

CHAPTER 256

HEALTH AND ENVIRONMENT

HOUSE BILL 02-1455

BY REPRESENTATIVE(S) Paschall, Lee, Crane, Daniel, Dean, Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence, Stafford, Stengel, Veiga, Webster, Weddig, Young, Coleman, Harvey, Hoppe, and Williams S.;
also SENATOR(S) Linkhart, Andrews, Cairns, Chlouber, Evans, Hanna, Hillman, Lamborn, and May.

AN ACT

CONCERNING A RESTRICTION IN THE CLASS OF MOTOR VEHICLES FOR WHICH EMISSIONS TEST FEES ARE COLLECTED UPON REGISTRATION TO ONLY THOSE THAT HAVE BEEN CLEAN SCREENED.

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

SECTION 1. 42-3-134 (26.5) (a), (26.5) (b), and (26.5) (c), Colorado Revised Statutes, are amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes - fee schedule for years of TABOR surplus revenue - refund - clean screen fund - repeal. (26.5) (a) If the air quality control commission determines pursuant to section 42-4-306 (23) (b) to implement an expanded clean screen program in the enhanced emissions program area, on and after the specific dates determined by the commission for each of the following subparagraphs:

(I) In addition to any other fee imposed by this section, county clerks and recorders, acting as agents for the clean screen authority, shall collect at the time of registration an emissions inspection fee in an amount determined by ~~paragraph (b) of this subsection (26.5)~~ SECTION 42-4-311 (6) (a) on every ~~1982 and newer~~ motor vehicle ~~required to be registered in the program area~~ THAT THE DEPARTMENT OF REVENUE HAS DETERMINED FROM DATA PROVIDED BY ITS CONTRACTOR TO HAVE BEEN CLEAN SCREENED; except that ~~no fee shall be collected for motor vehicles that are exempted from the requirement to have an emissions inspection under part 3 of article 4 of this title~~ THE MOTORIST SHALL NOT BE REQUIRED TO PAY SUCH EMISSIONS INSPECTION FEE IF THE COUNTY CLERK AND RECORDER DETERMINES THAT A VALID CERTIFICATION OF EMISSIONS COMPLIANCE HAS ALREADY BEEN ISSUED FOR THE VEHICLE BEING REGISTERED INDICATING THAT THE VEHICLE PASSED THE APPLICABLE EMISSIONS TEST AT AN ENHANCED INSPECTION CENTER, INSPECTION AND

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

READJUSTMENT STATION, MOTOR VEHICLE DEALER TEST FACILITY, OR FLEET INSPECTION STATION.

~~(II) The contractor and inspection and readjustment stations shall no longer collect inspection fees for first-time inspections within an inspection cycle of 1982 and newer motor vehicles, and such entities shall collect only one-half of the fee to be charged per emissions inspection established in section 42-4-311 for inspections for a transfer of title of a 1982 and newer motor vehicle and for initial registrations of motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (H) (A). County clerks and recorders shall be entitled to retain three and one-third percent of the fee so collected to cover the clerks' expenses in the collection and remittance of such fee. County treasurers shall, no later than ten days after the last business day of each month, remit the remainder of such fee to the clean screen authority created in section 42-4-307.5. The clean screen authority shall transmit such fee to the state treasurer, who shall deposit the same in the clean screen fund, which fund is hereby created. The clean screen fund shall be a pass-through trust account to be held in trust solely for the purposes and the beneficiaries specified in this subsection (26.5). Moneys in the clean screen fund shall not constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution, and such moneys shall be deemed custodial funds that are not subject to appropriation by the general assembly. Interest earned from the deposit and investment of moneys in the clean screen fund shall be credited to the clean screen fund, and the clean screen authority may also expend interest earned on the deposit and investment of the clean screen fund to pay for its costs associated with the implementation of House Bill 01-1402, enacted at the first regular session of the sixty-third general assembly.~~

~~(III) The clean screen authority shall transmit moneys from the clean screen fund monthly to the contractor to inspection and readjustment stations, and to fleet inspection stations in accordance with the fees determined by paragraph (c) of this subsection (26.5) SECTION 42-4-311 (6) (a) within one week after receipt by the authority from the department of revenue of a notification of the number of first-time inspections within an inspection cycle of 1982 and newer motor vehicles required to be registered in the program area and the number of inspections for a transfer of title of 1982 and newer motor vehicles required to be registered in the program area and for initial registrations in the program area of 1982 and newer motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (H) (A) completed by the contractor, inspection and readjustment stations, and fleet inspection stations in the previous month REGISTRATIONS OF CLEAN-SCREENED VEHICLES DURING THE PREVIOUS MONTH.~~

~~(b) (I) For 1982 and newer motor vehicles required to be registered in the enhanced emissions program area, fees collected pursuant to this subsection (26.5) are one-half of the fee to be charged per enhanced emissions inspection established in section 42-4-311 (6), not to exceed twelve dollars and fifty cents.~~

~~(H) For 1982 and newer motor vehicles required to be registered in the basic emissions program area, fees collected pursuant to this subsection (26.5) are seven dollars and fifty cents IN SPECIFYING DATES FOR THE IMPLEMENTATION OF THE CLEAN SCREEN PROGRAM PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (26.5), THE COMMISSION MAY SPECIFY DIFFERENT DATES FOR THE ENHANCED AND BASIC~~

EMISSIONS PROGRAM AREAS.

~~(c) Moneys shall be transmitted from the clean screen fund pursuant to this subsection (26.5) as follows:~~

~~(I) To the contractor, in accordance with the fee to be charged per enhanced emissions inspection established in section 42-4-311 (6);~~

~~(II) To inspection and readjustment stations, in accordance with the fee to be charged per basic emissions inspection established in section 42-4-311 (4);~~

~~(III) To the contractor and inspection and readjustment stations, for transfers of ownership of 1982 and newer motor vehicles and for initial registrations in the program area of motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (II) (A), in accordance with the fee to be charged per emissions inspection established in section 42-4-311, not to exceed:~~

~~(A) Twelve dollars and fifty cents for motor vehicles required to be registered in the enhanced emissions program area;~~

~~(B) Seven dollars and fifty cents for motor vehicles required to be registered in the basic emissions program area; and~~

~~(IV) To fleet inspection stations, an amount equal to the amount of money paid into the fund for vehicles inspected by such fleet inspection stations.~~

SECTION 2. 42-4-310 (5) (b), Colorado Revised Statutes, is amended to read:

42-4-310. Periodic emissions control inspection required. (5) (b) (I) If the commission does not ~~expand the clean screen program to the enhanced emissions program area~~ SPECIFY A DATE FOR THE COUNTY CLERKS AND RECORDERS IN THE BASIC EMISSIONS PROGRAM AREA TO BEGIN COLLECTING EMISSIONS INSPECTION FEES AT THE TIME OF REGISTRATION pursuant to section ~~42-4-306 (23) (b)~~ 42-3-134 (26.5) (a), if the contractor determines that the motor vehicle required to be registered in the basic program area 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).

(II) ~~If the commission expands the clean screen program to the enhanced emissions program area pursuant to section 42-4-306 (23) (b)~~ FOR VEHICLES WITH REGISTRATION RENEWALS COMING DUE ON OR AFTER THE DATES SPECIFIED BY THE COMMISSION FOR COUNTY CLERKS AND RECORDERS TO COLLECT EMISSIONS INSPECTION FEES AT THE TIME OF REGISTRATION, if the contractor determines that a motor vehicle required to be registered in the program area has complied with the

inspection requirements pursuant to this subsection (5), the contractor shall send a notice to the department of revenue 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.

SECTION 3. 42-4-311 (4) (a) and (6) (a), Colorado Revised Statutes, are amended to read:

42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers - repeal. (4) (a) A licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles in the basic emissions program or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars. In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to section 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under section 42-4-310, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to section 42-4-305 for the issuance of a replacement verification of emissions test. ~~If the commission determines pursuant to section 42-4-306 (23) (b) to implement an expanded clean screen program in the enhanced emissions program area, on and after the date specified by the commission, inspection and readjustment stations shall no longer collect inspection fees for first-time inspections within an inspection cycle of 1982 and newer motor vehicles, and such entities shall collect only one-half of the fee to be charged per emissions inspection established in this section for inspections for a transfer of title of a 1982 and newer motor vehicle and for initial registrations in the program area of 1982 and newer motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (II) (A); except that inspection and readjustment stations in El Paso county may continue collecting such fees if the commission has excluded such county from the clean screen program pursuant to section 42-4-306 (23) (a).~~

(6) (a) The fee charged for enhanced emissions inspections performed within the enhanced emissions program area on 1982 and later motor vehicles shall not be any greater than that determined by the contract and in no case greater than twenty-five dollars. The fee charged for clean screen inspections performed on vehicles registered in the basic area shall not be any greater than that determined by the contract and in no case greater than fifteen dollars. Such fee shall not exceed the maximum fee required to be posted by the enhanced inspection center pursuant to section 42-4-305 for the inspection of any motor vehicle required to be inspected under section 42-4-310. ~~If the commission determines pursuant to section 42-4-306 (23) (b) to implement an expanded clean screen program in the enhanced emissions program area, on and after the date specified by the commission, the contractor shall no longer collect inspection fees for first-time inspections within an inspection cycle of 1982 and newer motor vehicles, and such entities shall collect only one-half of the~~

~~fee to be charged per emissions inspection established in this section for inspections for a transfer of title of a 1982 and newer motor vehicle and for initial registrations in the program area of 1982 and newer motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (H) (A).~~

SECTION 4. 42-4-311 (4) (a), Colorado Revised Statutes, as amended by House Bill 02-1338, as enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers - repeal. (4) (a) (I) A licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles, model year 1981 and older, at facilities licensed or authorized within either the basic or enhanced emissions program; except that for 1982 model and newer vehicles a test facility may charge a fee not to exceed twenty-five dollars.

(II) In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to section 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under section 42-4-310.

~~(III) If the commission determines pursuant to section 42-4-306 (23) (b) to implement an expanded clean screen program in the enhanced emissions program area, on and after the date specified by the commission, inspection and readjustment stations shall no longer collect inspection fees for first-time inspections within an inspection cycle of 1982 and newer motor vehicles, and such entities shall collect only one-half of the fee to be charged per emissions inspection established in this section for inspections for a transfer of title of a 1982 and newer motor vehicle and for initial registrations in the program area of 1982 and newer motor vehicles that are not covered by the four-year new motor vehicle exemption of section 42-4-310 (1) (b) (H) (A); except that:~~

~~(A) Inspection and readjustment stations in El Paso county may continue collecting such fees if the commission has excluded such county from the clean screen program pursuant to section 42-4-306 (23) (a).~~

~~(B) Inspection and readjustment stations in Weld and Larimer counties shall continue collecting such fees when such stations are withdrawn from the clean screen fund pursuant to section 42-3-134 (26.5) (d) (H).~~

SECTION 5. 42-3-134 (26.5) (d), Colorado Revised Statutes, as amended by House Bill 02-1338, as enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes - fee schedule for years of TABOR surplus revenue - refund - clean screen fund - repeal. (26.5) (d) (F) This subsection (26.5) shall not apply to El Paso county if the commission has excluded such county from the clean screen program pursuant to section 42-4-306 (23) (a).

~~(H) This subsection (26.5) shall not apply to independent inspection and readjustment stations in Weld and Larimer counties that are withdrawn from the clean screen fund or to vehicles that have been emissions tested at such stations and are in compliance with section 42-4-310.~~

SECTION 6. 42-4-310 (5) (a), Colorado Revised Statutes, is amended 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. FOR PURPOSES OF THIS SUBSECTION (5), "ELIGIBLE MOTOR VEHICLE" MEANS A MOTOR VEHICLE, INCLUDING TRUCKS, FOR MODEL YEARS 1978 AND EARLIER HAVING A GROSS VEHICLE WEIGHT RATING OF SIX THOUSAND POUNDS OR LESS AND FOR MODEL YEARS 1979 AND NEWER HAVING A GROSS VEHICLE WEIGHT RATING OF EIGHT THOUSAND FIVE HUNDRED POUNDS OR LESS.

SECTION 7. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage.

(2) Sections 4 and 5 of this act shall take effect September 1, 2002, only if House Bill 02-1338 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.

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: June 1, 2002