

## CHAPTER 278

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 01-1402**

BY REPRESENTATIVE(S) Paschall, Dean, Cadman, Chavez, Clapp, Crane, Fairbank, Groff, Hoppe, King, Larson, Lee, Mace, Miller, Rhodes, Rippey, Schultheis, Scott, Stengel, Swenson, Williams S., and Young;  
also SENATOR(S) Dyer (Arapahoe), Dyer (Durango), Linkhart, and Phillips.

**AN ACT**

CONCERNING EXTENSION OF THE CONTRACT FOR ENHANCED EMISSIONS INSPECTIONS FOR MOTOR VEHICLES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1. Legislative declaration.** The general assembly hereby declares that it intends to encourage the department of public health and environment to focus its efforts on remote sensing technology for monitoring vehicle emissions and to enter into a contract for implementation of the clean screen program in the enhanced program area as soon as is feasible. Such implementation will enhance Colorado's ability to claim credits in the state implementation plan for the reduction of pollutants achieved as a result of the clean screen program. It is the intent of the general assembly that there be a smooth transition between the current contract and the next contract and that the clean screen program be extended to the enhanced program areas as soon as possible to maximize citizen convenience. Discussions with the current contractor have established that the contractor will agree to start the clean screen program at the earliest practicable date allowed by the new state implementation plan and to stabilize the testing fee. The general assembly also intends that the contract for the clean screen program in the enhanced and basic program areas specify that the inspection fee to be charged by the contractor shall not exceed the statutory cap set in section 42-4-311 (6), Colorado Revised Statutes, and that the contractor shall purchase and maintain all clean screen program equipment and software to be used by the contractor in conjunction with the department of revenue and shall have it operational within six months after a new contract is signed. Finally, the general assembly intends that unless there is a compelling reason to the contrary, the department of public health and environment should begin discussions for a new contract with a contractor that has operated in another state both centralized testing and remote sensing at the earliest possible date.

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

**SECTION 2.** 42-4-304 (5), Colorado Revised Statutes, is amended, and the said 42-4-304 is further amended BY THE ADDITION OF A NEW SUBSECTION 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:

(5) "Contractor" means any person, partnership, entity, or corporation that is awarded a contract ~~or service agreement~~ by the state of Colorado through a competitive bid process conducted by the division in consultation with the executive director and in accordance with the "Procurement Code", articles 101 to 112 of title 24, C.R.S., and section 42-4-306, to provide inspection services for vehicles required to be inspected pursuant to section 42-4-310 within the enhanced program area, as set forth in subsection (9) of this section, ~~and to operate enhanced inspection centers necessary to perform inspections. Any such contractor shall establish new enhanced inspection centers and shall update existing technical centers in the enhanced program area to the same level of inspection technology as enhanced inspection centers~~ AND TO OPERATE THE CLEAN SCREEN PROGRAM WITHIN THE PROGRAM AREA.

(8.5) "ENHANCED EMISSIONS INSPECTION" MEANS A MOTOR VEHICLE EMISSIONS INSPECTION CONDUCTED PURSUANT TO THE ENHANCED EMISSIONS PROGRAM, INCLUDING A DETECTION OF HIGH EMISSIONS BY REMOTE SENSING, AN IDENTIFICATION OF HIGH EMITTERS, A CLEAN SCREEN INSPECTION, OR AN INSPECTION CONDUCTED AT AN ENHANCED INSPECTION CENTER.

**SECTION 3.** 42-4-306 (3) (a) (I) (C), (3) (b) (I), (17) (e), and (23), Colorado Revised Statutes, are amended, and the said 42-4-306 (3) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program.** (3) (a) (I) (C) Upon the adoption of specifications for measuring instruments and test analyzer systems, the division in consultation with the executive director ~~shall~~ MAY let bids for the procurement of instruments ~~which~~ THAT meet federal requirements or guidelines and the standards of the federal act. The invitation for bids for test analyzer systems for the basic program and the inspection-only facilities in the enhanced program shall include, but shall not be limited to, the requirements for data collection and electronic transfer of data as established by the commission, service and maintenance requirements for such instruments for the period of the contract, requirements for replacement or loan instruments in the event that the purchased or leased instruments do not function, and the initial purchase or lease price. ~~On and after May 26, 1998, THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (C), AS AMENDED, each contract for the purchase of such instruments shall have a term of no more than five FOUR years. and shall be subject to rebidding under the provisions of this paragraph (a).~~

(b) (I) For the enhanced emissions program, the commission shall develop system design standards, performance standards, and contractor requirements. Upon the adoption of such criteria, ~~an open competitive request for proposals shall be issued~~

by the division in consultation with the executive director MAY, according to established procedures and protocol to establish ESTABLISHED IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., ENTER INTO a contract for the design, construction, equipment, maintenance, and operation of enhanced inspection centers to serve affected motorists. The request for proposals CRITERIA FOR THE AWARD OF SUCH CONTRACT shall include, but shall not be limited to, such criteria as bidders' THE CONTRACTOR'S qualifications and experience in providing emissions inspection services, financial and personnel resources available for start-up, technical or management expertise, and capacity to satisfy such requirements for the life of the contract.

(V) (A) NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., OR THIS ARTICLE, ANY CONTRACT FOR INSPECTION SERVICES MAY BE RENEWED FOR A TERM NOT TO EXCEED TWO YEARS, AFTER WHICH THE CONTRACT MAY BE RENEWED FOR A SINGLE TERM OF UP TO FOUR YEARS OR REBID; EXCEPT THAT INSPECTION FEES DURING ANY SUCH FOUR-YEAR RENEWAL CONTRACT SHALL BE AS DETERMINED UNDER SECTION 42-4-311 (6).

(B) THE COMMISSION SHALL HAVE RULE-MAKING AUTHORITY TO IMPLEMENT ANY ENVIRONMENTAL PROTECTION AGENCY-APPROVED ALTERNATIVE EMISSIONS INSPECTION SERVICES OR TECHNOLOGIES, INCLUDING ON-BOARD DIAGNOSTICS, SO LONG AS SUCH INSPECTION TECHNOLOGIES PROVIDE SIP CREDITS EQUAL TO OR GREATER THAN THOSE CURRENTLY IN THE SIP.

(17) For the enhanced emissions program, the commission shall promulgate rules and regulations establishing a network of enhanced inspection centers and inspection-only facilities within the enhanced emissions program area consistent with the following:

(e) (F) The network of enhanced inspection centers shall be located to provide adequate coverage and convenience. ~~At least eighty percent of the population shall be within an average of five miles of an enhanced inspection center, and at least ninety-five percent of the population shall be within an average of twelve miles of an enhanced inspection center.~~ AT A MINIMUM, THE NUMBER OF ENHANCED INSPECTION CENTERS SHALL BE EQUIVALENT TO THE NETWORK THAT EXISTED ON JANUARY 1, 2000, AND THE HOURS OF OPERATION SHALL BE DETERMINED BY THE CONTRACT.

(H) ~~Demographic studies shall be performed by the contractor or contractors, compared to that of the state demographer, and used by the commission in establishing center location requirements to ensure that siting reflects density and distribution of census populations.~~

(H) ~~A separate demographic analysis shall be done for Boulder county and Douglas county. The convenience factors set forth in paragraphs (b), (c), and (d) of this subsection (17) shall be applied separately to Boulder county and Douglas county.~~

(IV) ~~Local jurisdictions and the department of revenue shall be consulted to optimize demographic analysis.~~

(23) (a) The commission shall promulgate rules governing the operation of the

clean screen program. Such rules shall authorize the division to commence the clean screen program in the ~~Weld county and Larimer county portions of the~~ basic emissions program AREA commencing ~~January 1, 1999, or~~ as expeditiously as possible. ~~thereafter.~~ Such rules shall authorize the division to extend, if feasible, the clean screen program to other parts of the state upon request of the lead air quality planning agencies for each respective area. Such rules shall govern operation of the clean screen program pursuant to the contract or service agreement entered into under section 42-4-307 (10.5). Such rules shall determine the percentage of the vehicle fleet targeted for the clean screen program, which percentage shall develop a target of the eligible vehicle fleet that meets air quality needs. Such rules shall specify emission levels for vehicles in the same manner as for other vehicles in the ~~basic~~ emissions program. THE COMMISSION MAY, UPON WRITTEN REQUEST OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, EXCLUDE THE EL PASO COUNTY PORTION OF THE BASIC EMISSIONS PROGRAM AREA FROM THE CLEAN SCREEN PROGRAM IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVES WRITTEN NOTIFICATION FROM THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS TO SUCH EFFECT BY JUNE 1, 2001.

(b) THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (23) MAY ALSO AUTHORIZE THE DIVISION TO COMMENCE THE CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM AREA COMMENCING JANUARY 1, 2002, OR AS SOON THEREAFTER AS IS PRACTICAL. THE CLEAN SCREEN PROGRAM MAY BE IMPLEMENTED IN THE ENHANCED EMISSIONS PROGRAM AREA ONLY IF THE COMMISSION MAKES SUCH A DETERMINATION ON OR AFTER JULY 1, 2001.

**SECTION 4.** 42-4-307 (6) (a), (10) (b), and (10.5) (a), Colorado Revised Statutes, are amended to read:

**42-4-307. Powers and duties of the department of public health and environment - division of administration - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program - repeal.** (6) (a) (I) The division shall administer, in accordance with federal requirements, the on-road remote sensing program. ~~which shall include the measurement of at least five-tenths of one percent of the vehicles required to participate in the enhanced emissions program annually.~~

(II) Pursuant to commission rule and based on confirmatory tests at an emissions technical center ~~which~~ OR EMISSIONS INSPECTION FACILITY THAT identify such vehicles as exceeding applicable emissions standards, off-cycle repairs may be required for noncomplying vehicles.

(10) (b) Upon approval by the department of public health and environment and the executive director, the contractor shall provide inspection services for vehicles within the enhanced program area required to be inspected pursuant to section 42-4-310. NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., OR THIS ARTICLE, ANY CONTRACT FOR INSPECTION SERVICES MAY BE RENEWED FOR A TERM NOT TO EXCEED TWO YEARS TO ENSURE THAT, ON OR AFTER DECEMBER 31, 2001, INSPECTION SERVICES IN THE ENHANCED PROGRAM AREA WILL NOT BE INTERRUPTED BY THE EXPIRATION OF THE PREVIOUS CONTRACT, AFTER WHICH THE CONTRACT MAY BE RENEWED FOR A SINGLE TERM OF UP TO FOUR YEARS AS PROVIDED IN SECTION 42-4-306 (3) (b) (V) (A). ANY

NEW CONTRACT ENTERED INTO OR RENEWED AFTER THE TWO-YEAR RENEWAL SHALL REQUIRE THE CONTRACTOR TO PROVIDE ANY NECESSARY ALTERNATIVE INSPECTION SERVICES OR TECHNOLOGIES SO APPROVED.

(10.5) (a) For the clean screen program and the Denver clean screening pilot study, the department of public health and environment and the department of revenue may, pursuant to the "Procurement Code", articles 101 to 112 of title 24, C.R.S., enter into a contract ~~or contracts, or service agreement or agreements,~~ with ~~contractors~~ A CONTRACTOR for the purchase of equipment, the collection of remote sensing and other data and operation of remote sensing and support equipment, data processing and vehicle ownership matching in cooperation with the executive director, collection of remote sensing and other data for the Denver clean screening pilot study, including analysis of the results of such study and report preparation. Under any such contract ~~or service agreement,~~ the department of public health and environment and the department of revenue may purchase approved remote sensing and support equipment or authorize the use of a qualified contractor or contractors to purchase approved remote sensing and support equipment for use in the clean screen program. ~~The department of revenue and any such contractor may charge a fee not to exceed fifteen dollars or such lesser amount as established by the department of revenue and any such contractor to the owner of each vehicle voluntarily inspected under the clean screen program.~~ NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., THE CLEAN SCREEN CONTRACT MAY BE INCORPORATED INTO ANY CONTRACT OR RENEWED CONTRACT PURSUANT TO SUBSECTION (10) OF THIS SECTION. THE CONTRACTOR PURSUANT TO THIS SUBSECTION (10.5) SHALL BE THE SAME AS THE CONTRACTOR PURSUANT TO SUBSECTION (10) OF THIS SECTION. THE CONTRACTOR SHALL MAKE ONE-TIME TRANSFERS INTO THE CLEAN SCREEN FUND CREATED IN SECTION 42-3-134 (26.5) IN A TOTAL AMOUNT NECESSARY TO COVER COMPUTER PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, IN THE FOLLOWING ORDER:

(I) UP TO THIRTY THOUSAND DOLLARS FROM THE CONTRACTOR'S REVENUES;

(II) UP TO THIRTY THOUSAND DOLLARS FROM THE PUBLIC RELATIONS ACCOUNT PROVIDED FOR IN THE CONTRACT; AND

(III) UP TO FORTY THOUSAND DOLLARS FROM THE TECHNICAL CENTER ACCOUNT PROVIDED FOR IN THE CONTRACT.

**SECTION 5.** Part 3 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-307.5. Clean screen authority - enterprise - revenue bonds.** (1) IF THE COMMISSION DETERMINES PURSUANT TO SECTION 42-4-306 (23) (b) TO IMPLEMENT AN EXPANDED CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM AREA, THERE SHALL BE CREATED A CLEAN SCREEN AUTHORITY CONSISTING OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR THEIR DESIGNEES AND ANY NECESSARY SUPPORT STAFF. THE AUTHORITY SHALL CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE

CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THE PROVISIONS OF THIS SECTION, THE AUTHORITY SHALL NOT BE A DISTRICT FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) THE AUTHORITY MAY, BY RESOLUTION THAT MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, AUTHORIZE AND ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS IN THE AGGREGATE FOR EXPENSES OF THE AUTHORITY. SUCH BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE GENERAL ASSEMBLY ACTING EITHER BY BILL OR JOINT RESOLUTION AND AFTER APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION. SUCH BONDS SHALL BE PAYABLE ONLY FROM MONEYS ALLOCATED TO THE AUTHORITY FOR EXPENSES OF THE DIVISION AND THE COMMISSION PURSUANT TO SECTIONS 42-4-306 AND 42-4-307.

(b) ALL BONDS ISSUED BY THE AUTHORITY SHALL PROVIDE THAT:

(I) NO HOLDER OF ANY SUCH BOND MAY COMPEL THE STATE OR ANY SUBDIVISION THEREOF TO EXERCISE ITS APPROPRIATION OR TAXING POWER; AND

(II) THE BOND DOES NOT CONSTITUTE A DEBT OF THE STATE AND IS PAYABLE ONLY FROM THE NET REVENUES ALLOCATED TO THE AUTHORITY FOR EXPENSES AS DESIGNATED IN SUCH BOND.

(3) (a) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION SHALL STATE:

(I) THE DATE OF ISSUANCE OF THE BONDS;

(II) A MATURITY DATE OR DATES DURING A PERIOD NOT TO EXCEED THIRTY YEARS FROM THE DATE OF ISSUANCE OF THE BONDS;

(III) THE INTEREST RATE OR RATES ON, AND THE DENOMINATION OR DENOMINATIONS OF, THE BONDS; AND

(IV) THE MEDIUM OF PAYMENT OF THE BONDS AND THE PLACE WHERE THE BONDS WILL BE PAID.

(b) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION MAY:

(I) STATE THAT THE BONDS ARE TO BE ISSUED IN ONE OR MORE SERIES;

(II) STATE A RANK OR PRIORITY OF THE BONDS; AND

(III) PROVIDE FOR REDEMPTION OF THE BONDS PRIOR TO MATURITY, WITH OR WITHOUT PREMIUM.

(4) ANY BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION MAY BE SOLD

AT PUBLIC OR PRIVATE SALE. IF BONDS ARE TO BE SOLD AT A PUBLIC SALE, THE AUTHORITY SHALL ADVERTISE THE SALE IN SUCH MANNER AS THE AUTHORITY DEEMS APPROPRIATE. ALL BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION SHALL BE SOLD AT A PRICE NOT LESS THAN THE PAR VALUE THEREOF, TOGETHER WITH ALL ACCRUED INTEREST TO THE DATE OF DELIVERY.

(5) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, ALL BONDS ISSUED PURSUANT TO THIS SECTION ARE NEGOTIABLE.

(6) (a) A RESOLUTION PERTAINING TO ISSUANCE OF BONDS UNDER THIS SECTION MAY CONTAIN COVENANTS AS TO:

(I) THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF THE BONDS MAY BE APPLIED AND TO THE USE AND DISPOSITION THEREOF;

(II) SUCH MATTERS AS ARE CUSTOMARY IN THE ISSUANCE OF REVENUE BONDS INCLUDING, WITHOUT LIMITATION, THE ISSUANCE AND LIEN POSITION OF OTHER OR ADDITIONAL BONDS; AND

(III) BOOKS OF ACCOUNT AND THE INSPECTION AND AUDIT THEREOF.

(b) ANY RESOLUTION MADE PURSUANT TO THE TERMS OF THIS SECTION SHALL BE DEEMED A CONTRACT WITH THE HOLDERS OF THE BONDS, AND THE DUTIES OF THE AUTHORITY UNDER SUCH RESOLUTION SHALL BE ENFORCEABLE BY ANY APPROPRIATE ACTION IN A COURT OF COMPETENT JURISDICTION.

(7) BONDS ISSUED UNDER THIS SECTION AND BEARING THE SIGNATURES OF THE AUTHORITY IN OFFICE ON THE DATE OF THE SIGNING SHALL BE DEEMED VALID AND BINDING OBLIGATIONS REGARDLESS OF WHETHER, PRIOR TO DELIVERY AND PAYMENT, ANY OR ALL OF THE PERSONS WHOSE SIGNATURES APPEAR THEREON HAVE CEASED TO BE MEMBERS OF THE AUTHORITY.

(8) (a) EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION AUTHORIZING THE BONDS, ALL BONDS OF THE SAME ISSUE UNDER THIS SECTION SHALL HAVE A PRIOR AND PARAMOUNT LIEN ON THE NET REVENUES PLEDGED THEREFOR. THE AUTHORITY MAY PROVIDE FOR PREFERENTIAL SECURITY FOR ANY BONDS, BOTH PRINCIPAL AND INTEREST, TO BE ISSUED UNDER THIS SECTION TO THE EXTENT DEEMED FEASIBLE AND DESIRABLE BY SUCH AUTHORITY OVER ANY BONDS THAT MAY BE ISSUED THEREAFTER.

(b) BONDS OF THE SAME ISSUE OR SERIES ISSUED UNDER THIS SECTION SHALL BE EQUALLY AND RATABLY SECURED, WITHOUT PRIORITY BY REASON OF NUMBER, DATE, SALE, EXECUTION, OR DELIVERY, BY A LIEN ON THE NET REVENUE PLEDGED IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION AUTHORIZING THE BONDS.

(9) THE CLEAN SCREEN AUTHORITY SHALL BE A GOVERNMENT-OWNED BUSINESS THAT PROVIDES FINANCIAL SERVICES TO ALL ENTITIES PROVIDING INSPECTION SERVICES, THE DEPARTMENT, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WITH REGARD TO THE REVENUES SUBJECT TO SECTION 42-3-134 (26.5).

(10) THE CLEAN SCREEN AUTHORITY MAY ACCEPT GRANTS FROM ANY SOURCE AND SHALL DEPOSIT SUCH MONEYS IN THE CLEAN SCREEN FUND CREATED IN SECTION

42-3-134 (26.5).

(11) THE CLEAN SCREEN AUTHORITY MAY CONTRACT WITH THE DEPARTMENT AND EXPEND MONEYS FROM THE CLEAN SCREEN FUND FOR COMPUTER PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY. THE DEPARTMENT IS AUTHORIZED TO EXPEND MONEYS PURSUANT TO SUCH CONTRACT, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, EFFECTIVE THE FISCAL YEAR COMMENCING JULY 1, 2000.

**SECTION 6.** 42-4-310 (1) (a) (I), (1) (b) (II) (A), (1) (d) (VI), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

**42-4-310. Periodic emissions control inspection required.** (1) (a) (I) ~~Effective October 1, 1989~~; No motor vehicle that is required to be registered in the program area shall be sold, registered for the first time WITHOUT A CERTIFICATION OF EMISSIONS COMPLIANCE, or reregistered unless such vehicle has PASSED A CLEAN SCREEN TEST OR 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, 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~~ THAT 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) (A) MOTOR VEHICLE DEALERS SHALL PURCHASE VERIFICATION OF EMISSIONS TEST FORMS FOR THE SUM OF TWENTY-FIVE CENTS PER FORM FROM THE DEPARTMENT OR PERSONS AUTHORIZED BY THE DEPARTMENT TO MAKE SUCH SALES TO BE USED ONLY ON NEW MOTOR VEHICLES. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS. New motor vehicles required under this section to have a ~~certification of emissions control~~ VERIFICATION OF EMISSIONS TEST FORM shall be issued a certification of emissions compliance without inspection, which shall expire on the anniversary of the day of the issuance of such certification when such vehicle has reached its fourth model year or on the date of the transfer of ownership at any time prior to the fourth model year. Prior to the expiration of such certification such vehicle shall be inspected and a certification of emissions control shall be obtained therefor.

(d) (VI) For the enhanced emissions program, effective January 1, 1995, for businesses that operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1968 and later required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to section 42-4-306, if total expenditures of at least four hundred fifty dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle does not



meet such standards, a certification of emissions waiver shall be issued for such vehicle except as prescribed in subparagraph (XII) of this paragraph (d) pertaining to vehicle warranty. The four-hundred-fifty-dollar minimum expenditure ~~shall~~ MAY be adjusted annually by AN AMOUNT NOT TO EXCEED the percentage, if any, by which the consumer price index for all urban consumers (CPIU) for the Denver-Boulder metropolitan statistical area for the preceding year differs from such index for 1989. Vehicles that are owned by the state of Colorado or any agency or political subdivision thereof are not eligible for emissions-related repair waivers under this subparagraph (VI).

(5) (b) (I) IF THE COMMISSION DOES NOT EXPAND THE CLEAN SCREEN PROGRAM TO THE ENHANCED EMISSIONS PROGRAM AREA PURSUANT TO SECTION 42-4-306 (23) (b), if the contractor determines that the motor vehicle REQUIRED TO BE REGISTERED IN THE BASIC PROGRAM AREA has complied with the inspection requirements pursuant to this subsection (5), a notice shall be sent to the owner of the vehicle identifying the owner of the vehicle, the license plate number, and any other pertinent registration information, stating that the vehicle has successfully complied with the applicable emission requirements. Such notice shall also include a notification that the registered owner of the vehicle may return the notice to the contractor with the payment as set forth on the notice to pay for the clean screen program. Upon receipt of the payment from the motor vehicle owner, the county clerk shall be notified that the motor vehicle has complied with the inspection requirements pursuant to this subsection (5).

(II) IF THE COMMISSION EXPANDS THE CLEAN SCREEN PROGRAM TO THE ENHANCED EMISSIONS PROGRAM AREA PURSUANT TO SECTION 42-4-306 (23) (b), IF THE CONTRACTOR DETERMINES THAT A MOTOR VEHICLE REQUIRED TO BE REGISTERED IN THE PROGRAM AREA HAS COMPLIED WITH THE INSPECTION REQUIREMENTS PURSUANT TO THIS SUBSECTION (5), THE CONTRACTOR SHALL SEND A NOTICE TO THE DEPARTMENT OF REVENUE IDENTIFYING THE OWNER OF THE VEHICLE, THE LICENSE PLATE NUMBER, AND ANY OTHER PERTINENT REGISTRATION INFORMATION, STATING THAT THE VEHICLE HAS SUCCESSFULLY COMPLIED WITH THE APPLICABLE EMISSION REQUIREMENTS.

(c) The department shall, by contract with a private vendor or by rule, establish a procedure for a vehicle owner to obtain the necessary emissions-related documents for the registration and operation of a vehicle ~~which~~ THAT has complied with the inspection requirements pursuant to this subsection (5). ~~At a minimum such contract or rule shall specify that any valid verification of emissions test, commonly referred to as an "emissions sticker", has sufficient identifying data to ensure that such verification of emissions test is attached to the appropriate vehicle.~~

**SECTION 7.** 42-4-311 (3) (a) (III), (4) (a), and (6), Colorado Revised Statutes, are amended to read:

**42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers - repeal.** (3) (a) (III) (A) Verification of emissions test forms shall be purchased only by licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, or motor vehicle dealer test facilities ~~or authorized enhanced inspection centers~~ from the department or persons

authorized by the department to make such sales, and, effective with the sale of such forms, the department shall receive from the buyer the sum of twenty-five cents per form. No refund or credit shall be allowed for any unused verification of emissions test forms. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2001.

(B) COMMENCING JULY 1, 2001, EVERY INSPECTION AND READJUSTMENT STATION, FLEET INSPECTION STATION, AND INSPECTION-ONLY FACILITY SHALL MONTHLY TRANSMIT TO THE DEPARTMENT THE SUM OF TWENTY-FIVE CENTS PER MOTOR VEHICLE INSPECTION PERFORMED BY SUCH ENTITY PURSUANT TO THIS PART 3 IF THE MOTOR VEHICLE PASSES SUCH INSPECTION OR IS GRANTED A WAIVER. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS.

(C) THE CONTRACTOR SHALL MONTHLY TRANSMIT TO THE DEPARTMENT THE SUM OF TWENTY-FIVE CENTS PER MOTOR VEHICLE INSPECTION PERFORMED BY THE CONTRACTOR PURSUANT TO THIS PART 3 IF THE MOTOR VEHICLE PASSES SUCH INSPECTION OR IS GRANTED A WAIVER. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS.

(4) (a) ~~A licensed inspection and readjustment station shall charge a fee not to exceed nine dollars through December 31, 1994. On and after January 1, 1995, a~~ licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles in the basic emissions program or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars. In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to section 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under section 42-4-310, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to section 42-4-305 for the issuance of a replacement verification of emissions test. IF THE COMMISSION DETERMINES PURSUANT TO SECTION 42-4-306 (23) (b) TO IMPLEMENT AN EXPANDED CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM AREA, ON AND AFTER THE DATE SPECIFIED BY THE COMMISSION, INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF 1982 AND NEWER MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A); EXCEPT THAT INSPECTION AND READJUSTMENT STATIONS IN EL PASO COUNTY MAY CONTINUE COLLECTING SUCH FEES IF THE COMMISSION HAS EXCLUDED SUCH COUNTY FROM THE CLEAN SCREEN PROGRAM PURSUANT TO SECTION 42-4-306 (23) (a).

(6) (a) ~~The fee charged by an enhanced inspection center~~ for ENHANCED emissions

inspections performed within the enhanced emissions program area ON 1982 AND LATER MOTOR VEHICLES shall not be any greater than that determined by the ~~competitive bid process conducted by the division in consultation with the executive director in contractor selection~~ CONTRACT and in no case greater than twenty-five dollars. THE FEE CHARGED FOR CLEAN SCREEN INSPECTIONS PERFORMED ON VEHICLES REGISTERED IN THE BASIC AREA SHALL NOT BE ANY GREATER THAN THAT DETERMINED BY THE CONTRACT AND IN NO CASE GREATER THAN FIFTEEN DOLLARS. Such fee shall not exceed the maximum fee required to be posted by the enhanced inspection center pursuant to section 42-4-305 for the inspection of any motor vehicle required to be inspected under section 42-4-310. IF THE COMMISSION DETERMINES PURSUANT TO SECTION 42-4-306 (23) (b) TO IMPLEMENT AN EXPANDED CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM AREA, ON AND AFTER THE DATE SPECIFIED BY THE COMMISSION, THE CONTRACTOR SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF 1982 AND NEWER MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).

(b) DURING THE TWO-YEAR RENEWAL OF THE CONTRACT ENTERED INTO PURSUANT TO SECTION 42-4-307 (10), THE COMMISSION SHALL HOLD A HEARING TO DETERMINE THE MAXIMUM FEE THAT MAY BE CHARGED PURSUANT TO THE CONTRACT FOR INSPECTIONS DURING ANY SUBSEQUENT RENEWAL TERM. SUCH MAXIMUM FEE SHALL BE BASED ON ESTIMATED ACTUAL OPERATING COSTS DURING THE LIFE OF THE CONTRACT, DETERMINED PURSUANT TO THE PROCEEDING AND AN AUDIT CONDUCTED BY THE OFFICE OF THE STATE AUDITOR ON THE CONTRACTOR, PLUS A PERCENTAGE TO BE DETERMINED BY THE COMMISSION, NOT TO EXCEED TEN PERCENT AND NOT TO EXCEED TWENTY-FIVE DOLLARS.

**SECTION 8.** 43-4-203 (1) (b), Colorado Revised Statutes, is amended to read:

**43-4-203. Sources of revenue.** (1) All net revenue from the following sources shall be paid into and credited to the highway users tax fund as soon as received:

(b) From the imposition of annual registration fees on drivers, motor vehicles, trailers, and semitrailers, EXCEPT AS PROVIDED IN SECTION 42-3-134 (26.5), C.R.S.;

**SECTION 9.** 42-4-316 (2), (3) (a), and the introductory portion to (3) (b), Colorado Revised Statutes, are amended to read:

**42-4-316. AIR program - demonstration of compliance with ambient air quality standards and transportation conformity.** (2) The legislative audit committee shall cause to be conducted performance audits of the program, INCLUDING THE CLEAN SCREEN PROGRAM. The first of such audits shall be completed not later than January 1, 2000, and shall be completed not later than January 1, 2004 AND JANUARY 1 of each third year thereafter. ~~In conducting the audit, the legislative audit committee shall take into consideration, but shall not be limited to considering, the factors listed in paragraph (b) of subsection (3) of this section.~~ Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the

purposes of a review of the report. A copy of the report shall be made available to each member of the general assembly.

~~(3) (a) Prior to December 31, 2001, a committee of reference in each house of the general assembly shall hold a joint public hearing, receiving testimony from the public, the executive directors of the departments of revenue and public health and environment, the chairperson of the air quality control commission, and the air pollution control division of the department of public health and environment.~~

(b) In such ~~hearings~~ AUDITS, the determination as to whether an ongoing public need for the program has been demonstrated shall take into consideration the following factors, among others:

**SECTION 10.** 42-3-134, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-3-134. Registration fees - passenger and passenger-mile taxes - refund - clean screen fund - repeal.** (26.5) (a) IF THE AIR QUALITY CONTROL COMMISSION DETERMINES PURSUANT TO SECTION 42-4-306 (23) (b) TO IMPLEMENT AN EXPANDED CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM AREA, ON AND AFTER THE SPECIFIC DATES DETERMINED BY THE COMMISSION FOR EACH OF THE FOLLOWING SUBPARAGRAPHS:

(I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS SECTION, COUNTY CLERKS AND RECORDERS, ACTING AS AGENTS FOR THE CLEAN SCREEN AUTHORITY, SHALL COLLECT AT THE TIME OF REGISTRATION AN EMISSIONS INSPECTION FEE IN AN AMOUNT DETERMINED BY PARAGRAPH (b) OF THIS SUBSECTION (26.5) ON EVERY 1982 AND NEWER MOTOR VEHICLE REQUIRED TO BE REGISTERED IN THE PROGRAM AREA; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR MOTOR VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO HAVE AN EMISSIONS INSPECTION UNDER PART 3 OF ARTICLE 4 OF THIS TITLE.

(II) THE CONTRACTOR AND INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A). COUNTY CLERKS AND RECORDERS SHALL BE ENTITLED TO RETAIN THREE AND ONE-THIRD PERCENT OF THE FEE SO COLLECTED TO COVER THE CLERKS' EXPENSES IN THE COLLECTION AND REMITTANCE OF SUCH FEE. COUNTY TREASURERS SHALL, NO LATER THAN TEN DAYS AFTER THE LAST BUSINESS DAY OF EACH MONTH, REMIT THE REMAINDER OF SUCH FEE TO THE CLEAN SCREEN AUTHORITY CREATED IN SECTION 42-4-307.5. THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT SUCH FEE TO THE STATE TREASURER, WHO SHALL DEPOSIT THE SAME IN THE CLEAN SCREEN FUND, WHICH FUND IS HEREBY CREATED. THE CLEAN SCREEN FUND SHALL BE A PASS-THROUGH TRUST ACCOUNT TO BE HELD IN TRUST SOLELY FOR THE PURPOSES AND THE BENEFICIARIES SPECIFIED IN THIS SUBSECTION (26.5). MONEYS IN THE CLEAN SCREEN FUND SHALL NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF

THE STATE CONSTITUTION, AND SUCH MONEYS SHALL BE DEEMED CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. INTEREST EARNED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CLEAN SCREEN FUND SHALL BE CREDITED TO THE CLEAN SCREEN FUND, AND THE CLEAN SCREEN AUTHORITY MAY ALSO EXPEND INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF THE CLEAN SCREEN FUND TO PAY FOR ITS COSTS ASSOCIATED WITH THE IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

(III) THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT MONEYS FROM THE CLEAN SCREEN FUND MONTHLY TO THE CONTRACTOR, TO INSPECTION AND READJUSTMENT STATIONS, AND TO FLEET INSPECTION STATIONS IN ACCORDANCE WITH THE FEES DETERMINED BY PARAGRAPH (c) OF THIS SUBSECTION (26.5) WITHIN ONE WEEK AFTER RECEIPT BY THE AUTHORITY FROM THE DEPARTMENT OF REVENUE OF A NOTIFICATION OF THE NUMBER OF FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND THE NUMBER OF INSPECTIONS FOR A TRANSFER OF TITLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF 1982 AND NEWER MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A) COMPLETED BY THE CONTRACTOR, INSPECTION AND READJUSTMENT STATIONS, AND FLEET INSPECTION STATIONS IN THE PREVIOUS MONTH.

(b) (I) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE ONE-HALF OF THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6), NOT TO EXCEED TWELVE DOLLARS AND FIFTY CENTS.

(II) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE SEVEN DOLLARS AND FIFTY CENTS.

(c) MONEYS SHALL BE TRANSMITTED FROM THE CLEAN SCREEN FUND PURSUANT TO THIS SUBSECTION (26.5) AS FOLLOWS:

(I) TO THE CONTRACTOR, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6);

(II) TO INSPECTION AND READJUSTMENT STATIONS, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER BASIC EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (4);

(III) TO THE CONTRACTOR AND INSPECTION AND READJUSTMENT STATIONS, FOR TRANSFERS OF OWNERSHIP OF 1982 AND NEWER MOTOR VEHICLES AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A), IN ACCORDANCE WITH THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311, NOT TO EXCEED:

(A) TWELVE DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA;

(B) SEVEN DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA; AND

(IV) TO FLEET INSPECTION STATIONS, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY PAID INTO THE FUND FOR VEHICLES INSPECTED BY SUCH FLEET INSPECTION STATIONS.

(d) THIS SUBSECTION (26.5) SHALL NOT APPLY TO EL PASO COUNTY IF THE COMMISSION HAS EXCLUDED SUCH COUNTY FROM THE CLEAN SCREEN PROGRAM PURSUANT TO SECTION 42-4-306 (23) (a).

(e) THIS SUBSECTION (26.5) IS REPEALED, EFFECTIVE DECEMBER 31, 2007. ANY MONEYS REMAINING IN THE CLEAN SCREEN FUND ON DECEMBER 31, 2007, SHALL REVERT TO THE AIR ACCOUNT ESTABLISHED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (26) OF THIS SECTION.

**SECTION 11.** 42-4-313 (1) (a), (1) (b), (2), (3) (a), (3) (b), (4) (a), and (4) (c), Colorado Revised Statutes, are amended to read:

**42-4-313. Penalties.** (1) (a) No person shall make, issue, or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form ~~or verification of emissions test forms.~~

(b) No person shall possess a certification of emissions control ~~or verification of emissions test~~ if such person knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required.

(2) (a) No emissions inspector or emissions mechanic shall issue a certification of emissions control ~~or a verification of emissions test~~ for a motor vehicle which does not qualify for the certification or verification issued.

(b) Any emissions inspector or emissions mechanic who issues a certification of emissions control ~~or verification of emissions test~~ in violation of paragraph (a) of this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(3) (a) No person shall operate a motor vehicle registered or required to be registered in this state, ~~or any vehicle otherwise required to display a valid verification of emissions test,~~ nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle ~~displaying a valid verification of~~ HAVING PASSED ANY NECESSARY emissions test. The owner of any motor vehicle ~~which~~ THAT is in violation of this paragraph (a) ~~because it is parked without displaying a valid verification of emissions test~~ shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the possession of another person

without the owner's permission at the time of the violation.

~~(b) Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of sections 42-4-301 to 42-4-316. In the event that such vehicle does not display a valid verification of emissions test, the officer shall issue a summons to the driver.~~

(4) (a) For the ~~enhanced~~ emissions program, a contractor who is awarded a contract to perform emissions inspections within the ~~enhanced~~ emissions program area shall be held accountable to the department of public health and environment and the department of revenue. Any such contractor shall be subject to civil penalties in accordance with this section or article 7 of title 25, C.R.S., as appropriate, for any violation of applicable laws or rules and regulations of the department of revenue or the commission.

(c) Pursuant to the provisions of article 4 of title 24, C.R.S., the executive director shall impose administrative fines in amounts set by the executive director of not less than twenty-five dollars and not more than one thousand dollars against any operator or employee operating an inspection and readjustment station, an inspection-only facility, or a motor vehicle dealer test facility, or any contractor operating an enhanced inspection center ~~which~~ OR CLEAN SCREEN CONTRACTOR THAT engages in TWO OR MORE INCIDENTS PER PERSON, STATION, FACILITY, OR CENTER, OF any of the following:

- (I) Test data entry violations;
- (II) Test sequence violations;
- (III) Emission retest procedural violations;
- (IV) Vehicle emissions tag replacement test procedural violations;
- (V) Performing any emissions test on noncertified equipment;
- (VI) Wait-time and lane availability violations; ~~or~~
- (VII) Physical emissions test examination violations;
- (VIII) KNOWINGLY PASSING FAILING VEHICLES; OR
- (IX) KNOWINGLY FAILING PASSING VEHICLES.

**SECTION 12.** 42-12-102 (1) (b), Colorado Revised Statutes, is amended to read:

**42-12-102. Registration of collector's items.** (1) (b) (I) No collector's item of model year 1960 or later for which a certification of emissions control is required under the provisions of sections 42-4-301 to 42-4-316 shall be registered under the provisions of this section unless a certification of emissions control is obtained for such collector's item. Reregistration of such collector's item by the same owner shall

not require the obtainment of a new certification of emissions control, but such collector's item shall not be registered under the provisions of this section after the sale or transfer of such vehicle to a new owner until a new certification of emissions control has been obtained for such collector's item.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), COLLECTOR'S ITEMS OF MODEL YEAR 1970 OR EARLIER MAY BE REGISTERED UNDER THE PROVISIONS OF THIS SECTION WITHOUT A CERTIFICATION OF EMISSIONS CONTROL FOR SUCH COLLECTOR'S ITEMS IF THE DIVISION OF ADMINISTRATION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECOMMENDS AND THE AIR QUALITY CONTROL COMMISSION DETERMINES THAT EXEMPTING SUCH COLLECTOR'S ITEMS WILL NOT NEGATIVELY AFFECT THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S APPROVAL OF THE SIP AND TO THE EXTENT THAT DOING SO IS ALLOWED UNDER FEDERAL LAW.

**SECTION 13. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for allocation to the information technology division, for computer programming, for the fiscal year beginning July 1, 2000, the sum of forty-six thousand four hundred ninety dollars (\$46,490) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from moneys received from the clean screen authority pursuant to section 42-4-307.5 (11), Colorado Revised Statutes. Any unexpended appropriation made pursuant to this section shall be available through June 30, 2002.

**SECTION 14. 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: June 5, 2001