

HB1121_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB26-1121 be amended as follows:

1 Amend printed bill, page 5, after line 15 insert:

2 "SECTION 4. In Colorado Revised Statutes, 25-7-123.1, amend
3 (1)(b) as follows:

4 **25-7-123.1. Statute of limitations - penalty assessment -**
5 **criteria.**

6 (1) (b) Without expanding the statute of limitations contained in
7 subsection (1)(a) of this section, any action commenced for the
8 assessment of civil penalties, pursuant to this article 7, except those
9 commenced pursuant to section 25-7-122 (1)(d) or 25-7-122.1 (1)(c), that
10 is not commenced within eighteen months after the date upon which the
11 division discovers the alleged violation is time barred. For purposes of
12 this section, the division discovers the alleged violation when it learns of
13 the alleged violation or should have learned of the alleged violation by the
14 exercise of reasonable diligence, including by receipt of actual or
15 constructive notice. THE DISCLOSURE, PUBLICATION, OR MAINTENANCE OF
16 EMISSIONS RECORDS ON AN OWNER OR OPERATOR'S PUBLIC WEBSITE
17 PURSUANT TO SECTION 25-7-109.7 DOES NOT CONSTITUTE CONSTRUCTIVE
18 NOTICE TO THE DIVISION OR INFORMATION THAT THE DIVISION SHOULD
19 HAVE LEARNED FOR THE PURPOSES OF THIS SUBSECTION (1)(b).".

20 Renumber succeeding sections accordingly.

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