

## CHAPTER 322

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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SENATE BILL 09-003

BY SENATOR(S) Bacon, Boyd, Newell, Romer;  
also REPRESENTATIVE(S) Fischer, Frangas, Green, Hullinghorst, Labuda, Merrifield.

**AN ACT**

**CONCERNING THE AUTOMOBILE INSPECTION AND READJUSTMENT PROGRAM, AND, IN CONNECTION THEREWITH, EXPANDING THE ENHANCED EMISSIONS PROGRAM TO WELD AND LARIMER COUNTIES, MODIFYING THE GEOGRAPHICAL BOUNDARIES OF THE PROGRAM AREA, ALTERING CRITERIA USED TO DETERMINE WHICH COLLECTOR'S ITEMS ARE EXCLUDED FROM THE EMISSIONS TESTING PROCESS, AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** 42-4-304 (2), (3) (c), (9), (18), and (20), Colorado Revised Statutes, are 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:

(2) "Basic emissions program" means the inspection and readjustment program, established pursuant to the federal act, ~~on January 1, 1994~~, in the counties of ~~El Paso, Larimer, and Weld, as described in~~ SET FORTH IN PARAGRAPH (b) OF subsection (20) of this section.

(3) (c) Effective September 1, ~~1991~~ 2009, a certification of emissions control ~~which~~ THAT has been issued for any motor vehicle ~~which~~ THAT is registered as a collector's item under the provisions of section 42-12-102 and ~~which~~ THAT is of model year ~~1960~~ 1976 or later shall be valid until ~~such~~ THE motor vehicle is sold or transferred.

(9) (a) "Enhanced emissions program" means ~~effective January 1, 1995~~, the emissions inspection program established pursuant to the federal requirements set forth in the federal performance standards, 40 CFR, part 51, subpart S, in the

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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.*

~~counties of Adams, Arapahoe, Douglas, and Jefferson and the city and county of Denver, as~~ LOCATIONS set forth in paragraph (c) of subsection (20) of this section.

~~(b) Effective July 1, 1995, "enhanced emissions program" shall include Boulder county.~~

(18) "Motor vehicle", as applicable to the AIR program, includes only a motor vehicle that is operated with four wheels or more on the ground, self-propelled by a spark-ignited engine burning gasoline, gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels, alcohol, alcohol blends, or other similar fuels, having a personal property classification of A, B, or C pursuant to section 42-3-106, and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-310 (1) (c). "Motor vehicle" does not include kit vehicles; vehicles registered pursuant to section 42-3-219, 42-3-305 (4), or 42-3-306 (4); vehicles registered pursuant to section 42-12-102 that are of model year ~~1959~~ 1975 or earlier or that have two-stroke cycle engines manufactured prior to 1980; or vehicles registered as street rods pursuant to section 42-3-201.

(20) (a) "Program area" means the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld, and the cities and counties of Broomfield and Denver, excluding the following areas and subject to paragraph (d) of this subsection (20):

(I) That portion of Adams county ~~which~~ THAT is east of Kiowa creek (Range ~~62~~ SIXTY-TWO west, townships ~~1, 2, and 3~~ ONE, TWO, AND THREE south) between the Adams-Arapahoe county line and the Adams-Weld county line;

(II) That portion of Arapahoe county ~~which~~ THAT is east of Kiowa creek (Range ~~62~~ SIXTY-TWO west, townships ~~4 and 5~~ FOUR AND FIVE south) between the Arapahoe-Elbert county line and the Arapahoe-Adams county line;

(III) That portion of El Paso county ~~which~~ THAT is east of the following boundary, defined on a south-to-north axis: From the El Paso-Pueblo county line north (upstream) along Chico creek (Ranges 63 and 64 West, Township 17 South) to Hanover road, then east along Hanover road (El Paso county route 422) to Peyton highway, then north along Peyton highway (El Paso county route 463) to Falcon highway, then west on Falcon highway (El Paso county route 405) to Peyton highway, then north on Peyton highway (El Paso county route 405) to Judge Orr road, then west on Judge Orr road (El Paso county route 108) to Elbert road, then north on Elbert road (El Paso county route 91) to the El Paso-Elbert county line;

(IV) That portion of Larimer county ~~which~~ THAT is west of the boundary defined on a north-to-south axis by Range ~~71 West~~ SEVENTY-ONE WEST AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY TOWNSHIP FIVE NORTH, THAT PORTION THAT IS WEST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE SEVENTY-THREE WEST, and that portion ~~which~~ THAT is north of the boundary ~~defined on an east-to-west axis by Township 10 North~~ LATITUDINAL LINE 40 DEGREES, 42 MINUTES, 47.1 SECONDS NORTH.

(V) That portion of Weld county which ~~is outside the corporate boundaries of Greeley, Evans, La Salle, and Garden City and, in addition, is outside the following boundary: Beginning at the point of intersection of the west boundary line of section 21, township six north, range sixty-six west and state highway 392, east along state highway 392 to the point of intersection with Weld county road 37, then south along Weld county road 37 to the point of intersection with Weld county road 64; then east along Weld county road 64 to the point of intersection with Weld county road 43; then south along Weld county road 43 to the point of intersection with Weld county road 62; then east along Weld county road 62 to the point of intersection with Weld county road 49; then south along Weld county road 49 to the point of intersection with the south boundary line of section 13, township five north, range sixty-five west, then west along the south boundary line of section 13, township five north, range sixty-five west, section 14, township five north, range sixty-five west, and section 15, township five north, range sixty-five west; then, from the southwest corner of section 15, township five west, range sixty-five west, south along the east boundary line of section 21, township five north, range sixty-five west, and section 28, township five north, range sixty-five west, then west along the south boundary line of section 28, township five north, range sixty-five west, then south along the east boundary line of section 32, township five north, range sixty-five west, and section 5, township four north, range sixty-five west, then west along the south boundary line of section 5, township four north, range sixty-five west, section 6, township four north, range sixty-five west, and section 1, township four north, range sixty-six west; then north along the west boundary line of section 1, township four north, range sixty-six west, and section 36, township five north, range sixty-six west; then, from the point of intersection of the west boundary line of section 36, township five north, range sixty-six west and Weld county road 52, west along Weld county road 52 to the point of intersection with Weld county road 27; then north along Weld county road 27 to the point of intersection with the south boundary line of section 18, township five north, range sixty-six west; then west along the south boundary line of section 18, township five north, range sixty-six west, section 13, township five north, range sixty-seven west, and section 14, township five north, range sixty-seven west, then north along the west boundary line of section 14, township five north, range sixty-seven west, section 11, township five north, range sixty-seven west, and section 2, township five north, range sixty-seven west; then east along the north boundary line of section 2, township five north, range sixty-seven west, section 1, township five north, range sixty-seven west, section 6, township five north, range sixty-six west, and section 5, township five north, range sixty-six west; then, from the northeast corner of section 5, township five north, range sixty-six west, north along the west boundary line of section 33, township six north, range sixty-six west, section 28, township six north, range sixty-six west, and section 21, township six north, range sixty-six west, to the point of beginning~~ NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 78; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 43 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 62; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 49, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 62 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 46; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 27, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY

WELD COUNTY ROAD 46 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36; THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 19, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 20; AND THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 39 AND SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD 20.

(b) Effective January 1, ~~1994~~ 2010, the basic emissions program area shall consist of the ~~counties~~ COUNTY of El Paso, ~~Larimer, and Weld~~ as described in paragraph (a) of this subsection (20).

(c) (I) EFFECTIVE JANUARY 1, 2010, the enhanced emissions program area shall consist of the counties of Adams, Arapahoe, Boulder, Douglas, ~~and~~ Jefferson, LARIMER, AND WELD, and the cities and counties of Broomfield and Denver as described in paragraph (a) of this subsection (20) and subject to paragraph (d) of this subsection (20). NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, VEHICLES REGISTERED IN THE COUNTIES OF LARIMER AND WELD SHALL NOT BE REQUIRED TO OBTAIN A CERTIFICATE OF EMISSIONS CONTROL PRIOR TO JULY 1, 2010, IN ORDER TO BE REGISTERED OR REREGISTERED.

(II) (Deleted by amendment, L. 2003, p. 1357, § 1, effective August 6, 2003.)

(III) Only those counties included in the basic emissions program area pursuant to paragraph (b) of this subsection (20) ~~as described in paragraph (a) of this subsection (20) which~~ THAT violate national ambient air quality standards for carbon monoxide or ozone as established by the environmental protection agency may, on a case-by-case basis, be incorporated into the enhanced emissions program by final order of the commission.

(d) The commission shall review the boundaries of the program area and may, by rule promulgated on or before December 31, ~~2004~~ 2011, adjust such boundaries to exclude particularly identified regions from either the basic program area, the enhanced area, or both, based on an analysis of the applicable air quality science and the effects of the program on the population living in such regions.

**SECTION 2.** 42-4-307.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-4-307.7. Vehicle emissions testing - remote sensing - rules - repeal.**

(13) (a) THE AIR POLLUTION CONTROL DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL COOPERATE FULLY WITH THE LEGISLATIVE AUDIT COMMITTEE'S REVIEW OF THE REMOTE SENSING PROGRAM. THE AIR POLLUTION CONTROL DIVISION SHALL DELAY DEPLOYMENT OF REMOTE SENSING EQUIPMENT BEYOND THOSE AREAS IN WHICH REMOTE SENSING WERE AUTHORIZED AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (13) UNTIL COMPLETION OF THE LEGISLATIVE AUDIT COMMITTEE'S AUDIT OF THE REMOTE SENSING PROGRAM, AND SUCH DEPLOYMENT SHALL NOT OCCUR UNLESS THE AIR POLLUTION CONTROL DIVISION, IN CONJUNCTION WITH THE DEPARTMENT OF REVENUE EMISSIONS PROGRAM, DETERMINES THE VALIDITY AND VIABILITY OF THE REMOTE SENSING PROGRAM.

(b) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE DECEMBER 31, 2009.

**SECTION 3.** 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A), Colorado Revised Statutes, are amended to read:

**42-4-310. Periodic emissions control inspection required.** (1) (d) (II) (B) For the basic emissions program, effective January 1, 1994, no emissions-related repair waiver shall be issued for any vehicle ~~which~~ THAT is registered as a collector's item pursuant to the provisions of section 42-12-102 and ~~which~~ THAT is of the model year ~~1960~~ 1976 or later.

(VIII) (A) For the enhanced emissions program except as provided in sub-subparagraph (B) of this subparagraph (VIII), effective January 1, 1995, for businesses ~~which~~ THAT operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1967 or earlier 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 seventy-five dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle still does not meet ~~such~~ THE standards, a certification of emissions waiver shall be issued for ~~such~~ THE vehicle. No emissions-related repair waiver shall be issued for vehicles ~~which~~ THAT are registered as collector's items pursuant to ~~the provisions of~~ section 42-12-102 and ~~which~~ THAT are of a model year ~~1960~~ 1976 or later.

**SECTION 4.** 42-4-401 (8), Colorado Revised Statutes, is amended to read:

**42-4-401. Definitions.** As used in this part 4, unless the context otherwise requires:

(8) "Program area" means the counties ~~as set forth in section 42-4-304 (20)~~. OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND WELD, AND THE CITIES AND COUNTIES OF BROOMFIELD AND DENVER, EXCLUDING THE FOLLOWING AREAS:

(a) THAT PORTION OF ADAMS COUNTY WHICH IS EAST OF KIOWA CREEK (RANGE 62 WEST, TOWNSHIPS 1, 2, AND 3 SOUTH) BETWEEN THE ADAMS-ARAPAHOE COUNTY LINE AND THE ADAMS-WELD COUNTY LINE;

(b) THAT PORTION OF ARAPAHOE COUNTY WHICH IS EAST OF KIOWA CREEK (RANGE 62 WEST, TOWNSHIPS 4 AND 5 SOUTH) BETWEEN THE ARAPAHOE-ELBERT COUNTY LINE AND THE ARAPAHOE-ADAMS COUNTY LINE;

(c) THAT PORTION OF EL PASO COUNTY WHICH IS EAST OF THE FOLLOWING BOUNDARY, DEFINED ON A SOUTH-TO-NORTH AXIS: FROM THE EL PASO-PUEBLO COUNTY LINE NORTH (UPSTREAM) ALONG CHICO CREEK (RANGES 63 AND 64 WEST, TOWNSHIP 17 SOUTH) TO HANOVER ROAD, THEN EAST ALONG HANOVER ROAD (EL PASO COUNTY ROUTE 422) TO PEYTON HIGHWAY, THEN NORTH ALONG PEYTON HIGHWAY (EL PASO COUNTY ROUTE 463) TO FALCON HIGHWAY, THEN WEST ON FALCON HIGHWAY (EL PASO COUNTY ROUTE 405) TO PEYTON HIGHWAY, THEN NORTH ON PEYTON HIGHWAY (EL PASO COUNTY ROUTE 405) TO JUDGE ORR ROAD, THEN WEST ON JUDGE ORR ROAD (EL PASO COUNTY ROUTE 108) TO ELBERT ROAD,

THEN NORTH ON ELBERT ROAD (EL PASO COUNTY ROUTE 91) TO THE EL PASO-ELBERT COUNTY LINE;

(d) THAT PORTION OF LARIMER COUNTY WHICH IS WEST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE 71 WEST AND THAT PORTION WHICH IS NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY TOWNSHIP 10 NORTH;

(e) THAT PORTION OF WELD COUNTY WHICH IS OUTSIDE THE CORPORATE BOUNDARIES OF GREELEY, EVANS, LA SALLE, AND GARDEN CITY AND, IN ADDITION, IS OUTSIDE THE FOLLOWING BOUNDARY: BEGINNING AT THE POINT OF INTERSECTION OF THE WEST BOUNDARY LINE OF SECTION 21, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST AND STATE HIGHWAY 392, EAST ALONG STATE HIGHWAY 392 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 37; THEN SOUTH ALONG WELD COUNTY ROAD 37 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 64; THEN EAST ALONG WELD COUNTY ROAD 64 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 43; THEN SOUTH ALONG WELD COUNTY ROAD 43 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 62; THEN EAST ALONG WELD COUNTY ROAD 62 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 49; THEN SOUTH ALONG WELD COUNTY ROAD 49 TO THE POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, SECTION 14, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 15, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN, FROM THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP FIVE WEST, RANGE SIXTY-FIVE WEST, SOUTH ALONG THE EAST BOUNDARY LINE OF SECTION 21, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 28, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF SECTION 28, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN SOUTH ALONG THE EAST BOUNDARY LINE OF SECTION 32, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 5, TOWNSHIP FOUR NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF SECTION 5, TOWNSHIP FOUR NORTH, RANGE SIXTY-FIVE WEST, SECTION 6, TOWNSHIP FOUR NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 1, TOWNSHIP FOUR NORTH, RANGE SIXTY-SIX WEST; THEN NORTH ALONG THE WEST BOUNDARY LINE OF SECTION 1, TOWNSHIP FOUR NORTH, RANGE SIXTY-SIX WEST, AND SECTION 36, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN, FROM THE POINT OF INTERSECTION OF THE WEST BOUNDARY LINE OF SECTION 36, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST AND WELD COUNTY ROAD 52, WEST ALONG WELD COUNTY ROAD 52 TO THE POINT OF INTERSECTION WITH WELD COUNTY ROAD 27; THEN NORTH ALONG WELD COUNTY ROAD 27 TO THE POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF SECTION 18, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF SECTION 18, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST, SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, AND SECTION 14, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST; THEN NORTH ALONG THE WEST BOUNDARY LINE OF SECTION 14, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, SECTION 11, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, AND SECTION 2, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST; THEN EAST ALONG THE NORTH BOUNDARY LINE OF SECTION 2, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, SECTION 1, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, SECTION 6, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST, AND SECTION 5, TOWNSHIP FIVE NORTH, RANGE

SIXTY-SIX WEST; THEN, FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST, NORTH ALONG THE WEST BOUNDARY LINE OF SECTION 33, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, SECTION 28, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, AND SECTION 21, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, TO THE POINT OF BEGINNING.

**SECTION 5.** 42-4-412 (3) (b), Colorado Revised Statutes, is amended to read:

**42-4-412. Air pollution violations.** (3) (b) Subparagraph (II) of paragraph (a) of subsection (1) of this section shall apply to all areas of the state except the program area, ~~as defined in section 42-4-304 (20)~~, which program area shall be subject to section 42-4-413.

**SECTION 6.** 42-4-413 (1) (a), Colorado Revised Statutes, is amended to read:

**42-4-413. Visible emissions from diesel-powered motor vehicles unlawful - penalty.** (1) (a) Effective January 1, 1987, no owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from ~~such~~ THE vehicle of any visible air contaminants ~~which~~ THAT exceed the emission level as described in section 42-4-412 (2) (a) within the program area. ~~as defined in section 42-4-304 (20)~~.

**SECTION 7.** 42-12-101 (2) (a), Colorado Revised Statutes, is amended to read:

**42-12-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Collector's item" means a motor vehicle, including a truck or truck tractor, that is OF:

(a) (I) ~~At least twenty-five years old~~ MODEL YEAR 1975 OR EARLIER; OR

(II) MODEL YEAR 1976 OR LATER THAT WAS REGISTERED AS A COLLECTOR'S ITEM PRIOR TO SEPTEMBER 1, 2009; EXCEPT THAT A VEHICLE SO REGISTERED SHALL NOT BE ELIGIBLE FOR REGISTRATION AS A COLLECTOR'S ITEM UPON SALE OR TRANSFER TO A NEW OWNER. THIS PARAGRAPH (a) IS EFFECTIVE SEPTEMBER 1, 2009.

**SECTION 8.** 42-12-102 (1) (b), Colorado Revised Statutes, is amended to read:

**42-12-102. Registration of collectors' items - fees.** (1) Except for those motor vehicles that are entitled to registration under the provisions of section 42-3-219, collectors' items shall be titled, registered, and a specific ownership tax shall be paid thereon in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(b) (I) No collector's item of model year ~~1960~~ 1976 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~~ THE collector's item. Reregistration of ~~such~~ THE collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but ~~such~~ THE collector's item

shall not be registered under ~~the provisions of this section after the sale or transfer of such~~ THE 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 9. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of public health and environment subaccount of the automobile inspection and readjustment account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the air quality control division, for the fiscal year beginning July 1, 2009, the sum of ninety-seven thousand one hundred twelve dollars (\$97,112) cash funds and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of revenue subaccount of the automobile inspection and readjustment account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, vehicle emissions, for the fiscal year beginning July 1, 2009, the sum of thirty-nine thousand three hundred four dollars (\$39,304) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the license plate cash fund created in section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 2009, the sum of sixty-seven thousand twenty-seven dollars (\$67,027) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the department of corrections, for allocation to correctional industries, for the fiscal year beginning July 1, 2009, the sum of sixty-seven thousand twenty-seven dollars (\$67,027), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (3) of this section.

**SECTION 10. Applicability.** This act shall apply to motor vehicles registered as collector's items on or after the effective date of this act.



**SECTION 11. 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 1, 2009