

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0296.01 Kate Meyer

SENATE BILL 09-003

SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

Fischer,

Senate Committees

Transportation
Appropriations

House Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE AUTOMOBILE INSPECTION AND READJUSTMENT**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, EXPANDING THE**
103 **ENHANCED EMISSIONS PROGRAM TO WELD AND LARIMER**
104 **COUNTIES, MODIFYING THE GEOGRAPHICAL BOUNDARIES OF THE**
105 **PROGRAM AREA, ALTERING CRITERIA USED TO DETERMINE**
106 **WHICH COLLECTOR'S ITEMS ARE EXCLUDED FROM THE**
107 **EMISSIONS TESTING PROCESS, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

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

SENATE
3rd Reading Unamended
March 30, 2009

SENATE
Amended 2nd Reading
March 26, 2009

As of January 1, 2010, moves Weld and Larimer counties from the basic emissions program of the automobile inspection and readjustment program (AIR program), established pursuant to the federal "Clean Air Act", to the enhanced emissions program of the AIR program. Modifies the geographical boundaries of those parts of Weld and Larimer counties that are excluded from the emissions program area. Expands the program area to include all previously excluded portions of Adams and Arapahoe counties. Requires the air quality control commission in the department of public health and environment to review the boundaries of the program area.

Ensures that the diesel is inspection program area remains unaltered.

Excludes a collector's item motor vehicle with a model year of 1975 or earlier from the emissions testing process. Correspondingly, changes the definition of "collector's item" from a motor vehicle that is at least 25 years old to a vehicle that is either:

- ! A model year of 1975 or earlier; or
- ! A model year of 1976 or later that is registered as a collector's item on or before September 1, 2009.

Prevents a motor vehicle with a model year of 1976 or later that is registered as a collector's item on or before September 1, 2009, from being registered as a collector's item after sale or transfer to a new owner.

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

2 **SECTION 1.** 42-4-304 (2), (3) (c), (9), (18), and (20), Colorado
3 Revised Statutes, are amended to read:

4 **42-4-304. Definitions relating to automobile inspection and**
5 **readjustment program.** As used in sections 42-4-301 to 42-4-316,
6 unless the context otherwise requires:

7 (2) "Basic emissions program" means the inspection and
8 readjustment program, established pursuant to the federal act, ~~on January~~
9 ~~1, 1994,~~ in the counties of ~~El Paso, Larimer, and Weld,~~ as described in
10 SET FORTH IN PARAGRAPH (b) OF subsection (20) of this section.

11 (3) (c) Effective September 1, ~~1991~~ 2009, a certification of
12 emissions control ~~which~~ THAT has been issued for any motor vehicle
13 ~~which~~ THAT is registered as a collector's item under the provisions of

1 section 42-12-102 and ~~which~~ THAT is of model year ~~1960~~ 1976 or later
2 shall be valid until ~~such~~ THE motor vehicle is sold or transferred.

3 (9) (a) "Enhanced emissions program" means ~~effective January 1,~~
4 ~~1995,~~ the emissions inspection program established pursuant to the
5 federal requirements set forth in the federal performance standards, 40
6 CFR, part 51, subpart S, in the ~~counties of Adams, Arapahoe, Douglas,~~
7 ~~and Jefferson and the city and county of Denver,~~ as LOCATIONS set forth
8 in paragraph (c) of subsection (20) of this section.

9 (b) ~~Effective July 1, 1995, "enhanced emissions program" shall~~
10 ~~include Boulder county.~~

11 (18) "Motor vehicle", as applicable to the AIR program, includes
12 only a motor vehicle that is operated with four wheels or more on the
13 ground, self-propelled by a spark-ignited engine burning gasoline,
14 gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels,
15 alcohol, alcohol blends, or other similar fuels, having a personal property
16 classification of A, B, or C pursuant to section 42-3-106, and for which
17 registration in this state is required for operation on the public roads and
18 highways or which motor vehicle is owned or operated or both by a
19 nonresident who meets the requirements set forth in section 42-4-310 (1)

20 (c). "Motor vehicle" does not include kit vehicles; vehicles registered
21 pursuant to section 42-3-219, 42-3-305 (4), or 42-3-306 (4); vehicles
22 registered pursuant to section 42-12-102 that are of model year ~~1959~~ 1975
23 or earlier or that have two-stroke cycle engines manufactured prior to
24 1980; or vehicles registered as street rods pursuant to section 42-3-201.

25 (20) (a) "Program area" means the counties of Adams, Arapahoe,
26 Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld, and the cities
27 and counties of Broomfield and Denver, excluding the following areas

1 and subject to paragraph (d) of this subsection (20):

2 (I) That portion of Adams county which THAT is east of Kiowa
3 creek (Range 62 SIXTY-TWO west, townships 1, 2, and 3 ONE, TWO, AND
4 THREE south) between the Adams-Arapahoe county line and the
5 Adams-Weld county line;

6 (II) That portion of Arapahoe county which THAT is east of Kiowa
7 creek (Range 62 SIXTY-TWO west, townships 4 and 5 FOUR AND FIVE
8 south) between the Arapahoe-Elbert county line and the Arapahoe-Adams
9 county line;

10 (III) That portion of El Paso county which THAT is east of the
11 following boundary, defined on a south-to-north axis: From the El
12 Paso-Pueblo county line north (upstream) along Chico creek (Ranges 63
13 and 64 West, Township 17 South) to Hanover road, then east along
14 Hanover road (El Paso county route 422) to Peyton highway, then north
15 along Peyton highway (El Paso county route 463) to Falcon highway, then
16 west on Falcon highway (El Paso county route 405) to Peyton highway,
17 then north on Peyton highway (El Paso county route 405) to Judge Orr
18 road, then west on Judge Orr road (El Paso county route 108) to Elbert
19 road, then north on Elbert road (El Paso county route 91) to the El
20 Paso-Elbert county line;

21 (IV) That portion of Larimer county which THAT is west of the
22 boundary defined on a north-to-south axis by Range 71 West
23 SEVENTY-ONE WEST AND NORTH OF THE BOUNDARY DEFINED ON AN
24 EAST-TO-WEST AXIS BY TOWNSHIP FIVE NORTH, THAT PORTION THAT IS
25 WEST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE
26 SEVENTY-THREE WEST, and that portion which THAT is north of the
27 boundary defined on an east-to-west axis by Township 10 North

1 LATITUDINAL LINE 40 DEGREES, 42 MINUTES, 47.1 SECONDS NORTH.

2 (V) ~~That portion~~ THOSE PORTIONS of Weld county which is
3 ~~outside~~ THAT ARE WITHIN the corporate boundaries of Greeley, Evans, La
4 Salle, and Garden City, and, in addition, is outside the following
5 boundary: Beginning at the point of intersection of the west boundary line
6 of section 21, township six north, range sixty-six west and state highway
7 392, east along state highway 392 to the point of intersection with Weld
8 county road 37; then south along Weld county road 37 to the point of
9 intersection with Weld county road 64; then east along Weld county road
10 64 to the point of intersection with Weld county road 43; then south along
11 Weld county road 43 to the point of intersection with Weld county road
12 62; then east along Weld county road 62 to the point of intersection with
13 Weld county road 49; then south along Weld county road 49 to the point
14 of intersection with the south boundary line of section 13, township five
15 north, range sixty-five west; then west along the south boundary line of
16 section 13, township five north, range sixty-five west, section 14,
17 township five north, range sixty-five west, and section 15, township five
18 north, range sixty-five west; then, from the southwest corner of section
19 15, township five west, range sixty-five west, south along the east
20 boundary line of section 21, township five north, range sixty-five west,
21 and section 28, township five north, range sixty-five west; then west
22 along the south boundary line of section 28, township five north, range
23 sixty-five west; then south along the east boundary line of section 32,
24 township five north, range sixty-five west, and section 5, township four
25 north, range sixty-five west; then west along the south boundary line of
26 section 5, township four north, range sixty-five west, section 6, township
27 four north, range sixty-five west, and section 1, township four north,

1 range sixty-six west; then north along the west boundary line of section
2 1, township four north, range sixty-six west, and section 36, township five
3 north, range sixty-six west; then, from the point of intersection of the west
4 boundary line of section 36, township five north, range sixty-six west and
5 Weld county road 52, west along Weld county road 52 to the point of
6 intersection with Weld county road 27; then north along Weld county
7 road 27 to the point of intersection with the south boundary line of section
8 18, township five north, range sixty-six west; then west along the south
9 boundary line of section 18, township five north, range sixty-six west,
10 section 13, township five north, range sixty-seven west, and section 14,
11 township five north, range sixty-seven west; then north along the west
12 boundary line of section 14, township five north, range sixty-seven west,
13 section 11, township five north, range sixty-seven west, and section 2,
14 township five north, range sixty-seven west; then east along the north
15 boundary line of section 2, township five north, range sixty-seven west,
16 section 1, township five north, range sixty-seven west, section 6,
17 township five north, range sixty-six west, and section 5, township five
18 north, range sixty-six west; then, from the northeast corner of section 5,
19 township five north, range sixty-six west, north along the west boundary
20 line of section 33, township six north, range sixty-six west, section 28,
21 township six north, range sixty-six west, and section 21, township six
22 north, range sixty-six west, to the point of beginning WINDSOR,
23 JOHNSTOWN, MILLIKEN, BERTHOUD, MEAD, LONGMONT, FIRESTONE,
24 FREDERICK, FORT LUPTON, DACONO, ERIE, NORTHGLENN, LOCHBUIE,
25 BRIGHTON, AND SEVERANCE.

26 (b) Effective January 1, 1994 2010, the basic emissions program
27 area shall consist of the counties COUNTY of El Paso, Larimer, and Weld

1 as described in paragraph (a) of this subsection (20).

2 (c) (I) EFFECTIVE JANUARY 1, 2010, the enhanced emissions
3 program area shall consist of the counties of Adams, Arapahoe, Boulder,
4 Douglas, ~~and~~ Jefferson, LARIMER, AND WELD, and the cities and counties
5 of Broomfield and Denver as described in paragraph (a) of this subsection
6 (20) and subject to paragraph (d) of this subsection (20).

7 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, VEHICLES
8 REGISTERED IN THE COUNTIES OF LARIMER AND WELD SHALL NOT BE
9 REQUIRED TO OBTAIN A CERTIFICATE OF EMISSIONS CONTROL PRIOR TO
10 JULY 1, 2010, IN ORDER TO BE REGISTERED OR REREGISTERED.

11 (II) (Deleted by amendment, L. 2003, p. 1357, § 1, effective
12 August 6, 2003.)

13 (III) Only those counties included in the basic emissions program
14 area pursuant to paragraph (b) of this subsection (20) ~~as described in~~
15 ~~paragraph (a) of this subsection (20) which~~ THAT violate national ambient
16 air quality standards for carbon monoxide or ozone as established by the
17 environmental protection agency may, on a case-by-case basis, be
18 incorporated into the enhanced emissions program by final order of the
19 commission.

20 (d) The commission shall review the boundaries of the program
21 area and may, by rule promulgated on or before December 31, ~~2004~~ 2011,
22 adjust such boundaries to exclude particularly identified regions from
23 either the basic program area, the enhanced area, or both, based on an
24 analysis of the applicable air quality science and the effects of the
25 program on the population living in such regions.

26 **SECTION 2.** 42-4-307.7, Colorado Revised Statutes, is amended
27 **BY THE ADDITION OF A NEW SUBSECTION to read:**

1 **42-4-307.7. Vehicle emissions testing - remote sensing - rules**

2 **- repeal.** (13) (a) THE AIR POLLUTION CONTROL DIVISION IN THE
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL COOPERATE
4 FULLY WITH THE LEGISLATIVE AUDIT COMMITTEE'S REVIEW OF THE
5 REMOTE SENSING PROGRAM. THE AIR POLLUTION CONTROL DIVISION
6 SHALL DELAY DEPLOYMENT OF REMOTE SENSING EQUIPMENT BEYOND
7 THOSE AREAS IN WHICH REMOTE SENSING WERE AUTHORIZED AS OF THE
8 EFFECTIVE DATE OF THIS SUBSECTION (13) UNTIL COMPLETION OF THE
9 LEGISLATIVE AUDIT COMMITTEE'S AUDIT OF THE REMOTE SENSING
10 PROGRAM, AND SUCH DEPLOYMENT SHALL NOT OCCUR UNLESS THE AIR
11 POLLUTION CONTROL DIVISION, IN CONJUNCTION WITH THE DEPARTMENT
12 OF REVENUE EMISSIONS PROGRAM, DETERMINES THE VALIDITY AND
13 VIABILITY OF THE REMOTE SENSING PROGRAM.

14 (b) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE DECEMBER 31,
15 2009.

16 **SECTION 3.** 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A),
17 Colorado Revised Statutes, are amended to read:

18 **42-4-310. Periodic emissions control inspection required.**

19 (1) (d) (II) (B) For the basic emissions program, effective January 1,
20 1994, no emissions-related repair waiver shall be issued for any vehicle
21 ~~which~~ THAT is registered as a collector's item pursuant to the provisions
22 of section 42-12-102 and ~~which~~ THAT is of the model year ~~1960~~ 1976 or
23 later.

24 (VIII) (A) For the enhanced emissions program except as
25 provided in sub-subparagraph (B) of this subparagraph (VIII), effective
26 January 1, 1995, for businesses ~~which~~ THAT operate nineteen or fewer
27 vehicles and for private motor vehicles only of a model year 1967 or

1 earlier required to be registered in the enhanced emissions program area,
2 after any adjustments or repairs required pursuant to section 42-4-306, if
3 total expenditures of at least seventy-five dollars have been made to bring
4 the vehicle into compliance with applicable emissions standards and the
5 vehicle still does not meet ~~such~~ THE standards, a certification of emissions
6 waiver shall be issued for ~~such~~ THE vehicle. No emissions-related repair
7 waiver shall be issued for vehicles ~~which~~ THAT are registered as
8 collector's items pursuant to ~~the provisions of~~ section 42-12-102 and
9 ~~which~~ THAT are of a model year ~~1960~~ 1976 or later.

10 **SECTION 4.** 42-4-401 (8), Colorado Revised Statutes, is
11 amended to read:

12 **42-4-401. Definitions.** As used in this part 4, unless the context
13 otherwise requires:

14 (8) "Program area" means the counties ~~as set forth in section~~
15 ~~42-4-304 (20).~~ OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO,
16 JEFFERSON, LARIMER, AND WELD, AND THE CITIES AND COUNTIES OF
17 BROOMFIELD AND DENVER, EXCLUDING THE FOLLOWING AREAS:

18 (a) THAT PORTION OF ADAMS COUNTY WHICH IS EAST OF KIOWA
19 CREEK (RANGE 62 WEST, TOWNSHIPS 1, 2, AND 3 SOUTH) BETWEEN THE
20 ADAMS-ARAPAHOE COUNTY LINE AND THE ADAMS-WELD COUNTY LINE;

21 (b) THAT PORTION OF ARAPAHOE COUNTY WHICH IS EAST OF
22 KIOWA CREEK (RANGE 62 WEST, TOWNSHIPS 4 AND 5 SOUTH) BETWEEN
23 THE ARAPAHOE-ELBERT COUNTY LINE AND THE ARAPAHOE-ADAMS
24 COUNTY LINE;

25 (c) THAT PORTION OF EL PASO COUNTY WHICH IS EAST OF THE
26 FOLLOWING BOUNDARY, DEFINED ON A SOUTH-TO-NORTH AXIS: FROM THE
27 EL PASO-PUEBLO COUNTY LINE NORTH (UPSTREAM) ALONG CHICO CREEK

1 (RANGES 63 AND 64 WEST, TOWNSHIP 17 SOUTH) TO HANOVER ROAD,
2 THEN EAST ALONG HANOVER ROAD (EL PASO COUNTY ROUTE 422) TO
3 PEYTON HIGHWAY, THEN NORTH ALONG PEYTON HIGHWAY (EL PASO
4 COUNTY ROUTE 463) TO FALCON HIGHWAY, THEN WEST ON FALCON
5 HIGHWAY (EL PASO COUNTY ROUTE 405) TO PEYTON HIGHWAY, THEN
6 NORTH ON PEYTON HIGHWAY (EL PASO COUNTY ROUTE 405) TO JUDGE
7 ORR ROAD, THEN WEST ON JUDGE ORR ROAD (EL PASO COUNTY ROUTE
8 108) TO ELBERT ROAD, THEN NORTH ON ELBERT ROAD (EL PASO COUNTY
9 ROUTE 91) TO THE EL PASO-ELBERT COUNTY LINE;

10 (d) THAT PORTION OF LARIMER COUNTY WHICH IS WEST OF THE
11 BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE 71 WEST AND
12 THAT PORTION WHICH IS NORTH OF THE BOUNDARY DEFINED ON AN
13 EAST-TO-WEST AXIS BY TOWNSHIP 10 NORTH;

14 (e) THAT PORTION OF WELD COUNTY WHICH IS OUTSIDE THE
15 CORPORATE BOUNDARIES OF GREELEY, EVANS, LA SALLE, AND GARDEN
16 CITY AND, IN ADDITION, IS OUTSIDE THE FOLLOWING BOUNDARY:
17 BEGINNING AT THE POINT OF INTERSECTION OF THE WEST BOUNDARY LINE
18 OF SECTION 21, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST AND STATE
19 HIGHWAY 392, EAST ALONG STATE HIGHWAY 392 TO THE POINT OF
20 INTERSECTION WITH WELD COUNTY ROAD 37; THEN SOUTH ALONG WELD
21 COUNTY ROAD 37 TO THE POINT OF INTERSECTION WITH WELD COUNTY
22 ROAD 64; THEN EAST ALONG WELD COUNTY ROAD 64 TO THE POINT OF
23 INTERSECTION WITH WELD COUNTY ROAD 43; THEN SOUTH ALONG WELD
24 COUNTY ROAD 43 TO THE POINT OF INTERSECTION WITH WELD COUNTY
25 ROAD 62; THEN EAST ALONG WELD COUNTY ROAD 62 TO THE POINT OF
26 INTERSECTION WITH WELD COUNTY ROAD 49; THEN SOUTH ALONG WELD
27 COUNTY ROAD 49 TO THE POINT OF INTERSECTION WITH THE SOUTH

1 BOUNDARY LINE OF SECTION 13, TOWNSHIP FIVE NORTH, RANGE
2 SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF
3 SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, SECTION 14,
4 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 15,
5 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN, FROM THE
6 SOUTHWEST CORNER OF SECTION 15, TOWNSHIP FIVE WEST, RANGE
7 SIXTY-FIVE WEST, SOUTH ALONG THE EAST BOUNDARY LINE OF SECTION
8 21, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 28,
9 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE
10 SOUTH BOUNDARY LINE OF SECTION 28, TOWNSHIP FIVE NORTH, RANGE
11 SIXTY-FIVE WEST; THEN SOUTH ALONG THE EAST BOUNDARY LINE OF
12 SECTION 32, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND
13 SECTION 5, TOWNSHIP FOUR NORTH, RANGE SIXTY-FIVE WEST; THEN WEST
14 ALONG THE SOUTH BOUNDARY LINE OF SECTION 5, TOWNSHIP FOUR NORTH,
15 RANGE SIXTY-FIVE WEST, SECTION 6, TOWNSHIP FOUR NORTH, RANGE
16 SIXTY-FIVE WEST, AND SECTION 1, TOWNSHIP FOUR NORTH, RANGE
17 SIXTY-SIX WEST; THEN NORTH ALONG THE WEST BOUNDARY LINE OF
18 SECTION 1, TOWNSHIP FOUR NORTH, RANGE SIXTY-SIX WEST, AND SECTION
19 36, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN, FROM THE
20 POINT OF INTERSECTION OF THE WEST BOUNDARY LINE OF SECTION 36,
21 TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST AND WELD COUNTY ROAD
22 52, WEST ALONG WELD COUNTY ROAD 52 TO THE POINT OF INTERSECTION
23 WITH WELD COUNTY ROAD 27; THEN NORTH ALONG WELD COUNTY ROAD
24 27 TO THE POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF
25 SECTION 18, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN WEST
26 ALONG THE SOUTH BOUNDARY LINE OF SECTION 18, TOWNSHIP FIVE
27 NORTH, RANGE SIXTY-SIX WEST, SECTION 13, TOWNSHIP FIVE NORTH,

1 RANGE SIXTY-SEVEN WEST, AND SECTION 14, TOWNSHIP FIVE NORTH,
2 RANGE SIXTY-SEVEN WEST; THEN NORTH ALONG THE WEST BOUNDARY
3 LINE OF SECTION 14, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST,
4 SECTION 11, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, AND
5 SECTION 2, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST; THEN EAST
6 ALONG THE NORTH BOUNDARY LINE OF SECTION 2, TOWNSHIP FIVE NORTH,
7 RANGE SIXTY-SEVEN WEST, SECTION 1, TOWNSHIP FIVE NORTH, RANGE
8 SIXTY-SEVEN WEST, SECTION 6, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX
9 WEST, AND SECTION 5, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST;
10 THEN, FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP FIVE
11 NORTH, RANGE SIXTY-SIX WEST, NORTH ALONG THE WEST BOUNDARY LINE
12 OF SECTION 33, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, SECTION
13 28, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, AND SECTION 21,
14 TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, TO THE POINT OF
15 BEGINNING.

16 **SECTION 5.** 42-4-412 (3) (b), Colorado Revised Statutes, is
17 amended to read:

18 **42-4-412. Air pollution violations.** (3) (b) Subparagraph (II) of
19 paragraph (a) of subsection (1) of this section shall apply to all areas of
20 the state except the program area, ~~as defined in section 42-4-304 (20),~~
21 which program area shall be subject to section 42-4-413.

22 **SECTION 6.** 42-4-413 (1) (a), Colorado Revised Statutes, is
23 amended to read:

24 **42-4-413. Visible emissions from diesel-powered motor**
25 **vehicles unlawful - penalty.** (1) (a) Effective January 1, 1987, no owner
26 or operator of a diesel-powered vehicle shall cause or knowingly permit
27 the emission from ~~such~~ THE vehicle of any visible air contaminants ~~which~~

1 THAT exceed the emission level as described in section 42-4-412 (2) (a)
2 within the program area. ~~as defined in section 42-4-304 (20).~~

3 **SECTION 7.** 42-12-101 (2) (a), Colorado Revised Statutes, is
4 amended to read:

5 **42-12-101. Definitions.** As used in this article, unless the context
6 otherwise requires:

7 (2) "Collector's item" means a motor vehicle, including a truck or
8 truck tractor, that is OF:

9 (a) (I) ~~At least twenty-five years old~~ MODEL YEAR 1975 OR
10 EARLIER; OR

11 (II) MODEL YEAR 1976 OR LATER THAT WAS REGISTERED AS A
12 COLLECTOR'S ITEM PRIOR TO SEPTEMBER 1, 2009; EXCEPT THAT A VEHICLE
13 SO REGISTERED SHALL NOT BE ELIGIBLE FOR REGISTRATION AS A
14 COLLECTOR'S ITEM UPON SALE OR TRANSFER TO A NEW OWNER. THIS
15 PARAGRAPH (a) IS EFFECTIVE SEPTEMBER 1, 2009.

16 **SECTION 8.** 42-12-102 (1) (b), Colorado Revised Statutes, is
17 amended to read:

18 **42-12-102. Registration of collectors' items - fees.** (1) Except
19 for those motor vehicles that are entitled to registration under the
20 provisions of section 42-3-219, collectors' items shall be titled, registered,
21 and a specific ownership tax shall be paid thereon in the same manner as
22 provided in this title for other motor vehicles, with the following
23 exceptions:

24 (b) (I) No collector's item of model year ~~1960~~ 1976 or later for
25 which a certification of emissions control is required under ~~the provisions~~
26 ~~of~~ sections 42-4-301 to 42-4-316 shall be registered under ~~the provisions~~
27 ~~of~~ this section unless a certification of emissions control is obtained for

1 ~~such~~ THE collector's item. Reregistration of ~~such~~ THE collector's item by
2 the same owner shall not require the obtainment of a new certification of
3 emissions control, but ~~such~~ THE collector's item shall not be registered
4 under ~~the provisions~~ of this section after the sale or transfer of ~~such~~ THE
5 vehicle to a new owner. ~~until a new certification of emissions control has~~
6 ~~been obtained for such collector's item.~~

7 (II) ~~Notwithstanding subparagraph (I) of this paragraph (b),~~
8 ~~collector's items of model year 1970 or earlier may be registered under the~~
9 ~~provisions of this section without a certification of emissions control for~~
10 ~~such collector's items if the division of administration in the department~~
11 ~~of public health and environment recommends and the air quality control~~
12 ~~commission determines that exempting such collector's items will not~~
13 ~~negatively affect the federal environmental protection agency's approval~~
14 ~~of the SIP and to the extent that doing so is allowed under federal law.~~

15 **SECTION 9. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 department of public health and environment subaccount of the
18 automobile inspection and readjustment account of the highway users tax
19 fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, not
20 otherwise appropriated, to the department of public health and
21 environment, for allocation to the air quality control division, for the
22 fiscal year beginning July 1, 2009, the sum of sixty-four thousand seven
23 hundred forty-one dollars (\$64,741) cash funds and 1.0 FTE, or so much
24 thereof as may be necessary, for the implementation of this act.

25 (2) In addition to any other appropriation, there is hereby
26 appropriated, out of any moneys in the license plate cash fund created in
27 section 42-3-301 (1) (b), Colorado Revised Statutes, not otherwise

1 appropriated, to the department of revenue, for allocation to the division
2 of motor vehicles, for the fiscal year beginning July 1, 2009, the sum of
3 sixty-seven thousand twenty-seven dollars (\$67,027) cash funds, or so
4 much thereof as may be necessary, for the implementation of this act.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated to the department of corrections, for allocation to
7 correctional industries, for the fiscal year beginning July 1, 2009, the sum
8 of sixty-seven thousand twenty-seven dollars (\$67,027), or so much
9 thereof as may be necessary, for the implementation of this act. Said sum
10 shall be from reappropriated funds received from the department of
11 revenue out of the appropriation made in subsection (2) of this section.

12 **SECTION 10. Applicability.** This act shall apply to motor
13 vehicles registered as collector's items on or after the effective date of this
14 act.

15 **SECTION 11. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.