NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 13-1091

BY REPRESENTATIVE(S) Young, Hullinghorst, Pabon, Labuda, Mitsch Bush, Moreno, Primavera, Rosenthal, Schafer;
also SENATOR(S) Kefalas, Giron, Guzman, Heath, Jones, Schwartz.

CONCERNING AN ALTERNATIVE AIR QUALITY TESTING METHOD FOR HEAVY-DUTY DIESEL VEHICLES SUBJECT TO THE HEAVY-DUTY DIESEL FLEET INSPECTION AND MAINTENANCE PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 42-4-414, **amend** (2) as follows:

42-4-414. Heavy-duty diesel fleet inspection and maintenance program - penalty - rules. (2) (a) The commission shall promulgate rules THAT:

(I) ~~requiring~~ REQUIRE owners of diesel-powered motor vehicles, registered in the program area, routinely operated in the program area, or principally operated from a terminal, maintenance facility, branch, or division located within the program area, and subject to the provisions of this section, to bring ~~such~~ THE vehicles into compliance with existing opacity standards set forth in section 42-4-412; ~~Such rules and regulations~~

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

~~shall be~~

(II) ARE strictly construed; ~~shall~~

(III) EXCEPT AS PROVIDED IN PARAGRAPH (b.5) OF THIS SUBSECTION (2), DO NOT require ~~no~~ more than normal and reasonable maintenance practices; and ~~shall~~

(IV) DO not require additional fees or loaded mode testing equipment. ~~Owners of fleets shall test opacity standards on a periodic basis.~~

(b) ~~Such test~~ FLEET OWNERS shall TEST OPACITY STANDARDS ON A PERIODIC BASIS. FLEET OWNERS SHALL use an opacity meter ~~for such~~ TO TEST vehicles that are greater than ten model years old, but may use an automated opacity metering protocol ~~for such~~ TO TEST vehicles that are less than or equal to ten model years old. ~~and of model year 1995 or newer.~~

(b.5) AS AN ALTERNATIVE TO AUTOMATED OR VISUAL OPACITY TESTING, THE COMMISSION MAY PROMULGATE RULES THAT ESTABLISH AN ALTERNATIVE METHOD FOR OPERATORS OF HEAVY-DUTY DIESEL VEHICLES TO DEMONSTRATE COMPLIANCE WITH OPACITY STANDARDS BY FOLLOWING AND SUBMITTING PROOF OF EXEMPLARY MAINTENANCE PRACTICES. ANY COMMISSION RULES PROMULGATED UNDER THIS PARAGRAPH (b.5) MUST CONTAIN ELIGIBILITY REQUIREMENTS FOR ENROLLMENT OF HEAVY-DUTY DIESEL VEHICLES IN THE ALTERNATIVE METHOD, INCLUDING WHEN VEHICLES OR FLEETS SHOULD BE DISCONTINUED FROM ENROLLMENT.

(c) ~~Such rules~~ THE COMMISSION shall exempt a new diesel vehicle ENROLLED IN THE FLEET INSPECTION AND MAINTENANCE PROGRAM from testing until ~~such~~ THE 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, 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. ~~prior to such expiration if such transfer is within twelve months before such exemption ends.~~

(d) ~~Such~~ THE COMMISSION SHALL PROMULGATE rules ~~shall provide~~ PROVIDING for the testing of diesel vehicles every:

(I) Twelve months unless subparagraph (II) of this paragraph (d) applies; or

(II) ~~The last~~ Twenty-four months if ~~such~~ THE vehicle is ~~a heavy-duty diesel vehicle,~~ equal to or less than ten model years old. ~~and of model year 1995 or newer.~~

SECTION 2. In Colorado Revised Statutes, 42-4-407, **amend** (1) as follows:

42-4-407. Requirements for a diesel emission-opacity inspection - licensure as diesel emissions inspection station - licensure as emissions inspector. (1) UNLESS a diesel ~~emission-opacity inspection shall not be performed, nor shall a certification of diesel~~ emissions ~~control be issued unless such~~ INSPECTOR PERFORMS AN inspection ~~was performed~~ at a licensed diesel inspection station or self-certification fleet station, as defined in section 42-4-414, ~~by a licensed diesel emissions inspector~~ A DIESEL EMISSION-OPACITY INSPECTION SHALL NOT BE PERFORMED AND A CERTIFICATION OF DIESEL EMISSIONS CONTROL SHALL NOT BE ISSUED; EXCEPT THAT A CERTIFICATION OF DIESEL EMISSIONS CONTROL MAY BE ISSUED FOR A HEAVY-DUTY FLEET VEHICLE MAINTAINED IN COMPLIANCE WITH ANY RULES THE COMMISSION PROMULGATES UNDER SECTION 42-4-414 (2) (b.5).

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2014; 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 the ninety-day period after final adjournment of the general assembly, 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES	John P. Morse PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO