

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 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 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) or On-Board Diagnostic Test Analyzer System (OBD 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. 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.6. 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.7. Division approved span gas and equipment for performing gas span checks and calibrations.
- I.B.8. 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.9. The analyzer manufacturer's maintenance and calibration manual must be retained in the inspection area.
- I.B.10. Items #5 and 6 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.

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- 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.
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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.

IV.E. A Clean Screen Inspection Site where two consecutive emissions readings collected at the same location on the same day may be used, must meet site criteria for same-day remote sensing devices established by the Division, and as licensed by the Department of Revenue.

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 Part D, Section V.B. 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.