

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0125.01 Jennifer Berman x3286

SENATE BILL 22-179

SENATE SPONSORSHIP

Ginal and Liston,

HOUSE SPONSORSHIP

Lontine,

Senate Committees

Judiciary
Appropriations

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.

SENATE
Amended 2nd Reading
May 3, 2022

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 OR

1 UNENCUMBERED MONEY RECEIVED FROM THE CIVIL PENALTIES COLLECTED
2 UNDER SECTION 25-7-122 (1)(j) AND REMAINING IN THE FUND ON JUNE 30,
3 2025, TO THE AIR ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH
4 ACCOUNT IS CREATED IN SECTION 42-3-304 (18)(a).

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

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

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

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

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

27 (II) NOTWITHSTANDING SUBSECTION (1)(j)(I)(B) OF THIS SECTION,

1 A PERSON WHO VIOLATES SECTION 25-7-143 BY TAMPERING WITH, OR
2 ASSISTING ANOTHER PERSON IN TAMPERING WITH, AN EMISSION CONTROL
3 SYSTEM FOR PROFIT IS SUBJECT TO A PENALTY UNDER SUBSECTION
4 (1)(j)(I)(A) OF THIS SECTION REGARDLESS OF THE NUMBER OF MOTOR
5 VEHICLES OWNED OR OPERATED.

6 (III) NOTWITHSTANDING SECTION 25-7-129, THE DIVISION SHALL
7 TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION
8 (1)(j) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY:

9 (A) ON OR BEFORE JUNE 30, 2025, TO THE CATALYTIC CONVERTER
10 IDENTIFICATION AND THEFT PREVENTION GRANT PROGRAM CASH FUND
11 CREATED IN SECTION 24-33.5-230 (5.5). THE COLORADO STATE PATROL
12 SHALL USE THE MONEY CREDITED TO THE FUND TO IMPLEMENT THE
13 CATALYTIC CONVERTER IDENTIFICATION AND THEFT PREVENTION GRANT
14 PROGRAM CREATED IN SECTION 24-33.5-230 (1).

15 (B) ON OR AFTER JULY 1, 2025, TO THE AIR ACCOUNT IN THE
16 HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS CREATED IN SECTION
17 42-3-304 (18)(a).

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

20 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
21 application of the division, the division may collect penalties as
22 determined under this article 7 by instituting an action in the district court
23 for the district in which the air pollution source affected is located, in
24 accordance with the following provisions:

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

27 (A) FOR EACH MOTOR VEHICLE FOR WHICH THE VIOLATION WAS

1 COMMITTED, A PERSON WHO OWNS OR OPERATES TEN OR MORE MOTOR
2 VEHICLES AS PART OF THE PERSON'S BUSINESS OR COMMERCIAL ACTIVITIES
3 IS SUBJECT TO A PENALTY OF UP TO ONE THOUSAND DOLLARS FOR A FIRST
4 VIOLATION, UP TO SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A
5 SECOND VIOLATION, AND UP TO FIFTEEN THOUSAND DOLLARS FOR A THIRD
6 OR SUBSEQUENT VIOLATION; OR

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

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

19 (III) NOTWITHSTANDING SECTION 25-7-129, THE DIVISION SHALL
20 TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION
21 (1)(j) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE
22 AIR ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS
23 CREATED IN SECTION 42-3-304 (18)(a). THE DIVISION AND THE
24 DEPARTMENT OF REVENUE SHALL USE THE MONEY CREDITED TO THE
25 ACCOUNT FOR THEIR JOINT ADMINISTRATION OF THE AUTOMOBILE
26 INSPECTION AND READJUSTMENT PROGRAM DEFINED IN SECTION 42-4-304
27 (1).

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

3 **25-7-143. Tampering with motor vehicle emission control**
4 **systems - violations - exceptions - rules - reporting - definitions.**

5 (1) ON OR AFTER JANUARY 1, 2024, EXCEPT AS PROVIDED OTHERWISE IN
6 THIS SECTION, A PERSON SHALL NOT:

7 (a) TAMPER WITH ANY EMISSION CONTROL SYSTEM;

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

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

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

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

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

25 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
26 SECTION, ON OR AFTER JANUARY 1, 2024, A PERSON SHALL NOT OPERATE
27 A MOTOR VEHICLE WITH AN EMISSION CONTROL SYSTEM THAT HAS BEEN

1 TAMPERED WITH IF:

2 (I) THE MOTOR VEHICLE OR ITS ENGINE HAS BEEN GRANTED A
3 CERTIFICATE OF CONFORMITY UNDER THE FEDERAL ACT AS MEETING THE
4 FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S MOTOR VEHICLE
5 EMISSION STANDARDS OR, UNDER 42 U.S.C. SEC. 7507, ALSO KNOWN AS
6 "SECTION 177" OF THE FEDERAL ACT, CALIFORNIA'S MOTOR VEHICLE
7 EMISSION STANDARDS; AND

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

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

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

22 (3) THE FOLLOWING ACTIVITIES CONSTITUTE SEPARATE OFFENSES
23 UNDER THIS SECTION:

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

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

5 (4) A PERSON DOES NOT VIOLATE SUBSECTION (1)(b) OR (1)(c) OF
6 THIS SECTION IF THE PERSON ENGAGES IN THE CONDUCT FOR THE PURPOSE
7 OF:

8 (a) HAVING THE MOTOR VEHICLE'S EMISSION CONTROL SYSTEM, OR
9 AN ELEMENT OR DEVICE OF AN EMISSION CONTROL SYSTEM, REPAIRED,
10 REPLACED, REMOVED FOR REPAIR, OR REMOVED FOR REPLACEMENT TO
11 BRING THE MOTOR VEHICLE IN COMPLIANCE WITH EMISSION CONTROL
12 STANDARDS UNDER THE FEDERAL ACT OR STATE LAW; OR

13 (b) DISMANTLING A MOTOR VEHICLE FOR PARTS TO BE SOLD FOR
14 REPAIR OR REPLACEMENT PURPOSES.

15 (5) (a) ON AND AFTER JULY 1, 2025, A PERSON IS NOT SUBJECT TO
16 PENALTIES OR AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS
17 SECTION WITH RESPECT TO ANY MOTOR VEHICLE FOR WHICH THE PERSON
18 SELF-REPORTS TO THE DIVISION THAT THE PERSON IS NOT IN COMPLIANCE
19 WITH THIS SECTION. IF A COMPLAINT HAS BEEN FILED AGAINST THE PERSON
20 WITH RESPECT TO ONE OR MORE MOTOR VEHICLES, THE PERSON IS NOT
21 SUBJECT TO PENALTIES OR AN ENFORCEMENT ACTION FOR A VIOLATION OF
22 THIS SECTION WITH RESPECT TO ANY ADDITIONAL MOTOR VEHICLES FOR
23 WHICH THE PERSON SELF-REPORTS THAT THE PERSON IS NOT IN
24 COMPLIANCE WITH THIS SECTION.

25 (b) THE COMMISSION MAY DETERMINE BY RULE THE FORM,
26 MANNER, AND SUBSTANCE OF INFORMATION REQUIRED FOR
27 SELF-REPORTING UNDER THIS SUBSECTION (5).

1 (c) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, IF A
2 PERSON SELF-REPORTS PURSUANT TO THIS SUBSECTION (5) THAT THE
3 PERSON IS NOT IN COMPLIANCE WITH THIS SECTION WITH RESPECT TO A
4 MOTOR VEHICLE, BUT THE PERSON DOES NOT BECOME COMPLIANT WITH
5 THIS SECTION WITHIN TWELVE MONTHS AFTER THE DATE OF
6 SELF-REPORTING WITH REGARD TO THE MOTOR VEHICLE:

7 (I) THE PERSON IS SUBJECT TO PENALTIES OR AN ENFORCEMENT
8 ACTION FOR A VIOLATION OF THIS SECTION WITH RESPECT TO THAT MOTOR
9 VEHICLE; AND

10 (II) A CERTIFICATION OF EMISSIONS CONTROL REQUIRED PURSUANT
11 TO SECTION 42-4-310 SHALL NOT BE ISSUED UNTIL THE MOTOR VEHICLE IS
12 BROUGHT INTO COMPLIANCE WITH THE STANDARDS DESCRIBED IN
13 SUBSECTION (2)(a)(I) OF THIS SECTION.

14 (d) NOTHING IN THIS SUBSECTION (5) PREVENTS A DIRECTIVE TO
15 REPAIR ISSUED PURSUANT TO THIS SECTION FROM REQUIRING COMPLIANCE
16 WITH THE STANDARDS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS
17 SECTION.

18 (6) THE COMMISSION MAY ADOPT RULES AS NECESSARY TO
19 IMPLEMENT THIS SECTION.

20 (7) (a) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE
21 JANUARY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF PUBLIC
22 HEALTH AND ENVIRONMENT MAY:

23 (I) PREPARE AN ANNUAL REPORT SUMMARIZING THE COMPLAINTS
24 FILED PURSUANT TO THIS SECTION AND ANY ENFORCEMENT ACTIONS
25 TAKEN AND PENALTY AMOUNTS ASSESSED PURSUANT TO SECTION
26 25-7-122 (1)(j); AND

27 (II) SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES

1 ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE
2 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
3 COMMITTEES.

4 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
5 REPORTING AUTHORIZATION SET FORTH IN SUBSECTION (7)(a) OF THIS
6 SECTION CONTINUES INDEFINITELY.

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

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

11 (A) THE ORIGINAL MANUFACTURER INSTALLS ON OR IN A MOTOR
12 VEHICLE OR A MOTOR VEHICLE ENGINE; AND

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

15 (II) "EMISSION CONTROL SYSTEM" INCLUDES A CATALYTIC
16 CONVERTER AND ALL COMPONENTS REQUIRED TO OPERATE SELECTIVE
17 CATALYTIC REDUCTION AS PART OF A DIESEL EMISSIONS CONTROL SYSTEM.

18 (b) "MANUFACTURER" MEANS ANY PERSON THAT MANUFACTURES
19 OR ASSEMBLES NEW AND UNUSED MOTOR VEHICLES OF A TYPE REQUIRED
20 TO BE REGISTERED PURSUANT TO SECTION 42-3-103.

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

27 (d) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION

1 42-1-102 (58); EXCEPT THAT THE TERM DOES NOT INCLUDE A
2 MOTORCYCLE.

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

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

9 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
10 unless the context otherwise requires:

11 (58) "Motor vehicle":

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

19 (b) INCLUDES A LOW-POWER SCOOTER FOR THE PURPOSES OF
20 SECTIONS 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206,
21 42-4-1301, AND 42-4-1301.1; AND

22 (c) DOES NOT INCLUDE A FARM TRACTOR OR AN OFF-HIGHWAY
23 VEHICLE, EXCEPT FOR the purposes of the offenses described in sections
24 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, ~~for farm tractors and~~
25 ~~off-highway vehicles, as defined in section 33-14.5-101 (3),~~ WHEN
26 operated on streets and highways. ~~"motor vehicle" includes a farm tractor~~
27 ~~or an off-highway vehicle that is not otherwise classified as a motor~~

1 vehicle. For the purposes of sections ~~42-2-127, 42-2-127.7, 42-2-128,~~
2 ~~42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1,~~ "motor vehicle"
3 includes a low-power scooter.

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

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

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

21 **44-20-121. Licenses - grounds for denial, suspension, or**
22 **revocation.** (3) A motor vehicle dealer's, wholesale motor vehicle
23 auction dealer's, wholesaler's, buyer agent's, or used motor vehicle
24 dealer's license may be denied, suspended, or revoked on the following
25 grounds:

26 (s) SELLING TO A RETAIL CUSTOMER A MOTOR VEHICLE THAT IS
27 NOT EQUIPPED WITH A PROPERLY FUNCTIONING EMISSION CONTROL

1 SYSTEM, AS DETERMINED BASED ON AN ENFORCEMENT ACTION TAKEN
2 PURSUANT TO SECTIONS 25-7-122 (1)(j) AND 25-7-143, UNLESS THE
3 OWNERSHIP DOCUMENT ASSOCIATED WITH THE MOTOR VEHICLE IS A
4 SALVAGE CERTIFICATE OF TITLE, A NONREPAIRABLE TITLE, OR, IF ISSUED
5 BY ANOTHER STATE, A SIMILAR DOCUMENT.

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

17 (2) Sections 2 and 3 of this act take effect only if House Bill
18 22-1217 becomes law, in which case sections 2 and 3 take effect in
19 accordance with subsection (1) of this section.

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

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