

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0666.01 Bart Miller

HOUSE BILL 11-1157

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

White,

House Committees

Transportation
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE EXEMPTION FROM THE HEAVY-DUTY DIESEL**
102 **INSPECTION PROGRAM OF HEAVY-DUTY DIESEL VEHICLES BASED**
103 **OUTSIDE THE PROGRAM AREA AS PART OF A FLEET REGISTERED**
104 **IN THE PROGRAM AREA, AND MAKING AN APPROPRIATION**
105 **THEREFOR.**

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>.)

The bill authorizes the owner of a heavy-duty diesel fleet

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.

SENATE
3rd Reading Unamended
May 9, 2011

SENATE
Amended 2nd Reading
May 6, 2011

HOUSE
3rd Reading Unamended
April 7, 2011

HOUSE
Amended 2nd Reading
April 5, 2011

registered in the program area of the diesel emission inspection program (program area) to certify that a diesel vehicle registered in the program area is physically based and principally operated from a terminal, division, or maintenance facility outside of the program area. A diesel vehicle that is certified is exempted from the heavy-duty diesel fleet emission inspection program. The bill authorizes the executive director of the department of revenue and the air quality control commission to promulgate rules for the administration of the bill.

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

2 **SECTION 1.** 42-4-414, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **42-4-414. Heavy-duty diesel fleet inspection and maintenance**
5 **program - penalty - rules.** (2.5) AN OWNER OF A FLEET REGISTERED IN
6 THE PROGRAM AREA MAY CERTIFY TO THE EXECUTIVE DIRECTOR OR THE
7 EXECUTIVE DIRECTOR'S DESIGNEE, IN A FORM AND MANNER REQUIRED BY
8 THE EXECUTIVE DIRECTOR, THAT A DIESEL VEHICLE REGISTERED IN THE
9 PROGRAM AREA IS PHYSICALLY BASED AND PRINCIPALLY OPERATED FROM
10 A TERMINAL, DIVISION, OR MAINTENANCE FACILITY OUTSIDE THE
11 PROGRAM AREA. ANY DIESEL VEHICLE REGISTERED IN THE PROGRAM
12 AREA, BUT CERTIFIED TO BE PHYSICALLY BASED AND PRINCIPALLY
13 OPERATED FROM A TERMINAL, DIVISION, OR MAINTENANCE FACILITY
14 OUTSIDE THE PROGRAM AREA, IS EXEMPT FROM THIS SECTION. THE
15 COMMISSION SHALL PROMULGATE RULES TO ADMINISTER THIS SUBSECTION
16 (2.5).

17 **SECTION 2. Appropriation.** (1) In addition to any other
18 appropriation, there is hereby appropriated, out of any moneys in the
19 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
20 Colorado Revised Statutes, not otherwise appropriated, to the department
21 of revenue, for allocation to the taxpayer service division, for the fiscal

1 year beginning July 1, 2011, the sum of six thousand dollars (\$6,000), or
2 so much thereof as may be necessary, for the implementation of this act.

3 (2) In addition to any other appropriation, there is hereby
4 appropriated, out of any moneys in the Colorado state titling and
5 registration account of the highway users tax fund created in section
6 42-1-211 (2), Colorado Revised Statutes, not otherwise appropriated, to
7 the department of revenue, for allocation to the information technology
8 division, for the fiscal year beginning July 1, 2011, the sum of five
9 hundred ninety-two dollars (\$592) cash funds, or so much thereof as may
10 be necessary, for the implementation of this act.

11 (3) In addition to any other appropriation, there is hereby
12 appropriated to the governor - lieutenant governor - state planning and
13 budgeting, for allocation to the office of information technology, for the
14 fiscal year beginning July 1, 2011, the sum of five hundred ninety-two
15 dollars (\$592), or so much thereof as may be necessary, for the
16 programming services to be provided to the department of revenue related
17 to the implementation of this act. Said sum shall be from reappropriated
18 funds received from the department of revenue out of the appropriation
19 made in subsection (2) of this section.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
22 following the expiration of the ninety-day period after final adjournment
23 of the general assembly (August 10, 2011, if adjournment sine die is on
24 May 11, 2011); except that, if a referendum petition is filed pursuant to
25 section 1 (3) of article V of the state constitution against this act or an
26 item, section, or part of this act within such period, then the act, item,
27 section, or part shall not take effect unless approved by the people at the

1 general election to be held in November 2012 and shall take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) The provisions of this act shall apply to heavy-duty diesel fleet
4 vehicles registered in the program area of the diesel emission inspection
5 program on or after January 1, 2012.