

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 16-0965.01 Jennifer Berman x3286

**HOUSE BILL 16-1319**

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**HOUSE SPONSORSHIP**

**Ginal and Tyler,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A PROHIBITION AGAINST INTENTIONALLY INCREASING A**  
102 **DIESEL-POWERED VEHICLE'S PARTICULATE EMISSIONS FOR THE**  
103 **PURPOSE OF A VISUAL EXHIBITION OF SMOKE.**

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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/bills summaries>.)*

The bill prohibits "coal rolling", or "rolling coal", which is the act of intentionally blowing black smoke through one or more exhaust pipes attached to a diesel vehicle after modifying, disabling, bypassing, or removing the vehicle's pollution controls, for the purpose of harassing another driver, a bicyclist, or a pedestrian or obstructing or obscuring the

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.*

view of another driver, a bicyclist, or a pedestrian. A person who violates the prohibition commits a class 2 misdemeanor traffic offense, punishable by 10 to 90 days in jail or a \$150 to \$300 fine, or both, and is subject to 3 points assessed against the person's driver's license.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-2-127, **add** (5) (II)  
3 as follows:

4           **42-2-127. Authority to suspend license - to deny license - type**  
5 **of conviction - points.** (5) Point system schedule:

6 Type of conviction	7 Points
8 (II) VISUAL EXHIBITION OF SMOKE IN VIOLATION OF SECTION 9 42-4-314 (6) .....	10 2

11           **SECTION 2.** In Colorado Revised Statutes, 42-4-314, **amend** (3);  
12 and **add** (6) as follows:

13           **42-4-314. Automobile air pollution control systems -**  
14 **tampering - operation of vehicle.** (3) (a) ~~Any~~ A person who violates  
15 ~~any provision~~ SUBSECTION (1), (2), OR (6) of this section commits a class  
16 A traffic infraction. The department shall not assess any points under  
17 section 42-2-127 for a conviction pursuant to SUBSECTION (1) OR (2) OF  
18 this section.

19           (b) A PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION  
20 SHALL BE FINED THIRTY-FIVE DOLLARS. THE PENALTY FOR ANY  
21 SUBSEQUENT VIOLATION IS ALSO THIRTY-FIVE DOLLARS.

22           **(6) Visual exhibition of smoke - prohibition.** A PERSON SHALL  
23 NOT ENGAGE IN A VISUAL EXHIBITION OF SMOKE, WHICH IS THE KNOWING  
RELEASE OF SOOT, SMOKE, OR OTHER PARTICULATE EMISSIONS FROM A  
LIGHT-DUTY DIESEL VEHICLE, AS DEFINED IN SECTION 42-4-401 (6.7), INTO

1 THE AIR AND ONTO ROADWAYS, OTHER VEHICLES, BICYCLISTS, OR  
2 PEDESTRIANS, IN A MANNER THAT:

3 (a) WOULD CAUSE A REASONABLE PERSON TO FEEL HARASSED,  
4 ANNOYED, OR ALARMED; OR

5 (b) OBSTRUCTS OR OBSCURES ANOTHER PERSON'S VIEW OF THE  
6 ROADWAY, OTHER USERS OF THE ROADWAY, OR A TRAFFIC CONTROL  
7 DEVICE OR OTHERWISE CREATES A HAZARD TO A DRIVER, BICYCLIST, OR  
8 PEDESTRIAN.

9 **SECTION 3. Applicability.** This act applies to offenses  
10 committed on or after the effective date of this act.

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