

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0965.01 Jennifer Berman x3286

HOUSE BILL 16-1319

HOUSE SPONSORSHIP

Ginal and Tyler,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION AGAINST INTENTIONALLY INCREASING A
102 DIESEL-POWERED VEHICLE'S PARTICULATE EMISSIONS FOR THE
103 PURPOSE OF "COAL ROLLING".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill prohibits "coal rolling", or "rolling coal", which is the act of intentionally blowing black smoke through one or more exhaust pipes attached to a diesel vehicle after modifying, disabling, bypassing, or removing the vehicle's pollution controls, for the purpose of harassing another driver, a bicyclist, or a pedestrian or obstructing or obscuring the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

view of another driver, a bicyclist, or a pedestrian. A person who violates the prohibition commits a class 2 misdemeanor traffic offense, punishable by 10 to 90 days in jail or a \$150 to \$300 fine, or both, and is subject to 3 points assessed against the person's driver's license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-127, **add** (5) (ll)
3 as follows:

4 **42-2-127. Authority to suspend license - to deny license - type**
5 **of conviction - points.** (5) Point system schedule:

6 Type of conviction	Points
7 (ll) COAL ROLLING IN VIOLATION OF SECTION 42-4-314 (6)	3

8 **SECTION 2.** In Colorado Revised Statutes, 42-4-314, **amend** (3);
9 and **add** (6) as follows:

10 **42-4-314. Automobile air pollution control systems -**
11 **tampering - operation of vehicle.** (3) (a) ~~Any~~ A person who violates
12 ~~any provision~~ SUBSECTION (1) OR (2) of this section commits a class A
13 traffic infraction. The department shall not assess any points under
14 section 42-2-127 for a conviction pursuant to SUBSECTION (1) OR (2) OF
15 this section.

16 (b) A PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION
17 COMMITS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

18 (6) **Coal rolling - prohibition.** A PERSON SHALL NOT ENGAGE IN
19 COAL ROLLING, WHICH IS THE PURPOSEFUL RELEASE OF HIGH QUANTITIES
20 OF SOOT, SMOKE, OR OTHER PARTICULATE EMISSIONS FROM A SMOKE
21 STACK OR OTHER DEVICE ATTACHED TO A DIESEL-POWERED VEHICLE INTO
22 THE AIR AND ONTO ROADWAYS, OTHER VEHICLES, BICYCLISTS, OR
23 PEDESTRIANS, WITH THE INTENTION OF:

1 (a) ACTING IN A MANNER THAT WOULD CAUSE A REASONABLE
2 PERSON TO FEEL HARASSED, ANNOYED, OR ALARMED; OR

3 (b) OBSTRUCTING OR OBSCURING ANOTHER PERSON'S VIEW OF THE
4 ROADWAY, OTHER USERS OF THE ROADWAY, OR A TRAFFIC CONTROL
5 DEVICE OR OTHERWISE CREATING A HAZARD TO A DRIVER, BICYCLIST, OR
6 PEDESTRIAN.

7 **SECTION 3. Applicability.** This act applies to offenses
8 committed on or after the effective date of this act.

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