

CHAPTER 347

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 03-1357

BY REPRESENTATIVE(S) Cloer, Larson, Lundberg, McFadyen, Sinclair, Spradley, Stafford, Stengel, and Williams S.;
also SENATOR(S) Jones, Chlouber, Isgar, and May R.

AN ACT

**CONCERNING AN EXEMPTION OF CERTAIN STATUTORILY AUTHORIZED SALES OF ABANDONED MOTOR
VEHICLES FROM THE REQUIREMENT TO OBTAIN A CERTIFICATION OF EMISSIONS CONTROL.**

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, SUBJECT TO SECTION 42-4-310 (4), 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), the introductory portion to 42-4-310 (4) (a), and 42-4-310 (4) (c), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required. (1) (a) (I) SUBJECT TO SUBSECTION (4) OF THIS SECTION, 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 control 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

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

article 6 of title 12, C.R.S. ~~This subparagraph (1) does not apply to the sale of a motor vehicle 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.~~

(4) (a) The seller of a motor vehicle ~~which~~ THAT is inoperable or otherwise cannot be tested in accordance with ~~regulations~~ RULES promulgated by the department of revenue OR THAT IS BEING SOLD PURSUANT TO PART 18 OR PART 21 OF THIS ARTICLE 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:

(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~~ PURSUANT TO THIS SUBSECTION (4), 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. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 3, 2003