

CHAPTER 255

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1377

BY REPRESENTATIVES Anderson, Armstrong, Hagedorn, and June;
also SENATORS Wham, Feeley, Hernandez, Hopper, Johnson, Linkhart, Martinez, Norton, Pascoe, L. Powers, R. Powers, Rizzuto,
Rupert, Schroeder, Wattenberg, Weddig, and Wells.

AN ACT

CONCERNING ALLOWING A MOTOR VEHICLE DEALER AND A USED MOTOR VEHICLE DEALER TO PROVIDE AN EMISSIONS TEST VOUCHER FOR A CONSUMER OF A MOTOR VEHICLE AT THE TIME OF SALE.

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

SECTION 1. 42-4-309, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-309. Vehicle fleet owners - motor vehicle dealers - authority to conduct inspections - fleet inspection stations - motor vehicle dealer test facilities - contracts with licensed inspection-only entities. (6) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6), A MOTOR VEHICLE DEALER OR A USED MOTOR VEHICLE DEALER LICENSED PURSUANT TO ARTICLE 6 OF TITLE 12, C.R.S., THAT SELLS ANY VEHICLE SUBJECT TO THE PROVISIONS OF THE ENHANCED EMISSIONS PROGRAM MAY COMPLY WITH THE PROVISIONS OF SECTIONS 42-4-304 (3) (d) AND 42-4-310 BY PROVIDING THE CONSUMER OF THE VEHICLE A VOUCHER PURCHASED BY THE DEALER FROM THE CONTRACTOR FOR THE CENTRALIZED ENHANCED EMISSIONS PROGRAM, WITH OR WITHOUT CHARGE TO THE CONSUMER, UP TO THE MAXIMUM AMOUNT CHARGED FOR AN EMISSIONS INSPECTION AT AN ENHANCED INSPECTION CENTER. SUCH VOUCHER SHALL COVER THE COST OF AN EMISSIONS INSPECTION OF THE VEHICLE AT AN ENHANCED INSPECTION CENTER AND SHALL ENTITLE THE CONSUMER TO SUCH AN EMISSIONS INSPECTION.

(b) IF A VEHICLE INSPECTED WITH A VOUCHER AS AUTHORIZED IN THIS PARAGRAPH (b) FAILS A TEST AT AN ENHANCED INSPECTION CENTER, AND IS RETURNED WITHIN THREE BUSINESS DAYS AFTER ITS PURCHASE, THE DEALER, AT ITS OPTION, SHALL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REPAIR THE MOTOR VEHICLE TO PASS THE EMISSIONS TEST, PAY THE CONSUMER TO OBTAIN SUCH REPAIRS TO PASS THE EMISSIONS TEST FROM A THIRD PARTY, OR REPURCHASE THE VEHICLE AT THE VEHICLE'S PURCHASE PRICE. AFTER SUCH PAYMENT, REPAIR, OR REPURCHASE, A DEALER SHALL HAVE NO FURTHER LIABILITY TO THE CONSUMER FOR COMPLIANCE WITH THE REQUIREMENTS OF THE ENHANCED EMISSIONS PROGRAM.

(c) THE VOUCHER TO BE DELIVERED AT TIME OF SALE SHALL SET FORTH THE CONDITIONS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (6) ON A FORM PRESCRIBED BY THE DEPARTMENT OF REVENUE.

SECTION 2. 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, 1996