

First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 01-1080.02 Thomas Morris

SENATE BILL 01-242

SENATE SPONSORSHIP

Linkhart

HOUSE SPONSORSHIP

Paschall

Senate Committees

Public Policy and Planning

House Committees

A BILL FOR AN ACT

101 CONCERNING EXTENSION OF THE CONTRACT FOR ENHANCED
102 EMISSIONS INSPECTIONS FOR MOTOR VEHICLES, AND, IN
103 CONNECTION THEREWITH, AUTHORIZING EXPANSION OF THE
104 CLEAN SCREEN PROGRAM THROUGH A CLEAN SCREEN
105 ENTERPRISE.

Bill Summary

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

Directs the department of public health and environment and the executive director of the department of revenue to renew the motor vehicle enhanced emissions inspection contract to ensure that, on or after December 31, 2001, inspection services in the enhanced program area

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.

will not be interrupted by the expiration of the previous contract and that such services will be provided to maximize convenience and minimize costs to vehicle owners. Limits the renewed contract to a term of 2 years. Directs the air quality control commission to consider alternative technologies for implementation at the end of the 2-year period, and mandates that the new contract require the contractor to provide any such necessary alternative inspection technologies.

Requires the contractor to notify the department of revenue of vehicles it has determined, either through an inspection or a clean screen, comply with the inspection requirements. Allows a county clerk and recorder to issue a registration for a vehicle when the department of revenue notifies the clerk, in accordance with information provided to the department by the contractor, that such vehicle does not need an emissions inspection. Sets fees for inspections to be based upon costs plus an amount determined by the air quality control commission, not to exceed 10%. Limits the fee for clean screen inspections to no more than \$15.

Authorizes the commission to promulgate a rule to expand the operation of the clean screen motor vehicle emissions inspection program in the enhanced emissions program area. Authorizes operation of the clean screen program in the Larimer and Weld county portions of the basic emissions program area as expeditiously as possible, and allows the Pikes Peak area council of governments to petition the air quality control commission to exclude the El Paso county portion of the basic emissions program area.

If the commission expands the clean screen program:

- Creates an enterprise under section 20 of article X of the state constitution and vests the enterprise with authority to collect and distribute fees for operation of the clean screen program;
- Requires clerks to collect an emissions inspection fee for each 1982 and newer motor vehicle registered in the program area and to transmit such fee to the enterprise. Directs the enterprise to transmit the fees to the state treasurer for deposit in a newly created clean screen fund.
- Directs the enterprise to pay out the moneys in the trust account monthly to the entity that performed the inspection upon receipt by the enterprise, through the department of revenue, of a notification from the entity of the number of first-time inspections within an inspection cycle completed by the entity in the previous month.

1 **SECTION 1.** 42-3-134, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION, to read:

3 **42-3-134. Registration fees - passenger and passenger-mile**
4 **taxes - refund - clean screen fund - repeal.** (26.5) (a) IF THE AIR
5 QUALITY CONTROL COMMISSION DETERMINES PURSUANT TO SECTION
6 42-4-306 TO IMPLEMENT AN EXPANDED CLEAN SCREEN PROGRAM, ON AND
7 AFTER THE SPECIFIC DATES DETERMINED BY THE COMMISSION FOR EACH OF
8 THE FOLLOWING SUBPARAGRAPHS:

9 (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS SECTION,
10 COUNTY CLERKS AND RECORDERS, ACTING AS AGENTS FOR THE CLEAN
11 SCREEN AUTHORITY, SHALL COLLECT AT THE TIME OF REGISTRATION AN
12 EMISSIONS INSPECTION FEE IN AN AMOUNT DETERMINED BY PARAGRAPH (b)
13 OF THIS SUBSECTION (26.5) ON EVERY 1982 AND NEWER MOTOR VEHICLE
14 REQUIRED TO BE REGISTERED IN THE PROGRAM AREA; EXCEPT THAT NO FEE
15 SHALL BE COLLECTED FOR MOTOR VEHICLES THAT ARE EXEMPTED FROM
16 THE REQUIREMENT TO HAVE AN EMISSIONS INSPECTION UNDER PART 3 OF
17 ARTICLE 4 OF THIS TITLE;

18 (II) THE CONTRACTOR, INSPECTION-ONLY FACILITIES, AND
19 INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT
20 INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION
21 CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL
22 COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS
23 INSPECTION ESTABLISHED IN SECTION 42-4-311 FOR INSPECTIONS FOR A
24 TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR
25 INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY
26 THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310
27 (1) (b) (II) (A);

1 (III) COUNTY CLERKS AND RECORDERS SHALL BE ENTITLED TO
2 RETAIN THREE AND ONE-THIRD PERCENT OF THE FEE SO COLLECTED TO
3 COVER THE CLERKS' EXPENSES IN THE COLLECTION AND REMITTANCE OF
4 SUCH FEE. COUNTY TREASURERS SHALL, NO LATER THAN TEN DAYS AFTER
5 THE LAST BUSINESS DAY OF EACH MONTH, REMIT THE REMAINDER OF SUCH
6 FEE TO THE CLEAN SCREEN AUTHORITY CREATED IN SECTION 42-4-307.5.
7 THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT SUCH FEE TO THE STATE
8 TREASURER, WHO SHALL DEPOSIT THE SAME IN THE CLEAN SCREEN FUND,
9 WHICH FUND IS HEREBY CREATED. THE CLEAN SCREEN FUND SHALL BE A
10 PASS-THROUGH TRUST ACCOUNT TO BE HELD IN TRUST SOLELY FOR THE
11 PURPOSES AND THE BENEFICIARIES SPECIFIED IN THIS SUBSECTION (26.5).
12 MONEYS IN THE CLEAN SCREEN FUND SHALL NOT CONSTITUTE FISCAL YEAR
13 SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF
14 THE STATE CONSTITUTION, AND SUCH MONEYS SHALL BE DEEMED
15 CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE
16 GENERAL ASSEMBLY. INTEREST EARNED FROM THE DEPOSIT AND
17 INVESTMENT OF MONEYS IN THE CLEAN SCREEN FUND SHALL BE CREDITED
18 TO THE CLEAN SCREEN FUND, AND THE CLEAN SCREEN AUTHORITY MAY
19 ALSO EXPEND INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF THE
20 CLEAN SCREEN FUND TO PAY FOR ITS COSTS ASSOCIATED WITH THE
21 IMPLEMENTATION OF SENATE BILL 01-____, ENACTED AT THE FIRST
22 REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

23 (IV) THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT MONEYS
24 FROM THE CLEAN SCREEN FUND MONTHLY TO THE CONTRACTOR, TO
25 INSPECTION-ONLY FACILITIES, TO INSPECTION AND READJUSTMENT
26 STATIONS, AND TO FLEET INSPECTION STATIONS IN ACCORDANCE WITH THE
27 FEES DETERMINED BY PARAGRAPH (c) OF THIS SUBSECTION (26.5) WITHIN

1 ONE WEEK AFTER RECEIPT BY THE DEPARTMENT OF REVENUE OF A
2 NOTIFICATION FROM THE CONTRACTOR, FROM INSPECTION-ONLY
3 FACILITIES, FROM INSPECTION AND READJUSTMENT STATIONS, AND FROM
4 FLEET INSPECTION STATIONS OF THE NUMBER OF FIRST-TIME INSPECTIONS
5 WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES
6 REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND THE NUMBER OF
7 INSPECTIONS FOR A TRANSFER OF TITLE OF 1982 AND NEWER MOTOR
8 VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA
9 COMPLETED BY SUCH ENTITY IN THE PREVIOUS MONTH.

10 (b) (I) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE
11 REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, FEES
12 COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE ONE-HALF OF THE
13 FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED
14 IN SECTION 42-4-311 (6), NOT TO EXCEED TWELVE DOLLARS AND FIFTY
15 CENTS FOR VEHICLES THAT WERE NOT CLEAN SCREENED AND NOT TO
16 EXCEED SEVEN DOLLARS AND FIFTY CENTS IF THE VEHICLE WAS CLEAN
17 SCREENED.

18 (II) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE
19 REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, FEES COLLECTED
20 PURSUANT TO THIS SUBSECTION (26.5) ARE SEVEN DOLLARS AND FIFTY
21 CENTS.

22 (c) MONEYS SHALL BE TRANSMITTED FROM THE CLEAN SCREEN
23 FUND PURSUANT TO THIS SUBSECTION (26.5) AS FOLLOWS:

24 (I) TO THE CONTRACTOR, IN ACCORDANCE WITH THE FEE TO BE
25 CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION
26 42-4-311 (6);

27 (II) TO INSPECTION-ONLY FACILITIES AND INSPECTION AND

1 READJUSTMENT STATIONS, IN ACCORDANCE WITH THE FEE TO BE CHARGED
2 PER BASIC EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (4);

3 (III) TO THE CONTRACTOR, INSPECTION-ONLY FACILITIES, AND
4 INSPECTION AND READJUSTMENT STATIONS, FOR TRANSFERS OF
5 OWNERSHIP OF 1982 AND NEWER MOTOR VEHICLES, IN ACCORDANCE WITH
6 THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN
7 SECTION 42-4-311, NOT TO EXCEED:

8 (A) TWELVE DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES
9 REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA
10 THAT WERE NOT CLEAN SCREENED AND NOT TO EXCEED SEVEN DOLLARS
11 AND FIFTY CENTS IF THE VEHICLE WAS CLEAN SCREENED; AND

12 (B) SEVEN DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES
13 REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA;
14 AND

15 (IV) TO FLEET INSPECTION STATIONS, AN AMOUNT EQUAL TO THE
16 AMOUNT OF MONEY PAID INTO THE FUND BY SUCH FLEET INSPECTION
17 STATION.

18 (d) THIS SUBSECTION (26.5) IS REPEALED, EFFECTIVE DECEMBER
19 31, 2005. ANY MONEYS REMAINING IN THE CLEAN SCREEN FUND ON
20 DECEMBER 31, 2005, SHALL REVERT TO THE AIR ACCOUNT ESTABLISHED
21 IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (26) OF THIS
22 SECTION.

23 **SECTION 2.** 42-4-304 (5), Colorado Revised Statutes, is
24 amended, and the said 42-4-304 is further amended BY THE ADDITION
25 OF A NEW SUBSECTION, to read:

26 **42-4-304. Definitions relating to automobile inspection and**
27 **readjustment program.** As used in sections 42-4-301 to 42-4-316,

1 unless the context otherwise requires:

2 (5) "Contractor" means any person, partnership, entity, or
3 corporation that is awarded a contract ~~or service agreement~~ by the state
4 of Colorado through a competitive bid process conducted by the division
5 in consultation with the executive director and in accordance with the
6 "Procurement Code", articles 101 to 112 of title 24, C.R.S., and section
7 42-4-306, to provide inspection services for vehicles required to be
8 inspected pursuant to section 42-4-310 within the enhanced program area,
9 as set forth in subsection (9) of this section, ~~and~~ to operate enhanced
10 inspection centers necessary to perform inspections, ~~Any such contractor~~
11 ~~shall establish new enhanced inspection centers and shall update existing~~
12 ~~technical centers in the enhanced program area to the same level of~~
13 ~~inspection technology as enhanced inspection centers~~ AND TO OPERATE
14 THE CLEAN SCREEN PROGRAM WITHIN THE PROGRAM AREA.

15 (8.5) "ENHANCED EMISSIONS INSPECTION" MEANS A MOTOR
16 VEHICLE EMISSIONS INSPECTION CONDUCTED PURSUANT TO THE ENHANCED
17 EMISSIONS PROGRAM, INCLUDING A DETECTION OF HIGH EMISSIONS BY
18 REMOTE SENSING, AN IDENTIFICATION OF HIGH EMITTERS, A CLEAN SCREEN
19 INSPECTION, OR AN INSPECTION CONDUCTED AT AN ENHANCED INSPECTION
20 CENTER.

21 **SECTION 3.** 42-4-306 (3) (b), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23 **42-4-306. Powers and duties of commission - automobile**
24 **inspection and readjustment program - basic emissions program -**
25 **enhanced emissions program - clean screen program.**

26 (3) (b) (V) (A) NOTWITHSTANDING ANY CONTRARY PROVISION IN THE
27 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., OR THIS

1 ARTICLE, THE CONTRACT FOR INSPECTION SERVICES IN EFFECT ON AND
2 BEFORE DECEMBER 31, 2001, MAY BE RENEWED FOR A SINGLE ADDITIONAL
3 TERM NOT TO EXCEED TWO YEARS, AFTER WHICH THE CONTRACT MUST BE
4 REBID; EXCEPT THAT INSPECTION FEES SHALL BE BASED ON ESTIMATED
5 ACTUAL OPERATING COSTS PLUS A PERCENTAGE TO BE DETERMINED BY THE
6 COMMISSION, NOT TO EXCEED TEN PERCENT, AS DETERMINED UNDER
7 SECTION 42-4-311 (6).

8 (B) THE COMMISSION SHALL HAVE RULE-MAKING AUTHORITY TO
9 IMPLEMENT ANY ENVIRONMENTAL PROTECTION AGENCY-APPROVED
10 ALTERNATIVE EMISSIONS INSPECTION SERVICES OR TECHNOLOGIES,
11 INCLUDING ON-BOARD DIAGNOSTICS, SO LONG AS SUCH INSPECTION
12 TECHNOLOGIES PROVIDE SIP CREDITS EQUAL TO OR GREATER THAN THOSE
13 INSPECTIONS CONDUCTED AT AN ENHANCED INSPECTION CENTER.

14 **SECTION 4.** 42-4-306 (23), Colorado Revised Statutes, is
15 amended to read:

16 **42-4-306. Powers and duties of commission - automobile**
17 **inspection and readjustment program - basic emissions program -**
18 **enhanced emissions program - clean screen program.** (23) (a) The
19 commission shall promulgate rules governing the operation of the clean
20 screen program. Such rules shall authorize the division to commence the
21 clean screen program in the ~~Weld county and Larimer county portions of~~
22 ~~the~~ basic emissions program AREA commencing ~~January 1, 1999,~~ or as
23 expeditiously as possible. ~~thereafter.~~ Such rules shall authorize the
24 division to extend, if feasible, the clean screen program to other parts of
25 the state upon request of the lead air quality planning agencies for each
26 respective area. Such rules shall govern operation of the clean screen
27 program pursuant to the contract or service agreement entered into under

1 section 42-4-307 (10.5). Such rules shall determine the percentage of the
2 vehicle fleet targeted for the clean screen program, which percentage
3 shall develop a target of the eligible vehicle fleet that meets air quality
4 needs. Such rules shall specify emission levels for vehicles in the same
5 manner as for other vehicles in the basic emissions program. THE
6 COMMISSION MAY, UPON WRITTEN REQUEST OF THE PIKES PEAK AREA
7 COUNCIL OF GOVERNMENTS, EXCLUDE THE EL PASO COUNTY PORTION OF
8 THE BASIC EMISSIONS PROGRAM AREA FROM THE CLEAN SCREEN PROGRAM
9 IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVES
10 WRITTEN NOTIFICATION FROM THE PIKES PEAK AREA COUNCIL OF
11 GOVERNMENTS TO SUCH EFFECT WITHIN TWO MONTHS AFTER THE
12 COMMISSION PROMULGATES A RULE EXPANDING THE CLEAN SCREEN
13 PROGRAM INTO EL PASO COUNTY.

14 (b) THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF
15 THIS SUBSECTION (23) MAY ALSO AUTHORIZE THE DIVISION TO COMMENCE
16 THE CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM
17 AREA COMMENCING JANUARY 1, 2002, OR AS SOON THEREAFTER AS IS
18 PRACTICAL.

19 **SECTION 5.** 42-4-307 (6) (a), (10) (b), and (10.5) (a), Colorado
20 Revised Statutes, are amended to read:

21 **42-4-307. Powers and duties of the department of public health**
22 **and environment - division of administration - automobile inspection**
23 **and readjustment program - basic emissions program - enhanced**
24 **emissions program - clean screen program - repeal.** (6) (a) (I) The
25 division shall administer, in accordance with federal requirements, the
26 on-road remote sensing program. ~~which shall include the measurement of~~
27 ~~at least five-tenths of one percent of the vehicles required to participate~~

1 ~~in the enhanced emissions program annually.~~

2 (II) Pursuant to commission rule and based on confirmatory tests
3 at an emissions technical center ~~which~~ OR EMISSIONS INSPECTION
4 FACILITY THAT identify such vehicles as exceeding applicable emissions
5 standards, off-cycle repairs may be required for noncomplying vehicles.

6 (10) (b) Upon approval by the department of public health and
7 environment and the executive director, the contractor shall provide
8 inspection services for vehicles within the enhanced program area
9 required to be inspected pursuant to section 42-4-310. THE DEPARTMENT
10 OF PUBLIC HEALTH AND ENVIRONMENT AND THE EXECUTIVE DIRECTOR
11 SHALL RENEW THE CONTRACT PURSUANT TO THIS SUBSECTION (10) TO
12 ENSURE THAT, ON OR AFTER DECEMBER 31, 2001, INSPECTION SERVICES IN
13 THE ENHANCED PROGRAM AREA WILL NOT BE INTERRUPTED BY THE
14 EXPIRATION OF THE PREVIOUS CONTRACT. IF THE COMMISSION ACTS
15 PURSUANT TO SECTION 42-4-306 (3) (b) (V) (B), ANY NEW CONTRACT
16 ENTERED INTO AFTER THE TWO-YEAR RENEWAL SHALL REQUIRE THE
17 CONTRACTOR TO PROVIDE ANY NECESSARY ALTERNATIVE INSPECTION
18 SERVICES OR TECHNOLOGIES SO APPROVED.

19 (10.5) (a) For the clean screen program and the Denver clean
20 screening pilot study, the department of public health and environment
21 and the department of revenue may, pursuant to the "Procurement Code",
22 articles 101 to 112 of title 24, C.R.S., enter into a contract ~~or contracts,~~
23 ~~or service agreement or agreements,~~ with ~~contractors~~ A CONTRACTOR for
24 the purchase of equipment, the collection of remote sensing and other
25 data and operation of remote sensing and support equipment, data
26 processing and vehicle ownership matching in cooperation with the
27 executive director, collection of remote sensing and other data for the

1 Denver clean screening pilot study, including analysis of the results of
2 such study and report preparation. Under any such contract ~~or service~~
3 ~~agreement~~, the department of public health and environment and the
4 department of revenue may purchase approved remote sensing and
5 support equipment or authorize the use of a qualified contractor or
6 contractors to purchase approved remote sensing and support equipment
7 for use in the clean screen program. ~~The department of revenue and any~~
8 ~~such contractor may charge a fee not to exceed fifteen dollars or such~~
9 ~~lesser amount as established by the department of revenue and any such~~
10 ~~contractor to the owner of each vehicle voluntarily inspected under the~~
11 ~~clean screen program.~~ THE CONTRACTOR PURSUANT TO THIS SUBSECTION
12 (10.5) SHALL BE THE SAME AS THE CONTRACTOR PURSUANT TO
13 SUBSECTION (10) OF THIS SECTION. THE CONTRACTOR SHALL MAKE
14 ONE-TIME TRANSFERS INTO THE CLEAN SCREEN FUND CREATED IN SECTION
15 42-3-134 (26.5) IN A TOTAL AMOUNT NECESSARY TO COVER COMPUTER
16 PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF SENATE
17 BILL 01-___, ENACTED AT THE FIRST REGULAR SESSION OF THE
18 SIXTY-THIRD GENERAL ASSEMBLY, IN THE FOLLOWING ORDER:

19 (I) UP TO THIRTY THOUSAND DOLLARS FROM THE CONTRACTOR'S
20 REVENUES;

21 (II) UP TO THIRTY THOUSAND DOLLARS FROM THE PUBLIC
22 RELATIONS ACCOUNT PROVIDED FOR IN THE CONTRACT; AND

23 (III) UP TO FORTY THOUSAND DOLLARS FROM THE TECHNICAL
24 CENTER ACCOUNT PROVIDED FOR IN THE CONTRACT.

25 **SECTION 6.** Part 3 of article 4 of title 42, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **42-4-307.5. Clean screen authority - enterprise - revenue**
2 **bonds.** (1) IF THE AIR QUALITY CONTROL COMMISSION DETERMINES
3 PURSUANT TO SECTION 42-4-306 TO IMPLEMENT AN EXPANDED CLEAN
4 SCREEN PROGRAM, THERE SHALL BE CREATED A CLEAN SCREEN AUTHORITY
5 CONSISTING OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
6 HEALTH AND ENVIRONMENT AND EXECUTIVE DIRECTOR OF THE
7 DEPARTMENT OF REVENUE OR THEIR DESIGNEES AND ANY NECESSARY
8 SUPPORT STAFF. THE AUTHORITY SHALL CONSTITUTE AN ENTERPRISE FOR
9 THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
10 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
11 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN
12 GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL
13 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
14 CONSTITUTES AN ENTERPRISE PURSUANT TO THE PROVISIONS OF THIS
15 SECTION, THE AUTHORITY SHALL NOT BE A DISTRICT FOR PURPOSES OF
16 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

17 (2) (a) THE AUTHORITY MAY, BY RESOLUTION THAT MEETS THE
18 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, AUTHORIZE AND
19 ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED FIVE MILLION
20 DOLLARS IN THE AGGREGATE FOR EXPENSES OF THE AUTHORITY. SUCH
21 BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE
22 GENERAL ASSEMBLY ACTING EITHER BY BILL OR JOINT RESOLUTION AND
23 AFTER APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF
24 ARTICLE V OF THE STATE CONSTITUTION. SUCH BONDS SHALL BE PAYABLE
25 ONLY FROM MONEYS ALLOCATED TO THE AUTHORITY FOR EXPENSES OF
26 THE DIVISION AND THE COMMISSION PURSUANT TO SECTIONS 42-4-306 AND
27 42-4-307.

1 (b) ALL BONDS ISSUED BY THE AUTHORITY SHALL PROVIDE THAT:

2 (I) NO HOLDER OF ANY SUCH BOND MAY COMPEL THE STATE OR
3 ANY SUBDIVISION THEREOF TO EXERCISE ITS APPROPRIATION OR TAXING
4 POWER; AND

5 (II) THE BOND DOES NOT CONSTITUTE A DEBT OF THE STATE AND
6 IS PAYABLE ONLY FROM THE NET REVENUES ALLOCATED TO THE
7 AUTHORITY FOR EXPENSES AS DESIGNATED IN SUCH BOND.

8 (3) (a) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS
9 UNDER THE TERMS OF THIS SECTION SHALL STATE:

10 (I) THE DATE OF ISSUANCE OF THE BONDS;

11 (II) A MATURITY DATE OR DATES DURING A PERIOD NOT TO EXCEED
12 THIRTY YEARS FROM THE DATE OF ISSUANCE OF THE BONDS;

13 (III) THE INTEREST RATE OR RATES ON, AND THE DENOMINATION
14 OR DENOMINATIONS OF, THE BONDS; AND

15 (IV) THE MEDIUM OF PAYMENT OF THE BONDS AND THE PLACE
16 WHERE THE BONDS WILL BE PAID.

17 (b) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS
18 UNDER THE TERMS OF THIS SECTION MAY:

19 (I) STATE THAT THE BONDS ARE TO BE ISSUED IN ONE OR MORE
20 SERIES;

21 (II) STATE A RANK OR PRIORITY OF THE BONDS; AND

22 (III) PROVIDE FOR REDEMPTION OF THE BONDS PRIOR TO
23 MATURITY, WITH OR WITHOUT PREMIUM.

24 (4) ANY BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION
25 MAY BE SOLD AT PUBLIC OR PRIVATE SALE. IF BONDS ARE TO BE SOLD AT
26 A PUBLIC SALE, THE AUTHORITY SHALL ADVERTISE THE SALE IN SUCH
27 MANNER AS THE AUTHORITY DEEMS APPROPRIATE. ALL BONDS ISSUED

1 PURSUANT TO THE TERMS OF THIS SECTION SHALL BE SOLD AT A PRICE NOT
2 LESS THAN THE PAR VALUE THEREOF, TOGETHER WITH ALL ACCRUED
3 INTEREST TO THE DATE OF DELIVERY.

4 (5) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE
5 CONTRARY, ALL BONDS ISSUED PURSUANT TO THIS SECTION ARE
6 NEGOTIABLE.

7 (6) (a) A RESOLUTION PERTAINING TO ISSUANCE OF BONDS UNDER
8 THIS SECTION MAY CONTAIN COVENANTS AS TO:

9 (I) THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF THE BONDS
10 MAY BE APPLIED AND TO THE USE AND DISPOSITION THEREOF;

11 (II) SUCH MATTERS AS ARE CUSTOMARY IN THE ISSUANCE OF
12 REVENUE BONDS INCLUDING, WITHOUT LIMITATION, THE ISSUANCE AND
13 LIEN POSITION OF OTHER OR ADDITIONAL BONDS; AND

14 (III) BOOKS OF ACCOUNT AND THE INSPECTION AND AUDIT
15 THEREOF.

16 (b) ANY RESOLUTION MADE PURSUANT TO THE TERMS OF THIS
17 SECTION SHALL BE DEEMED A CONTRACT WITH THE HOLDERS OF THE
18 BONDS, AND THE DUTIES OF THE AUTHORITY UNDER SUCH RESOLUTION
19 SHALL BE ENFORCEABLE BY ANY APPROPRIATE ACTION IN A COURT OF
20 COMPETENT JURISDICTION.

21 (7) BONDS ISSUED UNDER THIS SECTION AND BEARING THE
22 SIGNATURES OF THE AUTHORITY IN OFFICE ON THE DATE OF THE SIGNING
23 SHALL BE DEEMED VALID AND BINDING OBLIGATIONS REGARDLESS OF
24 WHETHER, PRIOR TO DELIVERY AND PAYMENT, ANY OR ALL OF THE
25 PERSONS WHOSE SIGNATURES APPEAR THEREON HAVE CEASED TO BE
26 MEMBERS OF THE AUTHORITY.

27 (8) (a) EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION

1 AUTHORIZING THE BONDS, ALL BONDS OF THE SAME ISSUE UNDER THIS
2 SECTION SHALL HAVE A PRIOR AND PARAMOUNT LIEN ON THE NET
3 REVENUES PLEDGED THEREFOR. THE AUTHORITY MAY PROVIDE FOR
4 PREFERENTIAL SECURITY FOR ANY BONDS, BOTH PRINCIPAL AND INTEREST,
5 TO BE ISSUED UNDER THIS SECTION TO THE EXTENT DEEMED FEASIBLE AND
6 DESIRABLE BY SUCH AUTHORITY OVER ANY BONDS THAT MAY BE ISSUED
7 THEREAFTER.

8 (b) BONDS OF THE SAME ISSUE OR SERIES ISSUED UNDER THIS
9 SECTION SHALL BE EQUALLY AND RATABLY SECURED, WITHOUT PRIORITY
10 BY REASON OF NUMBER, DATE, SALE, EXECUTION, OR DELIVERY, BY A LIEN
11 ON THE NET REVENUE PLEDGED IN ACCORDANCE WITH THE TERMS OF THE
12 RESOLUTION AUTHORIZING THE BONDS.

13 (9) THE CLEAN SCREEN AUTHORITY SHALL BE A
14 GOVERNMENT-OWNED BUSINESS THAT PROVIDES FINANCIAL SERVICES TO
15 ALL ENTITIES PROVIDING INSPECTION SERVICES, THE DEPARTMENT, AND
16 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WITH REGARD TO
17 THE REVENUES SUBJECT TO SECTION 42-3-134 (26.5).

18 (10) THE CLEAN SCREEN AUTHORITY MAY ACCEPT GRANTS FROM
19 ANY SOURCE, AND SHALL DEPOSIT SUCH MONEYS IN THE CLEAN SCREEN
20 FUND CREATED IN SECTION 42-3-134 (26.5).

21 (11) THE CLEAN SCREEN AUTHORITY MAY CONTRACT WITH THE
22 DEPARTMENT AND EXPEND MONEYS FROM THE CLEAN SCREEN FUND FOR
23 COMPUTER PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF
24 SENATE BILL 01-___, ENACTED AT THE FIRST REGULAR SESSION OF THE
25 SIXTY-THIRD GENERAL ASSEMBLY. THE DEPARTMENT IS AUTHORIZED TO
26 CONTINUOUSLY EXPEND MONEYS PURSUANT TO SUCH CONTRACT,
27 EFFECTIVE THE FISCAL YEAR COMMENCING JULY 1, 2000.

1 **SECTION 7.** 42-4-310 (5) (b), Colorado Revised Statutes, is
2 amended to read:

3 **42-4-310. Periodic emissions control inspection required.**

4 (5) (b) If the contractor determines that ~~the~~ A motor vehicle REQUIRED TO
5 BE REGISTERED IN THE PROGRAM AREA has complied with the inspection
6 requirements pursuant to this subsection (5), THE CONTRACTOR SHALL
7 SEND a notice ~~shall be sent~~ to the ~~owner of the vehicle~~ DEPARTMENT OF
8 REVENUE identifying the owner of the vehicle, the license plate number,
9 and any other pertinent registration information, stating that the vehicle
10 has successfully complied with the applicable emission requirements.
11 ~~Such notice shall also include a notification that the registered owner of~~
12 ~~the vehicle may return the notice to the contractor with the payment as set~~
13 ~~forth on the notice to pay for the clean screen program. Upon receipt of~~
14 ~~the payment from the motor vehicle owner, the county clerk shall be~~
15 ~~notified that the motor vehicle has complied with the inspection~~
16 ~~requirements pursuant to this subsection (5).~~

17 **SECTION 8.** 42-4-311 (4) (a) and (6), Colorado Revised
18 Statutes, are amended to read:

19 **42-4-311. Operation of inspection and readjustment stations -**

20 **inspection-only facilities - fleet inspection stations - motor vehicle**
21 **dealer test facilities - enhanced inspection centers - repeal.** (4) (a) A

22 ~~licensed inspection and readjustment station shall charge a fee not to~~
23 ~~exceed nine dollars through December 31, 1994. On and after January~~
24 ~~1, 1995, a licensed inspection and readjustment station, inspection-only~~
25 ~~facility, or motor vehicle dealer test facility shall charge a fee not to~~
26 ~~exceed fifteen dollars for the inspection of vehicles in the basic emissions~~
27 ~~program or for the inspection of model year 1981 and older vehicles at~~

1 said facilities licensed or authorized within the enhanced emissions
2 program; except that for 1982 model and newer vehicles a motor vehicle
3 dealer test facility may charge a fee not to exceed twenty-five dollars. In
4 no case shall any such fee exceed the maximum fee established by and
5 posted by the station or facility pursuant to section 42-4-305 (5) for the
6 inspection of any motor vehicle required to be inspected under section
7 42-4-310, whether or not the certification of emissions control is issued;
8 except that a licensed inspection and readjustment station,
9 inspection-only facility, or motor vehicle dealer test facility or authorized
10 enhanced inspection center shall charge a fee not to exceed two dollars
11 and fifty cents and not to exceed the maximum fee established and posted
12 by the station or facility, or center pursuant to section 42-4-305 for the
13 issuance of a replacement verification of emissions test. ON AND AFTER
14 NOVEMBER 1, 2001, INSPECTION-ONLY FACILITIES AND INSPECTION AND
15 READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES
16 FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND
17 NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY
18 ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION
19 ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE
20 OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS
21 OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW
22 MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).

23 (6) The fee charged ~~by an enhanced inspection center~~ for
24 ENHANCED emissions inspections performed within the enhanced
25 emissions program area ON 1982 AND LATER MOTOR VEHICLES shall BE
26 BASED ON ESTIMATED ACTUAL OPERATING COSTS PLUS A PERCENTAGE TO
27 BE DETERMINED BY THE COMMISSION, NOT TO EXCEED TEN PERCENT, AND

1 SHALL not be any greater than that determined by the ~~competitive bid~~
2 ~~process conducted by the division in consultation with the executive~~
3 ~~director in contractor selection~~ CONTRACT and in no case greater than
4 twenty-five dollars; EXCEPT THAT THE FEE CHARGED FOR CLEAN SCREEN
5 INSPECTIONS SHALL BE BASED ON ESTIMATED ACTUAL OPERATING COSTS
6 PLUS A PERCENTAGE TO BE DETERMINED BY THE COMMISSION, NOT TO
7 EXCEED TEN PERCENT, AND SHALL NOT BE ANY GREATER THAN THAT
8 DETERMINED BY THE CONTRACT AND IN NO CASE GREATER THAN FIFTEEN
9 DOLLARS. Such fee shall not exceed the maximum fee required to be
10 posted by the enhanced inspection center pursuant to section 42-4-305 for
11 the inspection of any motor vehicle required to be inspected under section
12 42-4-310. ON AND AFTER NOVEMBER 1, 2001, THE CONTRACTOR,
13 INSPECTION-ONLY FACILITIES, AND INSPECTION AND READJUSTMENT
14 STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME
15 INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR
16 VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE
17 TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION
18 FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR
19 VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE
20 NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF
21 SECTION 42-4-310 (1) (b) (II) (A).

22 **SECTION 9.** 43-4-203 (1) (b), Colorado Revised Statutes, is
23 amended to read:

24 **43-4-203. Sources of revenue.** (1) All net revenue from the
25 following sources shall be paid into and credited to the highway users tax
26 fund as soon as received:

27 (b) From the imposition of annual registration fees on drivers,

1 motor vehicles, trailers, and semitrailers, EXCEPT AS PROVIDED IN SECTION
2 42-3-134 (26.5), C.R.S.;

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