

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0271.01 Kate Meyer

SENATE BILL 10-095

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING THE AUTOMOBILE INSPECTION AND READJUSTMENT
102 PROGRAM, AND, IN CONNECTION THEREWITH, REPEALING THE
103 SUBSTANTIVE CHANGES EFFECTED BY SENATE BILL 09-003 BY
104 MOVING WELD AND LARIMER COUNTIES FROM THE ENHANCED
105 EMISSIONS PROGRAM BACK TO THE BASIC EMISSIONS PROGRAM,
106 REINSTATING THE GEOGRAPHICAL BOUNDARIES OF THE
107 PROGRAM AREA TO THE SPECIFICATIONS THAT EXISTED PRIOR
108 TO THE PASSAGE OF SENATE BILL 09-003, AND RESTORING
109 CRITERIA USED TO DETERMINE WHICH MOTOR VEHICLES
110 QUALIFY AS COLLECTOR'S ITEMS.

Bill Summary

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.

(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 repeals the substantive provisions of Senate Bill 09-003, thus restoring the laws regarding the automobile inspection and readjustment program (AIR program) and designation of collector's items motor vehicles to the manner in which they existed as of May 2009. Specifically, the bill:

- ! Moves Larimer and Weld counties from the enhanced emissions program of the AIR program back to the basic emissions program of the AIR program;
- ! Restores the geographical boundaries of the counties included in the AIR program to those in existence prior to the passage of Senate Bill 09-003;
- ! Withdraws from the air quality control commission (commission) in the department of public health and environment (department) the authorization to review and adjust the boundaries of the AIR program area;
- ! Reinstates the definition of "collector's items" to mean a motor vehicle at least 25 years old;
- ! Resets from 1975 to 1959 the latest model year at which a collector's item motor vehicle is excluded from the emissions testing process;
- ! Restores the ability of the commission, upon recommendation from the division of administration in the department, to exempt from the requirement that certification of emissions control be obtained in order to register a collector's item motor vehicle of model year 1970 or older; and
- ! Repeals the provision of Senate Bill 09-003 that prevents a collector's item motor vehicle from being registered as such after being sold or transferred to a new owner.

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

2 **SECTION 1.** The introductory portion to 42-4-304 and 42-4-304
3 (2), (3) (c), (9) (a), (18), (20) (a) (IV), (20) (a) (V), (20) (b), (20) (c) (I),
4 and (20) (d), Colorado Revised Statutes, are amended to read:

5 **42-4-304. Definitions relating to automobile inspection and**

1 **readjustment program.** As used in sections ~~42-4-301 to 42-4-316~~ THIS
2 PART 3, unless the context otherwise requires:

3 (2) "Basic emissions program" means the inspection and
4 readjustment program, established pursuant to the federal act, in the
5 counties OF WELD, LARIMER, AND EL PASO, AS set forth in paragraph (b)
6 of subsection (20) of this section.

7 (3) (c) Effective September 1, 2009, a certification of emissions
8 control that has been issued for any motor vehicle that is registered as a
9 collector's item under the provisions of section 42-12-102 and that is of
10 model year ~~1976~~ 1960 or later shall be valid until the motor vehicle is
11 sold or transferred.

12 (9) (a) "Enhanced emissions program" means the emissions
13 inspection program established pursuant to the federal requirements set
14 forth in the federal performance standards, 40 CFR part 51, subpart S, in
15 ~~the locations~~ COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND
16 JEFFERSON AND THE CITIES AND COUNTIES OF BROOMFIELD AND DENVER,
17 AS set forth in paragraph (c) of subsection (20) of this section.

18 (18) "Motor vehicle", as applicable to the AIR program, includes
19 only a motor vehicle that is operated with four wheels or more on the
20 ground, self-propelled by a spark-ignited engine burning gasoline,
21 gasoline blends, gaseous fuel, blends of liquid gasoline and gaseous fuels,
22 alcohol, alcohol blends, or other similar fuels, having a personal property
23 classification of A, B, or C pursuant to section 42-3-106, and for which
24 registration in this state is required for operation on the public roads and
25 highways or which motor vehicle is owned or operated or both by a
26 nonresident who meets the requirements set forth in section 42-4-310 (1)
27 (c). "Motor vehicle" does not include kit vehicles; vehicles registered

1 pursuant to section 42-3-219, 42-3-305 (4), or 42-3-306 (4); vehicles
2 registered pursuant to section 42-12-102 that are of model year ~~1975~~ 1959
3 or earlier or that have two-stroke cycle engines manufactured prior to
4 1980; or vehicles registered as street rods pursuant to section 42-3-201.

5 (20) (a) "Program area" means the counties of Adams, Arapahoe,
6 Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld, and the cities
7 and counties of Broomfield and Denver, excluding the following areas
8 and subject to paragraph (d) of this subsection (20):

9 (IV) That portion of Larimer county that is west of the boundary
10 defined on a north-to-south axis by Range seventy-one west and ~~north of~~
11 ~~the boundary defined on an east-to-west axis by township five north, that~~
12 ~~portion that is west of the boundary defined on a north-to-south axis by~~
13 ~~range seventy-three west, and that portion that is north of the boundary~~
14 ~~latitudinal line 40 degrees, 42 minutes, 47.1 seconds~~ DEFINED ON AN
15 EAST-TO-WEST AXIS BY TOWNSHIP TEN north;

16 (V) That portion of Weld county that is ~~north of the boundary~~
17 ~~defined on an east-to-west axis by Weld county road 78; that portion that~~
18 ~~is east of the boundary defined on a north-to-south axis by Weld county~~
19 ~~road 43 and north of the boundary defined on an east-to-west axis by~~
20 ~~Weld county road 62; that portion that is east of the boundary defined on~~
21 ~~a north-to-south axis by Weld county road 49, south of the boundary~~
22 ~~defined on an east-to-west axis by Weld county road 62 and north of the~~
23 ~~boundary defined on an east-to-west axis by Weld county road 46; that~~
24 ~~portion that is east of the boundary defined on a north-to-south axis by~~
25 ~~Weld county road 27, south of the boundary defined on an east-to-west~~
26 ~~axis by Weld county road 46 and north of the boundary defined on an~~
27 ~~east-to-west axis by Weld county road 36; that portion that is east of the~~

1 ~~boundary defined on a north-to-south axis by Weld county road 19, south~~
2 ~~of the boundary defined on an east-to-west axis by Weld county road 36~~
3 ~~and north of the boundary defined on an east-to-west axis by Weld county~~
4 ~~road 20; and that portion that is east of the boundary defined on a~~
5 ~~north-to-south axis by Weld county road 39 and south of the boundary~~
6 ~~defined on an east-to-west axis by Weld county road 20~~ OUTSIDE THE
7 CORPORATE BOUNDARIES OF GREELEY, EVANS, LA SALLE, AND GARDEN
8 CITY AND, IN ADDITION, IS OUTSIDE THE FOLLOWING BOUNDARY:
9 BEGINNING AT THE POINT OF INTERSECTION OF THE WEST BOUNDARY LINE
10 OF SECTION 21, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST AND STATE
11 HIGHWAY 392, EAST ALONG STATE HIGHWAY 392 TO THE POINT OF
12 INTERSECTION WITH WELD COUNTY ROAD 37; THEN SOUTH ALONG WELD
13 COUNTY ROAD 37 TO THE POINT OF INTERSECTION WITH WELD COUNTY
14 ROAD 64; THEN EAST ALONG WELD COUNTY ROAD 64 TO THE POINT OF
15 INTERSECTION WITH WELD COUNTY ROAD 43; THEN SOUTH ALONG WELD
16 COUNTY ROAD 43 TO THE POINT OF INTERSECTION WITH WELD COUNTY
17 ROAD 62; THEN EAST ALONG WELD COUNTY ROAD 62 TO THE POINT OF
18 INTERSECTION WITH WELD COUNTY ROAD 49; THEN SOUTH ALONG WELD
19 COUNTY ROAD 49 TO THE POINT OF INTERSECTION WITH THE SOUTH
20 BOUNDARY LINE OF SECTION 13, TOWNSHIP FIVE NORTH, RANGE
21 SIXTY-FIVE WEST; THEN WEST ALONG THE SOUTH BOUNDARY LINE OF
22 SECTION 13, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, SECTION 14,
23 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 15,
24 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN, FROM THE
25 SOUTHWEST CORNER OF SECTION 15, TOWNSHIP FIVE WEST, RANGE
26 SIXTY-FIVE WEST, SOUTH ALONG THE EAST BOUNDARY LINE OF SECTION
27 21, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND SECTION 28,

1 TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST; THEN WEST ALONG THE
2 SOUTH BOUNDARY LINE OF SECTION 28, TOWNSHIP FIVE NORTH, RANGE
3 SIXTY-FIVE WEST; THEN SOUTH ALONG THE EAST BOUNDARY LINE OF
4 SECTION 32, TOWNSHIP FIVE NORTH, RANGE SIXTY-FIVE WEST, AND
5 SECTION 5, TOWNSHIP FOUR NORTH, RANGE SIXTY-FIVE WEST; THEN WEST
6 ALONG THE SOUTH BOUNDARY LINE OF SECTION 5, TOWNSHIP FOUR NORTH,
7 RANGE SIXTY-FIVE WEST, SECTION 6, TOWNSHIP FOUR NORTH, RANGE
8 SIXTY-FIVE WEST, AND SECTION 1, TOWNSHIP FOUR NORTH, RANGE
9 SIXTY-SIX WEST; THEN NORTH ALONG THE WEST BOUNDARY LINE OF
10 SECTION 1, TOWNSHIP FOUR NORTH, RANGE SIXTY-SIX WEST, AND SECTION
11 36, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN, FROM THE
12 POINT OF INTERSECTION OF THE WEST BOUNDARY LINE OF SECTION 36,
13 TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST AND WELD COUNTY ROAD
14 52, WEST ALONG WELD COUNTY ROAD 52 TO THE POINT OF INTERSECTION
15 WITH WELD COUNTY ROAD 27; THEN NORTH ALONG WELD COUNTY ROAD
16 27 TO THE POINT OF INTERSECTION WITH THE SOUTH BOUNDARY LINE OF
17 SECTION 18, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST; THEN WEST
18 ALONG THE SOUTH BOUNDARY LINE OF SECTION 18, TOWNSHIP FIVE
19 NORTH, RANGE SIXTY-SIX WEST, SECTION 13, TOWNSHIP FIVE NORTH,
20 RANGE SIXTY-SEVEN WEST, AND SECTION 14, TOWNSHIP FIVE NORTH,
21 RANGE SIXTY-SEVEN WEST; THEN NORTH ALONG THE WEST BOUNDARY
22 LINE OF SECTION 14, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST,
23 SECTION 11, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST, AND
24 SECTION 2, TOWNSHIP FIVE NORTH, RANGE SIXTY-SEVEN WEST; THEN EAST
25 ALONG THE NORTH BOUNDARY LINE OF SECTION 2, TOWNSHIP FIVE NORTH,
26 RANGE SIXTY-SEVEN WEST, SECTION 1, TOWNSHIP FIVE NORTH, RANGE
27 SIXTY-SEVEN WEST, SECTION 6, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX

1 WEST, AND SECTION 5, TOWNSHIP FIVE NORTH, RANGE SIXTY-SIX WEST;
2 THEN, FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP FIVE
3 NORTH, RANGE SIXTY-SIX WEST, NORTH ALONG THE WEST BOUNDARY LINE
4 OF SECTION 33, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, SECTION
5 28, TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, AND SECTION 21,
6 TOWNSHIP SIX NORTH, RANGE SIXTY-SIX WEST, TO THE POINT OF
7 BEGINNING.

8 (b) ~~Effective January 1, 2010;~~ The basic emissions program area
9 shall consist of the ~~county~~ COUNTIES of El Paso, LARIMER, AND WELD, as
10 described in paragraph (a) of this subsection (20).

11 (c) (I) Effective January 1, 2010, the enhanced emissions program
12 area shall consist of the counties of Adams, Arapahoe, Boulder, Douglas,
13 AND Jefferson, ~~Larimer, and Weld,~~ and the cities and counties of
14 Broomfield and Denver as described in paragraph (a) of this subsection
15 (20). ~~and subject to paragraph (d) of this subsection (20).~~
16 ~~Notwithstanding any other provision of this section, vehicles registered~~
17 ~~in the counties of Larimer and Weld shall not be required to obtain a~~
18 ~~certificate of emissions control prior to July 1, 2010, in order to be~~
19 ~~registered or reregistered.~~

20 (d) ~~The commission shall review the boundaries of the program~~
21 ~~area and may, by rule promulgated on or before December 31, 2011,~~
22 ~~adjust such boundaries to exclude particularly identified regions from~~
23 ~~either the basic program area, the enhanced area, or both, based on an~~
24 ~~analysis of the applicable air quality science and the effects of the~~
25 ~~program on the population living in such regions.~~

26 **SECTION 2.** 42-4-310 (1) (d) (II) (B) and (1) (d) (VIII) (A),
27 Colorado Revised Statutes, are amended to read:

1 **42-4-310. Periodic emissions control inspection required.**
2 (1) (d) (II) (B) For the basic emissions program, effective January 1,
3 1994, no emissions-related repair waiver shall be issued for any vehicle
4 that is registered as a collector's item pursuant to the provisions of section
5 42-12-102 and that is of the model year ~~1976~~ 1960 or later.

6 (VIII) (A) For the enhanced emissions program except as
7 provided in sub-subparagraph (B) of this subparagraph (VIII), effective
8 January 1, 1995, for businesses that operate nineteen or fewer vehicles
9 and for private motor vehicles only of a model year 1967 or earlier
10 required to be registered in the enhanced emissions program area, after
11 any adjustments or repairs required pursuant to section 42-4-306, if total
12 expenditures of at least seventy-five dollars have been made to bring the
13 vehicle into compliance with applicable emissions standards and the
14 vehicle still does not meet the standards, a certification of emissions
15 waiver shall be issued for the vehicle. No emissions-related repair waiver
16 shall be issued for vehicles that are registered as collector's items pursuant
17 to section 42-12-102 and that are of a model year ~~1976~~ 1960 or later.

18 **SECTION 3.** 42-12-101 (2), Colorado Revised Statutes, is
19 amended to read:

20 **42-12-101. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (2) "Collector's item" means a motor vehicle, including a truck or
23 truck tractor, that is ~~of:~~ AT LEAST TWENTY-FIVE YEARS OLD.

24 (a) ~~(I) Model year 1975 or earlier; or~~
25 ~~(II) Model year 1976 or later that was registered as a collector's~~
26 ~~item prior to September 1, 2009; except that a vehicle so registered shall~~
27 ~~not be eligible for registration as a collector's item upon sale or transfer~~

1 to a new owner. This paragraph (a) is effective September 1, 2009.

2 (b) and (c) (Deleted by amendment, L. 97, p. 358, § 1, effective
3 July 1, 1997.)

4 **SECTION 4.** The introductory portion to 42-12-102 (1) and
5 42-12-102 (1) (b) (I), Colorado Revised Statutes, are amended to read:

6 **42-12-102. Registration of collector's items - fees.** (1) Except
7 for those motor vehicles that are entitled to registration under the
8 provisions of section 42-3-219, collectors' COLLECTOR'S items shall be
9 titled, registered, and a specific ownership tax shall be paid thereon in the
10 same manner as provided in this title for other motor vehicles, with the
11 following exceptions:

12 (b) (I) No collector's item of model year ~~1976~~ 1960 or later for
13 which a certification of emissions control is required under sections
14 42-4-301 to 42-4-316 shall be registered under this section unless a
15 certification of emissions control is obtained for the collector's item.
16 Reregistration of the collector's item by the same owner shall not require
17 the obtainment of a new certification of emissions control, but the
18 collector's item shall not be registered under this section after the sale or
19 transfer of the vehicle to a new owner.

20 **SECTION 5.** 42-12-102 (1) (b) (II), Colorado Revised Statutes,
21 is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

22 **42-12-102. Registration of collector's items - fees.** (1) Except
23 for those motor vehicles that are entitled to registration under the
24 provisions of section 42-3-219, collectors' items shall be titled, registered,
25 and a specific ownership tax shall be paid thereon in the same manner as
26 provided in this title for other motor vehicles, with the following
27 exceptions:

1 (b) (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH (b), COLLECTOR'S ITEMS OF MODEL YEAR 1970 OR EARLIER
3 MAY BE REGISTERED UNDER THIS SECTION WITHOUT A CERTIFICATION OF
4 EMISSIONS CONTROL FOR THE COLLECTOR'S ITEMS IF THE DIVISION OF
5 ADMINISTRATION IN THE DEPARTMENT OF PUBLIC HEALTH AND
6 ENVIRONMENT RECOMMENDS, AND THE AIR QUALITY CONTROL
7 COMMISSION DETERMINES, THAT EXEMPTING THE COLLECTOR'S ITEMS WILL
8 NOT NEGATIVELY AFFECT THE FEDERAL ENVIRONMENTAL PROTECTION
9 AGENCY'S APPROVAL OF THE SIP AND TO THE EXTENT THAT DOING SO IS
10 ALLOWED UNDER FEDERAL LAW.

11 **SECTION 6. Repeal.** 25-7-133 (7) (b), Colorado Revised
12 Statutes, is repealed as follows:

13 **25-7-133. Legislative review and approval of state**
14 **implementation plans and rules - legislative declaration.** (7) (b) ~~Any~~
15 ~~revisions to the automobile inspection and readjustment program area~~
16 ~~pursuant to section 42-4-304 (20) (d), C.R.S., that delete specific regions~~
17 ~~within that portion of the AIR program area that is approved for~~
18 ~~incorporation into the state implementation plan shall be submitted to the~~
19 ~~federal environmental protection agency as expeditiously as possible and~~
20 ~~shall not be subject to further review and approval pursuant to this~~
21 ~~section; except that the commission shall submit a report pursuant to~~
22 ~~subsection (1) of this section.~~

23 **SECTION 7. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.