

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH, Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

COLORADO AIR QUALITY CONTROL COMMISSION

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Colorado Department
of Public Health
and Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO AIR QUALITY CONTROL COMMISSION

Regarding proposed revisions to:

Regulation Number 11

SUBJECT:

The Air Quality Control Commission (Commission) will hold a public hearing to consider revisions to Regulation Number 11. The Air Pollution Control Division (Division) has proposed changes to the gasoline vehicle inspection and maintenance program (I/M) that would put in place a program to help meet the region's future air quality needs.

The Division is proposing to increase the new vehicle model-year exemptions from emissions testing from four to seven years, to require on-board diagnostics (OBD) testing for the next two inspection cycles, to require the current I/M-240 testing commencing with the third inspection cycle, to maintain the remote sensing provisions of the current program, to address other minor program deficiencies, and to delete obsolete language, and to revise typographical, grammatical, and formatting errors. Proposals that alter the structure of the Division's recommended program, such as modifying the model-year exemptions or the number of inspection cycles that vehicles would be subject to OBD or I/M-240 testing may be accepted for consideration by the Commission. Proposals that recommend changes to the program's current boundaries will be not be considered by the Commission. Most program elements of Regulation Number 11 are currently in the federal State Implementation Plan, and the proposed regulations are intended to update and replace federally-required measures.

HEARING SCHEDULE:

DATE: December 20, 2012

TIME: 9:00 AM

PLACE: Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Sabin Conference Room
Denver, Colorado 80246

The hearing may be continued at such places and time as the Commission may announce. Interested parties may contact the Commission Office at 303-692-3476 to confirm meeting dates and times.

PUBLIC COMMENT:

The Commission encourages all interested persons to provide their views either orally at the hearing or in writing prior to or at the hearing. The Commission especially solicits comments and analyses from persons who will incur directly some cost or benefit from the proposed revisions. Public testimony will be taken as close to the start of the hearing as possible and during the hearing as necessary. Written and/or electronic submissions are requested, but not required to be submitted prior to the hearing to allow review prior to presentation at the hearing. Written and/or electronic submissions should be mailed to the Commission Office at least 14 days prior to the hearing.

PARTY STATUS:

Any person may obtain party status for the purpose of this hearing by complying with the requirements of the Commissions Procedural Rules. A petition for party status must be filed by electronic mail with the Office of the Air Quality Control Commission no later than close of business on **October 19, 2012**. The petition must: *1) identify the applicant; 2) provide the name, address, telephone and facsimile numbers, and email address of the applicants representative; and 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.* Electronically mailed copies must also be received, by this same date, by the Division staff person and the Assistant Attorneys General representing the Division and the Commission identified below.

Any person may petition the Commission to file documents in paper copy format if they are unable for any reason to comply with the requirements of 1.3.8(2) of the Commission's Procedural Rules. An original and fifteen paper copies must be filed in the Office of the Air Quality Control Commission, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Individuals may also obtain party status by submitting an alternative to the proposed rule. The submittal of an alternative proposal must be accompanied by an electronic copy of the alternative proposed rule and all other associated documents as required by the Commission's procedural rules, and must be filed by electronic mail with the Office of the Commission by **October 19, 2012** for party status requests. Alternative rules must also be filed by electronic mail with the Division staff person and with each of the Assistant Attorneys General.

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Requests received beyond the above stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone who does not comply with the Commission's procedural rules.

STATUS CONFERENCE:

A status conference will be held **October 26, 2012 at 2:30 p.m.**, at the Department of Public Health and Environment to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Attendance at this status conference is mandatory for anyone who has requested party status.

PREHEARING CONFERENCE/PREHEARING STATEMENTS:

Attendance at the prehearing conference is mandatory for all parties to this hearing. A prehearing conference will be held **November 20, 2012 at 2:30 p.m.** in the Commission Offices at 4300 Cherry Creek Drive South, Denver. All parties must submit by electronic mail a prehearing statement to the Commission Office by close of business **November 13, 2012**. In addition, electronically mailed copies of these documents must be delivered by that date to all persons who have requested party status. A copy of the prehearing statement must also be electronically mailed to the Division point of contact and each of the Assistant Attorneys General identified above by close of business **November 13, 2012**. Any revisions to the prehearing statement must be submitted to the Administrator of the Commission at the prehearing conference and by electronic mail to the Commission Office on the day of the prehearing conference. Any exhibit included in the prehearing statements will be electronically mailed to individual Commissioners for review prior to the hearing, provided the party files electronic copies of such exhibit. Rebuttals to the prehearing statement may be submitted to the Commission Office and all other parties, but must be submitted by close of business **November 27, 2012**.

EXCEPTIONS TO FILE DOCUMENTS BY ELECTRONIC MAIL:

The Commission's Procedural Rules provide for an exception to file documents by electronic mail. If granted an exception to electronic filing pursuant to the provisions of 1.3.8(3) of the Commission's Procedural Rules, the applicant for party status shall file an original and fifteen copies of the prehearing statement in the Office of the Air Quality Control Commission, and shall also deliver copies to each other party, applicant for party status, the Assistant Attorneys General representing the Commission and Division, and the Division staff person for the proceedings, by electronic mail or as otherwise provided by the exception granted under Subsection 1.3.8(3), by the date that the statement is due.

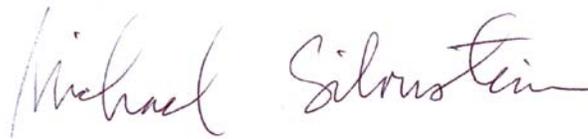
STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The proposed rules are intended to assure that the I/M program's emission reduction benefits are maintained while at the same time increasing the flexibility and convenience of motor vehicle emission inspections. The proposed revisions increase new vehicle model-year exemptions from emissions testing from four to seven years. The proposed revisions provide for OBD inspections of 1996 model-year and newer motor vehicles for the first two testing cycles (four model years) after the seven year new vehicle exemption runs out. Procedures are included to require OBD testing for vehicles that are not readily testable using I/M-240; and to require I/M-240 testing for vehicles that are not readily testable with OBD. Visual inspections of emission control equipment are eliminated on 1996 model-year and newer motor vehicles. To clarify and assure compliance with the federal requirements at Title 40, Part 51, Subpart S, 51.357, the current practice of requiring a full retest after a gas cap failure is being required as part of the evaporative fuel control inspection procedures.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103, and 25-7-110, -110.5 and -110.8 C.R.S., as applicable and amended, with the Procedural Rules of the Commission, the statutory authority provided in Sections 42-4-301 through 42-4-316, C.R.S., and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 25th day of September 2012 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in cursive script that reads "Michael Silverstein". The signature is written in dark ink and is positioned above a horizontal line.

Michael Silverstein, Administrator

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 11

MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM

5 CCR 1001-13

PART A: General Provisions, Area of Applicability, and Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screen/Remote Sensing

PART B: Standards and Procedures for the Approval, Operations, Gas Span Adjustment, Calibration and Certification of the [Air Pollution Control Division](#) (Division) Approved Test Analyzer Systems for Use in the Basic and Enhanced Program Areas, Test Analyzer Systems for Licensed Dealers in the Enhanced Area, and Clean Screen Test Analyzer Systems

PART C: Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, [On-Board Diagnostics](#) Clean Screening; and Practices to Ensure Proper Emissions Related Adjustments and Repairs

PART D: Qualification and Licensing of Emissions Mechanics, Emissions Inspectors, and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers, Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

PART E: Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

PART F: Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles

PART G: ~~High Emitting Vehicle Identification Pilot Project~~[Reserved](#)

PART H: Statements of Basis, Specific Statutory Authority and Purpose

REFERENCES

Pursuant to Section 24-4-103 (12.5), C.R.S., material incorporated by reference is available during normal working hours, or copies may be obtained at a reasonable cost, from the Technical Secretary of the Air Quality Control Commission c/o the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530 or material incorporated by reference within this regulation may be examined at any state publications depository library. References do not include later amendments to or additions of incorporated material.

PART A General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing

I. APPLICABILITY

Subject to the provisions described in Sections I.A and I.B of this Part A and pursuant to the schedule in Section I.C. and V.B. of this Part A, all non-diesel fueled motor vehicles which are registered in the AIR Program area or which motor vehicle is owned or operated by a non-resident who meets the requirements of Section, 42-4-310(1)(c)(I), C.R.S., will be subject to On-Board Diagnostics and/or an exhaust and evaporative emissions, smoke opacity and emissions control, equipment inspection as a prerequisite to initial or renewal of the vehicle registration. Any person owning or operating a business and any post-secondary educational institution located in the program area as defined in Subsection A of this section shall annually inform by written notice all persons employed by such business or attending classes that they are required to comply with the provisions of this regulation. The provisions of this regulation applicable to Larimer and Weld counties shall not be included in the state implementation plan.

I.A. Geographic Areas of Applicability

This regulation shall apply to the AIR Program area as defined in Section 42-4-304(20), C.R.S. as amended by Senate Bill 09-003.

I.B. Vehicles Eligible for AIR Program Inspection Procedures.

This regulation shall apply to all motor vehicles as defined in Section 42-4-304(18), C.R.S.

Vehicles that are registered in a program area and are being operated outside such area but within another program area shall comply with the requirements of the area where such vehicles are being operated. Vehicles registered in a program area that ~~is~~are being temporarily operated outside the state at the time of registration or registration renewal may apply to the department of revenue for a temporary exemption from program requirements. Upon return to the program area, such vehicles must be in compliance with all requirements within fifteen days. A temporary exemption shall not be granted if the vehicle will be operated in an emissions testing area in another state unless proof of emissions from that area is submitted.

Pursuant to Section, 42-4-310(1)(c)(I), C.R.S. motorists operating vehicles in the enhanced program area shall comply with the provisions of the enhanced program.

The burden of proof in establishing an exemption from inclusion in all or any part of the AIR Program inspection requirements is on the vehicle owner.

I.C. Schedules for Obtaining Certifications of Emissions Control

I.C.1. REPEALED

I.C.2. Inspection schedules during calendar year 1995 and thereafter, vehicles are to be inspected according to the schedules established in Sections, 42-4-304(3)(b)(II), and, 42-4-310(1)(b)(II), C.R.S. as amended.

I.C.3. ~~On or after October 1, 1989, n~~No used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the time of sale. This paragraph (3) does not apply to the sale of a motor vehicle that is inoperable or otherwise cannot be tested in accordance with this regulation if the seller of the motor vehicle provides a written notice to the purchaser pursuant to Section 42-4-310(4), C.R.S. If a motor vehicle is being registered for the first time in the program area, the owner shall obtain the certification and submit it with the application for registration to the Department of Revenue or an authorized agent of the Department of Revenue.

I.C.3.a. On or after October 1, 1989, no used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the tune-time of sale. This paragraph (3) does not apply to the sale of a motor vehicle which is inoperable or otherwise cannot be tested in accordance with this regulation or that is being sold pursuant to Part 18 (Vehicles Abandoned on Public Property) or Part 21 (Vehicles Abandoned on Private Property) of Article 4 of Title 42, C.R.S. if the seller of the motor vehicle provides a written notice to the purchaser pursuant to Section 42-4-310(4), C.R.S. If a motor vehicle is being registered for the first time in the program area, the owner shall obtain the certification and submit it with the application for registration to the Department of Revenue or an authorized agent of the Department of Revenue.

I.C.3.b. An inspection is not required prior to the sale of a motor vehicle with at least twelve months remaining before the vehicle's certification of emissions compliance expires if such certification was issued when the vehicle was new. ~~This Subparagraph I.C.3.b. shall take effect upon the completion of necessary computer software changes or on January 1, 2004, whichever comes first.~~

I.C.3.c. A motor vehicle being registered in the program area for the first time may be registered without an inspection or certification if the vehicle has not yet reached its fourth-seventh model year pursuant to Section 42-4-310(1)(a)(II)(C)C.R.S.

I.C.4. ~~On or after October 1, 1989, and thereafter, a~~Any motor vehicle may be voluntarily inspected and a Certification of Emissions Control obtained which shall be valid as specified in Section I.C.2. of this Part A.

I.C.5. (Reserved)

I.C.5.a. As it pertains specifically to federally owned or leased vehicles; tactical military vehicles are not required to be inspected.

I.C.5.b. Federal installation managers are to declare all federal employee-owned vehicles operated on the installation and demonstrate that these vehicles have complied with periodic inspection requirements pursuant to 40 CFR Section 51.356(A)(4). Inspection results shall be reported to the Department of Revenue AIR Program section and up-dated based on inspection cycles.

I.C.6. (Reserved)

I.C.7. ~~On or after January 1, 1995 f~~Fleets of twenty or more eligible vehicles shall be periodically inspected, comply with inspection provisions and obtain a Certification of Emissions Control.

I.C.7.a. Fleets may pursue licensing as a fleet inspection station under Part D of this Regulation Number 11 pursuant to Section, 42-4-309, C.R.S. and comply with the provisions of that section.

I.C.7.b. Fleets may elect to comply with periodic inspection requirements under the provisions of Section 42-4-309 (2)(a), C.R.S. to include the inspection schedules of Sections 42-4-304(3)(b)(II) and 42-4-310(1)(b)(II)(a), C.R.S.

I.C.7.c. As it pertains to the fleet vehicles provisions pursuant to Section, 42-4-309, C.R.S. and this ~~Subpart Section I.C.7.~~, municipal fleets of twenty vehicles or more may comply with periodic inspection requirements as specified in Section 42-4-309(2)(a), C.R.S. to include inspection schedule of Sections 42-4-304(3)(b)(II) and 42-4-310 (1)(b)(II)(a), C.R.S.

I.C.8. New motor vehicles being registered with a Manufacturer's Statement of Origin (MSO), Manufacturer's Certificate of Origin (MCO) or similar document shall be issued a registration without a Certificate of Emissions Control.

Such new motor vehicles are to be issued a Verification of Emissions Test exemption windshield sticker at the time of sale and valid for up to ~~four (4)~~seven (7) years. The selling dealer is responsible for obtaining the Verification of Emissions Test.

New vehicles under this section shall also include those new vehicles leased under an MSO or MCO or similar document and ~~four~~seven years without an inspection. After the ~~fourth~~seventh year or a transfer of ownership, such vehicles shall be issued a registration only with a Certificate of Emissions Control. The inspection schedule for these vehicles shall then revert to a biennial cycle.

I.C.9.a. Compliance with AIR Program inspection requirements will not be required for wholesale transactions between motor vehicle dealers licensed pursuant to Article 6 of Title 12, C.R.S.

I.C.9.b. ~~Effective January 1, 2004, or upon the completion of necessary computer software changes, whichever comes first, m~~Motor vehicle dealers shall have motor vehicles inventoried or consigned for retail sale inspected annually. A further inspection is not required at the time of sale if:

- i. For a 1982 or later motor vehicle, there are at least twelve months remaining before the vehicle's certification of emission compliance expires and the dealer has had the vehicle inspected since acquiring it. Such a vehicle purchased from a licensed motor vehicle dealer may be registered in the program area without an inspection if, on the date of vehicle registration, at least twelve months remain before the expiration of such certification.
- ii. For a 1981 or earlier motor vehicle, the vehicle has a valid certification of emission compliance and the dealer has had the vehicle inspected since acquiring it. Such a vehicle purchased from a licensed motor vehicle dealer may be registered in the program area without an inspection if, on the date of vehicle registration, at least nine months remain before the expiration of such certification.

I.C.10. For purposes of Sections 42-4-304(3), 42-4-309(3) and 42-4-310, C.R.S., a certificate of emissions Control shall be considered to be issued at the time of

sale or transfer of a vehicle if such certificate is issued pursuant to an inspection conducted no later than the date of such sale or transfer, and no earlier than one hundred twenty calendar days prior to such sale or transfer.

I.C.11. Eligible fleets as defined in Section 42-4-309, C.R.S. that declare not to self-inspect shall be inspected according to the same schedules, subject to the same emissions related repair requirements and waiver provisions as non-fleet vehicles.

I.C.12. For the purposes of 42-4-309(6)(B) if a vehicle fails the test or is untestable due to mechanical and/or electrical/electronic problem, the motorist shall have the same recourse as that of not passing an inspection. However, Section 42-4-309(6), C.R.S. and the regulations implementing such provision, shall not be federally enforceable, and shall not be incorporated into the State Implementation Plan.

II. DEFINITIONS

1. "Accreditation" means certification that the instrument and instrument manufacturer meet the operating criteria specifications and requirements of the Colorado Department of Health, Air Quality Control Commissions as specified in Part B of this regulation.
2. "Air Intake Systems" are those systems that allow for the induction of ambient air (to include preheated air) into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
3. "AIR Program Station" is an Automobile Inspection and Readjustment (AIR) Station that qualifies and is licensed to operate as an emissions inspection and readjustment station.
4. "Air System" is a system for providing supplementary air into the vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction.
5. "BAR 90" refer to the California Bureau of Automotive Repair specifications for Exhaust Gas Test Analyzer Systems (TAS) that became effective in 1990. "BAR 97" refers to the California Bureau of Automotive Repair specifications for Exhaust Gas Test Analyzer Systems (TAS) that became effective in 1997.
6. "Basic Engine Systems" are those parts or assemblies which provide for the efficient conversion of a compressed air/fuel charge into useful power to include but not limited to valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and post-combustion emissions control device integrity.
7. "Calibration" is the process of establishing or verifying the total response curve of an exhaust gas analyzer. Calibration is a laboratory procedure using several different calibration gases having precisely known concentrations.
8. "Calibration Gases" are gases of precisely known concentration that are usually used in the laboratory as references for establishing or verifying the calibration curve of an exhaust gas analyzer.
9. "Catalytic Converter" is a post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen.

10. "Certification" means assurance by the authorized source, whether it is a laboratory, the manufacturer, or the State, that a specific product or statement is in fact true and meets all required accreditation requirements.
11. "Certification of Emissions Control" shall have the same meaning as set forth in Section 42-4-304(3)(1), C.R.S.
12. "Chlorofluorocarbon" (CFC) is a class I stratospheric ozone depleting compound as listed in Appendix A, final rule vol.57.mp 147 Federal Register, 40 CFR Part 82.
13. "Clean Screen Inspection Site" is that location within the program area as defined in Section 42-4-304(20)(a), C.R.S., approved by the Division and the Department of Revenue.
14. "Clean Screen Inspector" is a person found qualified by the Division, and licensed by the Executive Director to operate Clean Screen Inspection equipment.
15. "Clean Screen Program" is that program as defined in Section 42-4-304(3.5), C.R.S.
16. "Clean Screened Vehicle" is a vehicle that is eligible for inspection, has at least two consecutive passing remote sensing emissions readings performed on different days or at different approved Clean Screen Inspection Sites prior to its registration renewal date, or for vehicles identified as low emitters on the low emitting vehicle index, one passing remote sensing reading prior to its registration date, and has otherwise complied with the provisions of Section IV of this Part A, Section XII of Part C and Section VI of Part F.
17. "Clean Screen Data Manager" is that person or entity that contracts with the state to provide clean screen data management functions. This same person or entity may also act as general contractor in conducting and facilitating clean screen inspections.
18. "Colorado 94" refers to those test analyzer systems that are based on BAR 90 but modified as specified by the Division for use in the AIR Program for the period of time after January 1, 1994. "Colorado AIR Program BAR 97 Exhaust Gas Analyzer" or Colorado 97" refers to those test analyzer systems that are based on BAR 97, but modified as specified by the Division for all fleet inspection stations and inspection-only facilities that become licenses after May 1, 2010.
19. "Colorado Automobile Dealer Transient Mode Test Analyzer System" is a dynamometer based inspection system capable of performing an inspection grade (IG 240) emissions inspection procedure under simulated driving conditions. The procedure is intended for determining the compliance status for used vehicles prior to retail sale.
20. "Colorado On-Board Diagnostic (OBD) Test Analyzer System" refers to the analytical and testing instrumentation used to verify automotive emissions and to prompt the emissions inspector through the elements of an official Colorado OBD emissions inspection.
2021. "Compliance" means verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meet all required accreditation requirements.
22. "Diagnostic Trouble Code (DTC)" is an alpha-numeric code representing a specific fault or problem identified by the OBD system on a vehicle. OBD diagnostic trouble codes are standardized across all vehicle manufacturers and are defined individually in the Society of Automotive Engineers Recommended Practice J2012.
2423. "Division" is the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

- ~~22~~24. "Electrical, Electronic, or Electro-mechanical Span" is the adjustment of an exhaust gas analyzer using an electronic signal rather than a calibration or span gas as a reference source.
- ~~23~~25. "Emissions Control Systems" are those parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the purpose of reducing emissions.
- ~~23a~~26. "Estes Park Area" means that part of the program area west of Range 71 West in Larimer County.
- ~~24~~27. "Executive Director of the Department of Revenue" or "Executive Director" is the representative of the Department of Revenue or designee responsible for the field enforcement of the AIR Program, licensing of emissions mechanics, clean screen inspectors and inspection stations.
- ~~25~~28. "Fuel Control Systems" are those mechanical, electro-mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine for the purpose of providing a combustible charge.
- ~~26~~29. "Fuel Filler Neck Restrictor system" is the orifice and obstruction ("Flapper Door") in the gas tank filler neck that prevents the insertion of a "leaded gasoline" nozzle and deters the introduction of "leaded fuel".
- ~~27~~30. "Gas Span" is the adjustment of an exhaust gas analyzer to correspond with known concentrations of span gases.
- ~~28~~31. "Gas Span Check" is a procedure using known concentrations of span gases to verify the gas span adjustment of an analyzer.
- ~~29~~32. "Gross Vehicle Weight (GVW) Rating" is the maximum recommended combined weight of the motor vehicle and its load as prescribed by the manufacturer and expressed on a permanent identification label affixed to the motor vehicle.
- ~~30~~33. "Heavy Duty Vehicles (HDV)" are those motor vehicles for model years 1978 and earlier having a GVW rating of greater than 6000 pounds and for model years 1979 and newer, having a GVW rating of greater than 8,500 pounds.
- ~~31~~34. "Idle Mode" means a condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position.
- ~~32~~35. "Ignition Systems" are those parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge.
- ~~33~~36. "Inspection Area" is the area that is occupied by the analyzer, sample hose and the vehicle being inspected.
- ~~34~~37. "Inspection-only station" is that licensed station within the basic program area as defined in Section 42-4-304(2), C.R.S., which meets the requirements of Section 42-4-308, C.R.S., which facility the operator is licensed to operate by the Executive Director as an inspection-only station.
- ~~35~~38. "Instrument" is the complete system that samples and reads out the concentration of pollutant HC and CO gas plus CO₂ gas. The instrument includes the sample handling system, the exhaust gas analyzer and the enclosure cabinet.

- [3639](#). "Light Duty Vehicles (LDV)" are those motor vehicles (to include trucks) for model years 1978 and earlier having a GVW rating of 6,000 pounds or less and for model years 1979 and newer having a GVW rating of 8,500 pounds or less.
- [3740](#). "Low Emitting Vehicle Index" refers to a statistical table summarizing the probability of vehicles passing the IM 240 inspection. The statistical table will be updated annually by each July 1st. The low emitting vehicle index must meet the requirements of Part F, VI.B. based on a tabulation of the previous calendar year's IM 240 inspection program results.
- [3841](#). "Malfunction Indicator Light (MIL)" is a warning light located on the dash of vehicles equipped with On-Board Diagnostic (OBD) systems that notifies the motorist that a malfunction to the vehicle's emissions control system has been detected.
- [3942](#). "Motor Vehicle Emissions Compliance Inspectors (ECI)" are those persons employed and authorized by the Department of Revenue for licensing and enforcement of the AIR Program.
- [4043](#). "North Front Range Area" is the portion of the Program Area located in Larimer and Weld Counties as set forth in Section 42-4-304(20) as amended by Senate Bill 09-003. The North Front Range area is a State-Only program and is not part of any State Implementation Plan with the US EPA.
- [44](#). "On-Board Diagnostics II (OBD or OBDII) Test" means the electronic retrieval of stored readiness status, diagnostic trouble codes, malfunction indicator light (MIL) illumination status, and other information from a vehicle's OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.
- [4145](#). "Original Condition" means the condition as installed by the manufacturer but not necessarily to the original level of effectiveness.
- [4246](#). "Program Area" is that geographic area defined in Section 42-4-304(20), C.R.S. as amended by Senate Bill 09-003.
- [4347](#). "Registration Renewal Date" is the last day of the month in which the vehicle registration expires as defined in Section 42-3-103, C.R.S.
- [4448](#). "Span Gases" are gases of known concentration used as references to adjust or verify the adjustment of an exhaust gas analyzer's span settings.
- [4549](#). "State Emissions Technical Center Personnel" are those persons employed by or authorized by the Department of Health for technical or administrative support of the AIR Program.
- [4650](#). "Test Analyzer Systems" (TAS) in the context of this regulation is that analytical instrumentation used to measure automotive emissions and prompt the operator through other elements of an emissions inspection.
- [4751](#). "True Concentration" is the concentration of the gases of interest as measured by a standardized instrument which has been calibrated with 1% precision gases traceable to the National Institute for Standards and Technology.
- [4852](#). "Zero Gas" is a gas, usually air or nitrogen, which is used as a reference for establishing or verifying the zero point of an exhaust gas analyzer.

III. EXEMPTION FROM SECTION 42-4-314, C.R.S. FOR DEPARTMENT OF DEFENSE PERSONNEL PARTICIPATING IN THE PRIVATELY OWNED VEHICLE IMPORT CONTROL PROGRAM

- III.A. U.S. Department of Defense (DOD) personnel participating in the DOD POV (privately owned vehicle) Import Control Program operating a 1975 or subsequent model year automobile, are exempt from the prohibition of C.R.S., 42-4-314(2), C.R.S. insofar as it pertains to filler neck restrictors, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), if one of the following conditions are met:
- III.A.1. The automobile will be driven to the port and surrendered for exportation under said program within ten (10) working days of disconnection, deactivation, or inoperability of the restrictor, catalytic converter systems, or exhaust gas oxygen (O₂) sensor(s); or
- III.A.2. The reconnection, reactivation, or reoperability of the restrictor, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), is made within ten (10) working days from the time the owner picked up the automobile at the port.
- III.B. Persons disconnecting, deactivating, or rendering inoperable any filler neck restrictor, catalytic converter system, exhaust gas oxygen (O₂) sensor(s) on 1975 or subsequent model year automobile of DOD personnel participating in the DOD POV Import Control Program which will be driven to the port and surrendered for exportation under said program within ten (10) working days are exempt from the prohibition of 42-4-314, C.R.S.
- III.C. Unless otherwise exempt under this Section III of Part A, vehicles shall be required to be configured as a vehicle certified by the EPA for sale and use within the United States pursuant to 40 CFR, Part 86, Subpart A.

IV. CLEAN SCREEN/REMOTE EMISSIONS SENSING

- IV.A. Geographic Area of Applicability
- IV.A.1. (Reserved)
- IV.A.2. The Division shall implement an expanded clean screen program in the enhanced program area.
- IV.A.3. (Reserved)
- IV.B. Vehicles Eligible to participate in the Clean Screen/Remote Emissions Sensing Program
- IV.B.1. The clean screen program established in this [Subpart Section IV.](#) of Part A shall apply to eligible motor vehicles as defined in 42-4-310(5)(a), C.R.S., for which registration will expire within twelve months, a certificate of emissions control is a prerequisite to renewal and which are registered in a clean screen program county.
- IV.B.2. The counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld are clean screen counties.
- IV.C. REPEALED

~~IV.D.—Enhanced program area phase-in schedule~~

~~Based upon the schedule specified below, remote emissions sensing procedures shall be introduced in the enhanced program area as defined in Section 42-4-304(20)(c)(I) and (II) only to the extent such phase-in schedule is consistent with, and made possible by, the schedule promulgated by the Commission pursuant to Section 42-3-304(19)(a), C.R.S.~~

~~IV.D.1.—For purposes of the clean-screen program, no more than twenty percent of the fleet of gasoline vehicles in the enhanced program area will be evaluated with remote sensing between March 1, 2002 and February 28, 2003.~~

~~IV.D.2.—For purposes of the clean-screen program, no more than forty percent of the fleet of gasoline vehicles in the enhanced program area will be evaluated with remote sensing between March 1, 2003 and February 29, 2004.~~

~~IV.D.3.—For purposes of the clean-screen program, no more than sixty percent of the fleet of gasoline vehicles in the enhanced program area will be evaluated with remote sensing between March 1, 2004 and February 28, 2005.~~

~~IV.D.4.—For purposes of the clean-screen program, no more than eighty percent of the fleet of gasoline vehicles in the enhanced program area will be evaluated with remote sensing during any twelve-month period after February 28, 2005.~~

~~IV.E.D. Schedule for collection of emissions inspection fees by county clerks and recorders.~~

~~IV.E.1.—Beginning with motor vehicles with registration renewals coming due in November 2002, the clerks and recorders for the counties of Larimer and Weld shall collect an emissions inspection fee in the amount specified pursuant to Section 42-3-304(19)(a)(I), C.R.S., at the time of registration of a motor vehicle that the Department of Revenue has determined to have been clean screened, unless a valid certification of emissions compliance has already been issued for the vehicle being registered indicating that the vehicle passed the applicable emissions test at an enhanced inspection center, inspection and readjustment station, motor vehicle dealer test facility, or fleet inspection station.~~

~~This Section IV.E.1. shall not apply until the Colorado Department of Revenue and the Air Pollution Control Division determine that all requisite computer programming changes necessary for the functioning of the pay-upon-registration system have been completed, and that the pay-upon-registration system will function properly in such counties.~~

~~Effective January 1, 2007 this Subpart IV.E.1 of Part A is repealed.~~

~~IV.E.2.—Beginning with motor vehicle registration renewals coming due in April 2003, **T**he clerks and recorders for the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, **and** Jefferson, **Larimer and Weld** shall collect an emissions inspection fee in the amount specified pursuant to Section 42-3-304(19)(a)(I), C.R.S. at the time of registration of a motor vehicle that the Department of Revenue has determined to have been clean screened, unless a valid certification of emissions compliance has already been issued for the vehicle being registered indicating that the vehicle passed the applicable emissions test at an enhanced inspection center, motor vehicle dealer test facility or fleet inspection station.~~

~~This Section IV.E.2. shall not apply until the Colorado Department of Revenue and the Air Pollution Control Division determine that:~~

- ~~I. All requisite computer programming changes necessary for the functioning of the pay-upon-registration system have been completed;~~
- ~~II. The test equipment is in place and its reliability has been verified; and~~
- ~~III. A test run demonstrates that the system will accurately send notices to the correct vehicles.~~

V. EXPANSION OF THE ENHANCED EMISSIONS PROGRAM TO THE NORTH FRONT RANGE AREA

V.A. Program Commencement

Beginning November 1, 2010, unless the Division comes back to the Commission and the Commission agrees to a later date, motor vehicles registered in the North Front Range Area, and vehicles operating in the North Front Range Area that meet the requirements of Section 42-4-310(1)(c)(I), C.R.S. shall be subject to an Enhanced emissions inspection as defined in Section 42-4-304(8.5). Notwithstanding the above, the Estes Park Area, located west of Range Seventy-one (71) West, shall be excluded from the Enhanced Emissions Program. Such inspection shall be the same as the inspection required in the Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson county portions of the Program Area. The Vehicle Emissions Inspection program in the North Front Range area is a State-Only program and is not part of any state implementation plan with the US EPA.

V.B. Requirement to Obtain Certification of Emission Control and Emissions Inspection Schedule

- V.B.1. Except as otherwise provided in Title 42, Article 4, Part 3, C.R.S. and this Regulation Number 11, a motor vehicle that is subject to the North Front Range Area Inspection and Maintenance Program pursuant to Subsection V.A. above may not be registered or sold without a valid Certification of Emissions Control. In order to obtain a Certification of Emissions Control the vehicle must either pass the applicable emissions inspection or obtain a waiver from the Department of Revenue under this Regulation Number 11.
- V.B.2. Subject to the phase-in provision in Subsection V.B.3. below, emissions inspections shall be conducted and Certification of Emissions Controls shall remain valid in accordance with the schedules set forth in Section 42-4-304(3), C.R.S., Section 42-4-310(1)(b)(II), C.R.S. and Part A, Section I.C. of this Regulation Number 11.
- V.B.3. In order to better balance the number of inspections from year to year, odd number model year motor vehicles that require biennial inspections under Subsection V.B.2. above, shall be inspected commencing January 1, 2011. This phase-in shall not excuse a vehicle from an inspection in 2010 that is required due to the sale or transfer of the motor vehicle.

PART B Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area

I. APPROVAL OF THE Colorado 94 AND Colorado 97 TEST ANALYZER SYSTEMS

- I.A. From January 1, 1995 and thereafter no emissions inspection required by the AIR Program in the enhanced program area shall be performed unless the instrument used for measuring exhaust gases from motor vehicles is identified as a Colorado AIR Program Colorado 94 exhaust gas analyzer. For any emissions inspection station licensed after May 1, 2010, a Colorado BAR 97 exhaust gas analyzer must be used. Sources of vendors for the approved analyzers may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver CO 80246-1530.
- I.B. As an element of accreditation, the Division will accept a Certification statement for the exhaust gas analytical and sampling system portion of the Colorado AIR Program Colorado 94 exhaust gas analyzer or a Colorado BAR 97 exhaust gas analyzer from the California Bureau of Automotive Repair (BAR) or a recognized laboratory. The Division or its designee will determine the manufacturers' compliance with the revisions and additions to the specifications necessary for use of the instrument within the AIR Program. Those testing procedures are to be included with the bid specifications.
- I.C. The following statement is a requirement of the AIR Program for approval of an exhaust gas analyzer and is included to make manufacturers and purchasers of exhaust gas analyzers aware of the warranty requirements of Section 207(b) of the federal Clean Air Act, as amended 1981.

207(b) Warranty Requirements:

Unless an exhaust gas analyzer has been certified by the manufacturer as having met the specifications of 40 CFR Part 85, Subpart W as published in Part IX of the May 22, 1980 Federal Register, an inspection performed using that analyzer may not qualify a 1982 or later model year vehicle for warranty repair coverage according to the provisions of the Emission Control System Performance Warranty (Section 207(b) of the federal Clean Air Act).

II. APPLICATIONS FOR APPROVAL OF COLORADO 94 OR COLORADO BAR 97 TEST ANALYZER SYSTEMS EQUIPMENT MANUFACTURERS

Those manufacturers wishing to participate in the open bid process shall make application with the Air Pollution Control Division, Mobile Sources Section, of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246-1530 on forms provided thereby. All manufacturers making application shall meet the requirements as specified by the Department of Administration and the Procurement Code, Articles 101-112 of Title 24, C.R.S.

A manufacturer requesting the approval of an instrument for the measurement of exhaust gases for use in the AIR Program station shall make application therefore with the Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, CO 80246-1530 on forms provided thereby. All manufacturers making application shall meet the technical specifications and administrative requirements specified by the Air Pollution Control Division.

III. PERFORMANCE AND DESIGN SPECIFICATIONS FOR THE COLORADO 94 AND COLORADO BAR 97 EXHAUST GAS ANALYZERS

Pursuant to Section 42-4-306(3)(a), C.R.S the specifications for the exhaust gas analyzer required for inspections conducted July 1, 1987 and thereafter are attached to this regulation as Appendix A. These specifications include but are not limited to the provisions of California BAR 90, data collection, service/maintenance, requirements for replacement or loan instruments and warranty for the period of the agreement. These specifications are described in a separate document entitled "Colorado Department of

Public Health and Environment Specifications for Colorado 94 Analyzer - Hardware Specifications" March 17, 1994 as adopted by the Commission. This information is available from the Air Pollution Control Division, Mobile Sources Section, 4300 Cherry Creek Drive South, Denver, CO 80246-1530. Those manufacturers making application should refer to Section II of this Part B.

The Division in its discretion may accept substitute specifications for Test Analyzer Systems provisions that such substitute specifications are equivalent to those contained in Appendix A.

IV. SPAN GASES FOR USE WITH COLORADO 94 AND COLORADO BAR 97 TEST ANALYZER SYSTEMS

IV.A. General

The instrument manufacturer and his designated marketing vendors shall, supply span gases approved by the Division to any ultimate purchaser of his unit. The instrument manufacturer shall also provide the analyzer purchaser with a comprehensive, up-to-date list (with addresses and phone numbers) of gas blenders approved by the Division. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall have full span gas containers installed and operational at time of delivery.

IV.B. Span Gas Blends

The span gas concentrations supplied to the AIR Program stations shall conform to the specifications contained in Section VI. of this Part B.

Only gas blends supplied by Division approved blenders selected pursuant to Section 42-4-306(3)(a)(I)(C) shall be offered for sale in Colorado.

Pursuant to Section 42-4-306(3)(a)(I)(C), the Division shall select blenders authorized to provide span gases that comply with the standards and specifications set out in Appendix B. The requirement to use gases procured pursuant to the standards and specification in Appendix B shall not be federally enforceable, and shall not be part of the State Implementation Plan.

IV.C. Optical Correction Factor [also referred to as "C" factor, propane to hexane conversion factor" (P.E.F.)].

Each instrument shall be permanently labeled with its correction factor visible from the outside of its cabinet. The correction factor shall be carried to at least two decimal places e.g., (0.52). Factor confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane on assembly line quality checks. P.E.F. limitations are described in the specifications document attached to this regulation as Appendix A.

IV.D. Running Changes and Equipment Updates

The Commission must approve any changes to design or performance characteristics of component specifications that may affect instrument performance. It will be the instrument manufacturer's responsibility to confirm that such changes have no detrimental effect on analyzer performance. All Colorado 94 exhaust gas analyzers will be updated as needed and as specified in the specifications document.

V. DOCUMENTATION, LOGISTICS, AND WARRANTY REQUIREMENTS

V.A. Instruction Manual

The instruction manual accompanying each analyzer shall contain at least the following:

- V.A. 1. Complete technical description.
- V.A.2. If available, functional schematics (mechanical and electrical).
- V.A.3. Accessories and options (included and/or available).
- V.A.4. Model number, identification markings and location.
- V.A.5. Operating maintenance to include periodic recommendations, i.e., daily, weekly, monthly, and procedure for maintaining sample system integrity (leaks, hang-up, calibration, filters, etc.).
- V.A.6. Required service schedule identifying the items needing maintenance and the procedures to be followed by the purchaser. The services to be performed only by the manufacturer shall be clearly identified.
- V.A.7. Warranty provisions to include listing of warranty repair stations by name, address, and phone number.
- V.A.8. The name, address, and phone number of the permanent Colorado representative offering training, service, warranties, etc.
- V.A.9. Information and terms of manufacturers service contract clearly stating the coverage including but not limited to each party's obligation, period of coverage, cost, service response times, availability of loaner units. Manufacturer or designee performed service/maintenance provisions and costs shall be so stated for the duration of the program and annually up-dateable costs.

VI. CALIBRATION OF COLORADO 94 AND COLORADO BAR 97 TEST ANALYZER SYSTEMS

The Division shall use and require for use in the calibration and spanning of exhaust gas analyzers span gases and containers supplied by authorized blenders meeting the following parameters, blends, and specifications:

VI.A. Standardizing Instruments

The calibration gases for standardizing instruments shall conform to the provisions outlined in 40 CFR, Section 86.114 (July 1, 1992) (EPA) for automotive exhaust emissions testing. Those gases shall be of "precision" quality, certified to be within $\pm 1\%$ of the labeled concentration, and traceable to the National Institute for Standards and Technology (NIST).

VI.B. AIR Program Station Instruments

The span gases supplied to AIR Program stations shall conform to the following:

- VI.B.1. Tri-blends of HC, CO, CO₂ in a carrier gas of nitrogen (N₂). The hydrocarbon (HC) gas will be propane.
- VI.B.2. The concentrations) of the span gas blends (two) shall be within limits established by the Division to provide for uniform exhaust gas analyzer spanning. The Division may establish such limits to ensure gasses are measurable based upon the ranges or scales of the equipment.

VI.B.3. The accuracy of the AIR Program station span gas blend shall be certified by the blender to be $\pm 2\%$ of labeled concentration and traceable to the NIST.

VI.C. AIR Program stations will calibrate the exhaust gas instrument once every 72 hours as determined by the instrument or as needed in order to maintain accuracy.

VI.D. All AIR Program exhaust gas analyzers will be calibrated only with span gases bearing a Colorado approval label.

VI.E. Additional specifications related to calibration requirements are described in the specifications document attached to this document as Appendix A.

VII. APPROVAL OF THE COLORADO AUTOMOBILE DEALERS TRANSIENT MODE TEST ANALYZER SYSTEM

Any applicable emissions inspection required by the AIR Program performed by a licensed Motor Vehicle Dealers Test Facility pursuant to Section 42-4-304 (19), C.R.S., in the enhanced program area, shall be performed utilizing a Colorado Automobile Dealer Transient Mode (IG 240) test analyzer system approved by the state open bid process. Sources of vendors for the approved test system may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver Colorado 80246-1530.

This Section VII, and the associated design and performance specifications set out in Appendix A, Attachment III, shall not be federally enforceable and shall not be part of the State Implementation Plan.

VIII. APPLICATIONS FOR APPROVAL OF THE COLORADO AUTOMOBILE DEALERS TRANSIENT MODE TEST ANALYZER SYSTEM

Those manufacturers wishing to participate in the open bid process shall make application with the Air Pollution Control Division, Mobile Sources Section, of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver Colorado 80246-1530 on forms provided thereby. All manufactures making application shall meet the requirements as specified by the Department of Administration and Procurement Code, Articles 101-112 of Title 24, C.R.S.

The design and performance specifications for the Colorado Automobile Dealers Transient Mode Test Analyzer System Technical and Hardware Specification Document of January 27, 1997 attached as Appendix A, Attachment III. Pursuant to 42-4-306(3)(a)(I)(C), the Division shall let bids for the procurement of instruments that comply with such specifications. In addition to the specifications set out in Appendix A, attachment III, qualifying bids shall:

Include a bid for the procurement of any working/support and span gases necessary for the operation of such Colorado Automobile Dealers Transient Mode Test Analyzer System, unless all such gases are already subject to a contract issued pursuant to 42-4-306(3)(a)(I)(C). Any bid for the procurement of such gases shall comply with the relevant requirements of Part B, IV of the Regulation Number 11 and relevant requirements of Standards and Specifications for Calibration and Span Gas Suppliers, attached as Appendix B, including the "Gas Requirements for the Basic and Enhanced Inspection Test Programs, 1997" as set out in Section 5 of Appendix B.

Include a comprehensive and up-to-date list of working/support and span gas suppliers subject to a contract issued pursuant to 42-4-306(3)(a)(I)(C). A copy of such list shall be provided to each purchaser.

Provide for the Division-approved calibration gases for calibration of the Colorado Automobile Dealers Transient Mode Test Analyzer System.

A service and maintenance plan, including a description of services, service response times, periodic maintenance schedules and annual service agreement costs inclusive of all services necessary to comply with the Colorado Automobile Dealers Transient Mode Test Analyzer System Technical and Hardware Specification Document of January 27, 1997. Service agreement costs are to be listed annually and shall be for the remaining period of the AIR Program.

IX. APPROVAL OF THE COLORADO ON-BOARD DIAGNOSTIC (OBD) TEST ANALYZER SYSTEM

Any applicable on-board diagnostic emissions inspection required by the Air Program performed shall be performed utilizing an on-board diagnostic (OBD) test analyzer system approved by the state. Sources of vendors for the approved Colorado On-Board Diagnostic Test Analyzer System may be obtained from the Program Administrator, Mobile Sources Section, Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

X. THE COLORADO ON-BOARD DIAGNOSTIC (OBD) TEST ANALYZER SYSTEM

The design and performance specifications for the Colorado On-Board Diagnostic Test Analyzer System are outlined in the Society of Automotive Engineers J1979 Standard.

In addition to the specifications set out in J1979 Standard, additions and/or modifications to the operational, data collection, data recording and quality assurance auditing functions shall be outlined in a Colorado On-Board Diagnostic (OBD) Test Analyzer System Requirements Specification, to be submitted by the Division for Air Quality Control Commission approval no later than December 31, 2013.

~~IXI.~~ REQUESTS FOR APPROVAL OF CLEAN SCREEN TEST ANALYZER SYSTEMS

~~IXI.A.~~ REPEALED

~~IXI.B.~~ Calibration gas blends intended for Clean Screen Test Analyzer Systems shall be verified and approved subject to the requirements of Standards and Specifications for Calibration and Span Gas Suppliers including Gas Requirements for the Basic and Enhanced Inspection Test Programs. 1997, (Appendix B).

Concentrations of calibration gases noted above are to be determined pending system configuration, operating ranges and expected emissions readings.

State audit blends for Clean Screen Test Analyzer Systems shall be of varying concentrations of and shall conform to the above gas blending standards.

PART C Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices to Ensure Proper Emissions Related Adjustments and Repairs

I. PRE-INSPECTION REQUIREMENTS

I.A. A licensed emissions mechanic, licensed emissions inspector or authorized emissions inspector must perform all aspects of the inspection. It is the responsibility of emissions mechanics and emissions inspectors to notify the Department of Revenue of their current place of employment and any subsequent transfer, and place of residence. The Contractor shall be responsible for its personnel and notifying the Department of all personnel assignments and adjustments in those assignments.

The emissions mechanic not employed by an "Inspection-Only Station" shall notify the customer prior to initiating an emissions inspection if he/she is unable to perform the required adjustments and/or repairs for that particular vehicle should that vehicle fail the inspection. Otherwise the emissions mechanic shall not conduct an inspection on a motor vehicle unless that emissions mechanic so notifies the customer or is able to perform the adjustment and/or repair procedures for that particular vehicle as prescribed by the manufacturer and specified by [Subpart Section IV](#) of this [partPart C](#).

- I.B. Inspections may only be performed on the premises of the licensed address as prescribed in Part D Section ~~(1.)~~ ~~(A.)~~ ~~(2)~~. The entire inspection shall take place within the reach of the analyzer hose.
- I.C. In consideration of maintaining inspection integrity:
 - I.C.1. The temperature of the inspection area when utilizing one or more test analyzer systems as specified in Part B of this regulation shall be between 41°F and 110°F (5°C and 43°C) during the inspection. Inspection area temperatures must be accurately recorded, and monitored in a well-ventilated location away from vehicle engine and exhaust heat sources and out of direct sunlight. The inspection area includes the vehicle being inspected.
 - I.C.2. The test analyzer system and other inspection equipment shall be kept in an area within the facility that affords adequate protection from the weather.
 - I.C.3. A permanent location that meets all applicable requirements of this rule to provide for the inspection of vehicles is required. Electrical supply must be public utility designated for that area and meeting the analyzer manufacturer's requirements for to the test analyzer system is to be dedicated to this purpose. ~~A dedicated phone service with dial-up back-up is required to facilitate operation of the data-communications system.~~ [Full-time connectivity to a dedicated data transmission media meeting the analyzer manufacturer's requirements for the test analyzer system.](#)
- I.D. Upon a physical verification of the vehicle identification number (VIN) and license plate number, the emissions mechanic or emissions inspector will enter this information into the program database in order to match this information with the state registration record. In the case of a match, the emissions mechanic or emissions inspector shall proceed. If no match is found, a new inspection record will be created. All non-Colorado registered vehicles and first time registrations with the State of Colorado will require the creation of a new inspection record by the emissions mechanic or emissions inspector.
- I.E. The emissions mechanic or emissions inspector shall ascertain from the inspection record data base if an initial inspection or an after-repairs inspection is to be conducted. If an after-repairs inspection is to be conducted, previous inspection data is required for comparison. Specific emissions related repair information as specified in Section VII (B) of this Part C shall be entered to the database. Inspections conducted within 60 days of the initial inspection date are to be considered an after-repairs inspection. Inspections conducted greater than 60 days from the initial inspection date are to be considered initial inspections. The emissions mechanic or emissions inspector shall accurately enter vehicle, and last inspection information as required for vehicle emissions inspection records.
- I.F. The emissions mechanic or emissions inspector shall perform a cursory safety assessment of the motor vehicle prior to inspection. If in the opinion of the emissions

mechanic or emissions inspector the vehicle is unsafe to inspect due to engine/drive-line metallic noises, or leaking fluids, the request for inspection may be refused.

II. EXHAUST EMISSIONS INSPECTION PROCEDURES

II.A. All heavy-duty vehicles and all 1981 and older model year vehicles to be inspected at licensed inspection-only facilities or licensed enhanced inspection centers in the enhanced program area shall be administered an EPA approved idle short test as specified in 40 CFR, Part 51, Subpart S, Appendix B.

II.A.1. The emissions mechanic or emissions inspector will use a certified TAS to select the appropriate idle short test cycle based upon the make, model year engine family and vehicle classification. These idle short tests include, but may not be limited to, a standard single speed idle test; the pre-idle 30-second pre-conditioning idle test with the high speed (2500 ± 300 RPM) pre-conditioning cycle before the idle mode; a standard two speed (3 - mode) idle test with the raised idle segment at 2500 ± 300 RPM; second chance raised idle pre-conditioning for 30 seconds just prior to the idle mode after an initial failure, and second chance restart in which the ignition is turned off for ten (10) seconds and then restarted to complete the emissions inspection procedure. All sampling modes shall (each) be thirty seconds in duration and raised engine speed modes be it for pre-conditioning or sampling, shall be 2500 RPM ± 300 RPM. As a pass/fail determination, the vehicle's emissions levels must be the same as or less than applicable limits at the designated engine speed(s) in order to pass.

II.B.A.2. The entire vehicle shall be in normal operating condition and at normal operating temperature, which shall be determined by carefully feeling the top radiator hose while the engine is not operating, by checking the temperature gauge, and/or operating the vehicle prior to performing the idle emissions inspection. Vehicles are not to be idled for extended periods of time but rather inspected in an expeditious manner as soon as normal operating temperature is achieved. The vehicle shall be inspected in an as-received condition.

II.A.3. The inspection shall be performed with the transmission in park or neutral and with all accessories off.

II.B.1A.4. The analyzer probe shall be inserted at least twelve (12) inches or as recommended by the analyzer manufacturer for a quality sample whichever is greater.

II.B.2A.5. For all vehicles equipped with a multiple exhaust system, the analyzer's dual exhaust procedure must be used.

II.B.3A.6. If a baffle or screen prevents probe insertion to an adequate depth, a suitable probe adapter or snug fitting hose that effectively lengthens the exhaust pipe may be used.

II.B.4A.7. The appropriate emissions limits specified in Part F of this regulation would be utilized by the certified test analyzer system. In selecting appropriate emissions limits, for motor vehicles of model years 1978 and earlier having a gross vehicle weight (GVW) rating of greater than 6000 lbs., or of model years 1979 and newer having a gross vehicle weight rating of greater than 8500 lbs., the emissions mechanic or emissions inspector shall identify that particular vehicle's GVW rating by examining the vehicle information (metal) plate or

sticker. These motor vehicles will be subject to the applicable emissions limits as listed in Part F of this regulation. If the vehicle information plate or sticker is missing, illegible or the GVW rating information is not otherwise available, the emissions mechanic or emissions inspector shall examine the engine exhaust emissions control information label which is permanently affixed to the engine and determine heavy-duty engine/vehicle federal certification status. Vehicle engines not labeled as having complied with applicable U.S. EPA heavy-duty regulations by the manufacturer are assumed to be light-duty vehicles and subject to the emissions limits listed in Part F of this regulation. Emissions limits for vehicles in which the engine has been changed shall be based upon whichever is newest, the vehicle or the replacement engine, as specified on a vehicle evaluation form (DR2365) or bar coded label generated by emissions technical center staff or designee.

II.[CA.8](#). In the event the tachometer over-ride mode must be utilized to inspect a vehicle, an accurate auxiliary tachometer must be used to verify engine speeds mandated in [Subpart A of this section](#)[Part C, Section II.A.1](#).

II.[DA.9](#). The vehicle will be evaluated for the presence of visible smoke emissions. The evaluation is to be performed during all (engine) operating conditions of the inspection procedures prescribed in [Subparts A through G of this Section II](#)[Part C, Sections II.A.1 through II.A.11](#).

II.[EA.10](#). A Certification of Emissions Compliance shall be issued if the vehicle passes the emissions control systems inspection (for 1975 and newer model year vehicles only), the exhaust and evaporative emissions inspection, and there is no evidence of visible smoke emissions.

II.[FA.11](#). If the vehicle fails the initial emissions inspection the owner is to have appropriate emissions related repairs or adjustments made and may return the vehicle to an AIR Program station, facility or center, as appropriate, for reinspection. Within ten (10) calendar days of the initial test, one free reinspection shall be provided to the motorist if the vehicle is returned to the same station or facility at which the initial test was performed. A motorist shall be entitled to one free after-repairs test at any contractor operated center within ten (10) calendar days of the initial test performed at a contractor operated center. If during repairs, it is determined the necessary parts are not available, the motorist may be issued a temporary Certificate of Emissions Control by Department of Revenue personnel. Proof of part(s) non-availability as described in [Subpart III.E](#)[Part C, Section III.D](#) of this part is required. Motorists pursuing a temporary Certificate of Emissions Control must facilitate final vehicle inspection and compliance with adopted regulation.

II.[GB](#). [All Model](#)~~model~~ year 1982 and newer light-duty vehicles, [except vehicles required to be OBD tested pursuant to Part C, Section II.C](#), to be inspected at licensed enhanced inspection centers within the enhanced program area shall be administered an EPA approved transient loaded mode inspection procedure as specified in 40 CFR, Part 51 Subpart S Federal Register [Volume 57, Number 215, November 5, 1992](#) [as amended to incorporated OBD testing August 6, 1996](#).

II.[GB](#).1. Vehicles shall be inspected in an as-received condition.

II.[GB](#).2. The inspection shall be performed with all accessories off.

II.GB.3. The appropriate emissions limits as specified in Part F of this regulation shall be selected by the TAS based upon the model year and vehicle classification.

-II.GB.4. Light-duty vehicles of model year 1995 and older found to be safe but unable to be dynamometer tested shall be administered an idle short test as specified in 40 CFR, Part 51, Subpart S, Appendix B. OBD equipped light-duty vehicles that are unable to be tested on the dynamometer shall be tested using the OBD test procedures in Part C, Section II.C. to include meeting passing criteria in Part F, Section VII. Eligibility for an alternative test procedure shall be determined by the Division based upon:

II.GB.4.a. The vehicle wheelbase greater than 125 inches

II.GB.4.b. The vehicle wheelbase less than 92 inches

II.GB.4.c. The vehicle driveline, traction control system, and/or brake system, which have not been modified from the original configuration, cannot be accommodated on the dynamometer.

II.GB.4.d. The vehicle is "Handicapped" plated and fitted with hand controls or similar apparatus to facilitate operation of the vehicle.

II.GB.5. Heavy-duty vehicles to be inspected at licensed enhanced inspection centers within the enhanced program area shall be administered an appropriate EPA approved idle short test as specified in Section II (A) of this Part C.

II.GB.6. The inspector may refuse to conduct the transient driving cycle dynamometer inspection procedure if the tires on the drive wheels are worn such that the cords are visible or sidewalls are peeling or blistered.

II.C. Effective January 1, 2015, light-duty vehicles, to include light-duty trucks in their eighth through eleventh model year, and all light-duty vehicles, to include light-duty trucks of model year 1996 and newer that are unable to be tested on an IM 240 test, are to be inspected at licensed enhanced inspection centers and shall be administered an EPA approved on-board diagnostic test as specified in 40 CFR, 85.2222.

II.C.1. Vehicles shall be inspected in an as-received condition.

II.C.2. The on-board diagnostic inspection shall be conducted with the key-on/engine running.

II.C.3. The on-board diagnostic test analyzer system shall determine what monitors are supported by the diagnostic system and the readiness status for applicable monitors.

II.C.3.a. If the readiness evaluation indicates that a vehicle has more than one unset (not ready) readiness monitor, and the malfunction indicator light (MIL) is commanded off, the vehicle shall be subjected to an IM 240 emissions inspection immediately.

II.C.3.b. If the vehicle's on-board diagnostics are unable to communicate electronically with the Colorado OBD Test Analyzer System, the vehicle will be subjected to an IM 240 emissions inspection immediately.

II.C.3.c. The readiness requirement, outlined in this Part C, Section II.C.3.a. may be waived to accommodate for specific vehicles with known readiness design problems, in accordance with applicable technical service bulletins, EPA guidance, or division technical findings, as approved by the Division.

II.C.4. The OBD test analyzer system shall evaluate the malfunction indicator light status and record status information in the vehicle test record.

II.C.5. All diagnostic trouble codes resulting in malfunction indicator light commanded-on status shall be recorded in the vehicle test record.

II.C.6. If the vehicle meets the passing criteria for the OBD inspection as listed in Part F, Section VII. Of this regulation, the vehicle passes the on-board diagnostic inspection.

II.C.7. Vehicles in an OBD "not ready" status, or vehicles unable to communicate with the OBD Test Analyzer System that default to an IM 240 test as described in Part C, Section II.B. shall be subject to pass/fail for the applicable IM 240 pass/fail standards in Part F, Section III. of this regulation.

II.C.8. If the malfunction indicator light is not commanded on and the vehicle passed the mil visual inspection, as outlined in this Part C, Section III.C., the vehicle shall pass the on-board diagnostic portion of the emissions inspection even if diagnostic trouble codes are present.

II.C.9. The division may require no more than five percent, at random, of all OBD tested vehicles to undergo an IM 240 test at the time of the OBD testing. The failure of the vehicle to pass IM 240 shall be reported to the motorist, but shall not be used to fail the vehicle.

III. EMISSIONS CONTROL SYSTEMS INSPECTION PROCEDURES

Motor vehicles shall be configured as required for sale or use within the United States pursuant to 40 CFR, Part 86, Subpart A; unless specific documentation in the form of a state issued vehicle evaluation form (DR2365) or an EPA (EPA form 3520) or DOT exemption is submitted. To ensure compliance with this requirement, the emissions mechanic or emissions inspector shall inspect all model year 1975 ~~and newer~~ through 1995 model year vehicles and assess the integrity of the emissions control system in accordance with the procedures set forth in this Section III.

- III.A. ~~Except as provided in Subsection III.B. below, a~~ All model year 1975 ~~and newer~~ through 1995 model year vehicles shall be visually inspected for the presence and operability of the air system, catalytic converter system(s) and oxygen (O₂) systems. If these parts or systems are not operating as designed, inoperable or ~~has~~ have been removed or otherwise tampered with, the vehicle will not qualify for a Certification of Emissions Control. In assessing whether the proper emissions control systems are present, the emissions mechanic or emissions inspector shall examine the emissions control information decal within the engine compartment to determine the appropriate emissions control systems for that particular vehicle. If an emissions control information decal is missing, incomplete, illegible or is not appropriate for the specific vehicle, the emissions mechanic or inspector may contact a state emissions technical center for guidance, use other reference materials or refer the vehicle to a state emissions technical center for further evaluation.

~~III.B. In place of the visual inspection, the emissions control systems for model year 1996 and newer vehicles may be inspected using the vehicles' on-board diagnostic (OBD) systems. To utilize this alternative inspection procedure, the emissions inspector must interrogate the vehicle's OBD system using Division approved procedures and equipment. If the emissions inspector is unable to interrogate the OBD system, or if the interrogation reveals either that the malfunction indicator light (MIL) is commanded on or that any OBD monitors are not set, the vehicle shall be visually inspected in accordance with the procedures set forth in Subsection III.A. above.~~

~~III.C. Assessment of System Malfunction/Service Indicators~~

III.B. An assessment of the emissions control system malfunction/service-maintenance indicator(s) performance shall be conducted by the emissions mechanic or emissions inspector on those vehicles so equipped.

For those vehicles equipped with "check engine" dash indicator lights or similar emissions control systems malfunction or service-maintenance indicator(s), the following procedure if applicable will be performed to assess the integrity of the system:

- Ignition Off, Engine Off = indicator(s) off
- Ignition On, Engine Off = indicator(s) on or displayed
- Ignition On, Engine Running = indicator(s) off

~~The revisions to the malfunction indicator light emissions test criteria contained in Section III.C. and adopted by the Commission on October 17, 2002 shall take effect on April 1, 2003.~~

~~Thereafter, t~~The failure of the system to respond as described above shall be reported to the motorist, but shall not be used to fail the vehicle.

~~Light-duty vehicles to include light-duty trucks of model year 1996 and newer equipped with California on-board diagnostic (OBDII) or EPA on-board diagnostic systems (EPA, OBD) shall be evaluated to determine operability and integrity of the applicable system(s). The OBD system will be connected to the TAS and interrogated. Fault codes and diagnostics shall be reported to the motorist with other emissions inspection information but shall not be used to fail the vehicle.~~

III.DC. The repair/replacement of catalytic converters must incorporate the same type, style and location on the exhaust system relative to engine as originally designed by the vehicle manufacturer. If a new original equipment manufacturer (OEM) part is not used, only an EPA "accepted" after-market component appropriate to that application may be used. Verification of the correct application and certification status must be performed at the time of reinspection. The submittal and review of repair receipts as specified in Subsection VII.B of this section is required in order to substantiate proper repairs of applicable emissions control system.

III.ED. If the necessary part(s) will not be available prior to the month of expiration of the present vehicle registration, and the owner obtains a signed form or statement to that effect from a manufacturer's dealer for that make vehicle, or from an automotive parts supplier which in the normal course of business supplies part(s) for that vehicle, Department of Revenue personnel after verification may issue a temporary Certification of Emissions Control. The form or statement provided must specifically identify by part numbers and description, the necessary part(s). The owner then has until the expiration of the temporary certification to complete the necessary repairs or replacement.

IV. Light-duty vehicles to include light-duty trucks of model year 1996 through those vehicles that have reached their eleventh model year old equipped with California on-board diagnostic (OBDII) or EPA on-board diagnostic systems (EPA, OBD) shall be evaluated to determine operability and integrity of the applicable system(s). The OBD system will be connected to the TAS and interrogated. Fault codes and diagnostics shall be reported to the motorist with other emissions inspection information but with the exception of dynamometer incompatible vehicles as noted in Part C, Section II.B.4. shall not be used to fail the vehicle.

IV. EVAPORATIVE FUEL CONTROL INSPECTION PROCEDURES

Model year 1975 and newer vehicles shall be inspected for the presence and integrity of the gasoline cap(s). The gasoline cap(s) of such vehicles inspected in the ~~six-nine~~ county ~~metro-Denver~~ Front Range enhanced program area as defined in Section 42-4-304(9)(a)., shall also be inspected for sealing integrity as specified in Part F, Section (IV) of this regulation.

Vehicles with a missing gasoline cap(s) shall not qualify for issuance of a Certificate of Emissions Control. Motorists whose vehicles have gasoline cap(s) demonstrating excessive leakage shall be notified of the deficiency, repair/replacement and a full retest shall be ~~voluntary. Repair/replacement of defective cap(s) shall be required on and after January 1, 1999. The gas cap sealing integrity procedure shall be effective January 1, 1998~~ mandatory.

~~V. (Reserved)~~

VI. FREE REINSPECTION

Vehicles which fail any or all elements of an emissions inspection are eligible for one free reinspection within ten (10) calendar days if presented to the same station or facility as initially inspected and failed. In the case of the contractor operated enhanced inspection center network, the ten (10) day free reinspection shall be honored at any enhanced inspection center.

VII. REPAIR INFORMATION

Any after-repairs reinspection of a vehicle initially failed calls for the submittal of a completed official AIR Program emissions repair form.

VIII. CERTIFICATION OF EMISSIONS CONTROL

In order to obtain a Certificate of Emissions Control, the vehicle must meet the following conditions:

VIII.A. Certification of Emissions Compliance may be issued if:

VIII.A.1. The vehicle emissions levels are the same as or less than the applicable emissions limits; ~~and~~ or

VIII.A.2. For vehicles in model years seven through ten subject to an on-board diagnostic inspection, the OBD system meets the passing criteria established in Part F, Section VII. of this regulation, and

VIII.A. ~~23.~~ There are no smoke emissions visible from the vehicle engine crankcase and/or tailpipe, and

VIII.A. ~~34.~~ For 1975 ~~through 1995 model years~~ and newer model year vehicles, the vehicle passes the emissions control systems inspection, and

VIII.A.4~~5~~. Under enhanced inspection requirements, the vehicle owner/operator of a 1995 or newer model year vehicle shall demonstrate compliance with any federal emissions recall-pursuant to 40 CFR Part 85.1902 (d) or remedial repair plan pursuant to Section 207 (C) of the federal Clean Air Act for which owner notification occurs after 01 January 1995.

VIII.B. A Certification of Emissions Waiver may be issued if:

VIII.B.1. The vehicle passes the emissions control systems inspection (1975 and newer model year vehicles only) required by ~~Subpart~~ Part C, Section III. A, B and C.; and

VIII.B.2. Basic Program: ~~Effective January 1, 1995~~

For model year 1981 and earlier at least seventy-five dollars (\$75) has been spent on emissions related adjustments and repairs as specified in ~~Subpart~~ Part C, Sections IX and X provided that proof of repair costs for that specific vehicle has been provided to Department of Revenue personnel or designee in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts and/or repairs, are specifically identified.

For model years 1982 and newer, at least two hundred dollars (\$200) has been spent on emissions related adjustments and repairs as specified in Part C, Subpart Sections IX and X, provided that proof of repair costs for that specific vehicle has been provided to Department of Revenue personnel or their designee in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts and/or repairs, are specifically identified.

VIII.B.3. Enhanced Program: ~~Effective January 1, 1995~~

For model year 1968 and newer, at least four hundred and fifty dollars (\$450) or as adjusted annually by the Consumers Price Index for Urban Consumers (CPIU) of the previous year as compared to 1989 has been spent on emissions related adjustments and repairs as specified in Part C, Subpart Sections IX and X, provided that proof of repair costs for that specific vehicle has been provided to Department of Revenue personnel or their designee in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts and/or repairs, are specifically identified. The Division shall adjust the amount that must be expended by the motorist in order to qualify for a Certificate of Emissions Waiver, which amount shall be established for each calendar year through 2004 by the Division pursuant to the criteria specified in Section 42-4-310(1)(d)(VI), C.R.S.

For model year 1967 and earlier at least seventy-five dollars (\$75) has been spent on emissions related adjustments and repairs as specified in Part C, Subpart Sections IX and X provided that proof of repair costs for that specific vehicle has been provided to and verified by the emissions inspector in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts and/or repairs, are specifically identified.

If no emissions reduction is achieved, the motorist is to be referred to the Department of Revenue or its designee pursuant to Sections IX. G. and X. of this Part C.

VIII.B.4. An emissions reduction as determined either by the Division-approved Colorado 94 of Colorado BAR 97 Test Analyzer System has resulted due to emissions

related repairs and the applicable cost limit has been met. Proof of these emissions related repairs are required and to be retained by the AIR Program station, facility or center until purged by state program personnel. The vehicle must have passed the emissions control systems inspection and there were no smoke emissions visible from the vehicle engine crankcase or exhaust system.

VIII.B.5.Engine operational parameter verification.

VIII.B.5.a. All engine parameter adjustments for idle speed, proper air/fuel ratio and cold enrichment, as well as proper ignition dwell and timing (if applicable), have been set to or verified as being set to manufacturers specification by a licensed mechanic or registered repair facility/technician.

VIII.B.5.b. For those 1981 and newer vehicles equipped with computer based, engine management systems, also known as closed loop, feedback controls shall have the following additional sensors/systems verified to be operating within vehicle manufacturer specifications.

VIII.B.5.b.(1) As applicable to the vehicle being inspected, the oxygen sensor, throttle position sensor, coolant temperature sensor, manifold absolute pressure sensor.

VIII.B.5.b.(2) The engine management control system will be scanned for default/malfunction codes with those systems or components identified corrected.

VIII.B.5.b.(3) Primary and secondary ignition system integrity shall be verified for correct operation.

VIII.B.5.b.(4) A fuel delivery system utilizing a carburetor will be inspected for leaks, idle speed control adjustments, float operation and cold enrichment. A fuel delivery system utilizing fuel injection, be it throttle body or multiport configuration, shall be checked for injector function, cold enrichment and injector spray patterns. Fuel injectors shall also be evaluated for proper volume and injection pulse width. Fuel system pressure shall be checked for residual and running pressure.

VIII.B.5.b.(5) A cylinder leak down procedure shall be performed on all cylinders of the engine with the results reported to the motorist.

VIII.B.5.b.(6) With the exception of item (5) above, component/system deficiencies found to be out of manufacturer's operational specification(s) will be corrected. The cost of such repairs shall be creditable towards issuance of a waiver.

VIII.C. If in the opinion of a registered emissions repair facility/technician, a vehicle which is properly adjusted to all manufacturers emissions related specifications and all emissions control systems appear to be operating as required, yet the vehicle continues to exceed one or more emissions limits and the repair expenditure limits have not been met, a waiver shall be issued upon physical verification of systems operation and vehicle performance by emissions technical center personnel.

VIII.D. For vehicles registered and operated in the enhanced area, upon verification by a Department of Revenue Motor Vehicle Emissions Compliance Inspector, a waiver not to exceed one inspection cycle may be granted to obtain necessary emissions related repairs on a vehicle in the case of economic hardship when the Certificate of Emissions Waiver requirements of this section have not been met. It must be verified that the vehicle owner in question is participating in an established and recognized public assistance program. The provisions of this Paragraph D shall only apply to a vehicle once. To obtain a hardship waiver, the registered owner of the vehicle in question shall satisfy the following requirements:

VIII.D. A1. The vehicle must fail for carbon monoxide, hydrocarbons, and/or oxides of nitrogen failures.

VIII.D. B2. The hardship waiver will not be approved for vehicles that are tampered, missing equipment, fail the evaporative inspection, or fail for visible smoke.

VIII.D. C3. The vehicle owner must be participating in an established and recognized public assistance program.

VIII.D. D4. The vehicle must be the sole means of transportation for the vehicle owner, and the only vehicle registered in the owner's name.

VIII.D. E5. Such extension may be granted only once per vehicle.

VIII.E. A Certificate of Emissions Waiver will not be issued to a vehicle that is eligible for the Emissions Control Systems Performance Warranty, 207(b) of the federal Clean Air Act. Per the provisions of the 207(b) Performance Warranty, the repair costs necessary for compliance with AIR Program emissions limits specified in Part F of this regulation will be borne by the vehicle manufacturer or his authorized dealer representative.

VIII.F. The emissions mechanic or emissions inspector shall generate the appropriate vehicle inspection report forms, electronic records, Certificate of Emissions Control, as required by the Department of Revenue or the Division and distribute to the motorist and the Departments of Health and Revenue. The emissions mechanic or emissions inspector will remove all expired Verification of Emissions Test windshield stickers. The vehicle inspection report is to be electronically identified by the issuing emissions mechanic or emissions inspector.

IX. ADJUSTMENT PROCEDURES

The emissions mechanic is to secure high altitude specifications for idle speed, idle mixture, ignition timing, dwell, and fast idle speed for the purpose of adjustment. If no high altitude specifications are available through the Department of Health or other reference sources refer to the emissions decal, other applicable specifications guide, or sea level specifications for proper specifications.

IX.A. With a dwell meter, check to determine if the ignition dwell is within the recommended tolerance of $\pm 2^\circ$ of specifications. Reset if the ignition dwell is not within tolerance.

IX.B. Connect tachometer to determine if idle speed is correct. If not, set to manufacturer's specifications with a tolerance of ± 50 rpm.

IX.C. With the engine idling at the correct speed, check ignition timing to determine if it is within $+4^\circ$ to -2° of the recommended setting, if no high altitude specifications are available.

- IX.D. Using an infrared analyzer, propane enrichment kit, and/or tachometer, adjusts the idle air/fuel ratio using manufacturer's suggested procedures and specifications, if applicable.
- IX.E. After completing the preceding steps, readjust idle speed to manufacturer's specifications, if not within tolerance.
- IX.F. Using the manufacturer's suggested procedure, check the fast idle speed and adjust to manufacturer's specifications.
- IX.G. If the vehicle continues to exceed applicable emissions limits, or continues to fail OBD, the vehicle must undergo specific emissions related adjustments and repairs. Adjustments and repairs must be accomplished to the point of compliance, or the applicable cost ceiling must have been met. If the applicable emissions related adjustment and repair requirements have been met but an emissions reduction has not resulted, the vehicle owner may be referred to a Department of Revenue Motor Vehicle Emissions Compliance Inspector to get a waiver. Repairs must have been reasonably calculated to achieve a reduction in emissions of those components of the inspection the vehicle failed, pursuant to manufacturer's specifications as required by Sections 42-4-306(7)(a)(II)(A) and 42-9-111, C.R.S.

X. EMISSIONS RELATED REPAIRS

- X.A. Emissions related repairs generally include only those adjustments to and maintenance and repair of the motor vehicle that are directly related to the reduction of exhaust emissions necessary to comply with the applicable emissions limits and procedures. The expenditure for emissions related repairs does not include the inspection fee as specified in Section 42-4-311, C.R.S. or expenses associated with the adjustments to and maintenance, replacement, and repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, or repair pursuant to Part C, Subpart Section III is due to disconnection of, tampering with, or abuse to such air pollution control equipment. Air pollution control equipment is any part, assembly or system originally installed by the manufacturer for the sole or primary purpose of reducing emissions.
- X.B. Repairs and maintenance to the following systems shall qualify as emissions related repairs insofar as the purpose is to reduce exhaust emissions:
- Air Intake Systems
 - Ignition Systems
 - Fuel Control Systems
 - Emissions Control Systems
 - Basic Engine Systems
 - For microprocessor (O₂) based air/fuel control systems, cooling systems.
- X.C. Within the basic program, emissions related adjustments and repairs must have been performed by a licensed emissions mechanic or repair facility/technician registered with the Division pursuant to Part D of this regulation in order to be creditable to the repair cost waiver limits.

In order to be creditable to the enhanced repair cost limits, adjustments and repairs must have been performed by a repair facility/technician registered with the Division pursuant to Part D of this regulation.

Only the appropriate emissions failure related parts costs should apply to applicable waiver limits for repairs not performed at a licensed emissions inspection station or registered repair facility/technician.

XI. ENGINE CHANGES

- XI.A. For those vehicles in which the original engine has been replaced, the emissions limits and applicable emissions control equipment for the year and model of the vehicle body/chassis, as per registration/title or replacement engine, whichever is newest, shall apply. For those diesel powered vehicles which have been converted to operate on fuel(s) other than diesel; the emissions limits and applicable emissions control equipment for the year, make and model of the gasoline powered engine equivalent as originally manufactured, for the vehicle body/chassis, per the registration or replacement engine, whichever is newest, shall apply as determined by emissions technical center personnel or designee and specified on an official AIR Program vehicle evaluation form (DR2365).
- XI.B. For 1975 and newer vehicles in which the original engine has been replaced, if either the vehicle body/chassis original engine, as per registration/title or replacement engine as manufactured had a catalytic converter system, air injection reaction system, and/or microprocessor based air/fuel control system, these emission control systems must be present, intact and operational before a Certification of Emissions Control may be issued.
- XI.C. For those vehicles titled/registered as model year 1975 and newer, that were assembled by other than a licensed manufacturer such as kit-cars, registered/titled according to Section(s) 42-6-108 and/or 42-5-205, C.R.S. and assigned a state or manufacturer specific identification number, the applicable emissions control equipment and standards will be based upon a determination by technical center personnel of the vintage of the vehicle engine. The technical center personnel may issue an affidavit and the year of the engine shall be presumed to be that stated by the vehicle owner unless it is determined by state emissions technical center personnel or designee, after physical inspection of the vehicle engine, that the year of the engine is other than stated by the owner.

XII. CLEAN SCREEN INSPECTION PROGRAM PROCEDURES

XII.A. Eligibility to participate

- XII.A.1. Vehicles specified in Part A, Section IV.B., are eligible for participation in the Clean Screen Program.
- XII.A.2. Clean Screen inspections applicable to the program are those performed within twelve months prior to an individual vehicle's registration renewal date.
- XII.A.3. Vehicles are eligible for participation in the Clean Screen Program when the two most recent consecutive emissions readings observed during the 12-months prior to its registration date comply with the standards specified in Part F, [Section \(VI.\)](#) and: the most recent passing emissions reading occurred on a different day or at a different site location from the prior reading. Additionally, vehicles that are identified as low emitters on the low emitting vehicle index are eligible for participation in the clean screen program when the most recent emissions

reading observed during the 12-months prior to their registration date complies with the standard specified in Part F, Section VI.

XII.A.4. The following vehicles are ineligible for participation in the Clean Screen Program:

XII.A.4.a. New Vehicles as specified in Section 42-4-310(b)(II)(A), C.R.S.

XII.A.4.b. Vehicles involved in a change of ownership.

XII.A.4.c. Vehicles owned by the United States government or any agency thereof pursuant to Section 42-4-310(l)(b)(I), C.R.S.

XII.B. All aspects of inspection must be performed by a licensed Clean Screen Inspector.

XII.C. Clean Screen Test Analyzer Systems

XII.C.1. Vehicles participating in the Clean Screen Program shall be tested as specified in this Part C utilizing a Clean Screen Test Analyzer System recognized by the Division as having complied with the performance and design requirements specified in Part B, ~~Section (IX.)~~ of this regulation.

XII.C.2. Clean Screen Test Analyzer Systems will be periodically calibrated and maintained as required in Part B, ~~Section (IX.)~~ of this regulation.

XII.C.3. The inspection data processing system(s) used by the Data Manger and Clean Screen Inspector will be that approved by the Division, and the Department of Revenue.

XII.D. Vehicle owners participating in the Clean Screen Program are not subject to the provisions of Part C, ~~Sections (I)-~~ through ~~(XI)~~.

XII.E. Certification of Emissions Control.

In order to obtain a Certificate of Emissions Control the following conditions must be met:

XII.E.1. The vehicle emissions levels are the same as or less than the limits specified in Part F, ~~Section (VI)~~.

XII.E.2. The most recent two consecutive emissions readings were observed within twelve months of the registration renewal date provided that the most recent passing emissions reading must have occurred on a different day or at a different site location from the prior reading.

XII.E.3. No non-complying emissions readings are observed between or subsequent to the last pair of complying readings.

XII.E.4. For vehicles that are identified as low emitters on the low emitting index the most recent emission reading was observed within 12-months of the registration renewal date. For these vehicles, identification as a low emitter on the low emitting vehicle index shall take the place of the second remote sensing reading otherwise required under Section XII.E.2., above.

PART D Qualification and Licensing of Emissions Mechanics, Emissions Inspectors, and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities, Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians

I. LICENSING OF EMISSIONS INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY STATIONS, INSPECTION-ONLY FACILITIES, ENHANCED INSPECTION CENTERS, FLEET INSPECTION STATIONS AND MOTOR VEHICLE DEALER TEST FACILITIES

I.A. Emissions Site Requirements for the Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities:

I.A.1. Applicability

All emissions inspection and readjustment stations, inspection-only stations, inspection-only facilities, fleet inspection stations, and motor vehicle dealer test facilities are required to meet all applicable standards pursuant to this Part D and the Department of Revenue's adopted regulations in order to qualify for licensing for operation in Colorado's AIR Program.

To achieve the uniformity and security needed in test site locations; in order to meet federal EPA regulations contained in Federal Register vol. 57, Number 215, of the Federal Register and meet the statutory requirements contained in Sections 42-4-301 through 42-4-316, C.R.S.; the Air Quality Control Commission adopts this standard for emissions site requirements.

I.A.2. Standards for emissions inspection sites:

I.A.2.a. All facilities shall be a permanent type of structure.

I.A.2.b. All sites must be capable of receiving mail.

I.A.2.c. All test facilities shall have a minimum of two off-street parking spaces for staging to accommodate additional vehicles.

I.A.2.d. All test site facilities shall have a customer waiting area that provides for observation of the entire emissions inspection process. Observation can be, direct observation, observation by electronic equipment, or other methods that prove to be as effective with prior approval of the Department of Revenue.

I.A.2.e. All test sites shall be capable of conducting all aspects of the inspection process within the confines of a building or structure, and maintaining ambient air temperatures between 41 degrees and 110 degrees Fahrenheit in the inspection area as defined in [Subpart Section I. \(C.\) \(1.\)](#) of Part C of this regulation. Inspections are not required to be performed within the confines of a structure or building provided ambient temperatures are within such parameters.

I.A.2.f. All test site facilities shall have an adequate exhaust removal system which shall be designed so as to not alter the inspection results and to

assure safe ambient air quality of the inspection area as established by the Occupational Safety and Health Administration pursuant to 29 CFR, Part 1910, Subpart Z.

I.A.3. Pursuant to Sections 42-4-306(4)(a) and 42-4-307 (8)(a), C.R.S. as amended, the Division shall develop or contract for the development of a training program for emissions mechanics and emissions inspectors. The training program shall be comprehensive in nature and address all aspects of vehicle inspection procedures specified for this regulation.

I.A.3.a. Participation by emissions inspectors intending to operate in the enhanced program area shall be required.

I.A.3.b. Participation by emissions mechanics intending to operate in the basic program area shall be voluntary.

I.A.3.c. Training classes shall be funded by tuition charged to the participants.

I.A.3.d. The following tuition rates and fees shall apply

I.A.3.d.(1) The training class fee shall be no greater than \$150 per participant.

I.A.3.d.(2) The instructor's fee for presenting a class shall not exceed \$400.

I.A.3.d.(3) The training manual for those emissions mechanics who choose not to participate in a training class shall be no greater than \$25.

I.A.3.e. These same training provisions shall be applicable to the requalification provisions of ~~Subpart~~ Section II.B. of this Part D.

I.B. The following tools, reference manuals and diagnostic equipment shall be available for performance of inspections; and within the basic program, emissions related adjustments and repairs.

I.B.1. Division approved calibrated and spanned Test Analyzer System (TAS).

I.B.1.a. As a provision of continued license to perform AIR Program inspections, the TAS must be updated as required, pursuant to this regulation.

I.B.1.b. The station or facility owner or operator shall maintain a full service/maintenance contract with the equipment manufacturer or equipment manufacturer's designee valid for the duration of the program but renewable on an annual basis

I.B.2. Rules for the operation of AIR Program inspection stations provided by the Colorado Department of Revenue.

I.B.3. Tachometer capable of reading 4,6 and 8 cylinders, 0-6,000 RPM minimum at no greater than 10 RPM of actual speed.

- I.B.4. Emissions control systems applications guide as incorporated into the TAS, and oxygen sensor/check engine light, systems maintenance guide in either printed or electronic medium.
- I.B.5. Dwell meter.
- I.B.6. Ignition timing light.
- I.B.7. Propane enrichment kit for idle mixture adjustment and diagnostics.
- I.B.8. Commercially available reference manuals giving idle speed, idle mixture, mixture control dwell or fuel injection duration, timing, dwell, fast idle speed specification, high altitude specifications and information covering the emissions control systems description, diagnostic and repair procedures for the year models of vehicles involved in the AIR Program. In either printed or electronic medium.
- I.B.9. Sufficient hand tools including but not limited to suitable computer scanner diagnostic link, digital volt/ohm meter, vacuum pump and other automotive diagnostic equipment for proper performance of the inspections, adjustments and emissions related repairs as applicable to the licensed entity.
- I.B.10. Division approved span gas and equipment for performing gas span checks and calibrations.
- I.B.11. Suitable non-reactive tail pipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems, or exhaust systems with multiple tail pipes.
- I.B.12. The analyzer manufacturer's maintenance and calibration manual must be retained in the inspection area.
- I.B.13. (Reserved)
- I.B.14. Items #5, 6, 7, 8 and 9 above are not required for licensing as an inspection-only station or inspection-only facility.
- I.C. A licensed emissions mechanic or emissions inspector who has successfully completed a hands-on proficiency check administered by the Department of Revenue in accord with the Commission regulations and those of the Department of Revenue, and the criteria specified in Part D of this regulation is or will be available to make a proper inspection. Enhanced inspection centers shall be open 8:30 am - 7:30 p.m. weekdays, and Saturday 8:00 a.m. -1:00 p.m.
- I.D. An emissions inspection-only station and inspection-only facility, must so indicate same by posting a sign in a readily visible location, and that no emissions related adjustments or repair services are available should the vehicle fail the inspection procedure.
- I.E. A person to whom there are twenty (20) or more vehicles registered, or to whom said number of vehicles are leased for not less than six continuous months, or are consigned for sale, may be licensed as a "fleet inspection station" or as a dealer licensed under Article 6 of Title 12, C.R.S., a motor vehicle dealers test facility and conduct inspections of that fleet or those vehicles inventoried or consigned for retail sale. As a fleet inspection station or motor vehicle dealer test facility, no inspections may be conducted for the

employees or general public, but only on vehicles owned, leased by the business, or consigned or held in inventory for sale. A Certificate of Emissions Control issued by a fleet emissions inspection station will be valid for 12 months, one vehicle registration cycle.

I.E.1. Under the self-inspection provisions of Section 42-4-309, C.R.S. for fleets of twenty (20) or more vehicles, the retail sale of a fleet vehicle within the enhanced program area requires full compliance with applicable inspection procedures as performed by an enhanced inspection center or an (enhanced) inspection-only facility.

I.E.2. At the time of initial licensing and annually thereafter, the vehicle fleet shall be declared by completing a listing of all eligible vehicles by make, model year, light-heavy duty classification, vehicle identification number, license plate number, and if applicable unit number and state of registration on forms provided by the Division.

I.F. All AIR Program inspection stations, facilities and centers are required to post in a conspicuous location in a clearly legible fashion a sign indicating the fees charged for inspections and in the basic program area, and maximum fees for emissions related adjustments and repairs required for the issuance of a Certificate of Emissions Control.

I.G. All AIR Program inspection stations, facilities and centers are required to be linked via dedicated service line to the program data/communications network.

I.G.1. Basic program inspection services providers and independent inspection-only facilities in the enhanced area shall be linked to the data network via dedicated voice quality telephone lines with a dial-up back-up telephone line.

I.G.2. Enhanced inspection centers shall be linked via dedicated data quality lines with dedicated voice quality lines as dial-up back-up.

I.H. All sites must provide for reasonable access in order for Departments of Revenue (or if applicable, Health) staff to conduct periodic quality control and audit functions as necessary.

I.I. Upon request for a license as an emissions inspection and readjustment station, inspection-only station, fleet inspection station, motor vehicle dealer test facility, or inspection-only facility, applicants shall complete forms approved by the Department of Revenue which shall include but not be limited to a declaration of any past violations of AIR Program statute Section 42-4-301 through 42-4-316, C.R.S. as amended or any rule or regulation pursuant to such law.

II. QUALIFICATION AND LICENSING OF EMISSIONS MECHANICS AND EMISSIONS INSPECTORS

II.A. Qualification of Emissions Mechanics and Emissions Inspectors

II.A.1. Application for qualification as an emissions mechanic and emissions inspector shall be filed with the Air Pollution Control Division. The Division shall administer issuance of letters of qualification. Applications for such letters of qualification shall be completed on forms provided by the Division. Before an applicant may be given a letter of qualification, he must comply with the requirements of this

Section II. The Division will notify applicants of the evaluation requirements prior to testing.

II.A.2. An applicant must demonstrate knowledge, skill, and competence concerning the conduct of emissions inspections, and within the basic program area the adjustment and repair of vehicles to manufacturers' specifications. Such knowledge, skill and competence will be shown by passing a written and skills proficiency qualification test including, but not limited to, knowledge of the following:

II.A.2.a. Operation and purpose of emissions control systems.

II.A.2.b. Relationship of exhaust and evaporative HC and CO to timing and air/fuel ratio control.

II.A.2.c. Adjustment and repair to manufacturers' and applicable high altitude specifications.

II.A.2.d. Rules and regulations of AIR Program and proper inspection procedures.

II.A.2.e. Contemporary diagnostic and engine tune-up procedures.

II.A.2.f. The provisions of the Emissions Control Systems Performance Warranty pursuant to Section 207 (A) and (b) of the federal Clean Air Act as it applies to the AIR Program.

II.A.2.g. Visual inspection of the required emissions control equipment for 1975 and newer vehicles.

II.A.2.h. Operation of and proper use, care maintenance, calibration and gas span checking of the Division-approved inspection equipment.

II.A.2.i. Proper use of, security, and distribution of inspection forms, Certificates of Emissions Control, and supplemental inspection documents.

II.A.2.j. Emissions related adjustment and repair requirements for all vehicles failing the initial emissions inspection.

II.A.2.k. Inspecting for visible smoke emissions.

II.A.2.l. (Reserved)

II.A.2.m. Cause and effect of air pollution.

II.A.2.n. Purpose, goal and function of the AIR Program.

II.A.2.o. Exhaust and evaporative emissions inspection procedures and rationale for use.

II.A.2.p. Public relations and motorist assistance.

II.A.2.q. Safety procedures in the inspection lane or bay.

II.B. Requalification Requirements for all Emissions Mechanics and Emissions Inspectors

- II.B.1. Upon the determination by the Commission of the necessity of technically updating the qualifications for emissions mechanics or emissions inspectors and, upon development or approval of retraining courses and retesting requirements for emissions mechanics to demonstrate said qualification, emissions mechanics, or holders of certificates of qualification, shall be required to requalify biennially.
- II.B.2. Emissions mechanics and emissions inspectors shall be required to requalify within ninety days from the date of written notification by the Department of Revenue. Said notice shall be mailed to the address of record in the office of the Department of Revenue charged with licensing of emissions mechanics and inspectors, which notice shall inform the person of the necessity of requalification and the nature of such skills, systems, and procedures requiring the retraining for the continued performance of the emissions inspection. The notice shall give the name and location of training sources approved or accredited for purposes of retraining, the necessity of requalification by a certain date, and the nature and evidence of documentation to be filed with the Department of Revenue evidencing such requalification, and state that failure to requalify within said period of time shall result in suspension or revocation of the emissions mechanic's or emissions inspector's license or certification as described in the Department of Revenue rules and regulations.
- II.B.3. The Division shall issue a letter of requalification to any person who has requalified to the satisfaction of the Division and according to the requalification regulation of the Department of Revenue.

II.C. Transmittal of Letters of Qualification and Issuance of Emissions Mechanic's and Emissions Inspector's Licenses

The Division shall provide a listing of all letters of qualification or letters of requalification for emissions mechanics or emissions inspectors to the Department of Revenue, and, upon application by any person qualified, the Department of Revenue shall issue an emissions mechanic's or emissions inspector's license or renewal license in accord with the regulations of that department.

II.D. Lapse of Certificate of Qualification for Emission Mechanic.

A person to whom the Division has issued a letter of qualification, who has not been issued an emissions mechanic's or emissions inspector's license within six (6) months from the date of issuance of the most recently issued letter of qualification shall be deemed to have forfeited said qualification and shall be required to reapply if a new letter of qualification is requested.

II.E. Program License Application Performance Review Criteria

II.E.1. Applicability

Pursuant to Sections 42-4-306(4)(c) and 42-4-308(1)(b), C.R.S. the Commission is authorized to establish minimum performance criteria for licensed emissions inspectors, mechanics, and stations. Based on these performance criteria, Section 42-4-312, C.R.S. grants authority to the Executive Director of the Department of Revenue to suspend or revoke a license on a finding of a pattern of violations.

In order to meet federal act requirements and to provide consistent criteria for the Department of Revenue's review of performance based evaluations that may result in a

denial of the license application, the Executive Director of the Department of Revenue or the designee shall apply criteria contained in this Section E.

II.E.2. Standards

The following criteria shall be used by the Department of Revenue's Executive Director or his designee in the review of any emissions license application for a mechanic, inspector, inspection and readjustment station, inspection-only station, inspection-only facility, fleet station, or motor vehicle dealer test facility.

Performance

Based on violations and penalties provided in Section 42-4-313(4)(b)(1), C.R.S. the following criteria will be used for the review of any emissions license application listed in this section:

- II.E.2.a. Any substantiated violation of intentional passing of a failing vehicle.
- II.E.2.b. Any substantiated violation of performance of emissions tests by an unlicensed mechanic, inspector, or station.
- II.E.2.c. Any substantiated violation of performance of an emissions test on falsified emissions test equipment.
- II.E.2.d. Any substantiated violation of failing of passing vehicles.
- II.E.2.e. Any substantiated violation of flagrant misuse of emissions program control documents.
- II.E.2.f. Any substantiated pattern of non-compliance with AIR Program regulations.
- II.E.2.g. Any substantiated violation of false statements on any emissions license application in an attempt to conceal problems such as: administrative hearings held for program violations, any probation of any emissions license held previously or currently held, any suspension or revocation of any emissions license held previously or currently.

For the purposes of emissions license application review, past performance may entail complete program history review of any person, persons, or officers of a corporation, or partners of any partnership that hold or held a license with the AIR Program.

- II.E.2.h. As a prerequisite to licensing of an emissions mechanic or emissions inspector, a hands-on proficiency check to address the criteria described in Section II. A. 2. of this Part D will be administered by the Department of Revenue in accord with the regulations of the Commission. This evaluation will be conducted at the emissions mechanic's or emissions inspector's place of employment and on an exhaust gas analyzer or test analyzer system that would be used to conduct inspections.

In order to provide for continuity and consistency with training, testing and licensing activities conducted per this Part D, the development and maintenance

of the hand-on proficiency check will be coordinated between the Department of Revenue and the Division.

III. REGISTRATION OF EMISSIONS RELATED REPAIR FACILITIES

III.A. Automotive Emissions Related Repair Facilities May Voluntarily Register with the Division.

III.A.1. The repair facility/technicians agree to have the effectiveness of their emissions related repairs and repair costs monitored by the Division on an on-going basis.

III.A.2. Repair facility/technicians agree to have repair effectiveness listing provided to those motorists whose vehicles fail any element of the inspection procedures specified in Part C of this regulation.

III.A.3. The facility shall complete and process AIR Program repair report forms as approved by the Division. Repair report form processing equipment may incorporate PC based bar code technology such that one-dimensional "3 of 9" and two dimensional "PDF 417" symbology can be read and written. The system must be capable of supporting form generation software provided by the state. The printer shall be an ink jet printer or equivalent capable of printing the bar code symbology stated. Refer to Section 2.14 of the TAS specifications attached as Appendix A of this regulation for microcomputers specifications. The Division shall determine performance equivalence.

III.B. As an aid to motorists seeking emissions related repair assistance, a means will be established whereby a listing of registered repair facilities whose repair effectiveness would be made available and presented to the motorist at the time of inspection failure. Repair effectiveness shall include but may not be limited to:

- a. Number of vehicles repaired and retested
- b. Percent passing on first retest
- c. Percent requiring additional repairs and retests
- d. Percent issued waivers

The listing shall document any recognized professional automotive accreditation or memberships that may include but not be limited to the National Institute for Automotive Service Excellence, or Automotive Service Association. The listing may also indicate the vehicle make(s) or vehicle classification that the repair facility specializes in.

III.C. Repair facilities may request removal from the listing or temporary placement on an inactive listing while measures are being taken to improve repair effectiveness.

III.D. It is further suggested that:

III.D.1. The repair facility/technicians will seek out appropriate training when repair effectiveness deficiencies are identified.

III.D.2. Repair facilities will hire and retain technicians certified under "Automotive Service Excellence" tests number A-1, A-6, A-8, and L-1 and that technicians will maintain these levels of certifications.

- III.D.3. That the repair facility be adequately equipped and maintain a level of diagnostic and repair equipment necessary to perform emissions related repairs based upon the criteria set forth by the Automotive Service Association of Colorado, Incorporated.
- III.D.4. The Department of Revenue performs a site evaluation of facilities that apply to assess compliance and confirm qualifications.
- III.D.5. The facility has or could comply with the provisions established in Part D of this regulation and have not been subject to the penalties prescribed by Section 42-9-111, C.R.S.
- III.E. The Division will monitor and periodically report to individual repair facilities their repair effectiveness and average costs as compared to other registered repair facilities.
- III.F. The Division shall make repair effectiveness data available to the general public upon request as well as periodically to the Department of Revenue.
- III.G. The Division may request a site evaluation of any registered repair facility by the Department of Revenue for reasons of diminished repair effectiveness or noted consumer complaints.
- III.H. The Division shall identify the level(s) of repair effectiveness that would result in inadequate emission(s) reductions and negatively impact consumer protection.

IV. REQUIREMENTS FOR CLEAN SCREEN/REMOTE SENSING SITES

IV.A. Applicability

Clean Screen Inspection Sites must meet all applicable standards pursuant to this Part D and the Department of Revenue's regulations in order to qualify for operating in Colorado's Clean Screen Program.

IV.B. Standards for emissions inspection sites

All sites shall comply with all applicable state and local codes/ordinances and maintain appropriate permits for that specific municipality and location.

IV.C. All Clean Screen Sites must provide reasonable access in order for Department of Revenue (and if applicable, Division) staff to conduct periodic quality control and audit functions as necessary.

IV.D. Applicants for a license as a Clean Screen Emissions Inspector shall complete forms approved by the Department of Revenue which shall include, but not be limited to, a declaration of any past violations of AIR Program statute Sections 42-4-301 through 42-4-316, C.R.S., as amended or any rule or regulation pursuant to such law.

V. QUALIFICATION OF CLEAN SCREEN EMISSIONS INSPECTORS

V.A. Clean Screen Emissions Inspector applicants shall apply for letters of qualification on forms provided by the Division. The Division shall issue letters of qualification to applicants who comply with the requirements of this Section V. The Division will notify applicants of the evaluation requirements specified in ~~Subsection Part D, Section V.B.~~ [below](#) prior to testing.

V.B. An applicant for a letter of qualification or requalification must demonstrate knowledge, skill, and competence concerning the operation of Clean Screen emissions inspections. Such knowledge, skill and competence will be demonstrated on actual Clean Screen equipment and by passing a skills proficiency qualification test including, but not limited to, knowledge of the following:

V.B.1. Operation of and proper use, care, maintenance, calibration and gas span checking of the Division-approved Clean Screen Test Analyzer System.

V.B.2. Safety procedures for the Clean Screen Inspection Site.

V.B.3. Proper setup and breakdown of the Clean Screen equipment

VI. REQUALIFICATION REQUIREMENTS FOR ALL CLEAN SCREEN EMISSIONS INSPECTORS

VI.A. Upon the determination by the Division of the necessity of updating the technical qualifications for Clean Screen Emissions Inspectors, holders of certificates of qualification shall be required to requalify biannually. The Division may waive this requirement should it be unnecessary.

VI.B. Clean Screen Emissions Inspectors shall be required to requalify within ninety days from the date of electronic notification by the Department of Revenue.

VI.C. The Division shall issue a letter of requalification to any licensed Clean Screen Emissions Inspector who meets the requirements of Section [Part D, Section V.B.](#)

VII. TRANSMITTAL OF LETTERS OF QUALIFICATION AND ISSUANCE OF CLEAN SCREEN INSPECTOR LICENSES

The Division shall provide a listing of all letters of qualification or letters of requalification for Clean Screen Inspectors to the Department of Revenue, and upon application by any person qualified, the Department of Revenue may issue a Clean Screen Inspector's license or renewal license in accordance with the regulations of that department.

VIII. LAPSE OF CERTIFICATE OF QUALIFICATION FOR CLEAN SCREEN INSPECTOR

A person to whom the Division has issued a letter of qualification, who has not been issued a Clean Screen Inspector license within six (6) months from the date of issuance of the most recently issued letter of qualification shall be deemed to have forfeited said qualification and shall be required to reapply if a new letter of qualification is requested.

IX. PROGRAM LICENSE APPLICATION PERFORMANCE REVIEW CRITERIA

IX.A. Applicability

Pursuant to Sections 42-4-306(4)(c) and 42-4-308(1)(b), C.R.S., the Commission is authorized to establish minimum performance criteria for licensed Clean Screen Inspectors and Data Management Contractor(s). Based on these performance criteria, Section 42-4-312, C.R.S., grants authority to the executive director of the Department of Revenue to suspend or revoke a license.

In order to provide consistent criteria for the Department of Revenue's review of performance based evaluations that may result in a denial of a license application, or revocation of a license,

the executive director of the Department of Revenue or the designee shall apply criteria contained in Sections IV through VII of this Part D.

IX.B. Requirements

The Department of Revenue's executive director or his designee in the review of any emissions license application shall use the following criteria for a Clean Screen Inspector, or Clean Screen Data Manager.

Performance

Based on violations and penalties provided in Section 42-4-313(4)(b)(1), C.R.S., the following criteria will be used for the review of any license application listed in the section:

- IX.B.1. Any violation of intentional passing of a failing vehicle.
- IX.B.2. Any violation of performance of Clean Screen inspections by an unlicensed inspector, or at an unapproved/unlicensed site.
- IX.B.3. Any violation of performance of a Clean Screen inspection on a falsified Clean Screened Test Analyzer System.
- IX.B.4. Any violation of flagrant misuse of Clean Screen inspection data, control documents, vehicle owner information, or vehicle registration data.
- IX.B.5. Any pattern of non-compliance with AIR Program regulations, including Clean Screen provisions.
- IX.B.6. Any violation of false statements on any license application.
- IX.B.7. As a prerequisite to licensing of a Clean Screen Inspector, a hands-on proficiency check to address the criteria described in Section V of this Part D will be administered by the Department of Revenue in accord with the regulations of the Commission. This evaluation will be conducted at a mutually agreed upon location and on an approved Clean Screen Test Analyzer System that would be used to conduct inspections.

In order to provide for continuity and consistency with qualifying and licensing activities conducted per this Part D, the development and maintenance of the hands-on proficiency check will be coordinated between the Department of Revenue and the Division.

PART E Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs

- I. THIS PART E DESCRIBES THE GROUNDS UPON WHICH THE LICENSE OF AN EMISSIONS MECHANIC, EMISSIONS INSPECTOR OR ANY TYPE OF AIR PROGRAM INSPECTION BUSINESS MAY BE SUSPENDED, FOR A PERIOD OF TIME NOT LESS THAN Six MONTHS, OR REVOKED.

I.A. Pattern of Violations

The license of an emissions mechanic, emissions inspector, inspections and readjustment station, inspection-only station, inspection-only facility, fleet inspection facility, motor vehicle dealer test facility, or contractor's contract may be revoked or suspended, as appropriate

pursuant to Sections 42-4-312 and, 42-4-313, C.R.S., if such mechanic, inspector or facility has engaged in a pattern of violations of the provisions of this Regulation Number 11, or other applicable statutes or regulations, including, but not limited to:

- I.A.1. AIR Program inspection business, and/or emissions inspector or emissions mechanic is involved in any unauthorized entry into the analyzer or inspection system that result in a fraudulent inspection report and/or emissions certificate being issued.
- I.A.2. AIR Program inspection business, and/or emissions inspector or emissions mechanic caused an inspection report and/or emissions certificate to be issued to a vehicle that did not at the time of issue comply with the laws, rules or regulations.
- I.A.3. AIR Program inspection business, and/or emissions inspector or emissions mechanic makes, issues, or knowingly uses any imitation or deceptively similar or counterfeit inspection report and/or emissions certificate.
- I.A.4. AIR Program inspection business, and/or emissions inspector or emissions mechanic possesses an inspection report and/or emissions certificate which is known to be fictitious, or was issued for another vehicle, or was issued without an emissions inspection test having been performed when required.
- I.A.5. Exercising licensing privilege other than those granted by the Department of Revenue and the Commission.
- I.A.6. AIR Program inspection(s) have not or are not being made in accordance with applicable laws and the rules and regulations of the Department or the Commission.
- I.A.7. Vehicles have not or are not being repaired in accordance with applicable laws and the rules and regulations of the Department or the Commission.
- I.A.8. Emissions mechanic or emissions inspector failed to a post-valid license.
- I.A.9. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to post AIR Program license(s) in a location available and conspicuous to the public.
- I.A.10. AIR Program inspection business, and/or emission inspector or emissions mechanic failed to use the correct inspection report form issued by the Department.
- I.A.11. AIR Program inspection business, and/or emissions inspector or emissions mechanic used an inspection report form for a purpose other than permitted by the Department.
- I.A.12. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to complete the correct inspection report form or.
- I.A.13. AIR Program inspection business, and/or emissions inspector or emissions mechanic loaned, sold, gave or transferred inspection report forms to another AIR Program inspection business or mechanic.

- I.A.14. Repealed.
- I.A.15. AIR Program inspection business, and/or emissions inspector or emissions mechanic performed air tests with an analyzer or test system that was not certified.
- I.A.16. AIR Program inspection business, and/or emissions inspector or emissions mechanic used span gas that was not approved.
- I.A.17. AIR Program inspection business, and/or emissions inspector or emissions mechanic, failed to have tools, supplies and records available for inspection by the Department of Revenue.
- I.A.18. AIR Program inspection business, and/or emissions inspector or emissions mechanic used "escape" mode in analyzer without valid reason.
- I.A.19. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to properly identify and record a vehicle that fails the air test.
- I.A.20. AIR Program inspection business, and/or emissions inspector or emissions mechanic failed to properly identify and record a vehicle that passes the emissions inspection.
- I.A.21. AIR Program inspection business, emissions inspector or emissions mechanic falsely reports an (incorrect) vehicle identification number or vehicle information on a DR2411 form supplied by the Department of Revenue.
- I.A.22. AIR Program inspection business, and/or emissions inspector or emissions mechanic performed inspections while under suspension or administrative hold.
- I.A.23. AIR Program inspection business, and/or emissions inspector or emissions mechanic continued using an analyzer knowing it was malfunctioning.
- I.A.24. AIR Program inspection business, emissions inspector or emissions mechanic charged more than posted fee for service.
- I.A.25. AIR Program inspection business, through its agent denied the issue of a vehicle inspection report and/or Certificate of Emissions Compliance when at the time of inspection the vehicle did comply with the laws, rules and regulations for the issuance of such a certificate.
- I.A.26. AIR Program inspection business was not open and available to perform inspection services during normal business hours.
- I.A.27. AIR Program inspection business, through its agent, failed to issue a Certificate of Waiver to a vehicle that met all the requirements.
- I.A.28. AIR Program inspection business, through its agent, issued a Certificate of Waiver to a vehicle that was eligible pursuant to Section 207(b) of the federal Clean Air Act
- I.A.29. AIR Program inspection business, through its agent, performed repairs to the emissions control systems of a vehicle that are eligible for any manufacturer's warranties without informing the owner of said warranties.

- I.A.30. AIR inspection business failed to display all required signs and post fees for inspection services.
 - I.A.31. Electrical supply fails to meet voltage and frequency requirements of 110V (±) 10% 60HZ, or is not publicly supplied as appropriate to that area.
 - I.A.32. AIR Program inspection business, through its agent, performed an inspection when the temperature of the inspection area was not between 41 degrees and 110 degrees Fahrenheit.
 - I.A.33. AIR Program inspection business could not account for controlled documents.
 - I.A.34. Emissions mechanic or emissions inspector failed to keep their access code secure which resulted in an inspection conducted by an unlicensed person.
 - I.A.35. Emissions mechanic or emissions inspector failed to keep his current mailing address on file with the Department of Revenue.
 - I.A.36. A licensed emissions mechanic or emissions inspector is not employed at the facility.
- I.B. Conditions Under Which a Station, Facility or Center License may be Denied, Suspended or Revoked.

In addition to the grounds listed in Section A, the license of any inspection and readjustment station, inspection-only station, inspection-only facility, fleet inspection facility, motor vehicle dealer test facility or the Contractor, may be suspended or revoked as appropriate pursuant to Sections 42-4-312 and, 42-4-313, C.R.S. for any of the following violations:

- I.B.1. AIR Program inspection business, and/or its agent have engaged in a pattern of violation of any provision of the applicable laws, rules or regulations.
- I.B.2. AIR Program inspection business, through its agent issued a vehicle inspection report and/or Certificate of Emissions Waiver when at the time of issue the vehicle did not comply with the laws, rules and regulations for the issuance of such a certificate.
- I.B.3. AIR Program inspection business, through its agent issued a vehicle inspection report and/or Certificate of Emissions Control without an air test having been performed.
- I.B.4. Adjustments or repairs were performed when such adjustments or repairs were not authorized or required.
- I.B.5. AIR Program inspection business is not equipped as required.
- I.B.6. AIR Program inspection business was not operating from the location for which the license was issued.
- I.B.7. Emissions mechanic or emissions inspector made false statements on official forms.
- I.B.8. Facilities of applicant for an AIR Program license are not properly equipped for the type of license applied for.

- I.B.9. The AIR Program inspection business flagrantly misuses control documents by committing any of the violations described in [Part E, Sections I.A.10, A.11, A.12, A.13, or through I.A.14 in a flagrant manner.](#)
- I.B.10. An unlicensed person performed all or any part of an inspection procedure.
- I.B.11. Within the enhanced program area, Motor Vehicle Dealer Test Facility inspections are limited to one per vehicle (consecutively) such that no vehicle shall be inspected twice consecutively. Following an inspection at a Motor Vehicle Dealer Test Facility that vehicle's inspection for the next cycle must be performed in the inspection-only network of enhanced inspection centers or decentralized inspection-only facilities; as applicable to the model year of the vehicle.
- I.C. Conditions Under Which an Emissions Mechanic or Emissions Inspector License may be Denied, Suspended or Revoked.
 - I.C.1. Emissions mechanic or emissions inspector caused a passing Certificate of Emissions Compliance to be issued to a failing vehicle.
 - I.C.2. Emissions mechanic or emissions inspector made false statements on official forms.
 - I.C.3. The emissions inspector or emissions mechanic performed two or more emissions inspections using a test analyzer system that was not updated as required by Part B or Appendix A of this regulation.
- I.D. Any action to suspend or revoke the license for any enhanced emissions center, or to revoke the contractor's agreement pursuant to this Part E, shall be subject to the terms of the agreement entered into pursuant to Section 42-4-304(5), C.R.S.

PART F Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles

In order for a vehicle (owner) to obtain a Certificate of Emissions Compliance, the exhaust and evaporative emissions from the motor vehicle subject to an EPA approved emissions test as specified in Part C of this regulation may not exceed the applicable maximum concentrations or if applicable, maximum mass for exhaust carbon monoxide (CO), hydrocarbons (HC) and oxides of nitrogen (NOx); and the integrity requirements specified for fuel evaporation control and visible smoke.

- I. LIGHT-DUTY VEHICLES (INCLUDING LIGHT-DUTY TRUCKS) SUBJECT TO IDLE SHORT TEST(S) FOR ALL VEHICLES OF MODEL YEAR 1981 AND NEWER SUBJECT TO IDLE SHORT TEST(S), THE EMISSIONS CONCENTRATION LIMITS OF THIS [SUBPART SECTION I](#) SHALL ALSO APPLY AT RAISED IDLE SPEEDS AS SPECIFIED IN [SUBPART SECTION II](#) OF PART C OF THIS REGULATION.

- I.A. Maximum Concentration Limits for Light-Duty Vehicles (Includes Light-Duty Trucks)

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1970 and earlier	3.5	1000

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1971	3.0	1000
1972	3.0	1000
1973	3.0	1000
1974	3.0	1000
1975	2.0	600
1976	2.0	600
1977	1.5	400
1978	1.5	400
1979	1.5	400
1980	1.5	400
1981 and newer	1.2	220

II. HEAVY-DUTY VEHICLES (1978 AND EARLIER GREATER THAN 6000 LBS. GVWR) SUBJECT TO IDLE SHORT TEST(S) FOR ALL VEHICLES OF MODEL YEAR 1981 AND NEWER SUBJECT TO IDLE SHORT TEST(S), THE EMISSIONS CONCENTRATION LIMITS OF THIS [SUBPART SECTION II](#) SHALL ALSO APPLY AT RAISED IDLE SPEEDS AS SPECIFIED IN [SUBPART SECTION II](#) OF PART C OF THIS REGULATION.

II.A. Maximum Concentration Limits for Heavy-Duty Vehicles

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1967 and earlier	7.0	1500
1968	6.5	1200
1969	6.5	1200
1970	5.5	1000
1971	5.5	1000
1972	5.5	1000
1973	5.5	1000
1974	5.5	1000
1975	5.5	1000

Model Year	Percent Carbon Monoxide	Parts/million Hydrocarbon
1976	5.5	1000
1977	5.5	1000
1978	5.5	1000

Heavy-Duty Vehicles (1979 and Newer Greater Than 8500 lbs. GVWR) Subject to Idle Short Test(s)

1979	4.0	800
1980	3.5	800
1981	3.0	600
1982	3.0	600
1983	3.0	600
1984	3.0	600
1985	3.0	600
1986 and newer	2.0	300

III. TRANSIENT TEST MASS EMISSIONS LIMITS IN GRAMS/MILE (GPM)

III.A. Light-Duty vehicles (Excluding Light-Duty Trucks)

MODEL YEAR	HC	CO	NOx
1982	3.5	45.0	5.0
1983	3.5	30.0	4.5
1984	3.0	30.0	4.5
1985	2.5	20.0	4.5
1986	2.5	20.0	4.5
1987	2.5	20.0	4.0
1988	2.0	20.0	4.0
1989	2.0	20.0	4.0

MODEL YEAR	HC	CO	NOx
1990	2.0	20.0	3.5
1991	1.5	20.0	3.5
1992	1.5	15.0	3.5
1993	1.5	15.0	3.5
1994	1.2	15.0	3.0
1995	1.2	15.0	2.5
1996	1.2	15.0	2.0
1997	1.2	15.0	2.0
1998	1.2	15.0	1.5
1999 and newer	1.2	15.0	1.5

III.B. Light-Duty Trucks (equal to or less than 8,500 lbs. G.V.W.R.)

MODEL YEAR	HC	CO	NOx
1982	6.0	65.0	6.0
1983	6.0	65.0	6.0
1984	5.0	55.0	6.0
1985	4.5	45.0	6.0
1986	4.0	40.0	6.0
1987	3.5	30.0	5.5
1988	3.0	25.0	5.0
1989	3.0	25.0	5.0
1990	3.0	25.0	5.0
1991	2.5	25.0	4.5
1992	2.5	25.0	4.5
1993	2.5	25.0	4.5
1994	2.0	20.0	4.0

MODEL YEAR	HC	CO	NOx
1995	2.0	20.0	4.0
1996	1.2	15.0	3.5
1997	1.2	15.0	3.0
1998	1.2	15.0	2.5
1999 and newer	1.2	15.0	2.0

IV. EVAPORATIVE EMISSIONS CONTROL STANDARDS

System Integrity - A gas cap integrity check to assess the degree of leakage between the fuel filler neck sealing surface and the gasoline cap sealing surface shall be performed on all model year 1975 and newer vehicles.

IV.A. Pressure decay of the gasoline cap to filler neck sealing surfaces shall not exceed six (6) inches of water over a ten (10) second period, or

IV.B. The gasoline cap flow rate shall be compared to an orifice with a National Institute of Standards and Technology (NIST) traceable flow rate that will result in a pass/fail flow rate threshold of 60 cc/minute of air at 30 inches of water (column).

V. VISIBLE SMOKE

Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating condition of applicable inspection procedures.

VI. CLEAN SCREEN PROGRAM MAXIMUM ALLOWABLE EMISSIONS LIMITS

VI.A. In order to obtain a Certificate of Emissions Control through the Clean Screen Program, vehicles must not exceed maximum emissions concentrations of 0.50 percent carbon monoxide (CO), 1,000 parts per million nitrogen oxides (NOx), and 200 parts per million hydrocarbon (HC) as reflected in remote sensing emissions readings.

VI.B. Vehicle owners who participate in the Clean Screen Program shall not be subject to the provisions of this Part F other than this Section VI.

VI.B.1. On or before July 1st of each year the Air Pollution Control Division shall develop a low emitting vehicle index based on a tabulation of the previous calendar year's IM 240 inspection program results for specified make, model and model year of vehicles.

VI.B.2. A 98% passing rate for exhaust emissions shall be set as the minimum allowable passing criteria for the low emitting vehicle index.

VI.B.3. In developing the low emitting vehicle index, the Division may use passing criteria greater than 98% if necessary to ensure that the use of the low emitting

vehicle index is equivalent to or better than the use of a second remote sensing measurement in terms of air quality benefits.

VII. ON-BOARD DIAGNOSTIC INSPECTION PASSING CRITERIA

In order for a vehicle (owner) to obtain a certificate of emissions compliance, the results of the OBD inspection as specified in Part C, Section II.C. of this regulation must meet the following requirements:

VII.A. The data link connector (DLC) is not missing, has not been tampered with, and is operational

VII.B. The malfunction indicator light (MIL) illuminates when the ignition key is turned to the key on, engine off (KOEO) position.

VII.C. The MIL extinguishes and remains off once the vehicle's engine is started (KOER).

VII.D. The MIL status, as indicated by the on-board diagnostic test analyzer system is commanded off.

VII.E. Only one readiness monitor may be set to "not ready" status.

VII.F. Upon a retest, all monitors except the evaporative monitor must be set to "ready".

PART G ~~RESERVED~~ Reserved

PART H **Statements of Basis, Specific Statutory Authority and Purpose**

XXX. AMENDMENTS

ADOPTED DECEMBER 20, 2012

This revision to Regulation Number 11, Parts A, B, C, D, E, F and H – is to amend language that would extend model-year exemptions; require on-board diagnostic inspections; no longer require visual inspections of emission control systems on 1996 model-year and newer vehicles; require retesting after failing gas cap integrity test; delete obsolete language; and revise typographical, grammatical, and formatting errors.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedures Act, Section 24-4-103, C.R.S., and the statutory authority provided in Sections 42-4-301 through 42-4-316, C.R.S.

Basis and Purpose

The Commission's December 2012 amendments are intended to assure that emission reduction benefits are maintained while at the same time increasing the flexibility and convenience of motor vehicle emission inspections. The amendments increase new vehicle model-year exemptions from emissions testing from four to seven years. The amendments provide for OBD inspections of 1996 year-model and newer motor vehicles for the first two testing cycles (four model years) after the seven year new vehicle exemption runs out. Procedures are included to default to the use of OBD testing on vehicles that are not readily testable using IM 240; and to default to IM 240 testing on vehicles that are not readily testable with OBD. Visual inspections of emission control equipment are eliminated on 1996 year-model and newer motor vehicles. To clarify and assure compliance with the federal requirements at Title 40, Part 51, Subpart S, 51.357, the already current practice of requiring a full retest after a gas cap failure is being specified as part of the evaporative fuel control inspection procedures.

Federal Requirements

The current inspection and maintenance program is contained in Colorado's ozone State Implementation Plan (SIP). Any revision to the program requires that air quality credits achieved from the program are not lost.

In general, EPA rules require certain nonattainment areas implement Inspection and Maintenance programs as part of a State Implementation Plan. Under the Clean Air Amendments of 1990, the Denver metropolitan area was required to implement an "Enhanced" IM Program, specifically for carbon monoxide. Since that time, the state has come into attainment with carbon monoxide, but the program remains a necessary element of Colorado's ozone SIP. The North Front Range area of the program operates as a state-only program

Specific Statutory Authority

Sections 42-4-306 and 42-4-310, C.R.S. authorize the Air Quality Control Commission ("Commission") to promulgate rules for inspection of motor vehicle emissions. Section 42-4-306(8) authorizes the Commission to exempt motor vehicles from emission inspections. Section 42-4-306(3)(b)(V)(B) authorizes the Commission to promulgate rules for alternative motor vehicle emission inspections, including on-board diagnostics (OBD) inspections. 42-4-306(6)(a) authorizes the Commission to promulgate rules on inspection procedures, including those related to OBD and evaporative gases.

Findings Pursuant to 25-7-110.8 C.R.S.

The revision of the rule is to lessen the regulatory burden on the motoring public through expanding the new vehicle exemption period to seven years and the introduction of OBD inspection to select vehicles, among other measures, while maintaining the current air quality benefits received from the program, in a cost effective manner, at similar or reduced costs to the current program.

The rule revision is based on reasonably available, validated, reviewed, and sound scientific methodologies. All validated, reviewed, and sound scientific methodologies and information made available by interested parties has been considered. Evidence in the record supports the finding that the rule shall result in a continued demonstrable reduction in air pollution. The rule revision is the most cost-effective alternative, provides the regulated community flexibility, and achieves the necessary reduction in air pollution. The revised rule will maximize the air quality benefits of the regulation in the most cost-effective manner.