

DEPARTMENT OF REVENUE

Division of Motor Vehicles

MOTOR VEHICLE OFFICIAL INSPECTION STATIONS

1 CCR 204-1

RULE 2 EMISSIONS INSPECTION

Basis: The statutory bases for this rule are sections 42-4-301 through 42-4-316.5, C.R.S.

Purpose: The purpose of this rule is to establish the licensing requirements and enforcement standards for the Emissions Inspection Program, and set out processes for violations, sanctions and administrative hearings. This rule does not apply to the “basic program” as such stations are no longer in operation.

1.0 DEFINITIONS

- 1.1 Additional definitions and substantive regulations are found in the Air Quality Control Commission’s Regulation 11, 5 CCR 1001-13.
- 1.2 “Analyzer Lockout”: A temporary interruption of emissions testing caused by malfunctioning equipment or failure of an equipment audit.
- 1.3 “AQCC”: Means the Colorado Air Quality Control Commission. The AQCC is the rulemaking body responsible for Regulation 11; 5 CCR 1001-13.
- 1.4 “Certification of Emissions Control” or “CEC”: Either a Certification of Emissions Compliance or a Certification of Emissions Waiver issued to the owner of a vehicle to indicate the status of inspection requirement compliance of the vehicle.
- 1.5 “Compliance Document”: A document consisting of the vehicle inspection data and the Certification of Emission Control.
- 1.6 “Department”: The Colorado Department of Revenue.
- 1.7 “Division”: The Air Pollution Control Division of the Colorado Department of Public Health and Environment.
- 1.8 “Emissions Extension”: Authorization for a Colorado-registered vehicle temporarily located and operated outside of Colorado to renew registration.
- 1.9 “Executive Director”: The executive director of the Colorado Department of Revenue or designee responsible for the enforcement and licensing functions of the emissions program.
- 1.10 “Inoperable”: Major structural damage or catastrophic mechanical failures that prevent a vehicle from being emissions tested.
- 1.11 “Inspector Number”: The numeric identifier issued by the Department to every licensed emissions inspector.
- 1.12 “Inspection Station”: A business entity ~~or remote sensing equipment~~ that is licensed to perform vehicle emissions inspections within the emissions program area.
- 1.13 “Letter of Qualification”: A letter issued by the Division indicating that an applicant has passed the written qualification test to become a licensed inspector or renew an inspector license.

- 1.14 "Normal Business Hours": Monday through Friday, 8:00 a.m. through 5:00 p.m., with the exception of national holidays. Expanded hours may be required by contract.
- 1.15 "Regulation 11": The regulation adopted by the AQCC governing the motor vehicle emissions inspection program for the control of air contaminant emissions from motor vehicles.
- 1.16 "Reinspection" (After-Repairs Test): A subsequent inspection performed after a vehicle has failed the initial inspection and been repaired.
- ~~1.16~~1.17 "RSD Site": A location approved by the Division for performing remote sensing operations.
- ~~1.17~~1.18 "RSD Unit": A remote sensing device that ~~is certified by the Division and has been issued a license by the Department~~detects and records vehicle emissions.
- ~~1.18~~1.19 "VIN Verification (DR 2698)": A form issued by the Department to record vehicle information obtained from a physical inspection of a vehicle.
- ~~1.19~~1.20 "Vehicle Identification Number" or "VIN": A unique number assigned by a vehicle manufacturer or State that identifies a given vehicle.
- ~~1.20~~1.21 "Vehicle Inspection Report" or "VIR": A document issued to the owner or operator of a motor vehicle that indicates the vehicle's emissions status.
- ~~1.21~~1.22 "Waiver/Hardship Waiver": A VIR issued by the Department indicating that the emissions from the vehicle do not comply with applicable emissions standards after inspection, adjustments, and emissions related repairs in accordance with section 42-4-310, C.R.S.

2.0 GENERAL LICENSING REQUIREMENTS

- 2.1 Application for station and inspector emissions licenses must be made on forms issued by the Department.
- 2.2 All licensees must comply with applicable Colorado state statutes, Regulation 11, and Department rules.
- 2.3 Licensees shall conduct only those inspections authorized by the type of license held.
- 2.4 Fees collected for license applications and renewals are non-refundable.
- 2.5 Inspection stations or inspectors must not perform an emissions test under an expired license.
- 2.6 Only a business or individual holding a valid emissions testing license issued by the Department may issue a VIR.
- 2.7 Licenses obtained by misrepresentation or false statements to the Department will be revoked.
- 2.8 No individual or business shall represent or allow itself to be represented as a licensed emissions inspector or licensed emissions inspection station unless it has a valid license issued by the Department.
- 2.9 Each licensee must maintain a current, valid mailing address with the Department.
- 2.10 Licensees must cooperate with the Department during the conduct of audits, investigations, and complaint resolution.
- 2.11 All fines assessed by the Department for violations of statutes, rules and regulations, or procedures, must be paid within the time period specified by the Department. The Department may revoke a license and take other action to collect unpaid fines.

- 2.12 The Department may deny a license application from an individual or business if the individual, or any individual with an ownership interest in the business, has had an emissions program license revoked or suspended by the Department.
- 2.13 License renewal applications received after the expiration date will be subject to the requirements for a new license, including the fee.

3.0 STATION LICENSES AND RSD SITES

3.1 Inspection station licenses are available in the following categories: inspection-only facility, fleet inspection station, and enhanced inspection center, ~~RSD site, and RSD unit.~~

3.2 Inspection station licenses are valid for 24 months beginning on the date issued and expiring at midnight twenty-four months later.

3.3 Inspection stations may only perform the functions allowed under the type of license issued.

3.4 Inspection station licenses are valid only at the location for which they are issued.

~~3.5 All RSD sites must be approved by the Division and licensed by the Department prior to providing services.~~

~~3.7 RSD Site licenses are issued for the lesser of 12 months or until the expiration of the use permit for that specific location.~~

~~3.9 RSD units can operate only at licensed sites.~~

~~3.11 Obtaining RSD site licenses is the sole responsibility of the RSD contractor. Document and site packets must contain site setup photos with a sketch of all equipment setup locations and dimensions by reference to a permanent benchmark. RSD sites must be set up and operated in a safe and prudent manner.~~

~~3.133.5~~ Transfer or sale of a licensee's business or any other change in ownership must be reported to the Department and requires a new license application and associated fees.

~~3.143.6~~ Inspection station licenses may not be transferred, loaned, or used by any individual or business other than the individual or business identified on the application.

~~3.153.7~~ All inspection stations must be and remain registered and in good standing with the Secretary of State.

~~3.163.8~~ Inspection stations must employ or contract with at least one licensed emissions inspector.

~~3.9~~ A licensee found to have violated local safety, occupancy, zoning, use, business and sales tax licensing laws, local ordinances, or other regulations may be suspended or revoked.

~~3.10 All RSD sites must be pre-approved by the Division.~~

~~Application for RSD site approvals must contain site setup photos with a sketch of all equipment setup locations and dimensions by reference to a permanent benchmark. RSD sites must be set up and operated in a safe and prudent manner.~~

4.0 INSPECTOR LICENSES

~~4.1 Emissions inspector licenses are available in the following categories: inspection-only, fleet, and remote sensing.~~

~~4.34.1~~ An emissions inspector who is employed by more than one inspection station must obtain an

inspector license with each employer. An emissions inspector who is employed by one employer with multiple inspection stations is only required to hold one license.

4.44.2 As a condition of licensure, applicants for emissions inspector licenses must comply with all regulations adopted by the AQCC and demonstrate the ability to perform a proper inspection.

4.54.3 Applicants must be employed by an inspection station ~~or the contractor.~~

4.64.4 Applicants must possess a current letter of qualification from the Division when applying for an emissions inspector license or license renewal.

4.74.5 ~~Fleet or inspection-only facility~~ Inspectors who change employers must have their license transferred by the Department to the new place of employment prior to performing emissions tests.

~~4.8 Inspector qualifications do not transfer between license categories.~~

4.104.6 The Department may require a licensed emissions inspector to demonstrate proficiency in any elements of emissions testing at any time. Failure to demonstrate proficiency is cause for license suspension or revocation.

5.0 INSPECTION STATION OPERATIONS

5.1 No inspection station shall perform an emissions inspection unless it has the facilities and equipment required to safely and correctly perform all elements of an emissions inspection.

5.2 Inspection stations must have all the tools, reference manuals, and diagnostic equipment required by Regulation 11 on the licensed premises and in proper working order when open for business.

5.3 Inspection stations must have at least one licensed emissions inspector on the premises when open for business.

5.4 Inspection stations that serve the public must be open for business during normal business hours and as required by contract.

5.5 Inspection stations must have records available for inspection by Department personnel at all times during normal business hours.

5.6 Inspection stations must be capable of receiving U.S. mail.

5.7 Owners, operators, and employees of enhanced inspection centers and inspection-only facilities must not repair, service, sell parts, or sell or lease motor vehicles and must not refer customers to particular providers of motor vehicle repair services.

5.8 Each inspection station must pay the Department the appropriate fees for all VIRs issued for passing inspections. An inspection station whose license is cancelled, suspended, or revoked remains liable for any fees owed the Department.

5.9 Inspection stations, other than fleet inspection stations, must post licenses in a location visible to the public and subject to approval by the Department.

5.10 Fleet inspection stations may only perform emission inspections on vehicles in their fleet.

5.11 Signs:

5.11.1 All inspection stations must post a sign designating the licensed premises as an official emissions testing location.

- 5.11.2 Enhanced inspection centers and inspection-only facilities must post a sign stating that only inspections are available and no repairs or adjustments can be performed.
- 5.11.3 All inspection stations must post the fee charged for an emissions inspection.
- 5.11.4 All inspection stations that perform VIN inspections must post the VIN inspection fee.
- 5.11.5 All inspection stations must post all signs issued by the Department.
- 5.11.6 All signs must be placed in a conspicuous location on the licensed premises, visible to the public, and are subject to approval by the Department.
- 5.12 All inspections must be performed only at the licensed inspection station location.
- 5.13 A motor vehicle may be rejected by an emissions inspector if the vehicle is unsafe to test or cannot physically be inspected. The inspector must provide to the vehicle owner, in writing, a description of the vehicle to include VIN, make, model, and year; the location of the inspection station; the reason(s) for the rejection; date of the rejection; and the inspector who rejected the vehicle.
- 5.14 Enhanced inspection centers must provide a Department approved brochure and program information pamphlet to each customer upon completion of the inspection when a vehicle fails the inspection.
- 5.15 Inspection stations must possess current Department rules, Regulation 11, and related sections from Colorado Revised Statutes.
- 5.16 Inspection stations must have on the licensed premises an emissions control systems application guide approved by the Department, which contains a quick reference for emissions control systems and their uses on specific make, model, and year vehicles, either in printed or electronic medium.
- 5.17 Inspection stations must have on the premises a current Oxygen Sensor Guide obtained from any Division technical center or purchased from another source.
- 5.18 Inspection stations must secure all controlled documents in lockable storage.
- 5.19 No addition or modification can be made to an analyzer unless pre-approved by the Division or the Department.
- 5.20 No person shall, or attempt to, tamper with or circumvent any system or function of an analyzer.
- 5.21 Inspection station owners and operators must prevent tampering, circumvention, and unauthorized use of analyzers.
- 5.22 Analyzer lockout conditions can only be removed by authorized service personnel or representatives of the Department or Division.
- 5.23 The license of an inspection station that no longer meets licensing requirements may be revoked, suspended, or denied renewal.
- 5.24 RSD Operations:
 - 5.24.1 The Department must be notified in writing, e-mail or other electronic means of all ~~licensed~~ RSD ~~unit testing~~ schedules and locations prior to testing. RSD units must not test at any time or location other than those for which the Department has been notified.
 - 5.24.2 RSD results must be reported to the Department no later than 11:59 p.m. on the last day of the month or as otherwise agreed by the Department and the contractor.

6.0 DISTRIBUTION OF COMPLIANCE DOCUMENTS

- 6.1 Licensees must ensure that all compliance documents issued are complete, accurate, and legible.
- 6.2 Upon completion of an inspection, the VIR must be given to the customer along with all original documents (i.e. registration, failed VIRs, etc.).
- 6.3 Inspectors must explain to the customer the purpose of the VIR, including the results of the inspection.
- 6.4 If a vehicle fails the inspection, the inspector must:
 - 6.4.1 Issue the VIR;
 - 6.4.2 Advise the customer of the failure;
 - 6.4.3 Provide a repair information pamphlet;
 - 6.4.4 Explain that the vehicle is eligible for a free reinspection at any enhanced inspection center if the vehicle is returned within ten calendar days. If the inspection was completed at an inspection-only facility, the vehicle must be returned to the facility where the original inspection was performed for the free reinspection.
- 6.5 If a vehicle inspection cannot be completed, the inspector must:
 - 6.5.1 Issue the VIR;
 - 6.5.2 Explain to the customer that the inspection could not be completed and the reasons therefore;
 - 6.5.3 The fee for an incomplete inspection need not be refunded unless caused by the inspection station or the inspector.
- 6.6 Compliance documents that are damaged during the printing process must be reprinted using the analyzer reprint procedure.

7.0 VERIFICATION OF VEHICLE IDENTIFICATION NUMBER (Form DR 2698)

- 7.1 Licensed emissions inspectors employed by emissions testing inspection stations may perform a VIN inspection for no more than the posted fee.
- 7.2 A [VIN Verification form \(DR 2698\)](#) with any alteration or missing ~~entries-entry~~ is invalid.
- 7.3 Vehicles with altered, illegible, multiple or missing vehicle identification numbers (VIN) must be directed to the Colorado State Patrol for verification.
- 7.4 An inspection station under suspension by order of the Department must not perform VIN inspections.

8.0 SECURITY AND RETENTION OF DOCUMENTS

- 8.1 All records related to the emissions program must be maintained by the licensee until retrieved or ordered for destruction by the Department.
- 8.2 All unused controlled documents must be kept in lockable storage and be available only to licensed emissions inspectors or other personnel authorized by the Department.

- 8.3 Missing or stolen documents must be reported to the Department within 24 hours of discovery.
- 8.4 Inspection stations may only issue vehicle inspection report forms obtained from the Department or its authorized agent.
- 8.5 Every damaged vehicle inspection report must be retained until the next audit by the Department.

9.0 USE OF INSPECTOR NUMBER AND SECURITY CODES

- 9.1 Each licensed emissions inspector will be assigned a confidential code to gain access to the analyzer.
- 9.2 Access codes and inspector numbers will be added and deleted by Department or Division personnel.
- 9.3 An access code must be used only by the licensee to whom it was assigned. Sharing of access codes is prohibited and is grounds for sanctions.
- 9.4 An emissions inspector number printed on a VIR is an electronic signature and is deemed certification by the licensee assigned that number that the licensee conducted the emissions test accurately and completely.
- 9.5 Emissions inspectors must report any unauthorized use of an access code to the Department within 24 hours of discovery.
- 9.6 Emissions inspectors are responsible for all VIRs bearing their numbers.
- 9.7 The inspector number must be part of the RSD data record.
- 9.8 Inspectors are responsible for any violation or fraudulent inspection which occurs using his or her inspector number. RSD inspectors are responsible for all data records bearing their numbers.

10.0 AUDITS

- 10.1 The Department monitors the activities of all licensed inspection stations and inspectors through ongoing site inspections, audits, investigations, consumer complaints, data analysis, performance observation, and other quality assurance methods.
- 10.2 The Department may conduct on-site audits at any time during posted business hours.
- 10.3 Inspection records, equipment, and licensed personnel must be available on site to the Department during posted business hours.
- 10.4 A notice of audit determination will be provided to the inspection station upon completion of the audit.
- 10.5 In the event of a lane equipment audit failure, the equipment must be recalibrated and rechecked. If the recalibration does not address the problem, the analyzer will be locked out until repairs are made and the equipment passes an audit.
- 10.6 The Department may conduct an audit of a RSD unit at any time while the unit is set up and operational at an approved site.
 - 10.6.1 The contractor must provide the Department with daily notification of the status and location of each RSD unit.
 - 10.6.2 The Department may require that a daily service log be maintained on each specific unit, and available for inspection by the Department auditors at each approved site.

- 10.6.3 All RSD sites must maintain current ~~permit, licensing, and~~ approval documentation for each operable site, available for inspection at the time and place of the Department roadside audits.
- 10.6.4 The Department may require a current Accepted Test Protocol (ATP) document for any RSD unit that has been out of service for a period over 30 days, or if any period of time is unaccounted for in the service log.
- 10.6.5 A notice of audit determination will be provided upon completion of the audit.
- 10.6.6 In the event of an audit failure or an incomplete audit, the associated inspection data will be identified and suspended from processing until the Division can determine the status of the RSD unit and the data in question.
 - 10.6.6.1A unit that passes the Division's evaluation may be placed back into service and the associated data approved for processing.
 - 10.6.6.2A unit that fails the Division's evaluation will not be placed back into service until repairs are made and approved by the Division. The associated data will be deemed invalid and ineligible for processing.

11.0 VIOLATIONS AND SANCTIONS

- 11.1 The Department may summarily suspend a license pursuant to section 24-4-104(4)(a), C.R.S.
- 11.2 The Department may suspend or revoke a license pursuant to section 24-4-104(3)(a), C.R.S.
- 11.3 The Department may suspend or revoke the license of a licensee convicted as defined in section 42-1-102(19) C.R.S., of a misdemeanor under the Colorado Air Pollution Prevention and Control Act, section 25-7-122.1, C.R.S., convicted under section 42-4-313, C.R.S., or of a licensee that has violated the Motor Vehicle Repair Act, section 42-9-101, et. seq., C.R.S.
- 11.4 The Department may suspend or revoke the license of a licensee who impedes the Department's ability to oversee, audit, or investigate matters under the Emissions Inspection Program, including behavior that is threatening, disruptive, or abusive.
- 11.5 The Department may conduct a monthly performance review with contractors. Any violation discovered may result in sanctions.
- 11.6 A licensee who receives notice pursuant to subsection 11.3 may within 30 days after the date of the notice:
 - 11.6.1 Submit a written response setting forth data, views, and arguments with respect to the facts or conduct; or,
 - 11.6.2 Comply with all lawful requirements or submit a plan acceptable to the Department to bring the licensee into compliance with all lawful requirements.
- 11.7 The Department may institute a proceeding to suspend or revoke a license pursuant to subsection 11.3 if the Department determines that the licensee failed to:
 - 11.7.1 Submit a written response pursuant to subsection 11.6, or that the response does not rebut the evidence of such facts or conduct; or,
 - 11.7.2 Comply with all lawful requirements or the plan submitted by the licensee is not acceptable to the Department.
- 11.8 Such proceeding shall be instituted by filing a Notice to Set and Order to Show Cause with the Hearings Division as set forth in Rule 12.1.

11.9 Any Notice from the Department, required pursuant to this rule, will be served personally or mailed via first class mail addressed to the last address furnished to the Department by the licensee.

12.0 ADMINISTRATIVE HEARINGS

12.1 Except as otherwise provided in section 42-4-312, C.R.S., all enforcement actions will proceed in accordance with the "State Administrative Procedure Act", article 4 of Title 24, C.R.S.

13.0 EMISSIONS EXTENSIONS (Form DR 2376)

13.1 A vehicle owner may apply for an emissions extension when a vehicle registered in Colorado is temporarily out of state at the time the registration renewal is due.

13.2 A vehicle owner applying for an emissions extension must provide the following:

13.2.1 If the vehicle is in a US city, county, state or Canada where emissions testing is required, proof of a passing emissions test. The extension is valid for the lesser of one emissions inspection cycle or until the vehicle returns to Colorado.

13.2.2 If the vehicle is in a US city, county, state, or Canada where emissions testing is not required, a VIN verification completed by a local law enforcement agency is required. Form DR 2698 is available at Colorado.gov for this purpose, or the local law enforcement agency's VIN verification form is acceptable, provided the information collected is equivalent to that on the DR 2698. The extension is valid for the lesser of one year or until the vehicle returns to Colorado.

13.2.3 If the vehicle is in Mexico, proof of current insurance from Mexico. The extension is valid for the lesser of one year or until the vehicle returns to Colorado.

13.2.4 If the vehicle is in a country other than Canada or Mexico, export papers. The extension is valid for the lesser of one year or until the vehicle returns to Colorado.

13.3 Upon return to Colorado, the owner of a vehicle granted an emissions extension must obtain a Certification of Emissions Control on the vehicle within fifteen days.

14.0 SALE OF INOPERABLE VEHICLES (Form DR 2023)

14.1 Only vehicles with major structural or catastrophic engine, transmission, or final drive, differential, or transfer case mechanical failures meet the requirements to be sold as inoperable or otherwise cannot be tested.

14.2 Vehicles where the primary mechanical failure is a failed emissions test will not be considered inoperable for purposes of sale without a Certification of Emissions Control.

14.3 Vehicles where the primary mechanical failure is missing or modified emissions components such as catalytic converters, oxygen sensors, air injection systems, exhaust gas recirculation (EGR) systems, or modified computer programming will not be considered inoperable for purposes of sale without a Certification of Emissions Control.

~~14.3~~

15.0 RULE EFFECTIVE DATE^[WK1]

15.1 ~~This new rule is effective as of May 16, 2017. This rule, as amended, is effective as of May 16, 2017.~~