

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 11-0666.01 Bart Miller

**HOUSE BILL 11-1157**

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**HOUSE SPONSORSHIP**

**Casso,**

**SENATE SPONSORSHIP**

**White,**

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**House Committees**

Transportation  
Appropriations

**Senate Committees**

Transportation  
Appropriations

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**A BILL FOR AN ACT**

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

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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://www.leg.state.co.us/billsummaries>.)*

The bill authorizes the owner of a heavy-duty diesel fleet

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  
3rd Reading Unamended  
April 7, 2011

HOUSE  
Amended 2nd Reading  
April 5, 2011

registered in the program area of the diesel emission inspection program (program area) to certify that a diesel vehicle registered in the program area is physically based and principally operated from a terminal, division, or maintenance facility outside of the program area. A diesel vehicle that is certified is exempted from the heavy-duty diesel fleet emission inspection program. The bill authorizes the executive director of the department of revenue and the air quality control commission to promulgate rules for the administration of the bill.

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

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

4 **42-4-414. Heavy-duty diesel fleet inspection and maintenance**  
5 **program - penalty - rules.** (2.5) AN OWNER OF A FLEET REGISTERED IN  
6 THE PROGRAM AREA MAY CERTIFY TO THE EXECUTIVE DIRECTOR OR THE  
7 EXECUTIVE DIRECTOR'S DESIGNEE, IN A FORM AND MANNER REQUIRED BY  
8 THE EXECUTIVE DIRECTOR, THAT A DIESEL VEHICLE REGISTERED IN THE  
9 PROGRAM AREA IS PHYSICALLY BASED AND PRINCIPALLY OPERATED FROM  
10 A TERMINAL, DIVISION, OR MAINTENANCE FACILITY OUTSIDE THE  
11 PROGRAM AREA. ANY DIESEL VEHICLE REGISTERED IN THE PROGRAM  
12 AREA, BUT CERTIFIED TO BE PHYSICALLY BASED AND PRINCIPALLY  
13 OPERATED FROM A TERMINAL, DIVISION, OR MAINTENANCE FACILITY  
14 OUTSIDE THE PROGRAM AREA, IS EXEMPT FROM THIS SECTION. THE  
15 COMMISSION SHALL PROMULGATE RULES TO ADMINISTER THIS SUBSECTION  
16 (2.5).

17 **SECTION 2. Appropriation.** (1) In addition to any other  
18 appropriation, there is hereby appropriated, out of any moneys in the  
19 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),  
20 Colorado Revised Statutes, not otherwise appropriated, to the department  
21 of revenue, for allocation to the taxpayer service division, for the fiscal

1 year beginning July 1, 2011, the sum of six thousand dollars (\$6,000), or  
2 so much thereof as may be necessary, for the implementation of this act.

3 (2) In addition to any other appropriation, there is hereby  
4 appropriated, out of any moneys in the Colorado state titling and  
5 registration account of the highway users tax fund created in section  
6 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to  
7 the department of revenue, for allocation to the information technology  
8 division, for the fiscal year beginning July 1, 2011, the sum of five  
9 hundred ninety-two dollars (\$592) cash funds, or so much thereof as may  
10 be necessary, for the implementation of this act.

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

20 **SECTION 3. Act subject to petition - effective date -**  
21 **applicability.** (1) This act shall take effect January 1, 2012; except that,  
22 if a referendum petition is filed pursuant to section 1 (3) of article V of  
23 the state constitution against this act or an item, section, or part of this act  
24 within the ninety-day period after final adjournment of the general  
25 assembly, then the act, item, section, or part shall not take effect unless  
26 approved by the people at the general election to be held in November  
27 2012 and shall take effect on January 1, 2012, or on the date of the

1 official declaration of the vote thereon by the governor, whichever is  
2 later.

3 (2) The provisions of this act shall apply to heavy-duty diesel fleet  
4 vehicles registered in the program area of the diesel emission inspection  
5 program on or after the applicable effective date of this act.