

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1017.01 Thomas Morris x4218

SENATE BILL 18-181

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SENATE SPONSORSHIP

Cooke and Holbert,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Transportation

House Committees

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A BILL FOR AN ACT

101 CONCERNING MODERATION OF THE MOTOR VEHICLE EMISSIONS  
102 INSPECTION PROGRAM.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill extends the motor vehicle emissions inspection cycle for 1982 and newer model motor vehicles from every 2 years to every 4 years and specifies that a motor vehicle does not fail an emissions inspection solely because a check-engine light is illuminated on the motor vehicle's dashboard.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-304, **amend**  
3 (3)(b) as follows:

4           **42-4-304. Definitions relating to automobile inspection and**  
5 **readjustment program.** (3) (b) (I) The certification of emissions control  
6 will be issued to the vehicle owner at the time of sale or transfer except  
7 as provided in section 42-4-310 (1)(a)(I). The certification of emissions  
8 control will be in effect for ~~twenty-four~~ FORTY-EIGHT months for 1982  
9 and newer model vehicles. 1981 and older model vehicles and all vehicles  
10 inspected by the fleet-only air inspection stations shall be issued  
11 certifications of emissions control valid for twelve months.

12           (II) Except as provided in section 42-4-309, the executive director  
13 shall establish a ~~biennial~~ FOUR-YEAR inspection schedule for 1982 and  
14 newer model vehicles, an annual inspection schedule for 1981 and older  
15 model vehicles, and a five-year inspection schedule for a 1976 or newer  
16 motor vehicle registered as a collector's item.

17           **SECTION 2.** In Colorado Revised Statutes, 42-4-306, **amend**  
18 (7)(b)(I) as follows:

19           **42-4-306. Powers and duties of commission - automobile**  
20 **inspection and readjustment program - basic emissions program -**  
21 **enhanced emissions program - clean screen program.** (7) (b) (I) The  
22 commission shall by ~~regulation~~ RULE provide that no vehicle shall be  
23 issued a ~~certificate~~ CERTIFICATION of emissions compliance or waiver if:

24           (A) Emissions control equipment and diagnostic or malfunction  
25 indicator systems, including microprocessor control systems, are not  
26 present, intact, and operational; EXCEPT THAT THE RULES MUST NOT

1 PROHIBIT ISSUANCE OF A CERTIFICATION OF EMISSIONS COMPLIANCE  
2 SOLELY BECAUSE A CHECK-ENGINE LIGHT IS ILLUMINATED ON A VEHICLE'S  
3 DASHBOARD;

4 (B) if Repairs were not appropriate and did not address the reason  
5 for the emissions failure; or

6 (C) if The vehicle emits visible smoke.

7 **SECTION 3.** In Colorado Revised Statutes, 42-4-310, **amend**  
8 (1)(b)(I)(C) and (1)(b)(II)(B) as follows:

9 **42-4-310. Periodic emissions control inspection required.**

10 (1) (b) (I) (C) Effective May 28, 1999, 1982 and newer model motor  
11 vehicles that are owned by the United States government or an agency  
12 thereof or by the state of Colorado or any agency or political subdivision  
13 thereof that would be registered in the program area shall be inspected  
14 every ~~two~~ FOUR years, and shall be issued a certification of emissions  
15 compliance that ~~shall be~~ IS valid for ~~twenty-four~~ FORTY-EIGHT months;  
16 except that vehicles owned or operated by any agency or political  
17 subdivision that is authorized and licensed pursuant to section 42-4-309  
18 to inspect fleet vehicles shall be inspected annually.

19 (II) (B) 1982 and newer model motor vehicles required pursuant  
20 to this section to have a certification of emissions control shall be  
21 inspected at the time of the sale or transfer of any such vehicle and, prior  
22 to registration renewal, shall be issued a certification of emissions control  
23 that ~~shall be~~ IS valid for ~~twenty-four~~ FORTY-EIGHT months except as  
24 provided under section 42-4-309. An inspection is not required prior to  
25 the sale of a motor vehicle with at least twelve months remaining before  
26 the vehicle's certification of emissions compliance expires if ~~such~~ THE  
27 certification was issued when the vehicle was new. This

1 ~~sub-subparagraph (B)~~ SUBSECTION (1)(b)(II)(B) does not apply to the sale  
2 of a motor vehicle that is inoperable or otherwise cannot be tested in  
3 accordance with ~~regulations~~ RULES promulgated by the department of  
4 revenue if the seller of the motor vehicle provides a written notice to the  
5 purchaser pursuant to the requirements of subsection (4) of this section.

6         **SECTION 4. Act subject to petition - effective date -**  
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
8 the expiration of the ninety-day period after final adjournment of the  
9 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
10 2018); except that, if a referendum petition is filed pursuant to section 1  
11 (3) of article V of the state constitution against this act or an item, section,  
12 or part of this act within such period, then the act, item, section, or part  
13 will not take effect unless approved by the people at the general election  
14 to be held in November 2018 and, in such case, will take effect on the  
15 date of the official declaration of the vote thereon by the governor.

16         (2) This act applies to conduct occurring on or after the applicable  
17 effective date of this act.