



DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 11

MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM

5 CCR 1001-13

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

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REFERENCES

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

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

I. APPLICABILITY

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

I.A. Geographic Areas of Applicability

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

I.B. Vehicles Eligible for AIR Program Inspection Procedures

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

Vehicles that are registered in a program area and are being operated outside such area but within another program area shall comply with the requirements of the area where such vehicles are being operated. Vehicles registered in a program area that is 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. No used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the time of sale. This paragraph (3) does not apply to the sale of a motor vehicle that is inoperable or otherwise cannot be tested in accordance with this regulation if the seller of the motor vehicle provides a written notice to the purchaser pursuant to Section 42-4-310(4), C.R.S. If a motor vehicle is being registered for the first time in the program area, the owner shall obtain the certification and submit it with the application for registration to the Department of Revenue or an authorized agent of the Department of Revenue.
- I.C.3.a. On or after October 1, 1989, no used vehicle which is required to be registered in the program area shall be registered, unless such vehicle has a Certification of Emissions Control, or of Emissions Exemption. The seller of a used vehicle is required to obtain a Certification of Emissions Control for the new owner at the 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.
- I.C.3.c. Effective January 1, 2015, 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 seventh model year pursuant to Section 42-4-310(1)(a)(II)(C)C.R.S.
- I.C.4. 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. Fleets of twenty or more eligible vehicles shall be periodically inspected, comply with inspection provisions and obtain a Certification of Emissions Control.

- I.C.7.a. Fleets may pursue licensing as a fleet inspection station under Part D of this Regulation Number 11 pursuant to Section, 42-4-309, C.R.S. and comply with the provisions of that section.
- I.C.7.b. Fleets may elect to comply with periodic inspection requirements under the provisions of Section 42-4-309 (2)(a), C.R.S. to include the inspection schedules of Sections 42-4-304(3)(b)(II) and 42-4-310(1)(b)(II)(a), C.R.S.
- I.C.7.c. As it pertains to the fleet vehicles provisions pursuant to Section, 42-4-309, C.R.S. and this Section I.C.7., municipal fleets of twenty vehicles or more may comply with periodic inspection requirements as specified in Section 42-4-309(2)(a), C.R.S. to include inspection schedule of Sections 42-4-304(3)(b)(II) and 42-4-310 (1)(b)(II)(a), C.R.S.
- I.C.8. New motor vehicles being registered with a Manufacturer's Statement of Origin (MSO), Manufacturer's Certificate of Origin (MCO) or similar document shall be issued a registration without a Certificate of Emissions Control.

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

New vehicles under this section shall also include those new vehicles leased under an MSO or MCO or similar document and seven years without an inspection. Such new leased vehicles are to be issued a Verification of Emissions Test exemption windshield sticker at the time of initiation of the lease that shall be valid for a period of seven (7) years.

After the seventh year, 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 inspection cycle.

A used motor vehicle 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 the Verification of Emissions Test exemption if such certification was issued when the vehicle was new.

Effective January 1, 2015 vehicles that were originally issued a Verification of Emissions Test exemption windshield sticker at the time of new vehicle sale that was valid for a period of four years shall have that time period extended to seven years.

- 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. 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.

- 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. Reserved

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

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

II. DEFINITIONS

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

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

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

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

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

III.A. U.S. Department of Defense (DOD) personnel participating in the DOD POV (privately owned vehicle) Import Control Program operating a 1975 or subsequent model year automobile, are exempt from the prohibition of C.R.S., 42-4-314(2), C.R.S. insofar as it pertains to filler neck restrictors, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), if one of the following conditions are met:

III.A.1. The automobile will be driven to the port and surrendered for exportation under said program within ten (10) working days of disconnection, deactivation, or inoperability of the restrictor, catalytic converter systems, or exhaust gas oxygen (O₂) sensor(s); or

III.A.2. The reconnection, reactivation, or reoperability of the restrictor, catalytic converter systems, and, if applicable, exhaust gas oxygen (O₂) sensor(s), is made within ten (10) working days from the time the owner picked up the automobile at the port.

III.B. Persons disconnecting, deactivating, or rendering inoperable any filler neck restrictor, catalytic converter system, exhaust gas oxygen (O₂) sensor(s) on 1975 or subsequent model year automobile of DOD personnel participating in the DOD POV Import Control Program which will be driven to the port and surrendered for exportation under said program within ten (10) working days are exempt from the prohibition of 42-4-314, C.R.S.

III.C. Unless otherwise exempt under this Section III of Part A, vehicles shall be required to be configured as a vehicle certified by the EPA for sale and use within the United States pursuant to 40 CFR, Part 86, Subpart A.

IV. CLEAN SCREEN/REMOTE EMISSIONS SENSING

IV.A. Geographic Area of Applicability

IV.A.1. (Reserved)

IV.A.2. The Division shall implement an expanded clean screen program in the enhanced program area.

IV.A.3. (Reserved)

IV.B. Vehicles Eligible to participate in the Clean Screen/Remote Emissions Sensing Program

IV.B.1. The clean screen program established in this Section IV. of Part A shall apply to eligible motor vehicles as defined in 42-4-310(5)(a), C.R.S., for which registration will expire within twelve months, a certificate of emissions control is a prerequisite to renewal and which are registered in a clean screen program county.

IV.B.2. The counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld are clean screen counties.

IV.C. REPEALED

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

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

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

V.A. Program Commencement

Beginning November 1, 2010, unless the Division comes back to the Commission and the Commission agrees to a later date, motor vehicles registered in the North Front Range Area, and vehicles operating in the North Front Range Area that meet the requirements of Section 42-4-310(1)(c)(I), C.R.S. shall be subject to an Enhanced emissions inspection as defined in Section 42-4-304(8.5). Notwithstanding the above, the Estes Park Area, located west of Range Seventy-one (71) West, shall be excluded from the Enhanced Emissions Program. Such inspection shall be the same as the inspection required in the Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson county portions of the Program Area.

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

V.B.1. Except as otherwise provided in Title 42, Article 4, Part 3, C.R.S. and this Regulation Number 11, a motor vehicle that is subject to the North Front Range Area Inspection and Maintenance Program pursuant to Subsection V.A. above may not be registered or sold without a valid Certification of Emissions Control. In order to obtain a Certification of Emissions Control the vehicle must either pass the applicable emissions inspection or obtain a waiver from the Department of Revenue under this Regulation Number 11.

V.B.2. Subject to the phase-in provision in Subsection V.B.3. below, emissions inspections shall be conducted and Certification of Emissions Controls shall remain valid in accordance with the schedules set forth in Section 42-4-304(3), C.R.S., Section 42-4-310(1)(b)(II), C.R.S. and Part A, Section I.C. of this Regulation Number 11.

V.B.3. In order to better balance the number of inspections from year to year, odd number model year motor vehicles that require biennial inspections under Subsection V.B.2. above, shall be inspected commencing January 1, 2011. This phase-in shall not excuse a vehicle from an inspection in 2010 that is required due to the sale or transfer of the motor vehicle.