

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0668.01 Thomas Morris x4218

SENATE BILL 20-036

SENATE SPONSORSHIP

Zenzinger and Cooke,

HOUSE SPONSORSHIP

Hansen and Liston,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE SUBMISSION TO THE FEDERAL ENVIRONMENTAL
102 PROTECTION AGENCY OF A PROPOSED REVISION TO THE STATE
103 IMPLEMENTATION PLAN THAT WOULD ENABLE A VEHICLE THAT
104 FAILS THE ON-BOARD DIAGNOSTICS TEST SOLELY BECAUSE A
105 CHECK ENGINE LIGHT IS ILLUMINATED ON THE VEHICLE'S
106 DASHBOARD TO UNDERGO A TAILPIPE EMISSIONS TEST.

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://leg.colorado.gov>.)

Under current law, a motor vehicle fails an emissions inspection

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

solely because a check engine light is illuminated on the motor vehicle's dashboard, regardless of what the vehicle's actual emissions are. The bill directs the air quality control commission to submit to the federal environmental protection agency by May 5, 2021, a proposed revision to the state implementation plan that would enable a vehicle that fails the on-board diagnostics test solely because a check engine light is illuminated on the vehicle's dashboard to undergo a tailpipe emissions test.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-306, **add** (7)(c)
3 as follows:

4 **42-4-306. Powers and duties of commission - automobile**
5 **inspection and readjustment program - basic emissions program -**
6 **enhanced emissions program - clean screen program - repeal.**

7 (7) (c) (I) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
8 SHALL SEEK APPROVAL FROM THE ENVIRONMENTAL PROTECTION AGENCY
9 OF A PROPOSED REVISION TO THE SIP THAT WOULD ENABLE A VEHICLE
10 THAT FAILS THE ON-BOARD DIAGNOSTICS TEST SOLELY BECAUSE A CHECK
11 ENGINE LIGHT IS ILLUMINATED ON THE VEHICLE'S DASHBOARD TO
12 UNDERGO A TAILPIPE EMISSIONS TEST. THE DEPARTMENT SHALL SUBMIT
13 THE PROPOSED SIP REVISION TO THE COMMISSION BY SEPTEMBER 31,
14 2020; THE COMMISSION SHALL ADOPT THE PROPOSAL BY DECEMBER 1,
15 2020; AND THE DEPARTMENT SHALL SUBMIT THE PROPOSAL TO THE
16 ENVIRONMENTAL PROTECTION AGENCY BY MAY 5, 2021. BEFORE
17 SUBMITTING THE PROPOSAL TO THE COMMISSION, THE DEPARTMENT SHALL
18 PROVIDE THE OPPORTUNITY FOR WRITTEN COMMENT AND SHALL HOLD A
19 STAKEHOLDER MEETING TO SOLICIT INPUT ON THE PROPOSAL. THE
20 PROPOSAL MUST TAKE INTO CONSIDERATION ANY STAKEHOLDER INPUT
21 RECEIVED, INCLUDING FROM EMISSIONS INSPECTORS, OWNERS OF VEHICLES

1 THAT FAILED THE ON-BOARD DIAGNOSTICS TEST SOLELY BECAUSE A CHECK
2 ENGINE LIGHT WAS ILLUMINATED ON THE VEHICLES' DASHBOARDS,
3 LEGISLATORS, MOTOR VEHICLE MANUFACTURERS, AND AIR QUALITY
4 CONTROL EXPERTS.

5 (II) THIS SUBSECTION (7)(c) WILL BE REPEALED IF THE
6 ENVIRONMENTAL PROTECTION AGENCY REJECTS THE PROPOSED SIP
7 REVISION SUBMITTED PURSUANT TO SUBSECTION (7)(c)(I) OF THIS
8 SECTION. THE DIRECTOR OF THE DIVISION SHALL NOTIFY THE REVISOR OF
9 STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED
10 IN THIS SUBSECTION (7)(c)(II) HAS OCCURRED BY E-MAILING THE NOTICE
11 TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION (7)(c) IS
12 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
13 THE CONDITION OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT
14 DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.