

CHAPTER 242

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 99-1181

BY REPRESENTATIVES Plant, Dean, Hoppe, Tupa, and Zimmerman;
also SENATORS Dennis, Hernandez, Phillips, Sullivant, and Tebedo.

AN ACT

CONCERNING EMISSIONS CONTROL REQUIREMENTS FOR GOVERNMENT-OWNED MOTOR VEHICLES.

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

SECTION 1. 42-4-310 (1) (b) (I), (1) (d) (IV), and (1) (d) (VI), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required.

(1) (b) (I) (A) Effective July 1, 1987, AND UNTIL THE EFFECTIVE DATE OF THIS ACT, those motor vehicles ~~which~~ THAT are owned by the United States government or an agency thereof or by the state of Colorado or any agency or political subdivision thereof ~~which~~ THAT would be registered in the program area shall be inspected once each year, and a valid certification of emissions compliance shall be obtained.

(B) EFFECTIVE ON THE EFFECTIVE DATE OF THIS ACT, NEW MOTOR VEHICLES OWNED BY THE UNITED STATES GOVERNMENT OR AN AGENCY THEREOF OR BY THE STATE OF COLORADO OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF THAT WOULD BE REGISTERED IN THE PROGRAM AREA SHALL BE ISSUED A CERTIFICATION OF EMISSIONS COMPLIANCE WITHOUT INSPECTION THAT SHALL EXPIRE ON THE ANNIVERSARY OF THE DAY OF THE ISSUANCE OF SUCH CERTIFICATION WHEN SUCH VEHICLE HAS REACHED ITS FOURTH MODEL YEAR OR ON THE DATE OF THE TRANSFER OF OWNERSHIP AT ANY TIME PRIOR TO THE FOURTH MODEL YEAR. PRIOR TO THE EXPIRATION OF SUCH CERTIFICATION SUCH VEHICLE SHALL BE INSPECTED AND A CERTIFICATION OF EMISSIONS CONTROL SHALL BE OBTAINED THEREFOR.

(C) EFFECTIVE ON THE EFFECTIVE DATE OF THIS ACT, 1982 AND NEWER MODEL MOTOR VEHICLES THAT ARE OWNED BY THE UNITED STATES GOVERNMENT OR AN AGENCY THEREOF OR BY THE STATE OF COLORADO OR ANY AGENCY OR POLITICAL

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

SUBDIVISION THEREOF THAT WOULD BE REGISTERED IN THE PROGRAM AREA SHALL BE INSPECTED EVERY TWO YEARS, AND SHALL BE ISSUED A CERTIFICATION OF EMISSIONS COMPLIANCE THAT SHALL BE VALID FOR TWENTY-FOUR MONTHS; EXCEPT THAT VEHICLES OWNED OR OPERATED BY ANY AGENCY OR POLITICAL SUBDIVISION WHICH IS AUTHORIZED AND LICENSED PURSUANT TO SECTION 42-4-309 TO INSPECT FLEET VEHICLES SHALL BE INSPECTED ANNUALLY.

(D) EFFECTIVE ON THE EFFECTIVE DATE OF THIS ACT, 1981 AND OLDER MODEL MOTOR VEHICLES THAT ARE OWNED BY THE UNITED STATES GOVERNMENT OR AN AGENCY THEREOF OR BY THE STATE OF COLORADO OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF THAT WOULD BE REGISTERED IN THE PROGRAM AREA SHALL BE INSPECTED ONCE EACH YEAR, AND SHALL BE ISSUED A CERTIFICATION OF EMISSIONS COMPLIANCE THAT SHALL BE VALID FOR TWELVE MONTHS.

(E) ANY VEHICLE SUBJECT TO THIS SUBPARAGRAPH (I) THAT IS SUSPECTED OF HAVING AN EMISSIONS PROBLEM MAY UNDERGO A VOLUNTARY INSPECTION AS PROVIDED IN SUBPARAGRAPH (IV) OF PARAGRAPH (c) OF THIS SUBSECTION (1).

(d) (IV) For the basic emissions program, effective January 1, 1994, for businesses ~~which~~ THAT operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1982 or later required to be registered in the basic emissions program area, after any adjustments or repairs required pursuant to section 42-4-306, if total expenditures of at least two hundred dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions waiver shall be issued for such vehicle. For vehicles not older than two years or ~~which~~ THAT have not more than twenty-four thousand miles, or such period of time and mileage as established for warranty protection by amendments to federal regulations, no emissions-related repair waivers shall be issued due to the provisions and enforcement of section 207 (A) and (B) of the federal act relating to emissions control systems components and performance warranties. VEHICLES THAT ARE OWNED BY THE STATE OF COLORADO OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF ARE NOT ELIGIBLE FOR EMISSIONS-RELATED REPAIR WAIVERS UNDER THIS SUBPARAGRAPH (IV).

(VI) For the enhanced emissions program, effective January 1, 1995, for businesses ~~which~~ THAT operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1968 and later required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to section 42-4-306, if total expenditures of at least four hundred fifty dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle does not meet such standards, a certification of emissions waiver shall be issued for such vehicle except as prescribed in subparagraph (XII) of this paragraph (d) pertaining to vehicle warranty. The four-hundred-fifty-dollar minimum expenditure shall be adjusted annually by the percentage, if any, by which the consumer price index for all urban consumers (CPIU) for the Denver-Boulder metropolitan statistical area for the preceding year differs from such index for 1989. VEHICLES THAT ARE OWNED BY THE STATE OF COLORADO OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF ARE NOT ELIGIBLE FOR EMISSIONS-RELATED REPAIR WAIVERS UNDER THIS SUBPARAGRAPH (VI).

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: May 28, 1999