

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 13-0400.01 Jennifer Berman x3286

**HOUSE BILL 13-1091**

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**HOUSE SPONSORSHIP**

**Young,** Hullinghorst, Pabon

**SENATE SPONSORSHIP**

**Kefalas,**

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**House Committees**

Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING AN ALTERNATIVE AIR QUALITY TESTING METHOD FOR**  
102             **HEAVY-DUTY DIESEL VEHICLES SUBJECT TO THE HEAVY-DUTY**  
103             **DIESEL FLEET INSPECTION AND MAINTENANCE PROGRAM.**

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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/billsummaries>.)*

Currently, fleet owners participating in the heavy-duty diesel fleet inspection and maintenance program are required to test the opacity of their vehicles through self-certification. The bill authorizes the air quality control commission to promulgate rules to allow, and to determine

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.*

HOUSE  
2nd Reading Unamended  
February 22, 2013

eligibility for, an alternative method for demonstrating compliance with opacity standards in which fleet owner participants follow and submit proof of exemplary maintenance practices. The bill also makes a conforming amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-414, **amend** (2)  
3 as follows:

4 **42-4-414. Heavy-duty diesel fleet inspection and maintenance**  
5 **program - penalty - rules.** (2) (a) The commission shall promulgate  
6 rules THAT:

7 (I) ~~requiring~~ REQUIRE owners of diesel-powered motor vehicles,  
8 registered in the program area, routinely operated in the program area, or  
9 principally operated from a terminal, maintenance facility, branch, or  
10 division located within the program area, and subject to the provisions of  
11 this section, to bring ~~such~~ THE vehicles into compliance with existing  
12 opacity standards set forth in section 42-4-412; ~~Such rules and regulations~~  
13 ~~shall be~~

14 (II) ARE strictly construed; ~~shall~~

15 (III) EXCEPT AS PROVIDED IN PARAGRAPH (b.5) OF THIS  
16 SUBSECTION (2), DO NOT require ~~no~~ more than normal and reasonable  
17 maintenance practices; and ~~shall~~

18 (IV) DO not require additional fees or loaded mode testing  
19 equipment. ~~Owners of fleets shall test opacity standards on a periodic~~  
20 ~~basis.~~

21 (b) ~~Such test~~ FLEET OWNERS shall TEST OPACITY STANDARDS ON  
22 A PERIODIC BASIS. FLEET OWNERS SHALL use an opacity meter ~~for such~~ TO  
23 TEST vehicles that are greater than ten model years old, but may use an

1 automated opacity metering protocol ~~for such~~ TO TEST vehicles that are  
2 less than or equal to ten model years old. ~~and of model year 1995 or~~  
3 ~~newer.~~

4 (b.5) AS AN ALTERNATIVE TO AUTOMATED OR VISUAL OPACITY  
5 TESTING, THE COMMISSION MAY PROMULGATE RULES THAT ESTABLISH AN  
6 ALTERNATIVE METHOD FOR OPERATORS OF HEAVY-DUTY DIESEL VEHICLES  
7 TO DEMONSTRATE COMPLIANCE WITH OPACITY STANDARDS BY FOLLOWING  
8 AND SUBMITTING PROOF OF EXEMPLARY MAINTENANCE PRACTICES. ANY  
9 COMMISSION RULES PROMULGATED UNDER THIS PARAGRAPH (b.5) MUST  
10 CONTAIN ELIGIBILITY REQUIREMENTS FOR ENROLLMENT OF HEAVY-DUTY  
11 DIESEL VEHICLES IN THE ALTERNATIVE METHOD, INCLUDING WHEN  
12 VEHICLES OR FLEETS SHOULD BE DISCONTINUED FROM ENROLLMENT.

13 (c) ~~Such rules~~ THE COMMISSION shall exempt a new diesel vehicle  
14 ENROLLED IN THE FLEET INSPECTION AND MAINTENANCE PROGRAM from  
15 testing until ~~such~~ THE vehicle has reached its ~~second model year if it is a~~  
16 ~~light-duty diesel vehicle, its fourth model year if it is a heavy-duty diesel~~  
17 ~~vehicle,~~ or, IF OWNERSHIP OF THE VEHICLE IS TRANSFERRED AFTER THE  
18 VEHICLE HAS REACHED ITS THIRD MODEL YEAR BUT BEFORE EXPIRATION  
19 OF THE EXEMPTION PERIOD, until the date of the transfer of ownership.  
20 ~~prior to such expiration if such transfer is within twelve months before~~  
21 ~~such exemption ends.~~

22 (d) ~~Such~~ THE COMMISSION SHALL PROMULGATE rules ~~shall provide~~  
23 PROVIDING for the testing of diesel vehicles every:

24 (I) Twelve months unless subparagraph (II) of this paragraph (d)  
25 applies; or

26 (II) ~~The last~~ Twenty-four months if ~~such~~ THE vehicle is a  
27 ~~heavy-duty diesel vehicle,~~ equal to or less than ten model years old. ~~and~~

1 of model year 1995 or newer.

2 **SECTION 2.** In Colorado Revised Statutes, 42-4-407, **amend** (1)  
3 as follows:

4 **42-4-407. Requirements for a diesel emission-opacity**  
5 **inspection - licensure as diesel emissions inspection station - licensure**  
6 **as emissions inspector.** (1) ~~UNLESS a diesel emission-opacity inspection~~  
7 ~~shall not be performed, nor shall a certification of diesel emissions~~  
8 ~~control be issued unless such~~ INSPECTOR PERFORMS AN inspection ~~was~~  
9 ~~performed~~ at a licensed diesel inspection station or self-certification fleet  
10 station, as defined in section 42-4-414, ~~by a licensed diesel emissions~~  
11 ~~inspector~~ A DIESEL EMISSION-OPACITY INSPECTION SHALL NOT BE  
12 PERFORMED AND A CERTIFICATION OF DIESEL EMISSIONS CONTROL SHALL  
13 NOT BE ISSUED; EXCEPT THAT A CERTIFICATION OF DIESEL EMISSIONS  
14 CONTROL MAY BE ISSUED FOR A HEAVY-DUTY FLEET VEHICLE MAINTAINED  
15 IN COMPLIANCE WITH ANY RULES THE COMMISSION PROMULGATES UNDER  
16 SECTION 42-4-414 (2) (b.5).

17 **SECTION 3. Act subject to petition - effective date.** This act  
18 takes effect January 1, 2014; except that, if a referendum petition is filed  
19 pursuant to section 1 (3) of article V of the state constitution against this  
20 act or an item, section, or part of this act within the ninety-day period  
21 after final adjournment of the general assembly, then the act, item,  
22 section, or part will not take effect unless approved by the people at the  
23 general election to be held in November 2014 and, in such case, will take  
24 effect on the date of the official declaration of the vote thereon by the  
25 governor.