

**NOTE: This bill has been prepared for the signature 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.**



HOUSE BILL 11-1157

BY REPRESENTATIVE(S) Casso, Baumgardner, Brown, Coram, Fields, Gerou, Holbert, Liston, Looper, Murray, Schafer S., Vigil, Peniston, Scott; also SENATOR(S) White, Guzman.

CONCERNING THE EXEMPTION FROM THE HEAVY-DUTY DIESEL INSPECTION PROGRAM OF HEAVY-DUTY DIESEL VEHICLES BASED OUTSIDE THE PROGRAM AREA AS PART OF A FLEET REGISTERED IN THE PROGRAM AREA, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** 42-4-414, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-4-414. Heavy-duty diesel fleet inspection and maintenance program - penalty - rules.** (2.5) AN OWNER OF A FLEET REGISTERED IN THE PROGRAM AREA MAY CERTIFY TO THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE, IN A FORM AND MANNER REQUIRED BY THE EXECUTIVE DIRECTOR, THAT A DIESEL VEHICLE REGISTERED IN THE PROGRAM AREA IS PHYSICALLY BASED AND PRINCIPALLY OPERATED FROM A TERMINAL, DIVISION, OR MAINTENANCE FACILITY OUTSIDE THE PROGRAM AREA. ANY DIESEL VEHICLE REGISTERED IN THE PROGRAM AREA, BUT CERTIFIED TO BE PHYSICALLY BASED AND PRINCIPALLY OPERATED FROM A

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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.*

TERMINAL, DIVISION, OR MAINTENANCE FACILITY OUTSIDE THE PROGRAM AREA, IS EXEMPT FROM THIS SECTION. THE COMMISSION SHALL PROMULGATE RULES TO ADMINISTER THIS SUBSECTION (2.5).

**SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the taxpayer service division, for the fiscal year beginning July 1, 2011, the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of five hundred ninety-two dollars (\$592) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of five hundred ninety-two dollars (\$592), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (2) of this section.

**SECTION 3. Act subject to petition - effective date - applicability.** (1) This act shall take 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 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official

declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to heavy-duty diesel fleet vehicles registered in the program area of the diesel emission inspection program on or after January 1, 2012.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO