

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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.*

HOUSE
Am ended 2nd Reading
April 28, 2009

SENATE
3rd Reading Unamended
March 30, 2009

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

1 boundary line of section 1, township four north, range sixty-six west, and
2 section 36, township five north, range sixty-six west; then, from the point
3 of intersection of the west boundary line of section 36, township five
4 north, range sixty-six west and Weld county road 52, west along Weld
5 county road 52 to the point of intersection with Weld county road 27; then
6 north along Weld county road 27 to the point of intersection with the
7 south boundary line of section 18, township five north, range sixty-six
8 west; then west along the south boundary line of section 18, township five
9 north, range sixty-six west, section 13, township five north, range
10 sixty-seven west, and section 14, township five north, range sixty-seven
11 west; then north along the west boundary line of section 14, township five
12 north, range sixty-seven west, section 11, township five north, range
13 sixty-seven west, and section 2, township five north, range sixty-seven
14 west; then east along the north boundary line of section 2, township five
15 north, range sixty-seven west, section 1, township five north, range
16 sixty-seven west, section 6, township five north, range sixty-six west, and
17 section 5, township five north, range sixty-six west; then, from the
18 northeast corner of section 5, township five north, range sixty-six west,
19 north along the west boundary line of section 33, township six north,
20 range sixty-six west, section 28, township six north, range sixty-six west,
21 and section 21, township six north, range sixty-six west, to the point of
22 beginning NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS
23 BY WELD COUNTY ROAD 78; THAT PORTION THAT IS EAST OF THE
24 BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD
25 43 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY
26 WELD COUNTY ROAD 62; THAT PORTION THAT IS EAST OF THE BOUNDARY
27 DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 49, SOUTH

1 OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY
2 ROAD 62 AND NORTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST
3 AXIS BY WELD COUNTY ROAD 46; THAT PORTION THAT IS EAST OF THE
4 BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD
5 27, SOUTH OF THE BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY
6 WELD COUNTY ROAD 46 AND NORTH OF THE BOUNDARY DEFINED ON AN
7 EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36; THAT PORTION THAT IS
8 EAST OF THE BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY WELD
9 COUNTY ROAD 19, SOUTH OF THE BOUNDARY DEFINED ON AN
10 EAST-TO-WEST AXIS BY WELD COUNTY ROAD 36 AND NORTH OF THE
11 BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD
12 20; AND THAT PORTION THAT IS EAST OF THE BOUNDARY DEFINED ON A
13 NORTH-TO-SOUTH AXIS BY WELD COUNTY ROAD 39 AND SOUTH OF THE
14 BOUNDARY DEFINED ON AN EAST-TO-WEST AXIS BY WELD COUNTY ROAD
15 20.

16 (b) Effective January 1, ~~1994~~ 2010, the basic emissions program
17 area shall consist of the ~~counties~~ COUNTY of El Paso, ~~Larimer, and Weld~~
18 as described in paragraph (a) of this subsection (20).

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

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

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

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

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

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

18 **42-4-307.7. Vehicle emissions testing - remote sensing - rules**
19 **- repeal.** (13) (a) THE AIR POLLUTION CONTROL DIVISION IN THE
20 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL COOPERATE
21 FULLY WITH THE LEGISLATIVE AUDIT COMMITTEE'S REVIEW OF THE
22 REMOTE SENSING PROGRAM. THE AIR POLLUTION CONTROL DIVISION
23 SHALL DELAY DEPLOYMENT OF REMOTE SENSING EQUIPMENT BEYOND
24 THOSE AREAS IN WHICH REMOTE SENSING WERE AUTHORIZED AS OF THE
25 EFFECTIVE DATE OF THIS SUBSECTION (13) UNTIL COMPLETION OF THE
26 LEGISLATIVE AUDIT COMMITTEE'S AUDIT OF THE REMOTE SENSING
27 PROGRAM, AND SUCH DEPLOYMENT SHALL NOT OCCUR UNLESS THE AIR

1 POLLUTION CONTROL DIVISION, IN CONJUNCTION WITH THE DEPARTMENT
2 OF REVENUE EMISSIONS PROGRAM, DETERMINES THE VALIDITY AND
3 VIABILITY OF THE REMOTE SENSING PROGRAM.

4 (b) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE DECEMBER 31,
5 2009.

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

8 **42-4-310. Periodic emissions control inspection required.**

9 (1) (d) (II) (B) For the basic emissions program, effective January 1,
10 1994, no emissions-related repair waiver shall be issued for any vehicle
11 ~~which~~ THAT is registered as a collector's item pursuant to the provisions
12 of section 42-12-102 and ~~which~~ THAT is of the model year ~~1960~~ 1976 or
13 later.

14 (VIII) (A) For the enhanced emissions program except as
15 provided in sub-subparagraph (B) of this subparagraph (VIII), effective
16 January 1, 1995, for businesses ~~which~~ THAT operate nineteen or fewer
17 vehicles and for private motor vehicles only of a model year 1967 or
18 earlier required to be registered in the enhanced emissions program area,
19 after any adjustments or repairs required pursuant to section 42-4-306, if
20 total expenditures of at least seventy-five dollars have been made to bring
21 the vehicle into compliance with applicable emissions standards and the
22 vehicle still does not meet ~~such~~ THE standards, a certification of emissions
23 waiver shall be issued for ~~such~~ THE vehicle. No emissions-related repair
24 waiver shall be issued for vehicles ~~which~~ THAT are registered as
25 collector's items pursuant to ~~the provisions of~~ section 42-12-102 and
26 ~~which~~ THAT are of a model year ~~1960~~ 1976 or later.

27 **SECTION 4.** 42-4-401 (8), Colorado Revised Statutes, is

1 amended to read:

2 **42-4-401. Definitions.** As used in this part 4, unless the context
3 otherwise requires:

4 (8) "Program area" means the counties ~~as set forth in section~~
5 ~~42-4-304 (20)~~ OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO,
6 JEFFERSON, LARIMER, AND WELD, AND THE CITIES AND COUNTIES OF
7 BROOMFIELD AND DENVER, EXCLUDING THE FOLLOWING AREAS:

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

11 (b) THAT PORTION OF ARAPAHOE COUNTY WHICH IS EAST OF
12 KIOWA CREEK (RANGE 62 WEST, TOWNSHIPS 4 AND 5 SOUTH) BETWEEN
13 THE ARAPAHOE-ELBERT COUNTY LINE AND THE ARAPAHOE-ADAMS
14 COUNTY LINE;

15 (c) THAT PORTION OF EL PASO COUNTY WHICH IS EAST OF THE
16 FOLLOWING BOUNDARY, DEFINED ON A SOUTH-TO-NORTH AXIS: FROM THE
17 EL PASO-PUEBLO COUNTY LINE NORTH (UPSTREAM) ALONG CHICO CREEK
18 (RANGES 63 AND 64 WEST, TOWNSHIP 17 SOUTH) TO HANOVER ROAD,
19 THEN EAST ALONG HANOVER ROAD (EL PASO COUNTY ROUTE 422) TO
20 PEYTON HIGHWAY, THEN NORTH ALONG PEYTON HIGHWAY (EL PASO
21 COUNTY ROUTE 463) TO FALCON HIGHWAY, THEN WEST ON FALCON
22 HIGHWAY (EL PASO COUNTY ROUTE 405) TO PEYTON HIGHWAY, THEN
23 NORTH ON PEYTON HIGHWAY (EL PASO COUNTY ROUTE 405) TO JUDGE
24 ORR ROAD, THEN WEST ON JUDGE ORR ROAD (EL PASO COUNTY ROUTE
25 108) TO ELBERT ROAD, THEN NORTH ON ELBERT ROAD (EL PASO COUNTY
26 ROUTE 91) TO THE EL PASO-ELBERT COUNTY LINE;

27 (d) THAT PORTION OF LARIMER COUNTY WHICH IS WEST OF THE

1 BOUNDARY DEFINED ON A NORTH-TO-SOUTH AXIS BY RANGE 71 WEST AND
2 THAT PORTION WHICH IS NORTH OF THE BOUNDARY DEFINED ON AN
3 EAST-TO-WEST AXIS BY TOWNSHIP 10 NORTH;

4 (e) THAT PORTION OF WELD COUNTY WHICH IS OUTSIDE THE
5 CORPORATE BOUNDARIES OF GREELEY, EVANS, LA SALLE, AND GARDEN
6 CITY AND, IN ADDITION, IS OUTSIDE THE FOLLOWING BOUNDARY:
7 BEGINNING AT THE POINT OF INTERSECTION OF THE WEST BOUNDARY LINE
8 OF SECTION 21, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST AND STATE
9 HIGHWAY 392, EAST ALONG STATE HIGHWAY 392 TO THE POINT OF
10 INTERSECTION WITH WELD COUNTY ROAD 37; THEN SOUTH ALONG WELD
11 COUNTY ROAD 37 TO THE POINT OF INTERSECTION WITH WELD COUNTY
12 ROAD 64; THEN EAST ALONG WELD COUNTY ROAD 64 TO THE POINT OF
13 INTERSECTION WITH WELD COUNTY ROAD 43; THEN SOUTH ALONG WELD
14 COUNTY ROAD 43 TO THE POINT OF INTERSECTION WITH WELD COUNTY
15 ROAD 62; THEN EAST ALONG WELD COUNTY ROAD 62 TO THE POINT OF
16 INTERSECTION WITH WELD COUNTY ROAD 49; THEN SOUTH ALONG WELD
17 COUNTY ROAD 49 TO THE POINT OF INTERSECTION WITH THE SOUTH
18 BOUNDARY LINE OF SECTION 13, TOWNSHIP FIVE NORTH, RANGE
19 SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF
20 SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, SECTION 14,
21 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 15,
22 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN, FROM THE
23 SOUTHWEST CORNER OF SECTION 15, TOWNSHIP FIVE WEST, RANGE
24 SIXTY-FIVE WEST, SOUTH ALONG THE EAST BOUNDARY LINE OF SECTION
25 21, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 28,
26 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE
27 SOUTH BOUNDARY LINE OF SECTION 28, TOWNSHIP FIVE NORTH, RANGE

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

1 NORTH, RANGE SIXTY-SIX WEST, NORTH ALONG THE WEST BOUNDARY LINE
2 OF SECTION 33, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, SECTION
3 28, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, AND SECTION 21,
4 TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, TO THE POINT OF
5 BEGINNING.

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

8 **42-4-412. Air pollution violations.** (3) (b) Subparagraph (II) of
9 paragraph (a) of subsection (1) of this section shall apply to all areas of
10 the state except the program area, ~~as defined in section 42-4-304 (20),~~
11 which program area shall be subject to section 42-4-413.

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

14 **42-4-413. Visible emissions from diesel-powered motor**
15 **vehicles unlawful - penalty.** (1) (a) Effective January 1, 1987, no owner
16 or operator of a diesel-powered vehicle shall cause or knowingly permit
17 the emission from ~~such~~ THE vehicle of any visible air contaminants ~~which~~
18 THAT exceed the emission level as described in section 42-4-412 (2) (a)
19 within the program area. ~~as defined in section 42-4-304 (20).~~

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

22 **42-12-101. Definitions.** As used in this article, unless the context
23 otherwise requires:

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

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

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

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

8 **42-12-102. Registration of collectors' items - fees.** (1) Except
9 for those motor vehicles that are entitled to registration under the
10 provisions of section 42-3-219, collectors' items shall be titled, registered,
11 and a specific ownership tax shall be paid thereon in the same manner as
12 provided in this title for other motor vehicles, with the following
13 exceptions:

14 (b) (I) No collector's item of model year ~~1960~~ 1976 or later for
15 which a certification of emissions control is required under ~~the provisions~~
16 ~~of sections 42-4-301 to 42-4-316 shall be registered under the provisions~~
17 ~~of this section unless a certification of emissions control is obtained for~~
18 ~~such~~ THE collector's item. Reregistration of ~~such~~ THE collector's item by
19 the same owner shall not require the obtainment of a new certification of
20 emissions control, but ~~such~~ THE collector's item shall not be registered
21 under ~~the provisions of this section after the sale or transfer of such~~ THE
22 vehicle to a new owner. ~~until a new certification of emissions control has~~
23 ~~been obtained for such collector's item.~~

24 (II) ~~Notwithstanding subparagraph (I) of this paragraph (b),~~
25 ~~collector's items of model year 1970 or earlier may be registered under the~~
26 ~~provisions of this section without a certification of emissions control for~~
27 ~~such collector's items if the division of administration in the department~~

1 of public health and environment recommends and the air quality control
2 commission determines that exempting such collector's items will not
3 negatively affect the federal environmental protection agency's approval
4 of the SIP and to the extent that doing so is allowed under federal law.

5 **SECTION 9. Appropriation.** (1) In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 department of public health and environment subaccount of the
8 automobile inspection and readjustment account of the highway users tax
9 fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, not
10 otherwise appropriated, to the department of public health and
11 environment, for allocation to the air quality control division, for the
12 fiscal year beginning July 1, 2009, the sum of [REDACTED] ninety-seven
13 thousand one hundred twelve dollars (\$97,112) cash funds and 1.5 FTE,
14 or so much thereof as may be necessary, for the implementation of this
15 act.

16 (2) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the department of revenue subaccount
18 of the automobile inspection and readjustment account of the highway
19 users tax fund created in section 42-3-304 (18) (c), Colorado Revised
20 Statutes, not otherwise appropriated, to the department of revenue, for
21 allocation to the division of motor vehicles, vehicle emissions, for the
22 fiscal year beginning July 1, 2009, the sum of thirty-nine thousand three
23 hundred four dollars (\$39,304) and 0.5 FTE, or so much thereof as may
24 be necessary, for the implementation of this act.

25 (3) 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 (4) 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.