

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0965.01 Jennifer Berman x3286

HOUSE BILL 16-1319

HOUSE SPONSORSHIP

Ginal and Tyler,

SENATE SPONSORSHIP

Kefalas,

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 A VISUAL EXHIBITION OF SMOKE.**

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.

HOUSE
3rd Reading Unamended
April 18, 2016

HOUSE
Amended 2nd Reading
April 13, 2016

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) (II)
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 (II) VISUAL EXHIBITION OF SMOKE IN VIOLATION OF SECTION	
8 42-4-314 (6)	2

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

11 **42-4-314. Automobile air pollution control systems -**
12 **tampering - operation of vehicle.** (3) (a) ~~Any~~ A person who violates
13 ~~any provision~~ SUBSECTION (1), (2), OR (6) of this section commits a class
14 A traffic infraction. The department shall not assess any points under
15 section 42-2-127 for a conviction pursuant to SUBSECTION (1) OR (2) OF
16 this section.

17 (b) A PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION
18 SHALL BE FINED THIRTY-FIVE DOLLARS. THE PENALTY FOR ANY
19 SUBSEQUENT VIOLATION IS ALSO THIRTY-FIVE DOLLARS.

20 **(6) Visual exhibition of smoke - prohibition.** A PERSON SHALL
21 NOT ENGAGE IN A VISUAL EXHIBITION OF SMOKE, WHICH IS THE KNOWING
22 RELEASE OF SOOT, SMOKE, OR OTHER PARTICULATE EMISSIONS FROM A
23 LIGHT-DUTY DIESEL VEHICLE, AS DEFINED IN SECTION 42-4-401 (6.7), INTO

1 THE AIR AND ONTO ROADWAYS, OTHER VEHICLES, BICYCLISTS, OR
2 PEDESTRIANS, IN A MANNER THAT:

3 (a) WOULD CAUSE A REASONABLE PERSON TO FEEL HARASSED,
4 ANNOYED, OR ALARMED; OR

5 (b) OBSTRUCTS OR OBSCURES ANOTHER PERSON'S VIEW OF THE
6 ROADWAY, OTHER USERS OF THE ROADWAY, OR A TRAFFIC CONTROL
7 DEVICE OR OTHERWISE CREATES A HAZARD TO A DRIVER, BICYCLIST, OR
8 PEDESTRIAN.

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

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