ON OR BEFORE
4 JANUARY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC
5 HEALTH AND ENVIRONMENT SHALL:

6 (I) PREPARE AN ANNUAL REPORT SUMMARIZING THE COMPLAINTS
7 FILED PURSUANT TO THIS SECTION AND ANY ENFORCEMENT ACTIONS
8 TAKEN AND PENALTY AMOUNTS ASSESSED PURSUANT TO SECTION
9 25-7-122 (1)(j); AND

10 (II) SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES
11 ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE
12 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
13 COMMITTEES.

14 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
15 REPORTING REQUIREMENT SET FORTH IN SUBSECTION (7)(a) OF THIS
16 SECTION CONTINUES INDEFINITELY.

17 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) (I) "EMISSION CONTROL SYSTEM" MEANS A DEVICE OR
20 ELEMENT OF DESIGN THAT:

21 (A) THE ORIGINAL MANUFACTURER INSTALLS ON OR IN A MOTOR
22 VEHICLE OR A MOTOR VEHICLE ENGINE; AND

23 (B) IS CERTIFIED TO COMPLY WITH EMISSION CONTROL STANDARDS
24 UNDER THE FEDERAL ACT OR STATE LAW.

25 (II) "EMISSION CONTROL SYSTEM" INCLUDES A CATALYTIC
26 CONVERTER.

27 (b) "MANUFACTURER" MEANS ANY PERSON THAT MANUFACTURES

1 OR ASSEMBLES NEW AND UNUSED MOTOR VEHICLES OF A TYPE REQUIRED
2 TO BE REGISTERED PURSUANT TO SECTION 42-3-103.

3 (c) "MOTORCYCLE" MEANS AN AUTOCYCLE OR A MOTOR VEHICLE
4 THAT USES HANDLEBARS OR ANY OTHER DEVICE CONNECTED TO THE
5 FRONT WHEEL TO STEER AND THAT IS DESIGNED TO TRAVEL ON NOT MORE
6 THAN THREE WHEELS IN CONTACT WITH THE GROUND; EXCEPT THAT THE
7 TERM DOES NOT INCLUDE A FARM TRACTOR, LOW-SPEED ELECTRIC
8 VEHICLE, OR LOW-POWER SCOOTER.

9 (d) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
10 42-1-102 (58); EXCEPT THAT THE TERM DOES NOT INCLUDE A
11 MOTORCYCLE.

12 (e) "TAMPER" MEANS TO DEACTIVATE, DISMANTLE, DEFEAT,
13 BYPASS, ALTER, MODIFY, REMOVE, OR OTHERWISE RENDER INOPERABLE,
14 IN WHOLE OR IN PART, MECHANICAL OR ELECTRICAL PARTS OR
15 COMPONENTS OF AN EMISSION CONTROL SYSTEM.

16 **SECTION 6.** In Colorado Revised Statutes, 42-1-102, **amend**
17 (58) as follows:

18 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
19 unless the context otherwise requires:

20 (58) "Motor vehicle":

21 (a) Means any self-propelled vehicle that is designed primarily for
22 travel on the public highways and that is generally and commonly used
23 to transport persons and property over the public highways or a low-speed
24 electric vehicle; except that the term does not include electrical assisted
25 bicycles, electric scooters, low-power scooters EXCEPT AS PROVIDED IN
26 SUBSECTION (58)(b) OF THIS SECTION, wheelchairs, or vehicles moved
27 solely by human power; For

1 (b) INCLUDES A LOW-POWER SCOOTER FOR THE PURPOSES OF
2 SECTIONS 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206,
3 42-4-1301, AND 42-4-1301.1; AND

4 (c) DOES NOT INCLUDE A FARM TRACTOR OR AN OFF-HIGHWAY
5 VEHICLE, EXCEPT FOR THE PURPOSES OF THE OFFENSES DESCRIBED IN SECTIONS
6 42-2-128, 42-4-1301, 42-4-1301.1, AND 42-4-1401, ~~FOR FARM TRACTORS AND~~
7 ~~OFF-HIGHWAY VEHICLES, AS DEFINED IN SECTION 33-14.5-101 (3), WHEN~~
8 ~~OPERATED ON STREETS AND HIGHWAYS. "MOTOR VEHICLE" INCLUDES A FARM TRACTOR~~
9 ~~OR AN OFF-HIGHWAY VEHICLE THAT IS NOT OTHERWISE CLASSIFIED AS A MOTOR~~
10 ~~VEHICLE. FOR THE PURPOSES OF SECTIONS 42-2-127, 42-2-127.7, 42-2-128,~~
11 ~~42-2-138, 42-2-206, 42-4-1301, AND 42-4-1301.1, "MOTOR VEHICLE"~~
12 ~~INCLUDES A LOW-POWER SCOOTER.~~

13 **SECTION 7.** In Colorado Revised Statutes, 42-4-309, **amend**
14 (6)(b) as follows:

15 **42-4-309. Vehicle fleet owners - motor vehicle dealers -**
16 **authority to conduct inspections - fleet inspection stations - motor**
17 **vehicle dealer test facilities - contracts with licensed inspection-only**
18 **entities.** (6) (b) If a vehicle inspected with a voucher as authorized in this
19 ~~paragraph (b)~~ SUBSECTION (6)(b) fails a test at an enhanced inspection
20 center and is returned TO THE DEALER within ~~three~~ SEVEN business days
21 after its purchase, the dealer, at its option, shall repair the motor vehicle
22 to pass the emissions test, pay the consumer to obtain ~~such~~ FROM A THIRD
23 PARTY ANY repairs NEEDED to pass the emissions test, ~~from a third party,~~
24 or repurchase the vehicle at the vehicle's purchase price. After such
25 payment, repair, or repurchase, a dealer ~~shall have no further liability~~ IS
26 NO LONGER LIABLE to the consumer for compliance with the requirements
27 of the enhanced emissions program.

1 **SECTION 8.** In Colorado Revised Statutes, 44-20-121, **add** (3)(s)
2 as follows:

3 **44-20-121. Licenses - grounds for denial, suspension, or**
4 **revocation.** (3) A motor vehicle dealer's, wholesale motor vehicle
5 auction dealer's, wholesaler's, buyer agent's, or used motor vehicle
6 dealer's license may be denied, suspended, or revoked on the following
7 grounds:

8 (s) SELLING TO A RETAIL CUSTOMER A MOTOR VEHICLE THAT IS
9 NOT EQUIPPED WITH A PROPERLY FUNCTIONING EMISSION CONTROL
10 SYSTEM, AS DETERMINED BASED ON AN ENFORCEMENT ACTION TAKEN
11 PURSUANT TO SECTIONS 22-7-122 (1)(j) AND 25-7-143, UNLESS THE
12 OWNERSHIP DOCUMENT ASSOCIATED WITH THE MOTOR VEHICLE IS A
13 SALVAGE CERTIFICATE OF TITLE, A NONREPAIRABLE TITLE, OR, IF ISSUED
14 BY ANOTHER STATE, A SIMILAR DOCUMENT.

15 **SECTION 9. Act subject to petition - effective date -**
16 **applicability.** (1) Except as otherwise provided in subsections (2) and
17 (3) of this section, this act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly; except that, if a referendum petition is filed pursuant
20 to section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part will not take effect unless approved by the people at the
23 general election to be held in November 2022 and, in such case, will take
24 effect on the date of the official declaration of the vote thereon by the
25 governor.

26 (2) Sections 2 and 3 of this act take effect only if House Bill
27 22-1217 becomes law, in which case sections 2 and 3 take effect in

1 accordance with subsection (1) of this section.

2 (3) Section 4 of this act takes effect only if House Bill 22-1217
3 does not become law, in which case section 4 takes effect in accordance
4 with subsection (1) of this section.

5 (4) This act applies to conduct occurring on or after the applicable
6 effective date of this act.