

CHAPTER 87

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 98-046

BY SENATORS Arnold, Chlouber, Congrove, Norton, and Powers;
also REPRESENTATIVE Reeser.**AN ACT**CONCERNING AN EXEMPTION FROM EMISSION INSPECTION REQUIREMENTS FOR THE SALE OF A MOTOR
VEHICLE IF SUFFICIENT NOTICE IS PROVIDED TO THE PURCHASER.*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-4-304 (3) (d), Colorado Revised Statutes, is amended to read:**42-4-304. Definitions relating to automobile inspection and readjustment program.** As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(3) (d) On and after January 1, 1995, the certification of emissions control shall be obtained by the seller and transferred to the new owner at the time of vehicle sale or transfer. THIS PARAGRAPH (d) DOES NOT APPLY TO THE SALE OF A MOTOR VEHICLE WHICH IS INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE IF THE SELLER OF THE MOTOR VEHICLE PROVIDES A WRITTEN NOTICE TO THE PURCHASER PURSUANT TO THE REQUIREMENTS OF SECTION 42-4-310 (4).

SECTION 2. 42-4-310 (1) (a) (I), (1) (b) (II) (B), and (1) (b) (II) (C), Colorado Revised Statutes, are amended, and the said 42-4-310 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:**42-4-310. Periodic emissions control inspection required.** (1) (a) (I) Effective October 1, 1989, no motor vehicle ~~which~~ THAT is required to be registered in the program area shall be sold, registered for the first time, or reregistered unless such vehicle has a valid certification of emissions compliance, emissions waiver, or emissions exemption, or, beginning January 1, 1995, if such vehicle has an emissions exemption or certificate of emissions control and verification of emissions test,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

certification as required by the appropriate county. The provisions of this paragraph (a) shall not apply to motor vehicle transactions at wholesale between motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S. THIS SUBPARAGRAPH (I) DOES NOT APPLY TO THE SALE OF A MOTOR VEHICLE WHICH IS INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE IF THE SELLER OF THE MOTOR VEHICLE PROVIDES A WRITTEN NOTICE TO THE PURCHASER PURSUANT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION. IF A MOTOR VEHICLE IS EXEMPTED FROM THE REQUIREMENT FOR OBTAINING A CERTIFICATION OF EMISSIONS CONTROL PRIOR TO SALE BECAUSE IT IS INOPERABLE OR OTHERWISE CANNOT BE TESTED, THE NEW OWNER OF THE MOTOR VEHICLE IS REQUIRED TO OBTAIN A CERTIFICATION OF EMISSIONS CONTROL FOR SUCH MOTOR VEHICLE BEFORE REGISTERING IT IN THE PROGRAM AREA.

(b) (II) (B) 1982 and newer model motor vehicles required pursuant to this section to have a certification of emissions control shall be inspected at the time of the sale or transfer of any such vehicle and, prior to registration renewal, shall be issued a certification of emissions control ~~which~~ THAT shall be valid for twenty-four months except as provided under section 42-4-309. THIS SUB-SUBPARAGRAPH (B) DOES NOT APPLY TO THE SALE OF A MOTOR VEHICLE WHICH IS INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE IF THE SELLER OF THE MOTOR VEHICLE PROVIDES A WRITTEN NOTICE TO THE PURCHASER PURSUANT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

(C) 1981 and older model motor vehicles required pursuant to this section to have a certification of emissions control shall be inspected at the time of the sale or transfer of any such vehicle and, prior to registration renewal, shall be issued a certification of emissions control ~~which~~ THAT shall be valid for twelve months. THIS SUB-SUBPARAGRAPH (C) DOES NOT APPLY TO THE SALE OF A MOTOR VEHICLE WHICH IS INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE IF THE SELLER OF THE MOTOR VEHICLE PROVIDES A WRITTEN NOTICE TO THE PURCHASER PURSUANT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

(4) (a) THE SELLER OF A MOTOR VEHICLE WHICH IS INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE IS NOT REQUIRED TO OBTAIN A CERTIFICATION OF EMISSIONS CONTROL PRIOR TO THE SALE OF THE VEHICLE IF THE SELLER PROVIDES A WRITTEN NOTICE TO THE PURCHASER PRIOR TO COMPLETION OF THE SALE THAT CLEARLY INDICATES THE FOLLOWING:

(I) THE VEHICLE DOES NOT CURRENTLY COMPLY WITH THE EMISSIONS REQUIREMENTS FOR THE PROGRAM AREA;

(II) THE SELLER DOES NOT WARRANT THAT THE VEHICLE WILL COMPLY WITH EMISSIONS REQUIREMENTS; AND

(III) THE PURCHASER IS RESPONSIBLE FOR COMPLYING WITH EMISSIONS REQUIREMENTS PRIOR TO REGISTERING THE VEHICLE IN THE EMISSIONS PROGRAM AREA.

(b) THE DEPARTMENT SHALL PREPARE A FORM TO COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) AND SHALL MAKE SUCH FORM AVAILABLE TO DEALERS AND OTHER PERSONS WHO ARE SELLING MOTOR VEHICLES WHICH ARE INOPERABLE OR OTHERWISE CANNOT BE TESTED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT OF REVENUE.

(c) IF A MOTOR VEHICLE IS EXEMPTED FROM THE REQUIREMENT FOR OBTAINING A CERTIFICATION OF EMISSIONS CONTROL PRIOR TO SALE BECAUSE IT IS INOPERABLE OR OTHERWISE CANNOT BE TESTED, THE NEW OWNER OF THE MOTOR VEHICLE IS REQUIRED TO OBTAIN A CERTIFICATION OF EMISSIONS CONTROL FOR SUCH MOTOR VEHICLE BEFORE REGISTERING IT IN THE PROGRAM AREA.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to motor vehicle transactions occurring on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 10, 1998