

## CHAPTER 172

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**HOUSE BILL 15-1134**

BY REPRESENTATIVE(S) Coram, Brown, Danielson, Esgar, Ginal, Mitsch Bush, Priola, Tate, Vigil, Tyler, Hullinghorst;  
also SENATOR(S) Cooke, Baumgardner, Grantham, Hill, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Neville T.,  
Roberts, Scheffel, Scott, Sonnenberg, Todd, Woods.

**AN ACT**

**CONCERNING THE NEW VEHICLE EXEMPTION FOR EMISSIONS TESTING OF HEAVIER DIESEL VEHICLES WITH A MODEL YEAR THAT IS NO OLDER THAN 2014.**

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

**SECTION 1.** In Colorado Revised Statutes, 42-4-406, **amend** (1) (b) (II) as follows:

**42-4-406. Requirement of certification of emissions control for registration - testing for diesel smoke opacity compliance.** (1) (b) (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~~ THE certification, ~~such~~ THE OWNER SHALL HAVE THE vehicle ~~shall~~ be inspected and ~~a~~ SHALL OBTAIN A certification of emissions control ~~shall be obtained~~ for diesel smoke opacity compliance. ~~Such~~ THE certificate shall expire on the earliest to occur of the following:

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

(B) The anniversary of the day of the issuance of ~~such~~ THE certification when ~~such~~ THE vehicle has reached its fourth model year if it is a heavy-duty diesel vehicle; ~~or~~

(C) ~~On the date of the transfer of ownership 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~~

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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.*

~~to the lessee:~~ THE ANNIVERSARY OF THE DAY OF THE ISSUANCE OF THE CERTIFICATION WHEN THE VEHICLE HAS REACHED ITS SIXTH MODEL YEAR IF THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND POUNDS OR MORE AND IT IS OF A MODEL YEAR OF 2014 OR NEWER; OR

(D) ON THE DATE OF THE TRANSFER OF OWNERSHIP IF THE DATE IS WITHIN TWELVE MONTHS BEFORE THE CERTIFICATION WOULD EXPIRE UNDER SUB-SUBPARAGRAPH (A), (B), OR (C) OF THIS SUBPARAGRAPH (II), UNLESS THE TRANSFER OF OWNERSHIP IS A TRANSFER FROM THE LESSOR TO THE LESSEE.

**SECTION 2.** In Colorado Revised Statutes, 42-4-414, **amend** (2) (c) as follows:

**42-4-414. Heavy-duty diesel fleet inspection and maintenance program - penalty - rules.** (2) (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), the commission shall exempt a new diesel vehicle enrolled in the fleet inspection and maintenance program from testing until the vehicle has reached its fourth model year or, if ownership of the vehicle is transferred after the vehicle has reached its third model year, ~~but before expiration of the exemption period,~~ until the date of the transfer of ownership.

(II) IF A NEW DIESEL VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF AT LEAST TWENTY-SIX THOUSAND POUNDS AND IS OF A MODEL YEAR OF 2014 OR NEWER, THE COMMISSION SHALL EXEMPT THE VEHICLE FROM TESTING UNTIL THE VEHICLE HAS REACHED ITS SIXTH MODEL YEAR OR, IF OWNERSHIP OF THE VEHICLE IS TRANSFERRED AFTER THE VEHICLE HAS REACHED ITS FIFTH MODEL YEAR, UNTIL THE DATE OF THE TRANSFER OF OWNERSHIP.

**SECTION 3. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 8, 2015