

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 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 an exhaust and evaporative emissions, chlorofluorocarbon, 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, excluding El Paso, Larimer, and Weld Counties, 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.

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.

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.

Beginning January 1, 2007, the AIR Program will no longer apply in El Paso, Larimer, and Weld County portions of the program area.

Vehicles that are registered in a program area and are being operated outside such area but within another program area shall comply with all program requirements of the area where such vehicles are being operated. Vehicles registered in a program area that 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, 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 which 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 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.

- 1.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 model year pursuant to 42-4-310(1)(a)(II)(C)C.R.S.
- I.C.4. On or after October 1, 1989, and thereafter, 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 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 No. 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 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) 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 years without an inspection. After the fourth 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, 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 which 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" refers to the California Bureau of Automotive Repair specifications for Exhaust Gas Test Analyzer Systems (TAS) which became effective in 1990.
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 which are usually used in the laboratory as references for establishing or verifying the calibration curve of an exhaust gas analyzer.