

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0303.01 Jery Payne

SENATE BILL 06-029

SENATE SPONSORSHIP

Williams,

HOUSE SPONSORSHIP

Garcia,

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING A DISCLOSURE REQUIREMENT IN THE PRIVATE SALE OF
102 A MOTOR VEHICLE THAT MAY NOT QUALIFY FOR A
103 CERTIFICATION OF EMISSIONS CONTROL.

Bill Summary

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

Requires a seller of a motor vehicle to disclose whether the motor vehicle has a certification of emissions control. If the seller fails to make the disclosure, requires the seller to repair or repurchase the motor vehicle if the vehicle fails an emissions test within 3 working days after the vehicle is sold. Exempts motor vehicle dealers and motor vehicle sales between persons who do not reside within the basic or enhanced program

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.

area.

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

2 **SECTION 1.** 42-4-310, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

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

5 (6) (a) PRIOR TO THE PRIVATE SALE OF A MOTOR VEHICLE, THE SELLER
6 SHALL DISCLOSE TO THE PURCHASER WHETHER SUCH MOTOR VEHICLE HAS
7 A CERTIFICATION OF EMISSIONS CONTROL.

8 (b) (I) THE PURCHASER OF THE MOTOR VEHICLE MAY RETURN THE
9 MOTOR VEHICLE TO THE SELLER IF:

10 (A) THE MOTOR VEHICLE FAILS AN EMISSIONS INSPECTION WITHIN
11 THREE WORKING DAYS AFTER IT IS SOLD;

12 (B) THE MOTOR VEHICLE IS REQUIRED TO HAVE AN EMISSIONS
13 INSPECTION TO BE REGISTERED; AND

14 (C) THE SELLER FAILED TO DISCLOSE WHETHER THE MOTOR
15 VEHICLE HAS A CERTIFICATION OF EMISSIONS CONTROL PURSUANT TO
16 PARAGRAPH (a) OF THIS SUBSECTION (6).

17 (II) UPON THE RETURN OF A MOTOR VEHICLE PURSUANT TO
18 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE SELLER SHALL REPAIR
19 THE MOTOR VEHICLE UNTIL THE MOTOR VEHICLE PASSES THE EMISSIONS
20 TEST, PAY THE PURCHASER TO OBTAIN SUCH REPAIRS FROM A THIRD
21 PARTY, OR REPURCHASE THE VEHICLE AT THE VEHICLE'S PURCHASE PRICE.

22 (c) THIS SUBSECTION (6) SHALL NOT APPLY:

23 (I) TO MOTOR VEHICLES SOLD BY A MOTOR VEHICLE DEALER, AS
24 DEFINED BY SECTION 12-6-102 (13), C.R.S.;

25 (II) IF THE PURCHASER OR THE SELLER DOES NOT RESIDE WITHIN

1 THE BASIC OR ENHANCED PROGRAM AREA; OR

2 (III) IF THE MOTOR VEHICLE IS NOT INTENDED TO BE REGISTERED
3 WHEN IT IS SOLD, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, A
4 SITUATION IN WHICH THE MOTOR VEHICLE IS SOLD FOR PARTS.

5 **SECTION 2. Effective date - applicability.** This act shall take
6 effect July 1, 2006, and shall apply to motor vehicles sold on or after said
7 date.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.