

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0339.01 Chuck Brackney x2295

SENATE BILL 12-034

SENATE SPONSORSHIP

King S., Tochtrop

HOUSE SPONSORSHIP

Miklosi,

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING REPEAL OF THE RAPID SCREEN PROGRAM TO IDENTIFY**
102 **HIGH-EMITTING MOTOR VEHICLES.**

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>.)

Legislative Audit Committee. The bill repeals the rapid screen program for identifying high-emitting motor vehicles.

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

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
2nd Reading Unamended
February 23, 2012

1 **SECTION 1.** In Colorado Revised Statutes, 42-3-304, **amend**
2 (19) (a) (I); and **repeal** (19) (a) (IV) as follows:

3 **42-3-304. Registration fees - passenger and passenger-mile**
4 **taxes - clean screen fund - repeal.** (19) (a) If the air quality control
5 commission determines pursuant to section 42-4-306 (23) (b) to
6 implement an expanded clean screen program in the enhanced emissions
7 program area, on and after the specific dates determined by the
8 commission for each of the following subparagraphs:

9 (I) In addition to any other fee imposed by this section, county
10 clerks and recorders, acting as agents for the clean screen authority, shall
11 collect at the time of registration an emissions inspection fee in an amount
12 determined by section 42-4-311 (6) (a) ~~or, after implementation of the~~
13 ~~plan by the commission as prescribed by House Bill 06-1302, as enacted~~
14 ~~at the second regular session of the sixty-fifth general assembly, in~~
15 ~~accordance with section 42-4-311 (6) (c);~~ on every motor vehicle that the
16 department of revenue has determined from data provided by its
17 contractor to have been clean screened; except that the motorist shall not
18 be required to pay such emissions inspection fee if the county clerk and
19 recorder determines that a valid certification of emissions compliance has
20 already been issued for the vehicle being registered indicating that the
21 vehicle passed the applicable emissions test at an enhanced inspection
22 center, inspection and readjustment station, motor vehicle dealer test
23 facility, or fleet inspection station.

24 ~~(IV) The commission shall establish a pay-upon-registration~~
25 ~~program as a part of the plan to substantially increase the use of clean~~
26 ~~screen testing pursuant to section 42-4-307.7 and shall set a date to~~
27 ~~implement the pay-upon-registration program. The emissions inspection~~

1 fee imposed in accordance with this subsection (19) shall not exceed nine
2 dollars annually and shall be assessed on every motor vehicle in the
3 program area. The commission shall have the authority to reduce, but not
4 increase, emissions inspection fees. The fee, in addition to any other fee
5 imposed by this section, shall be collected by the county clerk and
6 recorder, acting as agent for the clean screen authority, at the time of
7 registration each year. The contractor shall be paid on the basis of the
8 number of vehicles inspected at enhanced inspection centers, which
9 payment shall include payment for duplicate inspections when required
10 for emissions compliance verification. The contractor shall also be paid
11 based on the number of unique vehicles tested by remote sensing for the
12 high emitter program. The contractor shall not be paid for vehicle remote
13 sensing tests more than once for the same vehicle in any twelve-month
14 vehicle registration period, but shall furnish duplicate vehicle test data to
15 the department of public health and environment.

16 **SECTION 2.** In Colorado Revised Statutes, 42-4-304, **repeal**
17 (15.5) as follows:

18 **42-4-304. Definitions relating to automobile inspection and**
19 **readjustment program.** As used in sections 42-4-301 to 42-4-316,
20 unless the context otherwise requires:

21 (15.5) "High emitter program" means a program to identify motor
22 vehicles whose emissions or air pollutants are substantially higher than
23 the levels deemed acceptable under the AIR program. Such vehicles shall
24 be repaired in compliance with the AIR program or shall be subject to
25 administrative suspension of vehicle registration.

26 **SECTION 3.** In Colorado Revised Statutes, 42-4-307, **repeal**
27 (12), (13), (14), and (15) as follows:

1 **42-4-307. Powers and duties of the department of public**
2 **health and environment - division of administration - automobile**
3 **inspection and readjustment program - basic emissions program -**
4 **enhanced emissions program - clean screen program.** (12) ~~The~~
5 ~~department of public health and environment shall work with the~~
6 ~~contractor to develop a high emitter program that is acceptable to the~~
7 ~~environmental protection agency.~~

8 (13) ~~Beginning July 1, 2007, and on or before October 15 of each~~
9 ~~year thereafter through October 15, 2009, and no later than October 15,~~
10 ~~2011, and each October 15 thereafter, the department of public health and~~
11 ~~environment, in cooperation with the contractor, shall brief the~~
12 ~~transportation legislation review committee on the cost and effectiveness~~
13 ~~of the high emitter program. The briefing shall compare the effectiveness~~
14 ~~of the high emitter program to other emissions reduction options,~~
15 ~~including, but not limited to, the elimination of the AIR program, the~~
16 ~~elimination of the requirement for regular motor vehicle emissions~~
17 ~~inspections, and the appropriate reduction of the emissions inspection fee.~~

18 (14) ~~For fiscal year 2006-07, the contractor shall make a payment~~
19 ~~from their high emitter account to the clean screen fund created in section~~
20 ~~42-3-304 (19) (a) (II) in an amount of three hundred fifty thousand~~
21 ~~dollars. The department of public health and environment shall provide~~
22 ~~the contractor with an itemized report of the costs associated with the~~
23 ~~implementation of House Bill 06-1302, enacted at the second regular~~
24 ~~session of the sixty-fifth general assembly, if an additional amount is~~
25 ~~necessary to cover the costs associated with the implementation of House~~
26 ~~Bill 06-1302.~~

27 (15) ~~The department of public health and environment may enter~~

1 into a contract extension with the contractor as necessary in order to
2 implement House Bill 06-1302, enacted at the second regular session of
3 the sixty-fifth general assembly. In evaluating a contract extension, the
4 department of public health and environment and the commission shall
5 consider a reduction in the fees set forth in section 42-3-304, C.R.S.

6 **SECTION 4.** In Colorado Revised Statutes, 42-4-307.7, **amend**
7 (6); and **repeal** (1), (2), (7), (8), (9), (10), and (11) as follows:

8 **42-4-307.7. Vehicle emissions testing - remote sensing - rules.**

9 (1) ~~On or before December 31, 2006, the department of public health and~~
10 ~~environment and the contractor shall develop a plan, subject to approval~~
11 ~~by the commission, that shall provide for a phased increase in clean~~
12 ~~screen testing. The plan shall provide for the substantially increased use~~
13 ~~of remote sensing devices for the identification of vehicles whose~~
14 ~~emissions comply with the air quality criteria determined by the~~
15 ~~commission and those vehicles that exceed the air quality criteria~~
16 ~~determined by the commission. The commission shall use best efforts to~~
17 ~~eliminate the requirement for regular emissions inspections and to replace~~
18 ~~the regularly scheduled basic and enhanced emissions testing program~~
19 ~~with a high emitter program.~~

20 (2) ~~If model year exemptions or clean screen testing is expanded,~~
21 ~~the department of public health and environment may reduce the number~~
22 ~~of lanes at enhanced inspection centers or the number of enhanced~~
23 ~~inspection centers in the program area. The department of public health~~
24 ~~and environment shall consider such reductions when establishing or~~
25 ~~adjusting compensation paid to the contractor.~~

26 (6) The commission shall determine the criteria used for the
27 measurement of vehicle emissions needed to comply with the clean screen

1 program, ~~and the high emitter program~~, which criteria shall include, but
2 are not limited to, the pollutants measured, acceptable levels of the
3 measured pollutants, and failure rates. Criteria adopted by the commission
4 for the clean screen program shall meet environmental protection agency
5 requirements.

6 (7) ~~Vehicles identified as exceeding acceptable emission~~
7 ~~limitations, as determined by the commission pursuant to subsection (6)~~
8 ~~of this section, shall be required to report to an enhanced inspection~~
9 ~~center or other approved facility within thirty days and shall be subject to~~
10 ~~an approved emissions test to confirm that the vehicle has failed the~~
11 ~~emissions test. Thereafter, the owner of the vehicle shall have thirty days~~
12 ~~to repair and test the vehicle successfully.~~

13 (8) ~~The commission shall adopt, by rule, emissions test methods~~
14 ~~to confirm the identification of a high emitting vehicle that was~~
15 ~~previously identified, by remote sensing, as a high emitting vehicle.~~

16 (9) ~~Notwithstanding any other provision of law, vehicles operating~~
17 ~~within the program area but registered outside the program area that are~~
18 ~~repeatedly detected under the clean screen program shall be subject to~~
19 ~~enforcement under a program adopted by the commission to identify~~
20 ~~vehicles that exceed acceptable emissions limitations.~~

21 (10) ~~The commission shall adopt, by rule, an enforcement~~
22 ~~program to identify vehicles that regularly operate within the program~~
23 ~~area but are registered outside the program area and shall require their~~
24 ~~compliance with acceptable emissions limitations determined by the~~
25 ~~commission.~~

26 (11) ~~If the identified high emitting vehicle fails an enhanced~~
27 ~~emissions test at an enhanced inspection center or other approved test~~

1 pursuant to subsection (8) of this section, repairs shall be completed and
2 the vehicle shall pass a subsequent approved emissions test pursuant to
3 this part 3 before the vehicle may be registered or reregistered.

4 **SECTION 5.** In Colorado Revised Statutes, 42-4-311, **repeal** (6)
5 (c) as follows:

6 **42-4-311. Operation of inspection and readjustment stations**
7 **- inspection-only facilities - fleet inspection stations - motor vehicle**
8 **dealer test facilities - enhanced inspection centers.**

9 (6) (c) ~~Notwithstanding paragraphs (a) and (b) of this subsection (6), at~~
10 ~~such time that the plan developed pursuant to section 42-4-307.7 is~~
11 ~~implemented, the emissions inspection fee charged pursuant to the clean~~
12 ~~screen program shall not exceed nine dollars. Such fee shall be in~~
13 ~~accordance with section 42-3-304 (19) (a) (I).~~

14 **SECTION 6.** In Colorado Revised Statutes, 42-4-313, **repeal** (3)
15 (h), (3) (i), and (3) (j) as follows:

16 **42-4-313. Penalties.** (3) (h) ~~Notwithstanding any other provision~~
17 ~~of this section, an owner of a vehicle that has failed under the high emitter~~
18 ~~program is in violation of this part 3 and shall be notified by mail by the~~
19 ~~contractor that his or her vehicle is not in compliance. The owner shall~~
20 ~~have thirty days to repair and test the vehicle successfully.~~

21 (i) ~~A violator whose vehicle fails to comply with emission limits~~
22 ~~adopted by the commission pursuant to this part 3 shall be fined one~~
23 ~~hundred dollars per violation.~~

24 (j) ~~After ninety days, registration shall be administratively~~
25 ~~suspended on a vehicle that remains out of compliance with this part 3.~~
26 ~~The registration shall not be reinstated until the vehicle owner provides~~
27 ~~proof of compliance with this part 3 and pays any applicable fines.~~

1 **SECTION 7.** In Colorado Revised Statutes, **amend** 42-4-316.5
2 as follows:

3 **42-4-316.5. Termination of vehicle emissions testing program**
4 **- repeal.** The commission shall have the authority to eliminate all
5 requirements for regularly scheduled basic or enhanced emissions
6 inspections of motor vehicles ~~Notwithstanding any other provision of this~~
7 ~~part 3 and~~ if the commission finds that this action does not violate federal
8 air quality standards. ~~the vehicle emissions inspection program set forth~~
9 ~~in sections 42-4-301 to 42-4-316 is repealed, effective December 31,~~
10 ~~2010.~~

11 **SECTION 8. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2012 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.