

CHAPTER 73

**MOTOR VEHICLES AND TRAFFIC REGULATION**

**HOUSE BILL 04-1025**

BY REPRESENTATIVE(S) Ragsdale, McFadyen, Merrifield, Brophy, Butcher, Cerbo, Coleman, McGihon, Pommer, and Williams S.;  
also SENATOR(S) Takis, Isgar, May R., and Nichol.

**AN ACT**

**CONCERNING THE EXPIRATION DATE OF CERTIFICATES OF EMISSIONS CONTROL FOR NEW DIESEL VEHICLES.**

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

**SECTION 1.** 42-4-406 (1) (b), Colorado Revised Statutes, is amended to read:

**42-4-406. Requirement of certification of emissions control for registration - testing for diesel smoke opacity compliance.** (1) (b) (I) A certification of emissions control shall be issued to any diesel vehicle ~~which~~ THAT has been inspected and tested pursuant to subsection (2) of this section for diesel smoke opacity compliance and was found at such time to be within the smoke opacity limits established by the commission.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), new diesel vehicles, required under this section to have a certification of emissions control, shall be issued a certification of emissions compliance without inspection or testing. PRIOR TO THE EXPIRATION OF SUCH CERTIFICATION, SUCH VEHICLE SHALL BE INSPECTED AND A CERTIFICATION OF EMISSIONS CONTROL SHALL BE OBTAINED FOR DIESEL SMOKE OPACITY COMPLIANCE. Such certificate shall expire on THE EARLIEST TO OCCUR OF THE FOLLOWING:

(A) The anniversary of the day of the issuance of such certification when such vehicle has reached its second model year if it is a light-duty diesel vehicle;

(B) THE ANNIVERSARY OF THE DAY OF THE ISSUANCE OF SUCH CERTIFICATION WHEN SUCH VEHICLE HAS REACHED its fourth model year if it is a heavy-duty diesel vehicle; or

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

(C) On the date of the transfer of ownership ~~prior to such expiration~~ IF SUCH DATE IS WITHIN TWELVE MONTHS BEFORE SUCH CERTIFICATION WOULD EXPIRE PURSUANT TO SUB-SUBPARAGRAPH (A) OR (B) OF THIS SUBPARAGRAPH (II), unless such transfer of ownership is a transfer from the lessor to the lessee. ~~Prior to the expiration of such certification, such vehicle shall be inspected and a certification of emissions control shall be obtained for diesel smoke opacity compliance.~~

**SECTION 2.** 42-4-414 (2) (c), Colorado Revised Statutes, is amended to read:

**42-4-414. Heavy-duty diesel fleet inspection and maintenance program - penalty.** (2) (c) Such rules shall exempt a new diesel vehicle from testing until such vehicle has reached its second model year if it is a light-duty diesel vehicle, its fourth model year if it is a heavy-duty diesel vehicle, or until the date of the transfer of ownership prior to such expiration IF SUCH TRANSFER IS WITHIN TWELVE MONTHS BEFORE SUCH EXEMPTION ENDS.

**SECTION 3. Effective date.** This act shall take effect July 1, 2004.

**SECTION 4. 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: April 5, 2004