

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0335.01 Jennifer Berman x3286

HOUSE BILL 17-1102

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST ENGAGING IN A NUISANCE**
102 **EXHIBITION OF MOTOR VEHICLE EXHAUST.**

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://leg.colorado.gov>.)

The bill prohibits engaging in a nuisance exhibition of motor vehicle exhaust, which is the act of knowingly blowing black smoke through one or more exhaust pipes attached to a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less in a manner that would harass another driver, a bicyclist, or a pedestrian or obstruct or obscure the view of another driver, a bicyclist, or a pedestrian. A person

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.*

who violates the prohibition commits a class A traffic infraction, punishable by a fine of \$100.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-314, **amend** (3);
3 and **add** (6) as follows:

4 **42-4-314. Automobile emissions control systems - tampering**
5 **- operation of vehicle.** (3) (a) ~~Any~~ A person who violates ~~any provision~~
6 subsection (1) or (2) of this section commits a class A traffic infraction
7 AND SHALL BE FINED THIRTY-FIVE DOLLARS PURSUANT TO SECTION
8 42-4-1701 (4)(a)(I)(N). The department shall not assess any points under
9 section 42-2-127 for a conviction pursuant to SUBSECTION (1) OR (2) OF
10 this section.

11 (b) A PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION
12 COMMITS A CLASS A TRAFFIC INFRACTION AND SHALL BE FINED ONE
13 HUNDRED DOLLARS PURSUANT TO SECTION 42-4-1701 (4)(a)(I)(N). THE
14 DEPARTMENT SHALL NOT ASSESS ANY POINTS UNDER SECTION 42-2-127
15 FOR A CONVICTION PURSUANT TO SUBSECTION (6) OF THIS SECTION.

16 (6) **Nuisance exhibition of motor vehicle exhaust - prohibition.**
17 A PERSON SHALL NOT ENGAGE IN A NUISANCE EXHIBITION OF MOTOR
18 VEHICLE EXHAUST, WHICH IS THE KNOWING RELEASE OF SOOT, SMOKE, OR
19 OTHER PARTICULATE EMISSIONS FROM A MOTOR VEHICLE WITH A GROSS
20 VEHICLE WEIGHT RATING OF FOURTEEN THOUSAND POUNDS OR LESS INTO
21 THE AIR AND ONTO ROADWAYS, OTHER MOTOR VEHICLES, BICYCLISTS, OR
22 PEDESTRIANS, IN A MANNER THAT:

23 (a) WOULD CAUSE A REASONABLE PERSON TO FEEL HARASSED,
24 ANNOYED, OR ALARMED; ~~AND~~

25 (b) OBSTRUCTS OR OBSCURES ANOTHER PERSON'S VIEW OF THE

1 ROADWAY, OTHER USERS OF THE ROADWAY, OR A TRAFFIC CONTROL
2 DEVICE OR OTHERWISE CREATES A HAZARD TO A DRIVER, BICYCLIST, OR
3 PEDESTRIAN.

4 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**
5 (4)(a)(I)(N) as follows:

6 **42-4-1701. Traffic offenses and infractions classified -**
7 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
8 as provided in paragraph (c) of subsection (5) of this section, every
9 person who is convicted of, who admits liability for, or against whom a
10 judgment is entered for a violation of any provision of this title to which
11 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
12 or penalized, and have a surcharge levied in accordance with sections
13 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b) (I), C.R.S., in accordance with the
14 penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P)
15 of this subparagraph (I); or, if no penalty or surcharge is specified in the
16 schedule, the penalty for class A and class B traffic infractions is fifteen
17 dollars, and the surcharge is four dollars. These penalties and surcharges
18 apply whether the defendant acknowledges the defendant's guilt or
19 liability in accordance with the procedure set forth by paragraph (a) of
20 subsection (5) of this section, is found guilty by a court of competent
21 jurisdiction, or has judgment entered against the defendant by a county
22 court magistrate. Penalties and surcharges for violating specific sections
23 are as follows:

24 Section Violated	Penalty	Surcharge
25 (N) Other offenses:		
26 42-4-1301 (2)(d)	\$ 100.00	\$ 16.00
27 42-4-1305	50.00	16.00

1	42-4-1402	150.00	16.00
2	42-4-1403	30.00	6.00
3	42-4-1404	15.00	6.00
4	42-4-1406	35.00	10.00
5	42-4-1407 (3)(a)	35.00	10.00
6	42-4-1407 (3)(b)	100.00	30.00
7	42-4-1407 (3)(c)	500.00	200.00
8	42-4-314	35.00	10.00
9	42-4-1408	15.00	6.00
10	42-4-314 (1) AND (2)	35.00	10.00
11	42-4-314 (6)	100.00	10.00
12	42-4-1408	15.00	6.00
13	42-4-1414 (2)(a)	500.00	156.00
14	42-4-1414 (2)(b)	1,000.00	312.00
15	42-4-1414 (2)(c)	5,000.00	1,560.00
16	42-4-1416 (3)	75.00	4.00
17	42-20-109 (2)	250.00	66.00

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

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