



DEPARTMENT OF REVENUE

Division of Motor Vehicles

MOTOR VEHICLE OFFICIAL INSPECTION STATIONS

1 CCR 204-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

RULE 1 DIESEL INSPECTION PROGRAM

Basis and Purpose

This rule is promulgated pursuant to sections 24-4-101 through 24-4-108, 42-4-401 through 42-4-414, 42-9-101 through 42-9-113, and 25-7-122.1, C.R.S.

Purpose: This rule establishes licensing requirements, and operational and enforcement standards, for the Diesel Inspection Program, and sets out the process for an administrative hearing.

1.0 DEFINITIONS

1.1 Additional definitions and substantive regulations are found in the Air Quality Control Commission's Regulation 12 Part B; 5 CCR 1001-15.

1.2

"AQCC" means the Colorado Air Quality Control Commission as referenced in section 42-4-403, C.R.S. The AQCC is the rulemaking body responsible for Regulation 12 Part B; 5 CCR 1001-15.

1.3 "Business" means an estate, sole proprietorship, trust, firm, partnership, limited partnership, limited liability partnership, limited liability company, association, corporation, or other business entity.

1.4 "Cancellation of license" means an action by the Department rendering a license invalid.

1.5 "Certification of Emissions Control" (CEC) means either a Certification of Diesel Smoke Opacity Compliance or a Certification of Diesel Smoke Opacity Waiver issued to the owner of a diesel vehicle which is subject to the diesel opacity inspection program in order to indicate the status of inspection requirement compliance of such a vehicle.

1.6 "Data Media" means the external electronic storage device used to record the results of the Diesel Opacity Inspection.

1.7 "Department" means the Colorado Department of Revenue.

1.8 "Diesel Opacity Inspection Station" means a facility that meets the requirements established by the Commission, is licensed by the Executive Director, and is so equipped as to enable a diesel vehicle emissions-opacity inspection to be performed.

1.9 "Diesel Opacity Inspector" means a person possessing a valid license to perform diesel emissions-opacity inspections.

- 1.10 “Diesel Opacity Inspection Program” means a program outlining the Diesel Inspector and Diesel Inspection Station with a purpose of reducing particulate air pollution within the program area, using the regulatory basis of Regulation 12, 5 CCR 1001-15 and 1 CCR 204-1 Rule 1.
- 1.11 “Diesel Vehicle Inspection Report (DVIR)” means the official document generated by a diesel inspection station to record completion of a diesel opacity inspection.
- 1.12 “Division” means the Air Pollution Control Division of the Colorado Department of Public Health and Environment.
- 1.13 “Full investigation” means a reasonable ascertainment of the underlying facts on which the Department’s action is based.
- 1.14 “Inspector Number” is the license number assigned by the Department to each licensed Diesel Opacity Inspector.
- 1.15 “Regulation 12” means Part B of Regulation 12, Reduction of Diesel Vehicle Emissions adopted by the Air Quality Control Commission, also known as 5 CCR 1001-15.
- 1.16 “Revocation of a license” means that the station or inspector is no longer licensed to provide the services authorized under Part 4 of Article 4 of Title 42 C.R.S.
- 1.17 “Suspension of a license” means that the station or inspector is not authorized for a defined period of time to provide services under Part 4 of Article 4 of Title 42 C.R.S.

2.0 GENERAL REQUIREMENTS

- 2.1 Application for a Diesel Opacity Inspection Station or Diesel Opacity Inspector license shall be made on forms issued by the Department.
- 2.2 No person or Business shall represent that they are a licensed Diesel Opacity Inspector or licensed Diesel Opacity Inspection Station unless they have a valid license in good standing issued by the Department.
- 2.3 A Diesel Opacity Inspection Station shall not allow any person who does not have a valid Diesel Opacity Inspector license to perform any portion of a diesel opacity inspection.
- 2.4 A Certification of Diesel Smoke Opacity Compliance shall only be issued by a licensed Diesel Opacity Inspection Station or authorized Division personnel.
- 2.5 A Certification of Diesel Smoke Opacity Waiver shall only be issued by authorized Department Personnel.
- 2.6 Diesel Opacity Inspection Program licensees shall cooperate with the Department during the course of inspections, audits, and investigations.
- 2.7 The Department may cancel, suspend, or revoke a license for a violation of Part 4 of Article 4 of Title 42, section 25-7-122.1 C.R.S., Regulation 12, or this Rule.

3.0 STATION LICENSES

- 3.1 All Diesel Opacity Inspection Station licenses shall be posted in a conspicuous place on the licensed premises, in a location accessible to the public and subject to approval by the Department.

- 3.2 Diesel Opacity Inspection Stations, including registered agents, Businesses, and owners, are responsible for the conduct of their licensed inspectors.
- 3.3 The Department may deny a Diesel Opacity Inspection Station license application from any individual with a previous inspector supervisory role, or business if any of the partners, officers, registered agents, or stakeholders of a Diesel Opacity Inspection Station, had an association with the station at a time when the station license had been suspended or revoked by the Department.
- 3.4 Proof of station liability insurance coverage with a minimum of \$100,000 will be required for initial issuance and renewal of all Diesel Opacity Inspection Station licenses.

4.0 INSPECTOR LICENSES

- 4.1 Diesel Opacity Inspectors must keep their current mailing address on file with the Department. If a Diesel Opacity Inspector changes his or her mailing address, he or she must notify the Department of that change within 14 days.
- 4.2 All Diesel Opacity Inspector licenses shall be posted in a conspicuous place on the licensed premises, in a location accessible to the public and subject to approval by the Department.
- 4.3 The Department will cancel a Diesel Opacity Inspector's license at the request of the licensee.
- 4.4 Diesel Opacity Inspectors may be simultaneously employed at more than one Diesel Opacity Inspection Station.

5.0 LICENSE FEES AND TERMS

- 5.1 The initial fee for a Diesel Opacity Inspection Station license is \$25.00.
- 5.2 The annual renewal fee for a Diesel Opacity Inspection Station license is \$10.00.
- 5.3 The initial fee for a Diesel Opacity Inspector license is \$10.00.
- 5.4 The annual renewal fee for a Diesel Opacity Inspector license is \$5.00.
- 5.5 Diesel Opacity Inspectors who are employed at more than one Diesel Opacity Inspection Station must have a separate license for each station and will be charged an initial and renewal license fee for each license, except in cases of common ownership of multiple locations. Inspections then may be conducted under a common license with the approval of the Department.
- 5.6 Licenses are valid for twelve months from the issue date unless the license is cancelled, suspended, or revoked, or the licensee is required to re-qualify.
- 5.7 The fee for a license not renewed on or before the date of expiration is the initial fee.
- 5.8 Upon expiration, suspension, cancellation, or revocation of a Diesel Opacity Inspection Station license, the station and Diesel Opacity Inspectors employed at that station are no longer authorized to perform diesel opacity inspections at such suspended station. If a Diesel Opacity Inspector is validly employed and licensed at another Diesel Opacity Inspection Station, then such Diesel Opacity Inspector may perform inspections at such other station so long as that Inspector was not the cause of the suspension, cancellation, or revocation of any other Diesel Opacity Inspection Station. [ATTENTION: Pursuant to Section 42-3-105(1)(c)(I) and (II), C.R.S., a station and/or inspector may not perform a VIN inspection without a valid license.]
- 5.9 License fees collected by the Department are not refundable.

6.0 USE OF INSPECTOR NUMBER

- 6.1 Each licensed Diesel Opacity Inspector shall be assigned a unique inspector license number by the Department.
- 6.2 A licensee shall use only the license number and access code assigned to him/her.
- 6.3 An inspector shall keep his or her access code secure and shall not reveal it to another person or allow another person to use it.
- 6.4 Inspectors shall report any unauthorized issuance or use of any DVIRs and CECs to the Department within 24 hours of discovering the unauthorized issuance or use.
- 6.5 Inspectors are presumed to have performed the inspections for all DVIRs and CECs bearing their inspector number.

7.0 DIESEL PROGRAM STATION OPERATIONS

- 7.1 Diesel Opacity Inspection Station owners, supervisors, or employees shall not modify, alter, tamper, or otherwise affect any portion of a vehicle's emissions control systems in any manner that renders the system inoperable or places the vehicle in a non-certified emissions control configuration.
- 7.2 Diesel Opacity Inspection Stations shall be open for business during posted business hours.
- 7.3 Licensees shall not charge more than the posted fee for a Diesel Opacity Inspection. This fee is not to exceed one hour of the facility's shop labor rate.
- 7.4 A Diesel Opacity Inspection Station inspection computer with color print access shall be available on site to the Department during posted business hours.
- 7.5 Diesel Opacity Inspection Stations shall have at least one licensed Diesel Opacity Inspector on the licensed premises when open for business.
- 7.6 Licensees shall conduct all Diesel Opacity Inspection Station operations in accordance with applicable Colorado state statutes, Regulation 12, and Department rules.
- 7.7 Licensees shall not allow, nor fail to prevent, performance of any part of a Diesel Opacity Inspection by an unlicensed person.
- 7.8 Licensees shall conduct only those inspections authorized by the type of license held.
- 7.9 Licensed Diesel Opacity Inspection Stations shall post, in a conspicuous location, a Department approved sign identifying the facility as a licensed Diesel Opacity Inspection Station.
- 7.10 All publications and signs issued by the Department shall be posted in a conspicuous location on the licensed premises.
- 7.11 Licensees shall not offer or perform diesel opacity inspections at a location other than the location for which their license was issued.
- 7.12 Inspectors shall not issue a CEC when the inspector knew or should have reasonably known that the vehicle did not satisfy the requirements for issuance of a CEC.

7.13 Diesel Opacity Inspection Stations are required to give 24-hour advanced notice to the Department of station closures during posted business hours.

7.14 No additional fees may be added to the posted inspection fee.

8.0 EQUIPMENT REQUIREMENTS AND OPERATION

8.1 All Diesel Opacity Inspection Stations shall have, at all times, adequate facilities, equipment and safety equipment to perform all elements of a Diesel Opacity Inspection, including all tools and equipment required by Regulation 12.

8.2 All tools and inspection equipment shall be maintained in a manner that permits proper operation in accordance with the requirements of Regulation 12, applicable statutes, and Department rules.

8.3 All computer equipment that is networked, interfaced, or connected to any internet or any other communication device or system must be approved by the Department.

8.4 Any computer data tamper lockout or any lockout shall be reported to the Department verbally within 24 hours.

8.5 Computer lockouts must be reset by the Department or the Division.

8.6 Licensees shall not use the dedicated Diesel Opacity Inspection computer for purposes not authorized by the Department.

9.0 AUDITS, FORMS & DOCUMENTATION

9.1 The Department monitors the activities of licensed Diesel Opacity Inspection Stations and Diesel Opacity Inspectors through ongoing site inspections, audits, investigations, consumer complaints, data analysis, performance observations, and other reasonable quality assurance methods.

9.2 The Department may conduct on-site audits at any time during posted business hours.

9.3 If the failure of a dynamometer or opacity meter during an audit creates a safety and/or testing accuracy issue, repairs may be completed during the audit; however, when repairs cannot be completed during the audit, the inspection computer will be locked out until repairs are completed and a re-audit can be performed.

9.4 Diesel Opacity Inspection Stations are accountable for all Department documents issued to both the station and its inspectors.

9.5 Upon cancellation, suspension, or revocation of a license, licensees shall surrender to the Department all licenses, forms, Data Media, and documents issued by or purchased from the Department.

9.6 Licensees shall verify that all DVIRs and CECs issued are complete, accurate, legible, and are properly printed with all information appearing in the correct location on the forms.

9.7 Fees collected for licensing are non-refundable.

9.8 Licensees shall accurately record vehicle or test data in the computer system.

10.0 SUSPENSION AND REVOCATION OF LICENSES

10.1 The Department may summarily suspend a licensee pursuant to section 24-4-104(4)(a), C.R.S.

- 10.2 The Department may suspend or revoke a licensee pursuant to section 24-4-104(3)(a), C.R.S.
- 10.3 Any conduct by a licensee that impedes the Department's ability to oversee, audit, or investigate matters under the Diesel Opacity Inspection Program, including behavior that is threatening, disruptive, or abusive, may be cause for license revocation.
- 10.4 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 of a misdemeanor 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.
- 10.5 A licensee who receives notice pursuant to subsection 10.2 may within 30 days after the date of the notice:
 - 10.5.1 Submit a written response setting forth data, views, and arguments with respect to the facts or conduct; or,
 - 10.5.2 Comply with all lawful requirements or submit a plan acceptable to the Department to bring the licensee into compliance with all lawful requirements.
- 10.6 The Department may institute a proceeding to suspend or revoke a license pursuant to subsection 10.2 if the Department determines that the licensee failed to:
 - 10.6.1 Submit a written response pursuant to subsection 10.5, or that the response does not rebut the evidence of such facts or conduct; or,
 - 10.6.2 Comply with all lawful requirements or the plan submitted by the licensee is not acceptable to the Department.
- 10.7 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 11.
- 10.8 Any Notice from the Department, required pursuant to these rules, will be provided via first class mail addressed to the last address furnished to the Department in writing by a licensee or via in- person service.
- 10.9 The Department may consider mitigating and aggravating factors when considering the imposition and duration of a sanction. These factors include, but are not limited to:
 - 10.9.1 Actions taken by the licensee to prevent violations.
 - 10.9.2 The licensee's past audit history.
 - 10.9.3 The seriousness and frequency of violations.
 - 10.9.4 Corrective action(s) taken by the licensee and the effectiveness of such measures.
 - 10.9.5 Willfulness or deliberateness of the violation.
 - 10.9.6 Likelihood of recurrence of the violation.
 - 10.9.7 A violation of the Colorado Air Pollution Prevention and Control Act, section 25-7-122.1, C.R.S., of section 42-4-313, C.R.S., or of the Motor Vehicle Repair Act, section 42-9-101, et. seq., C.R.S.

- 10.10 The Department may consider whether to impose remedial training requirements to correct performance deficiencies when considering imposition of a sanction.

11.0 ADMINISTRATIVE HEARINGS

- 11.1 If the Department institutes proceedings to suspend or revoke a license pursuant to Rule 10.0, it shall serve a Notice to Set and Order to Show Cause on the licensee and file the Notice and Order with the Hearings Division. The Notice and Order shall explain the nature of any adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the matters of fact and law asserted at least thirty (30) days prior to the hearing.
- 11.1.1 Any licensee given such notice shall file a written answer within 30 days after the service or mailing of such notice. If the licensee fails to answer, upon motion of the Department, default may be entered.
- 11.2 Any notice provided pursuant to this section shall be served personally or by mailing by first-class mail to the last address furnished to the Department by the licensee.
- 11.3 The Hearings Division will issue a Notice to Set the hearing on the matter, for a date on which a hearing date will be cleared with the Department and the Licensee.
- 11.4 Any proceeding shall be conducted in accordance with section 24-4-105, C.R.S.

The Department adopts the Air Quality Control Commission's Regulation 12, Part B, found at 5 CCR 1001-15, current as of August 18, 2016, as part of 1 CCR 204-1 of the Department of Revenue, Division of Motor Vehicle's Regulations. The Air Quality Control Commission's Regulation 12, Part B, was adopted on October 20, 2011. The Code of Colorado Regulations is compiled and published by the Colorado Secretary of State's Office, and is published on the Colorado Secretary of State's website for public inspection, pursuant to section 24-4-103(11), C.R.S., at www.sos.state.co.us, and an unofficial print version can be purchased from LexisNexis. The Department's Rule does not include any later amendments or editions of the incorporated Air Quality Control Commission's Regulation 12, Part B. Certified copies of the complete text of the incorporated Air Quality Control Commission Regulation 12, Part B, are maintained at the Colorado Department of Revenue, Division of Motor Vehicles, 1881 Pierce Street, Room 142, Denver, Colorado 80214, and may be inspected by contacting the Records Custodian at that address during normal business hours. The incorporated material may also be examined at any state publications depository library. Certified copies shall be provided at no cost upon request.

RULE 2 EMISSIONS INSPECTION

Basis: The statutory bases for this rule are sections 24-4-101 through 24-4-108 and 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.

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- 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 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.
- 1.17 “RSD Site”: A location approved by the Division for performing remote sensing operations.
- 1.18 “RSD Unit”: A remote sensing device that detects and records vehicle emissions.
- 1.19 “VIN Verification (DR 2698)”: A form issued by the Department to record vehicle information obtained from a physical inspection of a vehicle.
- 1.20 “Vehicle Identification Number” or “VIN”: A unique number assigned by a vehicle manufacturer or State that identifies a given vehicle.
- 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.

- 1.22 “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.
- 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 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.
- 3.6 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.
- 3.7 All inspection stations must be and remain registered and in good standing with the Secretary of State.
- 3.8 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.

4.0 INSPECTOR LICENSES

- 4.1 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.
- 4.2 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.
- 4.3 Applicants must be employed by an inspection station.
- 4.4 Applicants must possess a current letter of qualification **or digital communication** from the Division when applying for an emissions inspector license or license renewal.
- 4.5 Inspectors who change employers must have their license transferred by the Department to the new place of employment prior to performing emissions tests.
- 4.6 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.

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- 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 RSD unit 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 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 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.

10.6.6.1 A unit that passes the Division's evaluation may be placed back into service and the associated data approved for processing.

10.6.6.2 A 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.
- 15.0 RULE EFFECTIVE DATE**
- 15.1 This rule, as amended, is effective as of May 16, 2017.

Editor's Notes

History

Rule 1 eff. 03/02/2009.

Rule 1 eff. 09/14/2015.

Rule 2 recodified from 1 CCR 204-11 eff. 11/30/2016.

Rule 2 eff. 05/16/2017.

Rule 1 eff. 12/30/2018.