

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0712.02 Jery Payne x2157

SENATE BILL 19-054

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Valdez D.,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF DEMILITARIZED MOTOR VEHICLES**

102 **FOR THE PURPOSES OF OPERATION ON THE HIGHWAY.**

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>.)

The bill includes in the definition of "motor vehicle" vehicles built for the military and commonly used by the United States armed forces to transport persons or property over the highway. These vehicles are defined as "demilitarized motor vehicles" and are exempted from the emissions standards and the requirement to have a physical inspection for roadworthiness.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**
3 (58); and **add** (23.8) as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
5 unless the context otherwise requires:

6 (23.8) "DEMILITARIZED MOTOR VEHICLE" MEANS A
7 SELF-PROPELLED VEHICLE THAT:

8 (a) HAS BEEN PURCHASED FOR NONMILITARY USE;

9 (b) WAS COMMONLY USED BY THE UNITED STATES ARMED FORCES
10 TO TRANSPORT PERSONS OR PROPERTY OVER THE HIGHWAY; AND

11 (c) WAS BUILT FOR THE UNITED STATES ARMED FORCES.

12 (58) (a) "Motor vehicle" means:

13 (I) Any self-propelled vehicle that is designed primarily for travel
14 on ~~the public~~ highways and that is generally and commonly used to
15 transport persons and property over ~~the public highways;~~ or HIGHWAYS;

16 (II) A low-speed electric vehicle; OR

17 (III) A DEMILITARIZED MOTOR VEHICLE.

18 (b) ~~except that the term~~ "MOTOR VEHICLE" does not include
19 electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles
20 moved solely by human power.

21 (c) (I) For the purposes of the offenses described in sections
22 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and
23 off-highway vehicles, as defined in section 33-14.5-101 (3), operated on
24 streets and highways, "motor vehicle" includes a farm tractor or an
25 off-highway vehicle that is not otherwise classified as a motor vehicle.

26 (II) For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,

1 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"
2 includes a low-power scooter.

3 **SECTION 2.** In Colorado Revised Statutes, 42-3-119, **amend** (1)
4 introductory portion and (1)(d) as follows:

5 **42-3-119. No registration granted.** (1) The department shall not
6 ~~grant an application for the registration of~~ REGISTER a vehicle in any of
7 the following events:

8 (d) When a certification of emissions control is required pursuant
9 to part 4 of article 4 of this ~~title~~ TITLE 42, and such certification has not
10 been obtained; EXCEPT THAT THIS SUBSECTION (1)(d) DOES NOT APPLY TO
11 DEMILITARIZED MOTOR VEHICLES.

12 **SECTION 3.** In Colorado Revised Statutes, 42-4-310, **amend**
13 (1)(a)(I); and **add** (6) as follows:

14 **42-4-310. Periodic emissions control inspection required.**
15 (1) (a) (I) ~~Subject to subsection (4)~~ EXCEPT AS PROVIDED IN SUBSECTIONS
16 (4) AND (6) of this section, a motor vehicle that is required to be registered
17 in the program area shall not be sold, registered for the first time without
18 a certification of emissions compliance, or reregistered unless the vehicle
19 has passed a clean screen test or has a valid certification of emissions
20 control as required by the appropriate county. The provisions of this
21 subsection (1)(a) do not apply to motor vehicle transactions at wholesale
22 between motor vehicle dealers licensed pursuant to part 1 of article 20 of
23 title 44. An inspection is not required prior to the sale of a motor vehicle
24 with at least twelve months remaining before the vehicle's certification of
25 emissions compliance expires if the certification was issued when the
26 vehicle was new.

27 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,

1 THE DEPARTMENT SHALL ISSUE A CERTIFICATION OF EMISSIONS WAIVER TO
2 A DEMILITARIZED MOTOR VEHICLE WITHOUT INSPECTION OR TESTING. A
3 PERSON MAY SELL, REGISTER, AND REREGISTER A DEMILITARIZED MOTOR
4 VEHICLE WITH THE CERTIFICATION OF EMISSIONS WAIVER.

5 **SECTION 4.** In Colorado Revised Statutes, 42-4-406, **amend**
6 (1)(a) introductory portion; and **add** (3) as follows:

7 **42-4-406. Requirement of certification of emissions control for**
8 **registration - testing for diesel smoke opacity compliance.**

9 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, a diesel
10 vehicle in the program area that is registered or required to be registered
11 pursuant to article 3 of this ~~title~~ TITLE 42, routinely operates in the
12 program area, or is principally operated from a terminal, maintenance
13 facility, branch, or division located within the program area shall not be
14 sold, registered for the first time, or reregistered unless such vehicle has
15 been issued a certification of emissions control within:

16 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
17 THE DEPARTMENT SHALL ISSUE A CERTIFICATION OF EMISSIONS WAIVER TO
18 A DEMILITARIZED MOTOR VEHICLE WITHOUT INSPECTION OR TESTING. A
19 PERSON MAY SELL, REGISTER, AND REREGISTER A DEMILITARIZED MOTOR
20 VEHICLE WITH THE CERTIFICATION OF EMISSIONS WAIVER.

21 **SECTION 5.** In Colorado Revised Statutes, 42-5-101, **add** (2.5)
22 as follows:

23 **42-5-101. Definitions.** As used in this part 1, unless the context
24 otherwise requires:

25 (2.5) "DEMILITARIZED MOTOR VEHICLE" HAS THE SAME MEANING
26 SET FORTH IN SECTION 42-1-102.

27 **SECTION 6.** In Colorado Revised Statutes, 42-5-202, **add** (5) as

1 follows:

2 **42-5-202. Vehicle identification number inspection.** (5) A
3 DEMILITARIZED MOTOR VEHICLE NEED NOT HAVE A PHYSICAL INSPECTION
4 TO DETERMINE WHETHER THE VEHICLE IS ROADWORTHY AS PART OF A
5 VEHICLE IDENTIFICATION NUMBER INSPECTION PERFORMED IN
6 ACCORDANCE WITH THIS PART 2.

7 **SECTION 7.** In Colorado Revised Statutes, 42-6-102, **add** (2.5)
8 as follows:

9 **42-6-102. Definitions.** As used in this part 1, unless the context
10 otherwise requires:

11 (2.5) "DEMILITARIZED MOTOR VEHICLE" HAS THE SAME MEANING
12 SET FORTH IN SECTION 42-1-102.

13 **SECTION 8.** In Colorado Revised Statutes, 42-6-107, **amend**
14 (1)(a)(II) as follows:

15 **42-6-107. Certificates of title - contents - rules.** (1) (a) (II) In
16 addition to other information that the director may by rule require, the
17 certificates of title must contain the make and model of the motor or
18 off-highway vehicle described in the record, if the information is
19 available, together with the motor and any other serial number of the
20 vehicle, ~~and~~ a description of any other marks or symbols placed upon the
21 vehicle by the vehicle manufacturer for identification purposes, AND, IF
22 THE VEHICLE IS A DEMILITARIZED MOTOR VEHICLE, A NOTATION TO THAT
23 EFFECT.

24 **SECTION 9. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.