



# Legislative Council Staff

## Research Note

Version: Final

Date: 4/26/2016

### Bill Number

House Bill 16-1319

### Sponsors

*Representatives Ginal & Tyler  
Senator Kefalas*

### Short Title

*Prohibit Coal Rolling In Diesel  
Vehicles*

### Research Analyst

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### Status

This research note reflects the final version of the bill. The bill was postponed indefinitely by the Senate Transportation Committee on April 26, 2016.

### Summary

This bill prohibits visual exhibition of smoke, which is defined in the bill as the knowing release of high quantities of emissions from an exhaust system in a light-duty diesel vehicle into the air and onto roadways in order to harass another vehicle, bicyclist, or pedestrian, or to obstruct or obscure the view of another driver, roadway user, or a traffic control device. Under the bill, visual exhibition of smoke is a class A traffic infraction punishable by a fine of \$35 and 2 points assessed against the violator's driving record for each offense.

### Background

Visual exhibition of smoke, colloquially known as "rolling coal," involves intentionally disabling certain programming aspects of a computer controlled diesel engine, or modifying parts of an older diesel engine, so that excess diesel fuel is delivered to the engine, resulting in the vehicle emitting an under-aspirated sooty exhaust that visibly pollutes the air. These modifications allow the driver to alternate between the vehicle operating as normal, or as a coal roller, by flipping a switch in the cab of the vehicle.

**State air pollution violations.** Current state law addresses statewide air pollution violations from passenger and cargo vehicles, and specifically for diesel-powered vehicles within the enhanced emissions program area of the state, which is chiefly made up of the Front Range. Colorado law makes it illegal for a diesel vehicle to emit visible smoke in excess of opacity

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standards as established by the Colorado Department of Public Health and Environment's (CDPHE) Air Quality Control Commission (AQCC). These standards were established under AQCC Regulation 12, Part C, and prohibit any person driving a vehicle of up to 14,000 pounds gross weight from emitting any air contaminant, for a period greater than five consecutive seconds, in excess of 40 percent opacity.

***Enforcement of air pollution violations.*** Enforcement of these standards is performed by state and local law enforcement agencies or the U.S. Environmental Protection Agency, as the sale and installation of virtually all coal rolling devices is also a violation of the federal Clean Air Act, which prohibits anyone from tampering with an emission control device on a motor vehicle.

As required by state law, CDPHE's Air Pollution Control Division (APCD) provides training for law enforcement, upon request, for opacity violations identification. As of early 2016, a number of Front Range municipalities had received such training, but these municipalities have identified difficulty in issuing citations for rolling coal, as the practice does not usually exceed the five-second air contaminant emittance requirement that constitutes a violation of state opacity standards.

### House Action

***House Transportation & Energy Committee (April 7, 2016).*** At the hearing, representatives of the Fort Collins City Council, the Fort Collins Police Department, the Colorado Municipal League, the CDPHE, Boulder County Public Health, Bicycle Colorado, the Fort Collins Subaru Club, the Northern Colorado Subaru Club, the County Sheriffs of Colorado, and two private citizens testified in support of the bill. The committee adopted amendment L.003, which reduces the penalty for visual exhibition of smoke to a \$35 fine and 2 points assessed against the violator's driving record, changes any reference to "rolling coal" to "visual exhibition of smoke," and makes a number of technical changes to the bill. The committee referred the bill, as amended, to the House Committee of the Whole.

***House second reading (April 13, 2016).*** The House adopted the House Transportation committee report and passed the bill on second reading, as amended.

***House third reading (April 18, 2016).*** The House passed the bill on third reading with no amendments.

### Senate Action

***Senate Transportation Committee (April 26, 2016).*** At the hearing, representatives of the the Fort Collins Police Department, the Colorado Municipal League, the CDPHE, Bicycle Colorado, the Fort Collins Subaru Club, and the County Sheriffs of Colorado testified in support of the bill. The committee postponed the bill indefinitely.