

CHAPTER 241

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 03-1016

BY REPRESENTATIVE(S) Mitchell, Crane, Fritz, Hall, Lundberg, Rhodes, Spence, Spradley, and Stengel;
also SENATOR(S) Dyer, Arnold, Entz, Fitz-Gerald, Jones, and May R.

AN ACT**CONCERNING THE EFFECTIVE DURATION OF CERTIFICATION OF EMISSIONS CONTROL FOR MOTOR VEHICLES.**

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

SECTION 1. 42-4-304 (3) (b) (I), Colorado Revised Statutes, is amended 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) (b) (I) ~~On or after October 1, 1989;~~ The certification of emissions control will be issued to the vehicle owner at the time of sale or transfer EXCEPT AS PROVIDED IN SECTION 42-4-310 (1) (a) (I). The certification of emissions control will be in effect for twenty-four months for 1982 and newer model vehicles as defined in section 42-3-106 (3). Except as provided in paragraph (c) of this subsection (3), 1981 and older model vehicles and all vehicles inspected by the fleet-only air inspection stations shall be issued certifications of emissions control valid for twelve months.

SECTION 2. 42-4-306 (8), Colorado Revised Statutes, is amended to read:

42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program. (8) (a) The commission may exempt motor vehicles of any make, model, or model year from the periodic inspection requirements of section 42-4-310.

(b) PURSUANT TO SECTION 42-4-310 (1), THE COMMISSION MAY INCREASE THE EFFECTIVE DURATION OF CERTIFICATIONS OF EMISSIONS COMPLIANCE ISSUED FOR NEW

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

MOTOR VEHICLES WITHOUT INSPECTION.

SECTION 3. 42-4-309 (1) (b), Colorado Revised Statutes, is amended, and the said 42-4-309 is further 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. (1) (b) Each fleet operator licensed or operating within the enhanced program area who is also licensed to operate a fleet inspection station shall assure that a representative sample of one-half of one percent or one vehicle, whichever is greater, of such operator's vehicle fleet is inspected annually at an inspection-only facility or enhanced inspection center. An analysis of the data gathered from any such inspection shall be performed by the department of public health and environment and provided to the department of revenue to determine compliance by such fleet with the self-inspection requirements of this section. AN INSPECTION IS NOT REQUIRED PRIOR TO THE SALE OF A MOTOR VEHICLE WITH AT LEAST TWELVE MONTHS REMAINING BEFORE THE VEHICLE'S CERTIFICATION OF EMISSIONS COMPLIANCE EXPIRES IF SUCH CERTIFICATION WAS ISSUED WHEN THE VEHICLE WAS NEW.

(7) A MOTOR VEHICLE DEALER SHALL HAVE A MOTOR VEHICLE INSPECTED ANNUALLY PURSUANT TO SECTION 42-4-310, BUT SHALL NOT BE REQUIRED TO HAVE SUCH VEHICLE INSPECTED MORE THAN ONCE A YEAR.

SECTION 4. 42-4-310 (1) (a) (I), (1) (b) (I) (B), (1) (b) (II) (A), and (1) (b) (II) (B), Colorado Revised Statutes, are amended to read:

42-4-310. Periodic emissions control inspection required. (1) (a) (I) ~~No~~ A motor vehicle that is required to be registered in the program area shall NOT be sold, registered for the first time without a certification of emissions compliance, or reregistered unless such vehicle has passed a clean screen test or has a valid certification of emissions control as required by the appropriate county. The provisions of this paragraph (a) shall not apply to motor vehicle transactions at wholesale between motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S. This subparagraph (I) does not apply to the sale of a motor vehicle that is inoperable or otherwise cannot be tested in accordance with regulations promulgated by the department of revenue if the seller of the motor vehicle provides a written notice to the purchaser pursuant to the requirements of subsection (4) of this section. If a motor vehicle is exempted from the requirement for obtaining a certification of emissions control prior to sale because it is inoperable or otherwise cannot be tested, the new owner of the motor vehicle is required to obtain a certification of emissions control for such motor vehicle before registering it in the program area. AN INSPECTION IS NOT REQUIRED PRIOR TO THE SALE OF A MOTOR VEHICLE WITH AT LEAST TWELVE MONTHS REMAINING BEFORE THE VEHICLE'S CERTIFICATION OF EMISSIONS COMPLIANCE EXPIRES IF SUCH CERTIFICATION WAS ISSUED WHEN THE VEHICLE WAS NEW.

(b) (I) (B) ~~Effective May 28, 1999,~~ 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~~ A LATER MODEL YEAR ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 42-4-306 (8) (b). Prior to the expiration of such certification such vehicle shall be inspected and a certification of emissions control shall be obtained therefor.

(II) (A) Motor vehicle dealers shall purchase verification of emissions test forms for the sum of twenty-five cents per form from the department or persons authorized by the department to make such sales to be used only on new motor vehicles. No refund or credit shall be allowed for any unused verification of emissions test forms. New motor vehicles required under this section to have a verification of emissions test form shall be issued a certification of emissions compliance without inspection, which 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~~ A LATER MODEL YEAR ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 42-4-306 (8) (b). Prior to the expiration of such certification such vehicle shall be inspected and a certification of emissions control shall be obtained therefor.

(B) 1982 and newer model motor vehicles required pursuant to this section to have a certification of emissions control shall be inspected at the time of the sale or transfer of any such vehicle and, prior to registration renewal, shall be issued a certification of emissions control that shall be valid for twenty-four months except as provided under section 42-4-309. AN INSPECTION IS NOT REQUIRED PRIOR TO THE SALE OF A MOTOR VEHICLE WITH AT LEAST TWELVE MONTHS REMAINING BEFORE THE VEHICLE'S CERTIFICATION OF EMISSIONS COMPLIANCE EXPIRES IF SUCH CERTIFICATION WAS ISSUED WHEN THE VEHICLE WAS NEW. This sub-subparagraph (B) does not apply to the sale of a motor vehicle ~~which~~ THAT is inoperable or otherwise cannot be tested in accordance with regulations promulgated by the department of revenue if the seller of the motor vehicle provides a written notice to the purchaser pursuant to the requirements of subsection (4) of this section.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 2, 2003