

CHAPTER 238

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 98-182

BY SENATORS Norton, Schroeder, Linkhart, Perlmutter, and Reeves;
also REPRESENTATIVES Anderson and Mace.

AN ACT

CONCERNING THE CONTINUED OPERATION OF THE AIR PROGRAM, AND, IN CONNECTION THEREWITH, IMPLEMENTING A CLEAN SCREEN REMOTE SENSING SYSTEM IN THE BASIC EMISSIONS PROGRAM AND A DENVER REMOTE SENSING PILOT STUDY, EXTENDING THE AUTHORITY FOR THE OPERATION OF THE AIR PROGRAM, AND MAKING AN APPROPRIATION.

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

SECTION 1. 42-4-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-304. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(3.5) "CLEAN SCREEN PROGRAM" MEANS THE REMOTE SENSING SYSTEM OR OTHER EMISSION PROFILING SYSTEM ESTABLISHED AND OPERATED PURSUANT TO SECTIONS 42-4-305 (12), 42-4-306 (23), 42-4-307 (10.5), AND 42-4-310 (5).

SECTION 2. 42-4-305, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-305. Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (12) THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES CONSISTENT WITH THOSE OF THE COMMISSION AS MAY BE NECESSARY FOR IMPLEMENTATION, ENFORCEMENT, AND QUALITY ASSURANCE AND FOR PROCEDURES AND POLICIES THAT ALLOW DATA COLLECTED FROM THE CLEAN SCREEN PROGRAM TO BE MATCHED WITH VEHICLE OWNERSHIP INFORMATION AND FOR SUCH INFORMATION TO BE TRANSFERRED TO COUNTY CLERKS AND RECORDERS. SUCH

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

RULES SHALL SET FORTH THE PROCEDURES FOR THE EXECUTIVE DIRECTOR TO INFORM COUNTY CLERKS AND RECORDERS OF THE EMISSION INSPECTION STATUS OF VEHICLES UP FOR REGISTRATION RENEWAL.

SECTION 3. 42-4-306 (3) (a) (I) (C), (3) (b) (IV), and (6) (b) (II), Colorado Revised Statutes, are amended, and the said 42-4-306 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (3) (a) (I) (C) Upon the adoption of specifications for measuring instruments and test analyzer systems, the division in consultation with the executive director shall let bids pursuant to the "~~Procurement Code~~", ~~articles 101 to 112 of title 24, C.R.S.~~, for the procurement of instruments which meet federal requirements OR GUIDELINES and the standards of the federal act. The invitation for bids for test analyzer systems for the basic program and THE inspection-only facilities in the enhanced program shall include, but shall not be limited to, the requirements for data collection and electronic transfer of data as established by the commission, service and maintenance requirements for such instruments for the period of the contract, requirements for replacement or loan instruments in the event that the purchased or leased instruments do not function, and the initial purchase or lease price. ~~In no event shall the contract for the purchase of such instruments extend beyond December 31, 2001.~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (C), AS AMENDED, EACH CONTRACT FOR THE PURCHASE OF SUCH INSTRUMENTS SHALL HAVE A TERM OF NO MORE THAN FIVE YEARS AND SHALL BE SUBJECT TO REBIDDING UNDER THE PROVISIONS OF THIS PARAGRAPH (a).

(b) (IV) ~~In no event shall the contract for inspection services extend beyond December 31, 2001.~~ ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (IV), AS AMENDED, ANY CONTRACT FOR INSPECTION SERVICES SHALL HAVE A TERM OF NO MORE THAN FIVE YEARS AND SHALL BE SUBJECT TO REBIDDING UNDER THE PROVISIONS OF THIS PARAGRAPH (b).

(6) (b) (II) Standards for carbon monoxide, exhaust and evaporative hydrocarbons, and oxides of nitrogen shall be no more stringent than those established pursuant to the federal act and federal requirements. THE CUT-POINTS ESTABLISHED FOR SUCH STANDARDS PRIOR TO DECEMBER 1, 1998, SHALL NOT BE INCREASED UNTIL ON OR AFTER JANUARY 1, 2000.

(23) THE COMMISSION SHALL PROMULGATE RULES GOVERNING THE OPERATION OF THE CLEAN SCREEN PROGRAM. SUCH RULES SHALL AUTHORIZE THE DIVISION TO COMMENCE THE CLEAN SCREEN PROGRAM IN THE WELD COUNTY AND LARIMER COUNTY PORTIONS OF THE BASIC EMISSIONS PROGRAM COMMENCING JANUARY 1, 1999, OR AS EXPEDITIOUSLY AS POSSIBLE THEREAFTER. SUCH RULES SHALL AUTHORIZE THE DIVISION TO EXTEND, IF FEASIBLE, THE CLEAN SCREEN PROGRAM TO OTHER PARTS OF THE STATE UPON REQUEST OF THE LEAD AIR QUALITY PLANNING AGENCIES FOR EACH RESPECTIVE AREA. SUCH RULES SHALL GOVERN OPERATION OF THE CLEAN SCREEN PROGRAM PURSUANT TO THE CONTRACT OR SERVICE AGREEMENT ENTERED INTO UNDER SECTION 42-4-307 (10.5). SUCH RULES SHALL DETERMINE THE PERCENTAGE OF THE VEHICLE FLEET TARGETED FOR THE CLEAN SCREEN PROGRAM,

WHICH PERCENTAGE SHALL DEVELOP A TARGET OF THE ELIGIBLE VEHICLE FLEET THAT MEETS AIR QUALITY NEEDS. SUCH RULES SHALL SPECIFY EMISSION LEVELS FOR VEHICLES IN THE SAME MANNER AS FOR OTHER VEHICLES IN THE BASIC EMISSIONS PROGRAM.

SECTION 4. 42-4-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-307. Powers and duties of the department of public health and environment - division of administration - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (10.5) (a) FOR THE CLEAN SCREEN PROGRAM AND THE DENVER CLEAN SCREENING PILOT STUDY, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF REVENUE MAY, PURSUANT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., ENTER INTO A CONTRACT OR CONTRACTS, OR SERVICE AGREEMENT OR AGREEMENTS, WITH CONTRACTORS FOR THE PURCHASE OF EQUIPMENT, THE COLLECTION OF REMOTE SENSING AND OTHER DATA AND OPERATION OF REMOTE SENSING AND SUPPORT EQUIPMENT, DATA PROCESSING AND VEHICLE OWNERSHIP MATCHING IN COOPERATION WITH THE EXECUTIVE DIRECTOR, COLLECTION OF REMOTE SENSING AND OTHER DATA FOR THE DENVER CLEAN SCREENING PILOT STUDY, INCLUDING ANALYSIS OF THE RESULTS OF SUCH STUDY AND REPORT PREPARATION. UNDER ANY SUCH CONTRACT OR SERVICE AGREEMENT, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF REVENUE MAY PURCHASE APPROVED REMOTE SENSING AND SUPPORT EQUIPMENT OR AUTHORIZE THE USE OF A QUALIFIED CONTRACTOR OR CONTRACTORS TO PURCHASE APPROVED REMOTE SENSING AND SUPPORT EQUIPMENT FOR USE IN THE CLEAN SCREEN PROGRAM. THE DEPARTMENT OF REVENUE AND ANY SUCH CONTRACTOR MAY CHARGE A FEE NOT TO EXCEED FIFTEEN DOLLARS OR SUCH LESSER AMOUNT AS ESTABLISHED BY THE DEPARTMENT OF REVENUE AND ANY SUCH CONTRACTOR TO THE OWNER OF EACH VEHICLE VOLUNTARILY INSPECTED UNDER THE CLEAN SCREEN PROGRAM.

(b) (I) THE DIVISION, IN CONSULTATION WITH THE COMMISSION, SHALL PROMULGATE GUIDELINES FOR THE OPERATION OF A DENVER CLEAN SCREENING PILOT STUDY. SUCH GUIDELINES SHALL ENABLE THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF REVENUE, PURSUANT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., TO PURCHASE NECESSARY EQUIPMENT FOR SUCH STUDY OR TO CONTRACT FOR THE OPERATION OF SUCH STUDY. SUCH GUIDELINES SHALL DETERMINE THE PERCENTAGE OF THE VEHICLE FLEET TARGETED FOR THE DENVER CLEAN SCREENING PILOT STUDY. SUCH GUIDELINES SHALL SPECIFY EMISSION LEVELS FOR VEHICLES IN THE SAME MANNER AS FOR OTHER VEHICLES IN THE ENHANCED EMISSIONS PROGRAM. THE DIVISION SHALL REPORT TO THE COMMISSION AND THE GENERAL ASSEMBLY ON THE RESULTS OF THE DENVER CLEAN SCREENING PILOT STUDY BY DECEMBER 31, 1999.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2001.

SECTION 5. 42-4-310, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-310. Periodic emissions control inspection required. (5) (a)

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY ELIGIBLE MOTOR VEHICLE REGISTERED IN A CLEAN SCREEN PROGRAM COUNTY THAT COMPLIES WITH THE REQUIREMENTS OF THE CLEAN SCREEN PROGRAM UNDER THE PROVISIONS OF SECTIONS 42-4-305 (12), 42-4-306 (23), AND 42-4-307 (10.5) (a), BY PASSING THE REQUIREMENTS OF SUCH PROGRAM AND APPLICABLE RULES SHALL BE DEEMED TO HAVE COMPLIED WITH THE INSPECTION REQUIREMENTS OF THIS SECTION FOR THE APPLICABLE EMISSIONS INSPECTION CYCLE.

(b) IF THE CONTRACTOR DETERMINES THAT THE MOTOR VEHICLE HAS COMPLIED WITH THE INSPECTION REQUIREMENTS PURSUANT TO THIS SUBSECTION (5), A NOTICE SHALL BE SENT TO THE OWNER OF THE VEHICLE IDENTIFYING THE OWNER OF THE VEHICLE, THE LICENSE PLATE NUMBER, AND ANY OTHER PERTINENT REGISTRATION INFORMATION, STATING THAT THE VEHICLE HAS SUCCESSFULLY COMPLIED WITH THE APPLICABLE EMISSION REQUIREMENTS. SUCH NOTICE SHALL ALSO INCLUDE A NOTIFICATION THAT THE REGISTERED OWNER OF THE VEHICLE MAY RETURN THE NOTICE TO THE CONTRACTOR WITH THE PAYMENT AS SET FORTH ON THE NOTICE TO PAY FOR THE CLEAN SCREEN PROGRAM. UPON RECEIPT OF THE PAYMENT FROM THE MOTOR VEHICLE OWNER, THE COUNTY CLERK SHALL BE NOTIFIED THAT THE MOTOR VEHICLE HAS COMPLIED WITH THE INSPECTION REQUIREMENTS PURSUANT TO THIS SUBSECTION (5).

(c) THE DEPARTMENT SHALL, BY CONTRACT WITH A PRIVATE VENDOR OR BY RULE, ESTABLISH A PROCEDURE FOR A VEHICLE OWNER TO OBTAIN THE NECESSARY EMISSIONS RELATED DOCUMENTS FOR THE REGISTRATION AND OPERATION OF A VEHICLE WHICH HAS COMPLIED WITH THE INSPECTION REQUIREMENTS PURSUANT TO THIS SUBSECTION (5). AT A MINIMUM SUCH CONTRACT OR RULE SHALL SPECIFY THAT ANY VALID VERIFICATION OF EMISSIONS TEST, COMMONLY REFERRED TO AS AN "EMISSIONS STICKER", HAS SUFFICIENT IDENTIFYING DATA TO ENSURE THAT SUCH VERIFICATION OF EMISSIONS TEST IS ATTACHED TO THE APPROPRIATE VEHICLE.

SECTION 6. 42-4-316 (1), (2), and (3) (a), Colorado Revised Statutes, are amended to read:

42-4-316. AIR program - demonstration of compliance with ambient air quality standards and transportation conformity - review of program. (1) ~~The AIR program established pursuant to sections 42-4-301 to 42-4-316 shall terminate on January 1, 2002, and no inspections pursuant to section 42-4-310 shall be made after December 31, 2001.~~ IF THE LEAD AIR QUALITY PLANNING AGENCY OF ANY PORTION OF THE PROGRAM AREA DEMONSTRATES TO THE COMMISSION THAT SUCH PORTION MEETS AMBIENT AIR QUALITY STANDARDS AND TRANSPORTATION CONFORMITY REQUIREMENTS, UPON APPROVAL OF SUCH DEMONSTRATION, THE COMMISSION MAY SPECIFY THAT THE AIR PROGRAM WILL NO LONGER APPLY IN THAT PORTION OF THE PROGRAM AREA.

(2) The legislative audit committee shall cause to be conducted a performance ~~audit~~ AUDITS of the program. THE FIRST OF such ~~audit~~ AUDITS shall be completed not later than January 1, ~~1998~~ 2000, AND SHALL BE COMPLETED NOT LATER THAN JANUARY 1 OF EACH THIRD YEAR THEREAFTER. In conducting the audit, the legislative audit committee shall take into consideration, but shall not be limited to considering, the factors listed in paragraph (b) of subsection (3) of this section. Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the

purposes of a review of the report. A copy of the report shall be made available to each member of the general assembly.

(3) (a) ~~Prior to termination, continuation, or reestablishment of the program~~ DECEMBER 31, 2001, a committee of reference in each house of the general assembly shall hold a JOINT public hearing, receiving testimony from the public, the executive directors of the departments of revenue and public health and environment, the chairperson of the air quality control commission, and the air pollution control division of the department of public health and environment.

SECTION 7. Appropriation - adjustment in 1998 long bill. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the AIR account in the highway users tax fund created in section 42-3-134 (26) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the division of administration, for the fiscal year beginning July 1, 1998, the sum of ninety thousand dollars (\$90,000) for personal services, or so much thereof as may be necessary, for the implementation of the Denver clean screening pilot program under the provisions of this act.

SECTION 8. 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: May 26, 1998