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An Act

HOUSE BILL 93-1340

BY REPRESENTATIVES Schauer, Fleming, Allen, June, Lyle, Pierson,
May, and Gordon;
also SENATORS Hopper, Norton, and Mares.

CONCERNING AIR POLLUTION CONTROL, AND, IN CONNECTION THEREWITH,
REVISING THE AIR PROGRAM TO COMPLY WITH REQUIREMENTS OF THE
FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-13-110 (3), Colorado Revised Statutes, 1986
Repl. Vol., is amended to read:

18-13-110. Air pollution violations. (3) (a) This section
shall apply only to motor vehicles intended, designed, and
manufactured primarily for use in carrying passengers or cargo on
roads, streets, and highways.

(b) Subparagraph (II) of paragraph (a) of subsection (1)
of this section shall apply to all areas of the state except the
~~automobile inspection and readjustment~~ program area as defined in
section 42-4-307 (8) (18), C.R.S., which program area shall be
subject to section 42-4-319, C.R.S.

SECTION 2. 25-7-106.3 (1), Colorado Revised Statutes, 1989
Repl. Vol., is amended to read:

25-7-106.3. Commission - duties - wood-burning stoves -
episodic no-burn days. (1) The commission shall promulgate, no
later than March 1, 1990, such combination of regulations as it
may find to be cost-effective and consistent with the legislative
declaration set forth in section 25-7-102 in order to establish
limitations on the use of wood-burning stoves and fireplaces

Capital letters indicate new material added to existing statutes;
dashes through words indicate deletions from existing statutes and
such material not part of act.

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During those periods of time declared by the Colorado department of health to be a high pollution day. The department may declare a high pollution day based on experienced or anticipated excessive levels of carbon monoxide or particulates when air pollution standards are exceeded for particulates, carbon monoxide, or visibility. The limitations on the use of wood-burning stoves and fireplaces imposed pursuant to this section may include no-burn days, and such no-burn days shall be specific to the separate airsheds within the Denver-Boulder metropolitan area. Such limitations shall be applicable only in those portions of the counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson which are located in the AIR program area, as such area is defined in section 42-4-307 (8) (18), C.R.S. Such regulations shall exclude areas above seven thousand feet unless the commission determines that particulates from wood-burning in such areas are contributing to the brown cloud. Such regulations shall not apply to any person who utilizes wood-burning stoves or fireplaces as the primary source of heat in his SUCH PERSON'S place of residence. Such regulations shall permit exemptions for wood-burning stoves that meet Phase III emissions standards. For the purposes of this section, "Phase III" means wood stove standards adopted by the commission which are more strict than existing wood stove standards. The regulations promulgated pursuant to this subsection (1) shall not be effective until July 1, 1990.

SECTION 3. 25-7-106.7, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-7-106.7. Regulations - studies - AIR program area. The authority of the commission to promulgate regulations and to conduct studies and make reports to the general assembly pursuant to sections 25-7-106.1, 25-7-106.3, and 25-7-106.5 is limited to the program area, as defined in section 42-4-307 (8) (18), C.R.S., and such regulations shall not apply outside the program area. The commission may determine which regulations promulgated pursuant to section 25-7-106.1 shall apply to separate airshed areas.

SECTION 4. 25-7-114.5 (7) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-7-114.5. Application review and public participation.
(7) (a) Within thirty calendar days following the completion of the division's preliminary analysis for applications for construction permits not subject to part 2 of this article, or within thirty calendar days following the period for public comment provided for in subsection (5) of this section, or for applications for construction permits subject to part 2 of this article and for renewable operating permits, if a hearing is held, within the appropriate time period established pursuant to this article, the division or the commission, as the case may be, shall

grant or deny the permit application. Any permit required pursuant to this article shall be granted by the division or the commission, as the case may be, if it finds that:

(I) The source or activity will meet all applicable emission control regulations and regulations for the control of hazardous air pollutants;

(II) The source or activity will meet the requirements of part 2 or 3 of this article, if applicable;

(III) FOR CONSTRUCTION PERMITS, the source or activity will meet any applicable ambient air quality standards and all applicable regulations; and

(III.5) FOR RENEWABLE OPERATING PERMITS, THE SOURCE OR ACTIVITY WILL MEET ALL APPLICABLE REGULATIONS; AND

(IV) For renewable operating permits, the United States environmental protection agency has not made a timely objection to issuance of such permit pursuant to the federal act.

SECTION 5. 25-7-134 (1) and (2), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

25-7-134. Study of air quality control programs. (1) The general assembly finds and declares that numerous programs have been implemented over the past several years in an effort to improve air quality in the AIR program area, as such area is defined in section 42-4-307 (18), C.R.S. The purpose of this section is to ensure that all such programs are in fact implemented and are promoting cleaner air and that all such programs are necessary and cost-effective to reduce, prevent, and control air pollution throughout such area.

(2) The state auditor, acting under the supervision of the legislative audit committee, shall study the cost and effectiveness of the ~~automobile inspection and readjustment~~ program established pursuant to sections 42-4-306.5 to 42-4-320 42-4-316, C.R.S., and the oxygenated fuels program established pursuant to sections 25-7-106 (1) (e) and 25-7-109 (3) (d) and by regulation no. 13 of the commission. The state auditor shall contract with such other person or persons as ~~he~~ THE STATE AUDITOR deems necessary for the proper performance of the study. The state auditor, in conjunction with the commission, shall appoint a panel of independent recognized experts in areas such as air pollution, meteorology, statistics, economics, engineering, and public works to assist the auditor in developing an objective standard against which program effectiveness will be measured and to review the proposed methodology of the study.

SECTION 6. 25-7-602.5 (5), Colorado Revised Statutes, 1989

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Repl. Vol., is amended to read:

25-7-602.5. Powers and duties of the executive director of the department of health. (5) The executive director may establish and operate technical or administrative centers, if necessary, for the proper administration of the diesel inspection program or he may utilize existing centers established for the ~~automobile inspection and readjustment~~ AIR program pursuant to section 42-4-309.5, C.R.S.

SECTION 7. 42-4-108 (4) (a), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

42-4-108. Provisions uniform throughout state. (4) (a) Any municipality, city, county, or city and county located within the program area of the ~~automobile inspection and readjustment~~ AIR program area as defined in section 42-4-307 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in section 42-4-312.

SECTION 8. 25-7-601 (8), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-7-601. Definitions. As used in this part 6, unless the context otherwise requires:

(8) "Program area" means the counties as set forth in section 42-4-307 ~~(8)~~ (18), C.R.S.

SECTION 9. 42-3-123 (24) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-3-123. Registration fees - passenger and passenger-mile taxes. (24) (a) Effective July 1, 1986, in addition to any other fee imposed by this section, there shall be collected, at the time of registration, a fee of ten dollars on every light and heavy duty diesel-powered motor vehicle in the program area registered pursuant to this article in the state of Colorado; except that, in the program area in Weld county designated in section 42-4-307 ~~(8)~~ (18), said fee shall not be collected until January 1, 1988. Such fee shall be transmitted to the state treasurer, who shall credit the same to the AIR account in the highway users tax fund, and such moneys shall be used, subject to appropriation by the general assembly, to cover the costs of the diesel-powered motor vehicle emissions control activities of the department of health and revenue.

SECTION 10. 42-4-306.5, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-306.5. Legislative declarations - enactment of enhanced emissions program not waiver of state right to challenge

authority to require specific loaded mode transient dynamometer technology in automobile emissions testing. (1) The general assembly hereby finds and declares that sections 42-4-306.5 to ~~42-4-320~~ 42-4-316 are enacted pursuant to, and that the program created by said sections ~~meets~~ IS DESIGNED TO MEET, the requirements of the federal "Clean Air Act", AS AMENDED BY THE FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990", 42 U.S.C. SEC. 7401 ET SEQ., as the same is in effect on ~~May 23, 1980~~ NOVEMBER 15, 1990.

(2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) THE PROVISIONS OF SECTIONS 42-4-306.5 TO 42-4-316 RELATED TO THE ENHANCED EMISSIONS PROGRAM ARE ENACTED TO COMPLY WITH ADMINISTRATIVE REQUIREMENTS OF RULES AND REGULATIONS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY;

(II) INSOFAR AS SUCH RULES AND REGULATIONS REQUIRE THE USE OF LOADED MODE TRANSIENT DYNAMOMETER TECHNOLOGY UTILIZING A SYSTEM COMMONLY KNOWN AS THE IM 240 IN MOTOR VEHICLE EMISSIONS TESTING, THE GENERAL ASSEMBLY FINDS THAT RELIABLE SCIENTIFIC DATA QUESTION THE EFFECTIVENESS OF SUCH TECHNOLOGY TO MEASURE MOTOR VEHICLE EMISSIONS AT THE HIGH ALTITUDE OF THE DENVER METROPOLITAN AREA;

(III) LESS COSTLY AUTOMOBILE EMISSION TESTING SYSTEMS MAY BE AVAILABLE WHICH ARE AS EFFECTIVE OR MORE EFFECTIVE AT A LOWER COST TO CONSUMERS THAN THE LOADED MODE TRANSIENT DYNAMOMETER TEST REQUIRED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(b) (I) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT THE ENACTMENT OF SECTIONS 42-4-306.5 TO 42-4-316 IN NO WAY FORECLOSES OR LIMITS THE RIGHTS OF THE GENERAL ASSEMBLY OR ANY OTHER APPROPRIATE ENTITY OF THE STATE OF COLORADO TO RETAIN LEGAL COUNSEL AS PROVIDED BY LAW TO REQUEST THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO CONSIDER ALTERNATIVE AUTOMOBILE EMISSION INSPECTION TECHNOLOGY WHICH MAY RELIEVE COLORADO OF THE REQUIREMENTS OF THE FEDERAL RULES AND REGULATIONS OR CHANGE SUCH RULES AND REGULATIONS TO REQUIRE A DIFFERENT TECHNOLOGY IN AUTOMOBILE EMISSIONS TESTING AT A SUBSTANTIAL SAVINGS IN COST TO CONSUMERS AND JOBS FOR COLORADANS EMPLOYED IN THE TESTING OF MOTOR VEHICLES FOR EMISSIONS COMPLIANCE.

(II) IF THE FEDERAL AGENCY REFUSES TO ALTER ITS POLICIES RELATED TO THIS ISSUE, THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT OR ANY OTHER APPROPRIATE ENTITY OF THE STATE OF COLORADO DOES NOT WAIVE THE RIGHT TO BRING APPROPRIATE LEGAL ACTION IN A COURT OF COMPETENT JURISDICTION TO DETERMINE THE VALIDITY OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S AUTHORITY TO REQUIRE THE USE OF THE LOADED MODE TRANSIENT DYNAMOMETER TEST FOR AUTOMOBILE EMISSIONS INSPECTION COMMONLY KNOWN AS THE IM 240 WHEN SUCH REQUIREMENT MAY BE IN EXCESS OF THE FEDERAL AGENCY'S AUTHORITY.

UNDER THE FEDERAL "CLEAN AIR ACT AMENDMENTS OF 1990".

SECTION 11. Part 3 of article 4 of title 42, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-306.6. Commencement of basic emissions program - authority of commission. NOTWITHSTANDING THE PROVISIONS OF SECTIONS 42-4-306.5 TO 42-4-316, IF THE COMMISSION IS UNABLE TO IMPLEMENT THE BASIC EMISSIONS PROGRAM BY JANUARY 1, 1994, THE COMMISSION BY RULE AND REGULATION SHALL ESTABLISH THE DATE FOR THE COMMENCEMENT OF SAID PROGRAM AS SOON AS PRACTICABLE AFTER JANUARY 1, 1994, AND THE PROVISIONS OF SECTIONS 42-4-306.5 TO 42-4-316 APPLICABLE TO THE BASIC EMISSIONS PROGRAM SHALL BE EFFECTIVE ON AND AFTER THE DATE DETERMINED BY THE COMMISSION BY RULE AND REGULATION. UNTIL SUCH DATE, EMISSION INSPECTION ACTIVITY IN EL PASO, LARIMER, AND WELD COUNTIES SHALL COMPLY WITH THE REQUIREMENTS APPLICABLE TO INSPECTION AND READJUSTMENT STATIONS IN SECTIONS 42-4-306.5 TO 42-4-316, AND EL PASO, LARIMER, AND WELD COUNTIES SHALL BE DEEMED TO CONTINUE TO BE INCLUDED IN THE INSPECTION AND READJUSTMENT PROGRAM UNTIL IMPLEMENTATION OF THE BASIC EMISSIONS PROGRAM BY THE COMMISSION PURSUANT TO THIS SECTION.

SECTION 12. Part 3 of article 4 of title 42, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-306.7. Sunrise review of registration of repair facilities. (1) THE GENERAL ASSEMBLY RECOGNIZES THAT IN ORDER TO COMPLY WITH THE FEDERAL ACT, EFFECTIVE JANUARY 1, 1994, VARIOUS PROVISIONS OF SECTIONS 42-4-306.5 TO 42-4-316 MUST CONTAIN REQUIREMENTS FOR THE VOLUNTARY REGISTRATION OF REPAIR FACILITIES. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT THE APPROPRIATE STATUTORY PROCEDURE FOR THE LICENSING OF NEW OCCUPATIONS AND PROFESSIONS UNDER SECTION 24-34-104.1, C.R.S., REQUIRES SUCH PROPOSALS TO BE REVIEWED BY THE JOINT SUNRISE AND SUNSET REVIEW COMMITTEE PRIOR TO CONSIDERATION BY THE GENERAL ASSEMBLY. THEREFORE, SINCE SUCH REGISTRATION PROVISIONS ARE NOT EFFECTIVE UNTIL JANUARY 1, 1995, SUCH PROVISIONS SHALL BE REVIEWED BY THE JOINT SUNRISE AND SUNSET REVIEW COMMITTEE AS PROVIDED IN THIS SECTION AND SECTION 24-34-104.1, C.R.S.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-34-104.1, C.R.S., THE JOINT SUNRISE AND SUNSET REVIEW COMMITTEE OF THE GENERAL ASSEMBLY IS DIRECTED TO REQUEST THAT THE DEPARTMENT OF REGULATORY AGENCIES, PURSUANT TO THE PROVISIONS OF SECTION 24-34-104.1 (3) AND (4), C.R.S., CONDUCT AN ANALYSIS AND EVALUATION OF THE REGISTRATION PROVISIONS CONTAINED IN SECTIONS 42-4-306.5 TO 42-4-316 AS SUCH PROVISIONS APPLY TO THE ENHANCED EMISSIONS PROGRAM. SUCH ANALYSIS AND EVALUATION SHALL BE COMPLETED WITHIN THE TIME LIMITS SPECIFIED IN SECTION 24-34-104.1

(3), C.R.S. THE JOINT SUNRISE AND SUNSET REVIEW COMMITTEE OF THE GENERAL ASSEMBLY SHALL MAKE FINDINGS AND RECOMMENDATIONS WITH RESPECT TO SUCH REGISTRATION REQUIREMENTS TO THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY FOR CONSIDERATION, AND ANY ACTION TAKEN BY THE GENERAL ASSEMBLY ACTING BY BILLS SHALL BE MADE EFFECTIVE PRIOR TO JANUARY 1, 1995.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1996.

SECTION 13. 42-4-307, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-307. Definitions relating to automobile inspection and readjustment program. As used in sections 42-4-306.5 to ~~42-4-320~~ 42-4-316, unless the context otherwise requires:

(1) ~~"Automobile inspection and readjustment AIR program"~~ OR "PROGRAM" means the AUTOMOBILE INSPECTION AND READJUSTMENT PROGRAM UNTIL REPLACED AS PROVIDED IN SECTIONS 42-4-306.5 TO 42-4-316, THE BASIC EMISSIONS PROGRAM, AND THE ENHANCED EMISSIONS program established pursuant to sections 42-4-306.5 to ~~42-4-320~~ 42-4-316. ~~to be known as the "AIR program".~~

(2) "BASIC EMISSIONS PROGRAM" MEANS THE INSPECTION AND READJUSTMENT PROGRAM ESTABLISHED PURSUANT TO THE FEDERAL ACT ON JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD, AS DESCRIBED IN SUBSECTION (18) OF THIS SECTION.

~~(2)~~ (3) (a) "Certification of emissions control" means one of the following certifications, to be issued to the owner of a motor vehicle which is subject to the automobile inspection and readjustment program to indicate the status of inspection requirement compliance of said vehicle:

(I) "Certification of emissions ~~adjustment~~ WAIVER", indicating THAT THE EMISSIONS OF OTHER THAN CHLOROFLUOROCARBONS FROM THE VEHICLE DO NOT COMPLY WITH THE APPLICABLE EMISSIONS STANDARDS AND CRITERIA AFTER INSPECTION, ADJUSTMENT, AND EMISSIONS-RELATED REPAIRS IN ACCORDANCE WITH SECTION 42-4-312.

~~(A) On or after January 1, 1987, for motor vehicles of the model year 1980 or an earlier model year, that the exhaust gas emissions from the vehicle do not comply with the applicable emissions standards after inspection, adjustment, and emissions related repairs in accordance with section 42-4-312;~~

~~(B) On or after January 1, 1987, for motor vehicles of the model year 1981 or a later model year, that the exhaust gas emissions from the vehicle do not comply with the applicable emissions standards after inspection, adjustment, and emissions related repairs in accordance with section 42-4-312;~~

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(II) "Certification of emissions compliance", indicating that the ~~exhaust gas and visible~~ emissions from said vehicle comply with applicable emissions and opacity standards AND CRITERIA at the time of inspection or after required adjustments or repairs.

(b) (I) On or after October 1, 1989, the ~~certificate~~ CERTIFICATION of emissions control will be issued to the vehicle owner at the time of sale or transfer. The certification of emissions control will be in effect for twenty-four months for 1982 AND NEWER MODEL vehicles ~~in the second through fifth years of service~~ as defined in section 42-3-105 (3). Except as provided in paragraph (c) of this subsection ~~(2)~~ (3), 1981 AND OLDER MODEL vehicles ~~in all other years of service~~ and all vehicles inspected by the fleet-only air inspection stations shall be issued certifications of emissions control valid for twelve months.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3) AND IN SECTION 42-4-311, A BIENNIAL INSPECTION SCHEDULE SHALL BE ESTABLISHED FOR 1982 AND NEWER MODEL VEHICLES AND AN ANNUAL SCHEDULE SHALL BE ESTABLISHED FOR 1981 AND OLDER MODEL VEHICLES.

(c) Effective September 1, 1991, a certification of emissions control which has been issued for any motor vehicle which is registered as a collector's item under the provisions of section 42-15-102 and which is of model year 1960 or later shall be valid until such motor vehicle is sold or transferred.

(d) ON AND AFTER JANUARY 1, 1995, THE CERTIFICATION OF EMISSIONS CONTROL SHALL BE OBTAINED BY THE SELLER AND TRANSFERRED TO THE NEW OWNER AT THE TIME OF VEHICLE SALE OR TRANSFER.

~~(3)~~ (4) "Commission" means the air quality control commission, CREATED IN SECTION 25-7-104, C.R.S.

(5) "CONTRACTOR" MEANS ANY PERSON, PARTNERSHIP, ENTITY, OR CORPORATION THAT IS AWARDED A CONTRACT OR SERVICE AGREEMENT BY THE STATE OF COLORADO THROUGH A COMPETITIVE BID PROCESS CONDUCTED BY THE DIVISION IN CONSULTATION WITH THE EXECUTIVE DIRECTOR AND IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., AND SECTION 42-4-309, TO PROVIDE INSPECTION SERVICES FOR VEHICLES REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312 WITHIN THE ENHANCED PROGRAM AREA, AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (18) OF THIS SECTION, AND TO OPERATE ENHANCED INSPECTION CENTERS NECESSARY TO PERFORM INSPECTIONS. ANY SUCH CONTRACTOR SHALL ESTABLISH NEW ENHANCED INSPECTION CENTERS AND SHALL UPDATE EXISTING TECHNICAL CENTERS IN THE ENHANCED PROGRAM AREA TO THE SAME LEVEL OF INSPECTION TECHNOLOGY AS ENHANCED INSPECTION CENTERS.

(6) "DIVISION" MEANS THE DIVISION OF ADMINISTRATION IN THE DEPARTMENT OF HEALTH.

(7) "EMISSIONS INSPECTOR" MEANS:

(a) AN INDIVIDUAL TRAINED AND LICENSED IN ACCORDANCE WITH SECTION 42-4-310 TO INSPECT MOTOR VEHICLES AT AN INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY SUBJECT TO THE ENHANCED EMISSIONS PROGRAM SET FORTH IN THIS PART 3; OR

(b) AN INDIVIDUAL EMPLOYED BY AN ENHANCED INSPECTION CENTER WHO IS AUTHORIZED BY THE CONTRACTOR TO INSPECT MOTOR VEHICLES SUBJECT TO THE ENHANCED EMISSIONS PROGRAM SET FORTH IN THIS PART 3 AND SUBJECT TO THE DIRECTION OF SAID CONTRACTOR.

~~(4)~~ (8) "Emissions mechanic" means an individual licensed in accordance with section 42-4-310 to inspect and adjust motor vehicles ~~which are~~ subject to the automobile inspection and readjustment program UNTIL SUCH PROGRAM IS REPLACED AS PROVIDED IN SECTIONS 42-4-306.5 TO 42-4-316 AND TO THE BASIC EMISSIONS PROGRAM AFTER SUCH REPLACEMENT.

(9) (a) "ENHANCED EMISSIONS PROGRAM" MEANS, EFFECTIVE JANUARY 1, 1995, THE EMISSIONS INSPECTION PROGRAM ESTABLISHED PURSUANT TO THE FEDERAL REQUIREMENTS SET FORTH IN THE FEDERAL PERFORMANCE STANDARDS, 40 C.F.R., PART 51, SUBPART S, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON AND THE CITY AND COUNTY OF DENVER, AS SET FORTH IN PARAGRAPHS (b) AND (c) OF SUBSECTION (18) OF THIS SECTION.

(b) EFFECTIVE JULY 1, 1995, "ENHANCED EMISSIONS PROGRAM" SHALL INCLUDE BOULDER COUNTY.

(10) "ENHANCED INSPECTION CENTER" MEANS A STRATEGICALLY LOCATED, SINGLE- OR MULTI-LANE, HIGH-VOLUME, INSPECTION-ONLY FACILITY OPERATED IN THE ENHANCED EMISSIONS PROGRAM AREA BY A CONTRACTOR NOT AFFILIATED WITH ANY OTHER AUTOMOTIVE-RELATED SERVICE, WHICH MEETS THE REQUIREMENTS OF SECTIONS 42-4-308 AND 42-4-309, WHICH IS EQUIPPED TO ENABLE VEHICLE EXHAUST GAS AND EVAPORATIVE AND CHLOROFLUOROCARBON EMISSIONS INSPECTIONS, AND WHICH THE OWNER OR OPERATOR IS AUTHORIZED TO OPERATE BY THE EXECUTIVE DIRECTOR AS AN INSPECTION-ONLY FACILITY.

(11) "ENVIRONMENTAL PROTECTION AGENCY" MEANS THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

~~(5)~~ (12) "Executive director" means the executive director of the department of revenue or ~~his~~ THE designee OF SUCH EXECUTIVE DIRECTOR.

(13) "FEDERAL ACT" MEANS THE FEDERAL "CLEAN AIR ACT", 42 U.S.C. SEC. 7401 ET SEQ., AS IN EFFECT ON NOVEMBER 15, 1990, AND ANY FEDERAL REGULATION PROMULGATED PURSUANT TO SAID ACT.

(14) "FEDERAL REQUIREMENTS" MEANS REGULATIONS OF THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE FEDERAL ACT.

(15) "FLEET INSPECTION STATION" MEANS A FACILITY WHICH MEETS THE REQUIREMENTS OF SECTION 42-4-310, WHICH IS EQUIPPED TO ENABLE APPROPRIATE EMISSIONS INSPECTIONS AS PRESCRIBED BY THE COMMISSION AND WHICH THE OWNER OR OPERATOR IS LICENSED TO OPERATE BY THE EXECUTIVE DIRECTOR AS AN INSPECTION STATION FOR PURPOSES OF EMISSIONS TESTING ON VEHICLES PURSUANT TO SECTION 42-4-311.

~~(6)~~ (16) "Inspection and readjustment station" means:

(a) (I) A facility which meets the requirements of section ~~42-4-308 (5)~~ 42-4-310 and which is so equipped as to enable a vehicle exhaust gas emissions inspection and any necessary adjustments to be performed and at which facility the owner or operator is licensed by the executive director to operate an inspection and readjustment station. Said term shall include, unless otherwise stated, a "fleet inspection and readjustment station", so equipped, at which facility the operator is licensed pursuant to section 42-4-311 to operate an inspection and readjustment station to inspect the fleet of vehicles.

(II) (A) THIS PARAGRAPH (a) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(B) THIS PARAGRAPH (a) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

(C) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 1995.

(b) (I) A FACILITY WITHIN THE BASIC EMISSIONS PROGRAM AREA AS DEFINED IN SUBSECTION (18) OF THIS SECTION WHICH MEETS THE REQUIREMENTS OF SECTION 42-4-310, WHICH IS EQUIPPED TO ENABLE VEHICLE EXHAUST, EVAPORATIVE, AND CHLOROFLUOROCARBONS EMISSIONS INSPECTIONS AND ANY NECESSARY ADJUSTMENTS AND REPAIRS TO BE PERFORMED, AND WHICH FACILITY THE OWNER OR OPERATOR IS LICENSED BY THE EXECUTIVE DIRECTOR TO OPERATE AS AN INSPECTION AND READJUSTMENT STATION.

(II) THIS PARAGRAPH (b) IS EFFECTIVE JANUARY 1, 1994.

(16.5) (a) "INSPECTION-ONLY FACILITY" MEANS A FACILITY OPERATED BY AN INDEPENDENT OWNER-OPERATOR WITHIN THE ENHANCED PROGRAM AREA AS DEFINED IN SUBSECTION (18) OF THIS SECTION WHICH MEETS THE REQUIREMENTS OF SECTION 42-4-310 AND WHICH IS EQUIPPED TO ENABLE VEHICLE EXHAUST, EVAPORATIVE, AND CHLOROFLUOROCARBON EMISSIONS INSPECTIONS AND WHICH FACILITY THE OPERATOR IS LICENSED TO OPERATE BY THE EXECUTIVE DIRECTOR AS AN INSPECTION-ONLY FACILITY. SUCH INSPECTION-ONLY FACILITY SHALL BE AUTHORIZED TO CONDUCT INSPECTIONS ON MODEL YEAR 1980 AND OLDER VEHICLES.

(b) THIS SUBSECTION (16.5) IS EFFECTIVE JANUARY 1, 1995.

~~(7)~~ (17) "Motor vehicle", as applicable to ~~emissions inspections~~ THE AIR PROGRAM, includes only a motor vehicle which is operated with four wheels or more on the ground, self-propelled by ~~any gaseous fuel, liquid gasoline, or motor fuel containing a blend of liquid gasoline and alcohol and also includes any motor vehicle~~ A SPARK IGNITED ENGINE BURNING GASOLINE, GASOLINE BLENDS, GASEOUS FUEL, BLENDS OF LIQUID GASOLINE AND GASEOUS FUELS, ALCOHOL, ALCOHOL BLENDS, OR OTHER SIMILAR FUELS, having a personal property classification of A, B, or C pursuant to section 42-3-105, ~~as specified on its vehicle registration,~~ and for which registration in this state is required for operation on the public roads and highways or which motor vehicle is owned or operated or both by a nonresident who meets the requirements set forth in section 42-4-312 (1) (b.5). "Motor vehicle" does not include vehicles registered pursuant to section 42-3-122.5, 42-3-123 (11), or 42-3-128 or vehicles registered pursuant to section 42-15-102 which are of model year 1959 or earlier or which have two-stroke cycle engines MANUFACTURED PRIOR TO 1980.

(17.5) (a) "MOTOR VEHICLE DEALER TEST FACILITY" MEANS A STATIONARY OR MOBILE FACILITY WHICH IS OPERATED BY A STATE TRADE ASSOCIATION FOR MOTOR VEHICLE DEALERS WHICH IS LICENSED TO OPERATE BY THE EXECUTIVE DIRECTOR AS A MOTOR VEHICLE DEALER TEST FACILITY TO CONDUCT EMISSIONS INSPECTIONS.

(b) (I) INSPECTIONS CONDUCTED PURSUANT TO SECTION 42-4-311 (3) BY A MOTOR VEHICLE DEALER TEST FACILITY SHALL ONLY BE CONDUCTED ON USED MOTOR VEHICLES INVENTORIED OR CONSIGNED IN THIS STATE FOR RETAIL SALE BY A MOTOR VEHICLE DEALER LICENSED PURSUANT TO ARTICLE 6 OF TITLE 12, C.R.S., AND WHICH IS A MEMBER OF THE STATE TRADE ASSOCIATION OPERATING THE MOTOR VEHICLE DEALER TEST FACILITY.

(II) INSPECTION PROCEDURES USED BY A MOTOR VEHICLE DEALER TEST FACILITY PURSUANT TO THIS PARAGRAPH (b) SHALL INCLUDE A LOADED MODE TRANSIENT DYNAMOMETER TEST CYCLE IN COMBINATION WITH APPROPRIATE IDLE SHORT TESTS PURSUANT TO RULES AND REGULATIONS OF THE COMMISSION.

~~(8)~~ (18) (a) "Program area" means the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld and the city and county of Denver, excluding the following areas:

~~(a)~~ (I) That portion of Adams county which is east of Kiowa creek (Range 62 West, Townships 1, 2, and 3 South) between the Adams-Arapahoe county line and the Adams-Weld county line;

~~(b)~~ (II) That portion of Arapahoe county which is east of Kiowa creek (Range 62 West, Townships 4 and 5 South) between the Arapahoe-Elbert county line and the Arapahoe-Adams county line;

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~~(c)~~ (III) That portion of El Paso county which is east of the following boundary, defined on a south-to-north axis: From the El Paso-Pueblo county line north (upstream) along Chico creek (Ranges 63 and 64 West, Township 17 South) to Hanover road, then east along Hanover road (El Paso county route 422) to Peyton highway, then north along Peyton highway (El Paso county route 463) to Falcon highway, then west on Falcon highway (El Paso county route 405) to Peyton highway, then north on Peyton highway (El Paso county route 405) to Judge Orr road, then west on Judge Orr road (El Paso county route 108) to Elbert road, then north on Elbert road (El Paso county route 91) to the El Paso-Elbert county line;

~~(d)~~ (IV) That portion of Larimer county which is west of the boundary defined on a north-to-south axis by Range 71 West and that portion which is north of the boundary defined on an east-to-west axis by Township 10 North;

~~(e)~~ ~~(I)~~ (V) That portion of Weld county which is outside the corporate boundaries of Greeley, Evans, La Salle, and Garden City and, in addition, is outside the following boundary: Beginning at the point of intersection of the west boundary line of section 21, township six north, range sixty-six west and state highway 392, east along state highway 392 to the point of intersection with Weld county road 37; then south along Weld county road 37 to the point of intersection with Weld county road 64; then east along Weld county road 64 to the point of intersection with Weld county road 43; then south along Weld county road 43 to the point of intersection with Weld county road 62; then east along Weld county road 62 to the point of intersection with Weld county road 49; then south along Weld county road 49 to the point of intersection with the south boundary line of section 13, township five north, range sixty-five west; then west along the south boundary line of section 13, township five north, range sixty-five west, section 14, township five north, range sixty-five west, and section 15, township five north, range sixty-five west; then, from the southwest corner of section 15, township five west, range sixty-five west, south along the east boundary line of section 21, township five north, range sixty-five west, and section 28, township five north, range sixty-five west; then west along the south boundary line of section 28, township five north, range sixty-five west; then south along the east boundary line of section 32, township five north, range sixty-five west, and section 5, township four north, range sixty-five west; then west along the south boundary line of section 5, township four north, range sixty-five west, section 6, township four north, range sixty-five west, and section 1, township four north, range sixty-six west; then north along the west boundary line of section 1, township four north, range sixty-six west, and section 36, township five north, range sixty-six west; then, from the point of intersection of the west boundary line of section 36, township five north, range sixty-six

west and Weld county road 52, west along Weld county road 52 to the point of intersection with Weld county road 27; then north along Weld county road 27 to the point of intersection with the south boundary line of section 18, township five north, range sixty-six west; then west along the south boundary line of section 18, township five north, range sixty-six west, section 13, township five north, range sixty-seven west, and section 14, township five north, range sixty-seven west; then north along the west boundary line of section 14, township five north, range sixty-seven west, section 11, township five north, range sixty-seven west, and section 2, township five north, range sixty-seven west; then east along the north boundary line of section 2, township five north, range sixty-seven west, section 1, township five north, range sixty-seven west, section 6, township five north, range sixty-six west, and section 5, township five north, range sixty-six west; then, from the northeast corner of section 5, township five north, range sixty-six west, north along the west boundary line of section 33, township six north, range sixty-six west, section 28, township six north, range sixty-six west, and section 21, township six north, range sixty-six west, to the point of beginning.

~~(II) Subparagraph (I) of this paragraph (e) shall be effective unless, on or after January 1, 1988, the department of health determines that the portion of Weld county which is inside the boundary specified in subparagraph (I) of this paragraph (e) has exceeded the carbon monoxide standards of the national ambient air quality standards as established by the United States environmental protection agency two times within a twelve month period, in which case, subparagraph (I) of this paragraph (e) shall be effective for a period of four months after the department of health has verified that such standards have been exceeded.~~

~~(f) (I) That portion of Weld county which is outside the following boundary: Beginning at the boundary line between Weld and Larimer counties at the northwest corner of section 6, township four north, range sixty eight west; east along the north boundary line of section 6, township four north, range sixty eight west, section 5, township four north, range sixty eight west, section 4, township four north, range sixty eight west, section 3, township four north, range sixty eight west, section 2, township four north, range sixty eight west, and section 1, township four north, range sixty eight west; then, from the northeast corner of section 1, township four north, range sixty eight west, north along the west boundary line of section 31, township five north, range sixty seven west, section 30, township five north, range sixty seven west, section 19, township five north, range sixty seven west, section 18, township five north, range sixty seven west, section 7, township five north, range sixty seven west, section 6, township five north, range sixty seven west, section 31, township six north, range~~

~~sixty seven west, section 30, township six north, range
sixty seven west, section 19, township six north, range
sixty seven west, section 18, township six north, range
sixty seven west, section 7, township six north, range sixty seven
west, section 6, township six north, range sixty seven west,
section 31, township seven north, range sixty seven west, section
30, township seven north, range sixty seven west, section 19,
township seven north, range sixty seven west, section 18, township
seven north, range sixty seven west, and section 7, township seven
north, range sixty seven west; then east along the north boundary
line of section 7, township seven north, range sixty seven west,
section 8, township seven north, range sixty seven west, section
9, township seven north, range sixty seven west, section 10,
township seven north, range sixty seven west, section 11, township
seven north, range sixty seven west, section 12, township seven
north, range sixty seven west, section 7, township seven north,
range sixty six west, section 8, township seven north, range
sixty six west, section 9, township seven north, range sixty six
west, section 10, township seven north, range sixty six west,
section 11, township seven north, range sixty six west, section
12, township seven north, range sixty six west, section 7,
township seven north, range sixty five west, section 8, township
seven north, range sixty five west, section 9, township seven
north, range sixty five west, section 10, township seven north,
range sixty five west, and section 11, township seven north, range
sixty five west; then south along the east boundary line of
section 11, township seven north, range sixty five west, section
14, township seven north, range sixty five west, section 23,
township seven north, range sixty five west, section 26, township
seven north, range sixty five west, section 35, township seven
north, range sixty five west, section 2, township six north, range
sixty five west, section 11, township six north, range sixty five
west, section 14, township six north, range sixty five west,
section 23, township six north, range sixty five west, and section
26, township six north, range sixty five west; then, from the
southeast corner of section 26, township six north, range
sixty five west, east along the north boundary line of section 26,
township six north, range sixty five west, section 31, township
six north, range sixty four west, section 32, township six north,
range sixty four west, and section 33, township six north, range
sixty four west; then south along the east boundary line of
section 33, township six north, range sixty four west, section 4,
township five north, range sixty four west, section 9, township
five north, range sixty four west, section 16, township five
north, range sixty four west, section 21, township five north,
range sixty four west, section 28, township five north, range
sixty four west, section 33, township five north, range sixty four
west, section 4, township four north, range sixty four west, and
section 9, township four north, range sixty four west; then west
along the south boundary of section 9, township four north, range
sixty four west, section 8, township four north, range sixty four
west, section 7, township four north, range sixty four west, and~~

~~section 12, township four north, range sixty five west; then, from the southwest corner of section 12, township four north, range sixty five west, south along the east boundary line of section 14, township four north, range sixty five west, and section 23, township four north, range sixty five west; then west along the south boundary line of section 23, township four north, range sixty five west, section 22, township four north, range sixty five west, and section 21, township four north, range sixty five west; then, from the southwest corner of section 21, township four north, range sixty five west, south along the east boundary line of section 29, township four north, range sixty five west, and section 32, township four north, range sixty five west; then west along the south boundary line of section 32, township four north, range sixty five west, section 31, township four north, range sixty five west, and section 36, township four north, range sixty six west; then, from the southwest corner of section 36, township four north, range sixty six west, south along the east boundary line of section 2, township three north, range sixty six west, and section 11, township three north, range sixty six west; then west along the south boundary line of section 11, township three north, range sixty six west; then, from the southwest corner of section 11, township three north, range sixty six west, south along the east boundary line of section 15, township three north, range sixty six west, section 22, township three north, range sixty six west, section 27, township three north, range sixty six west, section 34, township three north, range sixty six west, section 3, township two north, range sixty six west, section 10, township two north, range sixty six west, section 15, township two north, range sixty six west, section 22, township two north, range sixty six west, section 27, township two north, range sixty six west, section 34, township two north, range sixty six west, section 3, township one north, range sixty six west, section 10, township one north, range sixty six west, section 15, township one north, range sixty six west, section 22, township one north, range sixty six west, section 27, township one north, range sixty six west, and section 34, township one north, range sixty six west; then, from the southeast corner of section 34, township one north, range sixty six west, west along the boundary line between Weld and Adams counties; then north along the boundary line between Weld and Boulder counties; then north along the boundary line between Weld and Larimer counties to the point of beginning.~~

~~(II) On and after January 1, 1988, subparagraph (I) of this paragraph (f) shall be effective four months after the department of health has verified that the portion of Weld county which is inside the boundary specified in subparagraph (I) of paragraph (e) of this subsection (8) has exceeded the carbon monoxide standards of the national ambient air quality standards as established by the United States environmental protection agency two times within a twelve month period.~~

(b) EFFECTIVE JANUARY 1, 1994, THE BASIC EMISSIONS PROGRAM

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AREA SHALL CONSIST OF THE COUNTIES OF EL PASO, LARIMER, AND WELD AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (18).

(c) (I) EFFECTIVE JANUARY 1, 1995, THE ENHANCED EMISSIONS PROGRAM AREA SHALL CONSIST OF THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON AND THE CITY AND COUNTY OF DENVER AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (18).

(II) EFFECTIVE JULY 1, 1995, BOULDER COUNTY SHALL BE INCORPORATED INTO THE ENHANCED EMISSIONS PROGRAM AREA.

(III) ONLY THOSE COUNTIES INCLUDED IN THE BASIC EMISSIONS PROGRAM AREA PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (18) AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (18) WHICH VIOLATE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE OR OZONE AS ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY MAY, ON A CASE-BY-CASE BASIS, BE INCORPORATED INTO THE ENHANCED EMISSIONS PROGRAM BY FINAL ORDER OF THE COMMISSION.

(19) "REGISTERED REPAIR FACILITY OR TECHNICIAN" MEANS AN AUTOMOTIVE REPAIR BUSINESS WHICH HAS REGISTERED WITH THE DIVISION, AGREES TO HAVE ITS EMISSIONS-RELATED COST EFFECTIVENESS MONITORED BASED ON INSPECTION DATA, AND IS PERIODICALLY PROVIDED PERFORMANCE STATISTICS FOR THE PURPOSE OF IMPROVING EMISSIONS-RELATED REPAIRS. SPECIFIC REPAIR EFFECTIVENESS INFORMATION SHALL SUBSEQUENTLY BE PROVIDED TO MOTORISTS AT THE TIME OF INSPECTION FAILURE.

(20) "STATE IMPLEMENTATION PLAN" OR "SIP" MEANS THE PLAN REQUIRED BY AND DESCRIBED IN SECTION 110 (a) OF THE FEDERAL ACT.

(20.5) "TECHNICAL CENTER" MEANS ANY FACILITY OPERATED BY THE DIVISION OR ITS DESIGNEE TO SUPPORT AIR PROGRAM ACTIVITIES INCLUDING BUT NOT LIMITED TO LICENSED EMISSIONS INSPECTORS OR EMISSIONS MECHANICS, MOTORISTS, REPAIR TECHNICIANS, OR SMALL BUSINESS TECHNICAL ASSISTANCE.

~~(9)~~ (21) "Verification of emissions test" means a certificate to be attached to a motor vehicle's windshield verifying that the vehicle has been issued a valid certification of emissions control.

SECTION 14. 42-4-308, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-308. Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) The executive director is authorized to issue, deny, cancel, suspend, or revoke licenses for, and shall furnish instructions ~~and all necessary forms to~~, inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS. THE EXECUTIVE DIRECTOR SHALL

PROVIDE ALL NECESSARY FORMS FOR INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, AND FLEET INSPECTION STATIONS. MOTOR VEHICLE DEALER TEST FACILITIES AND ENHANCED INSPECTION CENTERS SHALL PURCHASE NECESSARY INSPECTION FORMS FROM THE VENDOR OR VENDORS IDENTIFIED BY THE EXECUTIVE DIRECTOR. Said inspection and readjustment ~~station licensees~~ STATIONS, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS shall be responsible for the issuance of certifications of emissions control. The executive director is authorized to furnish forms and instructions and issue or deny licenses to, or cancel, suspend, or revoke licenses of, EMISSIONS INSPECTORS AND emissions mechanics. The ~~annual~~ INITIAL BIENNIAL fee for an inspection and readjustment station license, AN INSPECTION-ONLY FACILITY LICENSE, A FLEET INSPECTION STATION LICENSE, A MOTOR VEHICLE DEALER TEST FACILITY LICENSE, AND AN ENHANCED INSPECTION CENTER AUTHORIZATION shall be ~~twenty-five~~ THIRTY-FIVE dollars, ~~for the first issuance and ten dollars for the annual~~ AND THE BIENNIAL renewal fee SHALL BE TWENTY DOLLARS. The initial ~~annual~~ BIENNIAL fee for issuance of an EMISSIONS INSPECTOR LICENSE OR AN emissions mechanic license shall be ~~ten~~ FIFTEEN dollars, and the ~~annual~~ BIENNIAL renewal fee ~~for an emissions mechanic license~~ shall be ~~five~~ TEN dollars. THE FEE FOR EACH TRANSFER OF AN EMISSIONS INSPECTOR LICENSE OR AN EMISSIONS MECHANIC LICENSE SHALL BE TEN DOLLARS. The moneys received from such fees shall be deposited to the credit of the AIR account in the highway users tax fund, and such moneys shall be expended by the department of revenue only for the administration of the inspection and readjustment program upon appropriation by the general assembly.

(2) The executive director shall supervise the activities of licensed inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AUTHORIZED ENHANCED INSPECTION CENTERS, LICENSED EMISSIONS INSPECTORS, and licensed emissions mechanics and shall cause inspections to be made of such stations, ~~and records and said emissions mechanics,~~ FACILITIES, CENTERS, INSPECTORS, AND MECHANICS AND APPROPRIATE RECORDS for compliance with licensing requirements.

(3) The executive director shall require the surrender of any license issued under section 42-4-310 upon cancellation, suspension, or revocation action taken for a violation of any of the provisions of sections 42-4-306.5 to 42-4-316 or of any of the regulations promulgated pursuant thereto. In any such actions affecting licenses, the executive director may conduct hearings as a result of which such action is to be taken. Any such hearing may be conducted by a hearing officer appointed at the request of the executive director in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., which shall govern the conduct of such hearings and action on said licenses, except as provided in section 42-4-314 (4).

(4) The executive director shall ~~adopt~~ PROMULGATE RULES AND regulations CONSISTENT WITH THOSE OF THE COMMISSION for the administration and operation of inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS and for the issuance, identification, and use of certifications of emissions control and shall ~~adopt~~ PROMULGATE such rules and regulations as may be necessary to the effectiveness of the automobile inspection and readjustment program.

~~(5) (a) Beginning January 1, 1981, the executive director shall hold hearings annually concerning the maximum fee established by section 42-4-313 (4) (a) to ascertain whether such fee provides fair compensation for performing inspections and represents an equitable charge to the consumer for such inspection and shall report to the general assembly not later than December 1 of each year concerning any suggested changes in such fee.~~

(b) The executive director shall ~~adopt~~ PROMULGATE RULES AND regulations which require that each licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, OR ENHANCED INSPECTION CENTER post in a clearly legible fashion in a conspicuous place ~~at the station~~ IN SUCH STATION, FACILITY, OR CENTER the fee charged by such station, FACILITY, OR CENTER for performing an emissions inspection and, WITHIN THE BASIC PROGRAM AREA, the fee charged BY ANY SUCH INSPECTION AND READJUSTMENT STATION for performing the adjustments and any repairs required for the issuance of a certification of emissions ~~adjustments~~ WAIVER.

~~(6) (a) The executive director shall calibrate the exhaust gas analyzers of each licensed inspection and readjustment station not less than once every sixty days and shall evaluate the operation of each such station by the use of unmarked motor vehicles not less than once each year. THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO IMPLEMENT AN ONGOING QUALITY ASSURANCE PROGRAM TO DISCOVER, CORRECT, AND PREVENT FRAUD, WASTE, AND ABUSE AND TO DETERMINE WHETHER PROPER PROCEDURES ARE BEING FOLLOWED, WHETHER THE EMISSIONS TEST EQUIPMENT IS CALIBRATED AS SPECIFIED, AND WHETHER OTHER PROBLEMS EXIST WHICH WOULD IMPEDE THE SUCCESS OF THE PROGRAM.~~

(b) OVERT PERFORMANCE AUDITS SHALL BE CONDUCTED AS FOLLOWS:

(I) EVERY NINETY DAYS AT EACH INSPECTION AND READJUSTMENT STATION, INSPECTION-ONLY FACILITY, AND MOTOR VEHICLE DEALER TEST FACILITY;

(II) EVERY NINETY DAYS AT EACH FLEET INSPECTION STATION;

(III) EVERY NINETY DAYS FOR EACH TEST LANE AT EACH ENHANCED INSPECTION CENTER.

(c) COVERT AUDITS USING UNMARKED MOTOR VEHICLES SHALL BE CONDUCTED AS FOLLOWS:

(I) ONCE PER YEAR AT EACH INSPECTION AND READJUSTMENT STATION;

(II) AT LEAST TWICE PER YEAR FOR EACH TEST LANE AT EACH INSPECTION-ONLY FACILITY AND ENHANCED INSPECTION CENTER TO INCLUDE OBSERVATION OF INSPECTOR PERFORMANCE.

(d) RECORD AUDITS TO REVIEW THE PERFORMANCE OF INSPECTION-ONLY FACILITIES, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS, INCLUDING COMPLIANCE WITH RECORD-KEEPING AND REPORTING REQUIREMENTS, SHALL BE PERFORMED ON A MONTHLY BASIS.

(e) EQUIPMENT AUDITS SHALL BE PERFORMED TO VERIFY QUALITY CONTROL AND CALIBRATION OF THE REQUIRED TEST EQUIPMENT AS FOLLOWS:

(I) TWICE PER YEAR AT EACH INSPECTION AND READJUSTMENT STATION;

(II) EVERY NINETY DAYS FOR EACH TEST LANE AT EACH INSPECTION-ONLY FACILITY, MOTOR VEHICLE DEALER TEST FACILITY, AND ENHANCED INSPECTION CENTER TO BE DONE CONTEMPORANEOUSLY WITH THE OVERT PERFORMANCE AUDIT;

(III) ONCE PER YEAR AT EACH FLEET INSPECTION STATION.

(f) THE EXECUTIVE DIRECTOR SHALL TRANSFER QUALITY ASSURANCE ACTIVITY RESULTS TO THE DEPARTMENT OF HEALTH AT LEAST QUARTERLY.

(7) ~~In accordance with section 24-1-136, C.R.S., the executive director shall publish the compilation of high altitude modifications or adjustments developed and approved by the commission pursuant to section 42-4-309 (10).~~ THE EXECUTIVE DIRECTOR SHALL IMPLEMENT AND ENFORCE THE EMISSIONS TEST REQUIREMENTS AS PRESCRIBED IN SECTION 42-4-312 BY UTILIZING A REGISTRATION DENIAL-BASED ENFORCEMENT PROGRAM AS REQUIRED IN THE FEDERAL ACT INCLUDING AN ELECTRONIC DATA TRANSFER OF INSPECTION DATA THROUGH THE USE OF A COMPUTER MODEM OR SIMILAR TECHNOLOGY FOR VEHICLE REGISTRATION AND PROGRAM ENFORCEMENT PURPOSES. ALL INSPECTION DATA GENERATED AT LICENSED INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS SHALL BE PROVIDED TO THE DEPARTMENT OF HEALTH ON A TIMELY BASIS.

(8) (a) The executive director shall, by regulation,

establish a method for the owners of motor vehicles which are exempt pursuant to section ~~42-4-307 (8) (a) to (8) (d)~~ 42-4-307 (18) from the ~~inspection and readjustment~~ AIR program to establish their entitlement to such exemption. No additional fee or charge for establishing entitlement to such exemption shall be collected by the department.

(b) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.

(8.1) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.

(9) THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE ISSUANCE OF CERTIFICATIONS OF EMISSIONS WAIVER AS PRESCRIBED BY SECTION 42-4-312 AND SHALL BE RESPONSIBLE FOR THE RESOLUTION OF ALL FORMAL PUBLIC COMPLAINTS CONCERNING TEST RESULTS OR TEST REQUIREMENTS IN THE MOST CONVENIENT AND COST-EFFECTIVE MANNER POSSIBLE.

(10) (a) THE EXECUTIVE DIRECTOR AND THE DEPARTMENT OF HEALTH ARE AUTHORIZED TO ENTER INTO A CONTRACT OR SERVICE AGREEMENT WITH A CONTRACTOR TO PROVIDE INSPECTION SERVICES AT ENHANCED INSPECTION CENTERS FOR VEHICLES WITHIN THE ENHANCED PROGRAM AREA REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312. ANY SUCH CONTRACT OR SERVICE AGREEMENT SHALL INCLUDE SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO ENSURE THAT THE CONTRACTOR SHALL OPERATE ENHANCED INSPECTION CENTERS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND THE FEDERAL ACT, SHALL INCLUDE PROVISIONS ESTABLISHING LIQUIDATED DAMAGES AND PENALTIES FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT, AND SHALL BE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION AND THE DEPARTMENT OF REVENUE. ANY SUCH CONTRACT OR SERVICE AGREEMENT SHALL INCLUDE PROVISIONS SPECIFYING THAT INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, AND MOTOR VEHICLE DEALER TEST FACILITIES SHALL HAVE COMPLETE ACCESS TO ELECTRONIC DATA TRANSFER OF INSPECTION DATA THROUGH COMPUTER SERVICES OF THE CONTRACTOR AT A COST EQUAL TO THAT OF ENHANCED INSPECTION CENTERS.

(b) UPON THE APPROVAL OF THE EXECUTIVE DIRECTOR AND THE DEPARTMENT OF HEALTH, THE CONTRACTOR SHALL PROVIDE INSPECTION SERVICES FOR VEHICLES WITHIN THE ENHANCED PROGRAM AREA REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312.

(11) THE EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ANNUALLY ON THE EFFECTIVENESS OF THE QUALITY ASSURANCE AND ENFORCEMENT MEASURES CONTAINED IN THIS SECTION, THE OVERALL MOTORIST COMPLIANCE RATES WITH INSPECTIONS FOR REGISTRATION DENIAL, AND THE STATUS OF STATE IMPLEMENTATION PLAN COMPLIANCE PERTAINING TO QUALITY ASSURANCE. THIS ANNUAL REPORT SHALL BE SUBMITTED TO THE COMMISSION IN MAY OF EACH YEAR FOR INCORPORATION

INTO APPROPRIATE ANNUAL AND BIENNIAL REPORTING REQUIREMENTS. REPORTS SHALL COVER THE PREVIOUS CALENDAR YEAR.

SECTION 15. 42-4-309, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-309. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) The commission shall develop and evaluate a motor vehicle inspection and readjustment program PROGRAMS FOR THE ENHANCED PROGRAM AREA AND BASIC PROGRAM AREA and may promulgate such regulations as may be necessary to implement AND MAINTAIN THE NECESSARY PERFORMANCE OF said program PROGRAMS CONSISTENT WITH THE FEDERAL ACT.

(2) The commission shall develop and formulate training and qualification programs for state-employed ~~emissions inspectors and investigators~~ MOTOR VEHICLE EMISSIONS COMPLIANCE OFFICERS TO INCLUDE ANNUAL AUDITOR PROFICIENCY EVALUATIONS.

(3) (a) (I) (A) ~~The commission shall be responsible for the adoption of~~ PROMULGATE rules and regulations of a technical nature, including the establishment of regulations governing the procedures for the testing and licensing of emissions mechanics, and the procedures governing FOR THE TRAINING, TESTING, AND LICENSING OF EMISSIONS INSPECTORS AND EMISSIONS MECHANICS AND the licensing of inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND THE AUTHORIZATION OF ENHANCED INSPECTION CENTERS; the standards and specifications for the approval, operation, calibration, and certification of exhaust gas AND EVAPORATIVE EMISSIONS measuring instruments INSTRUMENTATION OR TEST ANALYZER SYSTEMS; and the procedures and practices to ensure the proper performance of inspections, adjustments, and required repairs.

(B) Specifications adopted by the commission for exhaust gas measuring instruments ~~shall not exceed the specifications adopted for such instruments by the California bureau of automotive repair, commonly designated as BAR 74, before July 1, 1987; except that, on or after July 1, 1987, no such instrument shall be used which is of a lesser performance specification than BAR 84 and; except that any inspection and readjustment station may use exhaust gas measuring instruments which exceed such specifications~~ INSTRUMENTATION IN THE PROGRAM AREAS SHALL CONFORM TO THE FEDERAL ACT AND FEDERAL REQUIREMENTS, INCLUDING ELECTRONIC DATA TRANSFER, AND MAY INCLUDE BAR CODE CAPABILITIES.

(C) Upon the adoption of specifications for measuring instruments AND TEST ANALYZER SYSTEMS, the ~~department of administration~~ DIVISION IN CONSULTATION WITH THE EXECUTIVE DIRECTOR shall let bids pursuant to the "Procurement Code", articles 101 to 112 of title 24, C.R.S., for the procurement of

instruments which meet ~~BAR 84 standards~~ FEDERAL REQUIREMENTS AND THE STANDARDS OF THE FEDERAL ACT. The invitation for bids FOR TEST ANALYZER SYSTEMS FOR THE BASIC PROGRAM AND INSPECTION-ONLY FACILITIES IN THE ENHANCED PROGRAM shall include, but shall not be limited to, the requirements for data collection AND ELECTRONIC TRANSFER OF DATA as established by the commission, service and maintenance requirements for such instruments for the period of the contract, requirements for replacement or loan instruments in the event that the purchased OR LEASED instruments do not function, and the initial purchase OR LEASE price. In no event shall the contract for the purchase of such instruments extend beyond five years. ~~Licensed emission stations which are required to purchase BAR 84 instruments shall purchase them pursuant to the bid procedure of the department of administration.~~ DECEMBER 31, 2001.

(II) POINTS OF NO GREATER THAN FIVE PERCENT SHALL BE ASSIGNED TO THOSE RESPONDENTS THAT MAKE THE GREATEST USE OF COLORADO GOODS, SERVICES, AND THE PARTICIPATION OF SMALL BUSINESS. LICENSED INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, AND MOTOR VEHICLE DEALER TEST FACILITIES, IF APPLICABLE, WHICH ARE REQUIRED TO PURCHASE COMMISSION-APPROVED TEST ANALYZER SYSTEMS SHALL PURCHASE THEM PURSUANT TO THE BID PROCEDURE OF THE DEPARTMENT OF ADMINISTRATION.

(III) MOBILE TEST ANALYZER SYSTEMS FOR MOTOR VEHICLE DEALER TEST FACILITIES SHALL COMPLY WITH COMMISSION SPECIFICATIONS DEVELOPED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) (I) FOR THE ENHANCED EMISSIONS PROGRAM, THE COMMISSION SHALL DEVELOP SYSTEM DESIGN STANDARDS, PERFORMANCE STANDARDS, AND CONTRACTOR REQUIREMENTS. UPON THE ADOPTION OF SUCH CRITERIA, AN OPEN COMPETITIVE REQUEST FOR PROPOSALS SHALL BE ISSUED BY THE DIVISION IN CONSULTATION WITH THE EXECUTIVE DIRECTOR ACCORDING TO ESTABLISHED PROCEDURES AND PROTOCOL TO ESTABLISH A CONTRACT FOR THE DESIGN, CONSTRUCTION, EQUIPMENT, MAINTENANCE, AND OPERATION OF ENHANCED INSPECTION CENTERS TO SERVE AFFECTED MOTORISTS. THE REQUEST FOR PROPOSALS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, SUCH CRITERIA AS BIDDERS' QUALIFICATIONS AND EXPERIENCE IN PROVIDING EMISSIONS INSPECTION SERVICES, FINANCIAL AND PERSONNEL RESOURCES AVAILABLE FOR START-UP, TECHNICAL OR MANAGEMENT EXPERTISE, AND CAPACITY TO SATISFY SUCH REQUIREMENTS FOR THE LIFE OF THE CONTRACT.

(II) INSPECTION PROCEDURES, EQUIPMENT CALIBRATION AND MAINTENANCE, AND DATA STORAGE AND TRANSFER SHALL COMPLY WITH FEDERAL REQUIREMENTS AND MAY INCLUDE BAR CODE CAPABILITY. THE SYSTEM SHALL PROVIDE REASONABLE CONVENIENCE TO THE PUBLIC.

(III) POINTS OF NO GREATER THAN FIVE PERCENT SHALL BE ASSIGNED TO THOSE RESPONDENTS WHO MAKE THE GREATEST USE OF COLORADO GOODS, SERVICES, AND PARTICIPATION OF SMALL BUSINESSES.

(IV) IN NO EVENT SHALL THE CONTRACT FOR INSPECTION SERVICES EXTEND BEYOND DECEMBER 31, 2001.

(4) (a) The commission shall develop a ~~voluntary program for the training of licensed emissions mechanics, which program should be funded by tuition charged to the participants unless federal funds are made available for such training~~ TO TRAIN AND EXAMINE ALL APPLICANTS FOR AN EMISSIONS INSPECTOR OR EMISSIONS MECHANIC LICENSE. TRAINING OF EMISSIONS INSPECTORS WHO ARE EMPLOYED AT ENHANCED INSPECTION CENTERS WITHIN THE ENHANCED EMISSIONS PROGRAM AREA SHALL BE ADMINISTERED BY THE CONTRACTOR SUBJECT TO THE COMMISSION'S OVERSIGHT. EMISSIONS MECHANIC TRAINING SHALL BE PERFORMED BY INSTRUCTORS CERTIFIED IN ACCORDANCE WITH COMMISSION REQUIREMENTS. TRAINING CLASSES SHALL BE FUNDED BY TUITION CHARGED TO THE PARTICIPANTS UNLESS PRIVATE OR FEDERAL FUNDS ARE AVAILABLE FOR SUCH TRAINING. THE QUALIFICATIONS AND LICENSING EXAMINATION FOR EMISSIONS INSPECTORS, EXCLUDING SUCH INSPECTORS AT ENHANCED INSPECTION CENTERS, WHO SHALL BE AUTHORIZED BY AND UNDER THE DIRECTION OF THE CONTRACTOR, SHALL INCLUDE A TEST OF THE APPLICANT'S KNOWLEDGE OF THE TECHNICAL AND LEGAL REQUIREMENTS FOR EMISSIONS TESTING, KNOWLEDGE OF DATA AND EMISSIONS TESTING SYSTEMS, AND AN ACTUAL DEMONSTRATION OF THE APPLICANT'S ABILITY TO PERFORM EMISSIONS INSPECTION PROCEDURES.

(b) EMISSIONS INSPECTOR AND EMISSIONS MECHANIC LICENSES SHALL EXPIRE TWO YEARS AFTER ISSUANCE. THE COMMISSION SHALL ESTABLISH TECHNICAL STANDARDS FOR RENEWING EMISSIONS INSPECTOR AND EMISSIONS MECHANIC LICENSES TO INCLUDE REQUIREMENTS FOR RETRAINING ON A BIENNIAL SCHEDULE.

(c) THE COMMISSION SHALL ESTABLISH MINIMUM PERFORMANCE CRITERIA FOR LICENSED EMISSIONS INSPECTORS AND EMISSIONS MECHANICS.

(5) The commission shall perform its duties, as provided in sections 42-4-306.5 to 42-4-316, with the cooperation and aid of the ~~air pollution control division of the department of health~~ DIVISION.

(6) (a) The commission shall develop and adopt, and may from time to time revise, regulations providing inspection procedures for detection of tampering with emissions-related equipment AND ON-BOARD DIAGNOSTIC SYSTEMS and emissions standards for vehicle exhaust AND EVAPORATIVE gases, THE DETECTION OF CHLOROFLUOROCARBONS, and smoke opacity, as prescribed in section 18-13-110, C.R.S., with which emissions standards vehicles inspected in accordance with section 42-4-312 would be required to comply prior to issuance of certification of emissions compliance. Such inspection procedures and emissions standards shall be proven cost-effective and air pollution control-effective on the basis of detailed research conducted by the department of health in accordance with section 25-7-130, C.R.S., and shall be

~~designed on the basis of such empirical research, so that not less than sixty percent of the motor vehicles of the model year 1980 or earlier model years and seventy percent of the motor vehicles of the model year 1981 or later model years inspected in accordance with section 42-4-312 shall meet such standards without adjustment of the motor vehicle~~ TO ASSURE COMPLIANCE WITH THE FEDERAL ACT, FEDERAL REQUIREMENTS, AND THE STATE IMPLEMENTATION PLAN. EMISSIONS STANDARDS SHALL BE ESTABLISHED FOR CARBON MONOXIDE, EXHAUST AND EVAPORATIVE HYDROCARBONS, OXIDES OF NITROGEN, AND CHLOROFLUOROCARBONS.

(b) (I) The commission shall adopt regulations which provide standards for motor vehicles and shall adopt by December 1 of each subsequent year standards for motor vehicles of one additional model year.

(II) Such Standards FOR CARBON MONOXIDE, EXHAUST AND EVAPORATIVE HYDROCARBONS, AND OXIDES OF NITROGEN shall ~~not require unreasonable levels of emissions performance for a properly used and maintained vehicle of a given model year~~ BE NO MORE STRINGENT THAN THOSE ESTABLISHED PURSUANT TO THE FEDERAL ACT AND FEDERAL REQUIREMENTS.

(c) The commission shall recommend to the general assembly ~~by December 1, 1989,~~ NO LATER THAN DECEMBER 1, 1998, adjustment or repair procedures to be followed for motor vehicles of the model year ~~1981~~ 1984 or a later model year which do not meet the applicable emissions standards. Notwithstanding the provisions of subsection (7) of this section, such recommended procedures may require the replacement or repair of emissions control components of such motor vehicles.

(d) TEST PROCEDURES MAY AUTHORIZE EMISSIONS INSPECTORS OR EMISSIONS MECHANICS TO REFUSE TESTING OF A VEHICLE THAT WOULD BE UNSAFE TO TEST OR THAT CANNOT PHYSICALLY BE INSPECTED, AS SPECIFIED BY THE COMMISSION; EXCEPT THAT REFUSAL TO TEST A VEHICLE FOR SUCH REASONS SHALL NOT EXCUSE OR EXEMPT SUCH VEHICLE FROM COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THIS PART 3.

(7) (a) The commission shall by regulation require the owner of a motor vehicle for which a certification of emissions control is required to obtain such certification. Such regulation shall provide:

(I) That a certification of emissions compliance be issued for the vehicle if, at the time of inspection or, after completion of required adjustments or repairs, the exhaust gas AND EVAPORATIVE GASES and visible emissions from said vehicle comply with the applicable emissions standards adopted pursuant to subsection (6) of this section, AND THAT APPLICABLE EMISSIONS CONTROL EQUIPMENT AND DIAGNOSTIC SYSTEMS ARE INTACT AND OPERABLE, AND, FOR MODEL YEAR 1995 AND LATER VEHICLES, COMPLIANCE WITH EACH

APPLICABLE EMISSIONS-RELATED RECALL CAMPAIGN, OR REMEDIAL ACTION, AS DEFINED BY THE FEDERAL ACT, HAS BEEN DEMONSTRATED.

(II) (A) That a certification of emissions ~~adjustment~~ WAIVER be issued for the motor vehicle if, at the time of inspection, the exhaust gas or ~~visible~~ EVAPORATIVE emissions from said vehicle do not comply with the applicable emissions standards but said vehicle is adjusted or repaired to ~~specifications~~ BY A REGISTERED REPAIR TECHNICIAN OR AT A REGISTERED REPAIR FACILITY WITHIN THE ENHANCED PROGRAM AREA, OR AT A LICENSED INSPECTION AND REPAIR STATION WITHIN THE BASIC PROGRAM AREA, WHICHEVER IS APPROPRIATE, TO MOTOR VEHICLE MANUFACTURER SPECIFICATIONS AND REPAIR PROCEDURES as provided by regulation of the commission. ~~Such specifications shall include, if applicable, adjustment of the ignition timing, idle air fuel mixture, idle speed, fast idle speed, dwell, and any high altitude modifications, or adjustments or repairs approved pursuant to section 215 of the federal "Clean Air Act".~~

(B) Such specifications shall ~~also~~ require that such motor vehicles be retested for exhaust gas emissions AND EVAPORATIVE EMISSIONS, IF APPLICABLE, after such adjustments or repairs are performed, but, except as provided in section 42-4-312 (1) (c), no motor vehicle shall be required to receive additional repairs, maintenance, or adjustments beyond such specifications or repairs following such retest as a condition for issuance of a certification of emissions ~~adjustment~~, and the commission shall ~~not require the replacement of any motor vehicle parts as a condition for issuance of a certification of emissions adjustment~~ WAIVER.

(C) A TIME EXTENSION NOT TO EXCEED THE PERIOD OF ONE INSPECTION CYCLE MAY BE GRANTED IN ACCORDANCE WITH COMMISSION REGULATION TO OBTAIN NEEDED REPAIRS ON A VEHICLE IN THE CASE OF ECONOMIC HARDSHIP WHEN WAIVER REQUIREMENTS PURSUANT TO COMMISSION REGULATION HAVE NOT BEEN MET, BUT SUCH EXTENSION MAY BE GRANTED ONLY ONCE PER VEHICLE.

(D) Notwithstanding any provisions of this section, a temporary certificate of emissions control may be issued BY STATE AIR PROGRAM PERSONNEL for vehicles required to be repaired, if such repairs are delayed due to unavailability of needed parts.

(E) The results of the initial test, RETESTS, and final test ~~and of the retest~~ shall be given to the owner of the motor vehicle. ~~and reported to the department of health.~~

(F) THE ISSUANCE OF TEMPORARY CERTIFICATES SHALL BE ENTERED INTO THE MAIN COMPUTER DATA BASE FOR THE AIR PROGRAM THROUGH THE USE OF ELECTRONIC RECORDS.

(G) THE COMMISSION IS AUTHORIZED TO REDUCE THE

EMISSIONS-RELATED REPAIR EXPENDITURE LIMIT ESTABLISHED IN SECTION 42-4-312 (1) (c) (III) FOR HYDROCARBONS AND OXIDES OF NITROGEN IF APPLICABLE FEDERAL REQUIREMENTS ARE MET, AND THE ENVIRONMENTAL PROTECTION AGENCY HAS APPROVED A MAINTENANCE PLAN SUBMITTED BY THE STATE TO ENSURE CONTINUED COMPLIANCE WITH SUCH FEDERAL REQUIREMENTS.

(b) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.

(c) (I) THE COMMISSION SHALL BY REGULATION PROVIDE THAT NO VEHICLE SHALL BE ISSUED A CERTIFICATE OF EMISSIONS COMPLIANCE OR WAIVER IF EMISSIONS CONTROL EQUIPMENT AND DIAGNOSTIC OR MALFUNCTION INDICATOR SYSTEMS, INCLUDING MICROPROCESSOR CONTROL SYSTEMS, ARE NOT PRESENT, INTACT, AND OPERATIONAL, IF REPAIRS WERE NOT APPROPRIATE AND DID NOT ADDRESS THE REASON FOR THE EMISSIONS FAILURE, OR IF THE VEHICLE EMITS VISIBLE SMOKE.

(II) THE COMMISSION SHALL PROVIDE BY REGULATION THAT NO MODEL YEAR 1995 OR LATER VEHICLE SHALL BE ISSUED A CERTIFICATE OF EMISSIONS CONTROL UNLESS COMPLIANCE WITH EACH APPLICABLE EMISSIONS-RELATED RECALL CAMPAIGN OR REMEDIAL ACTION, AS DEFINED IN THE FEDERAL ACT, HAS BEEN DEMONSTRATED.

(7.1) Repealed, L. 84, p. 1080, § 1, effective July 1, 1984.

(8) The commission may exempt motor vehicles of any make, model, or model year from ~~any of the emissions adjustment specifications adopted pursuant to subparagraph (II) of paragraph (a) of subsection (7) of this section which are inappropriate for said vehicles~~ THE PERIODIC INSPECTION REQUIREMENTS OF SECTION 42-4-312.

(9) (a) (I) The commission shall continuously evaluate the entire ~~automobile inspection and readjustment~~ AIR program TO ENSURE COMPLIANCE WITH THE STATE IMPLEMENTATION PLAN AND FEDERAL LAW. Such evaluation shall be based on continuing research conducted by the department of health in accordance with section 25-7-130, C.R.S. Such evaluation shall include assessments of the cost-effectiveness and air pollution control-effectiveness of the program. The commission shall submit such evaluation and any recommendations for changes in the program to the general assembly by ~~December~~ JULY 1 of each year, and the general assembly shall annually review such evaluation and recommendations and the ~~automobile inspection and readjustment~~ program.

(II) THE COMMISSION SHALL ESTABLISH ON A CASE-BY-CASE BASIS AND PURSUANT TO FINAL ORDER ANY AREA OF A COUNTY INCLUDED IN THE BASIC EMISSIONS PROGRAM AREA PURSUANT TO SECTION 42-4-307 (2) WHICH SHALL BE INCORPORATED INTO THE ENHANCED EMISSIONS PROGRAM BECAUSE IT VIOLATES NATIONAL AMBIENT AIR QUALITY STANDARDS

ON OR AFTER JANUARY 1, 1996, AS ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY.

(b) Such evaluation shall include a determination of the number of motor vehicles which fail to meet the applicable emissions standards after the adjustments and repairs required by subsection (7) of this section are made. If the commission finds that a significant number of motor vehicles do not meet the applicable emissions standards after such adjustments or repairs are made, the commission shall develop recommendations designed to improve the air pollution control-effectiveness of the program in a cost-effective manner and shall submit such recommendations to the general assembly as a part of the next evaluation submitted pursuant to paragraph (a) of this subsection (9).

(c) The evaluation to be submitted pursuant to this subsection (9) shall also include an assessment of the methods of controlling or reducing exhaust gas emissions from motor vehicles of the model year 1981 or a later model year which are equipped with microprocessor-based emissions control systems AND ON-BOARD DIAGNOSTIC SYSTEMS. Such evaluation shall include, if necessary for such motor vehicles, the development of more accurate alternative procedures to include the adjustments and repairs specified in subparagraph (II) of paragraph (a) of subsection (7) of this section, and such alternative procedures may require the replacement of inoperative or malfunctioning emissions control components. Such alternative procedures shall be designed to achieve control of ~~exhaust gas~~ emissions from such motor vehicles which is equivalent to OR GREATER THAN the control ~~provided by the inspection and adjustment procedures for motor vehicles of earlier model years~~ PERFORMANCE LEVEL PROVIDED BY PERFORMANCE STANDARDS ESTABLISHED PURSUANT TO THE FEDERAL ACT.

(d) SUCH EVALUATION SHALL ALSO INCLUDE AN ANNUAL ASSESSMENT OF IN-USE VEHICLE EMISSIONS PERFORMANCE LEVELS BY RANDOM TESTING OF A REPRESENTATIVE SAMPLE OF AT LEAST ONE-TENTH OF ONE PERCENT OF THE VEHICLES SUBJECT TO THE ENHANCED EMISSIONS PROGRAM REQUIREMENTS.

~~(10) The commission shall develop and approve for publication a compilation of high altitude modifications or adjustments and such revisions thereof or supplements thereto as may be necessary~~ THE COMMISSION SHALL DEVELOP AND IMPLEMENT, AND SHALL REVISE AS NECESSARY, INSPECTION PROCEDURES TO DETECT TAMPERING, POOR MAINTENANCE, MIS-FUELING, AND CONTAMINATION OF EMISSIONS CONTROL SYSTEMS TO INCLUDE PROPER OPERATION OF ON-BOARD DIAGNOSTIC SYSTEMS.

(11) (a) The commission, with the cooperation of the department of health, and the department of revenue, THE CONTRACTOR, AND THE OWNERS OR OPERATORS OF THE INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, AND MOTOR

VEHICLE DEALER TEST FACILITIES, shall implement an ongoing project designed to inform the public concerning the operation of the ~~automobile inspection and readjustment~~ program and the benefits to be derived from such program.

(b) (I) The commission shall, as part of such project and with the cooperation of the department of health, ~~and the~~ department of revenue, THE CONTRACTOR, AND THE OWNERS OR OPERATORS OF THE INSPECTION AND READJUSTMENT STATIONS AND INSPECTION-ONLY FACILITIES prepare ~~a consumer handbook~~ AND CAUSE THE DISTRIBUTION OF CONSUMER PROTECTION INFORMATION for the benefit of the owners of vehicles required to be inspected pursuant to section 42-4-312. ~~The handbook shall explain~~

(II) THIS INFORMATION SHALL INCLUDE AN EXPLANATION OF the ~~automobile inspection and readjustment~~ program, the owner's responsibilities under the program, the procedures to be followed in performing the inspection, the adjustments and repairs required for vehicles to pass inspection, ~~and the range of estimated costs for such adjustments or repairs and may include information concerning the development of emissions standards, the licensing of stations, inspectors, and mechanics, and such~~ COST EXPENDITURE LIMITS PURSUANT TO SECTION 42-4-312 (1) (c) FOR SUCH ADJUSTMENTS OR REPAIRS, THE AVAILABILITY OF DIAGNOSTIC INFORMATION TO AID REPAIRS, AND A LISTING OF REGISTERED REPAIR FACILITIES AND TECHNICIANS, AND THE PACKAGE MAY INCLUDE INFORMATION ON other aspects of the program as the commission determines to be appropriate.

(c) In addition to distribution of such ~~handbook~~ INFORMATION, the commission shall actively seek the assistance of the electronic and print media in communicating such information to the public and shall utilize such other means and manners of disseminating the information as are likely to effectuate the purpose of ~~such~~ THE program.

(12) (a) The commission, with the cooperation of the executive director OF THE DEPARTMENT OF HEALTH, shall conduct or cause to be conducted research concerning the presence of pollutants in the ambient air, which research shall include continuous monitoring of ambient air quality AND MODELING OF SOURCES CONCERNING THEIR IMPACTS ON AIR QUALITY. Such research shall ~~separately~~ identify pollutants in the ambient air which originate from motor vehicle exhaust gas emissions and shall identify, quantify, and evaluate the ambient air quality benefit derived from the automobile inspection and readjustment program, from the federal new motor vehicle exhaust emissions standards, AND from ~~reductions~~ CHANGES in vehicle miles travelled due to ~~reduced availability or increased price of gasoline, and from reductions in vehicle miles travelled achieved due to~~ ECONOMIC OR other factors. Each such evaluation shall be reported separately to assess the air pollution control effectiveness and cost

effectiveness of the pollution control strategy. ~~and only actual ambient air monitoring data shall be used in such evaluation. The commission shall annually report the results of such research and evaluations by December 1 to the general assembly and to the governor.~~

(b) (I) THE COMMISSION WITH THE COOPERATION OF THE DEPARTMENT OF HEALTH SHALL CAUSE TO BE CONDUCTED A PILOT STUDY OF THE FEASIBILITY AND COSTS OF IMPLEMENTING REMOTE SENSING EMISSIONS DETECTION TECHNOLOGY AS A POTENTIAL SUPPLEMENTAL MAINTENANCE STRATEGY FOR AREAS THAT HAVE ATTAINED APPLICABLE STANDARDS. THIS PILOT STUDY SHALL BE CONDUCTED IN THE METROPOLITAN GREELEY, WELD COUNTY AREA WITH RESULTS AND RECOMMENDATIONS TO BE MADE AVAILABLE IN JANUARY, 1998.

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH A CONTRACTOR IN ACCORDANCE WITH SECTION 42-4-309.5 (11) (a) FOR THE PURCHASE OF EQUIPMENT AND ANY ASSISTANCE NECESSARY FOR THIS STUDY.

~~(13) Effective July 1, 1981, the commission shall adopt rules and regulations, as necessary, to insure the continued implementation of portions of the AIR program affected by the elimination of the annual motor vehicle safety inspection. Any such rules and regulations shall be consistent with the provisions of section 24-4-103 (8) (a), C.R.S. THE COMMISSION SHALL IDENTIFY VEHICLE POPULATIONS CONTRIBUTING SIGNIFICANTLY TO AMBIENT POLLUTION INVENTORIES UTILIZING MOBILE SOURCE COMPUTER MODELS APPROVED BY THE ENVIRONMENTAL PROTECTION AGENCY. THE COMMISSION SHALL DEVELOP AND IMPLEMENT MORE STRINGENT OR FREQUENT, OR BOTH, INSPECTION CRITERIA FOR THOSE VEHICLES WITH SUCH SIGNIFICANT POLLUTION CONTRIBUTIONS.~~

(14) (a) CONSISTENT WITH SECTION 42-4-308, THE COMMISSION SHALL PROMULGATE TECHNICAL RULES AND REGULATIONS GOVERNING QUALITY CONTROL AND AUDIT PROCEDURES TO BE PERFORMED BY THE DEPARTMENT OF REVENUE AS PROVIDED IN SECTION 42-4-308. SUCH REGULATIONS SHALL ADDRESS ALL TECHNICAL ASPECTS OF PROGRAM OVERSIGHT AND QUALITY ASSURANCE TO INCLUDE COVERT AND OVERT PERFORMANCE AUDITS AND STATE IMPLEMENTATION PLAN COMPLIANCE.

(b) TO ENSURE COMPLIANCE WITH THE STATE IMPLEMENTATION PLAN AND FEDERAL REQUIREMENTS THE COMMISSION SHALL PROMULGATE TECHNICAL RULES AND REGULATIONS TO ADDRESS MOTOR VEHICLE FLEET AND MOTOR VEHICLE DEALER INSPECTION PROTOCOL AND QUALITY CONTROL AND AUDIT PROCEDURES.

(15) THE COMMISSION SHALL PROVIDE FOR ADDITIONAL ENFORCEMENT OF THE INSPECTION PROGRAMS BY ENCOURAGING THE ADOPTION OF LOCAL ORDINANCES AND ACTIVE PARTICIPATION BY LOCAL LAW ENFORCEMENT PERSONNEL, PARKING CONTROL, AND CODE ENFORCEMENT OFFICERS AGAINST VEHICLES SUSPECTED TO BE OUT OF COMPLIANCE WITH

INSPECTION REQUIREMENTS.

(16) (a) (I) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE ISSUANCE OF EMISSIONS-RELATED REPAIR WAIVERS CONSISTENT WITH SECTION 42-4-312.

(II) WITHIN THE ENHANCED PROGRAM AREA WAIVERS SHALL ONLY BE ISSUED BY AUTHORIZED STATE PERSONNEL AND ENHANCED INSPECTION CENTER PERSONNEL SPECIFICALLY AUTHORIZED BY THE EXECUTIVE DIRECTOR.

(b) THE ISSUANCE OF ALL WAIVERS SHALL BE CONTROLLED AND ACCOUNTABLE TO THE MAIN COMPUTER DATABASE FOR THE AIR PROGRAM BY ELECTRONIC RECORD TO ENSURE THAT MAXIMUM ALLOWABLE WAIVER RATE LIMITS FOR BOTH PROGRAM TYPES, AS DEFINED BY THE FEDERAL ACT, ARE NOT EXCEEDED.

(17) FOR THE ENHANCED EMISSIONS PROGRAM, THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING A NETWORK OF ENHANCED INSPECTION CENTERS AND INSPECTION-ONLY FACILITIES WITHIN THE ENHANCED EMISSIONS PROGRAM AREA CONSISTENT WITH THE FOLLOWING:

(a) (I) OWNERS, OPERATORS, AND EMPLOYEES OF ENHANCED INSPECTION CENTERS AND INDEPENDENT INSPECTION-ONLY FACILITIES WITHIN THE ENHANCED PROGRAM AREA ARE PROHIBITED FROM ENGAGING IN ANY MOTOR VEHICLE REPAIR, SERVICE, PARTS SALES, OR THE SALE OR LEASING OF MOTOR VEHICLES AND ARE PROHIBITED FROM REFERRING VEHICLE OWNERS TO PARTICULAR PROVIDERS OF MOTOR VEHICLE REPAIR SERVICES; EXCEPT THAT MINOR REPAIR OF COMPONENTS DAMAGED BY CENTER OR FACILITY PERSONNEL DURING INSPECTION AT THE CENTER OR FACILITY, SUCH AS THE RECONNECTION OF HOSES, VACUUM LINES, OR OTHER MEASURES PURSUANT TO COMMISSION REGULATION THAT REQUIRE NO MORE THAN FIVE MINUTES TO COMPLETE, MAY BE UNDERTAKEN AT NO CHARGE TO THE VEHICLE OWNER OR OPERATOR IF AUTHORIZED.

(II) THE OPERATION OF A MOTOR VEHICLE DEALER TEST FACILITY SHALL NOT BE CONSIDERED TO BE ENGAGING IN ANY MOTOR VEHICLE REPAIR SERVICE, PARTS SALES, OR THE SALE OR LEASING OF MOTOR VEHICLES BY A MEMBER OF THE STATE TRADE ASSOCIATION OPERATING SUCH MOTOR VEHICLE DEALER TEST FACILITY.

(b) OWNERS, OPERATORS, AND EMPLOYEES OF ENHANCED INSPECTION CENTERS SHALL ENSURE MOTORISTS AND OTHER AFFECTED PARTIES REASONABLE CONVENIENCE. INSPECTION SERVICES SHALL BE AVAILABLE PRIOR TO, DURING, AND AFTER NORMAL BUSINESS HOURS ON WEEKDAYS, AND AT LEAST FIVE HOURS ON A WEEKEND DAY.

(c) OWNERS, OPERATORS, AND EMPLOYEES OF ENHANCED INSPECTION CENTERS SHALL TAKE APPROPRIATE ACTIONS, SUCH AS OPENING ADDITIONAL LANES, TO AVOID EXCEEDING AVERAGE MOTORIST WAIT TIMES OF GREATER THAN FIFTEEN MINUTES BY DESIGNING OPTIMIZED SINGLE- OR MULTI-LANE HIGH-VOLUME THROUGHPUT SYSTEMS.

(d) OWNERS OR OPERATORS OF ENHANCED INSPECTION CENTERS MAY DEVELOP, AND ARE ENCOURAGED TO DEVELOP, AND IMPLEMENT ALTERNATE STRATEGIES INCLUDING BUT NOT LIMITED TO OFF-PEAK PRICING TO REDUCE END-OF-THE-MONTH WAIT TIMES.

(e) (I) THE NETWORK OF ENHANCED INSPECTION CENTERS SHALL BE LOCATED TO PROVIDE ADEQUATE COVERAGE AND CONVENIENCE. AT LEAST EIGHTY PERCENT OF THE POPULATION SHALL BE WITHIN AN AVERAGE OF FIVE MILES OF AN ENHANCED INSPECTION CENTER, AND AT LEAST NINETY-FIVE PERCENT OF THE POPULATION SHALL BE WITHIN AN AVERAGE OF TWELVE MILES OF AN ENHANCED INSPECTION CENTER.

(II) DEMOGRAPHIC STUDIES SHALL BE PERFORMED BY THE CONTRACTOR OR CONTRACTORS, COMPARED TO THAT OF THE STATE DEMOGRAPHER, AND USED BY THE COMMISSION IN ESTABLISHING CENTER LOCATION REQUIREMENTS TO ENSURE THAT SITING REFLECTS DENSITY AND DISTRIBUTION OF CENSUS POPULATIONS.

(III) A SEPARATE DEMOGRAPHIC ANALYSIS SHALL BE DONE FOR BOULDER COUNTY AND DOUGLAS COUNTY. THE CONVENIENCE FACTORS SET FORTH IN PARAGRAPHS (b), (c), AND (d) OF THIS SUBSECTION (17) SHALL BE APPLIED SEPARATELY TO BOULDER COUNTY AND DOUGLAS COUNTY.

(IV) LOCAL JURISDICTIONS AND THE DEPARTMENT OF REVENUE SHALL BE CONSULTED TO OPTIMIZE DEMOGRAPHIC ANALYSIS.

(f) WITHIN THE ENHANCED EMISSIONS PROGRAM AREA THE COMMISSION SHALL PROVIDE FOR THE OPERATION OF LICENSED INSPECTION-ONLY FACILITIES. APPLICABLE FACILITY AND INSPECTOR LICENSING, INSPECTION PROCEDURES, AND CRITERIA SHALL BE PURSUANT TO RULE AND REGULATION OF THE COMMISSION AND COMPLIANCE WITH FEDERAL REQUIREMENTS. INSPECTION-ONLY FACILITIES SHALL BE AUTHORIZED TO PROVIDE INSPECTION SERVICES FOR ALL CLASSES OF MOTOR VEHICLES AS DEFINED IN SECTION 42-4-307 (17) OF THE MODEL YEAR 1980 AND OLDER. INSPECTION-ONLY OWNERS OR OPERATORS, OR BOTH, SHALL COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (17).

(18) FOR THE BASIC EMISSIONS PROGRAM, INSPECTION STATIONS WITHIN THE BASIC EMISSIONS PROGRAM AREA WHICH ARE LICENSED IN ACCORDANCE WITH SECTION 42-4-310 MAY CONDUCT INSPECTIONS OR PROVIDE MOTOR VEHICLE REPAIRS AS WELL AS OFFER EMISSIONS INSPECTION SERVICES.

(19) THE COMMISSION SHALL GIVE AT LEAST SIXTY DAYS' NOTICE TO THE EXECUTIVE DIRECTOR PRIOR TO CONDUCTING ANY RULE-MAKING HEARING PURSUANT TO THIS ARTICLE, EXCEPT WHERE THE COMMISSION FINDS THAT AN EMERGENCY EXISTS UNDER SECTION 24-4-103 (6), C.R.S. THE EXECUTIVE DIRECTOR SHALL PARTICIPATE AS A PARTY IN ANY SUCH HEARING. PRIOR TO PROMULGATING ANY RULE UNDER THIS ARTICLE, THE COMMISSION SHALL CONSIDER THE POTENTIAL BUDGETARY AND PERSONNEL IMPACTS ANY SUCH RULE MAY HAVE ON THE DEPARTMENT OF REVENUE.

(20) (a) THE COMMISSION SHALL DEVELOP AND MAINTAIN A SMALL BUSINESS TECHNICAL ASSISTANCE PROGRAM THROUGH THE AUTOMOBILE INSPECTION AND REPAIR PROGRAM TO PROVIDE INFORMATION AND TO AID AUTOMOTIVE BUSINESSES AND TECHNICIANS. AS AN ELEMENT OF THIS PROGRAM, THE COMMISSION SHALL DEVELOP A VOLUNTARY PROGRAM FOR THE TRAINING OF REGISTERED REPAIR TECHNICIANS, TO BE FUNDED BY TUITION CHARGED TO THE PARTICIPANTS, UNLESS FEDERAL OR PRIVATE FUNDS ARE MADE AVAILABLE FOR SUCH TRAINING.

(b) FOR THE ENHANCED EMISSIONS PROGRAM, THE COMMISSION SHALL PROVIDE FOR THE VOLUNTARY REGISTRATION OF REPAIR FACILITIES AND REPAIR TECHNICIANS WITHIN THE ENHANCED EMISSIONS PROGRAM AREA. EMISSIONS-RELATED REPAIR EFFECTIVENESS SHALL BE MONITORED AND PERIODICALLY REPORTED TO PARTICIPATING FACILITIES AND TECHNICIANS. TECHNICAL ASSISTANCE SHALL BE PROVIDED TO THOSE REPAIR TECHNICIANS AND REPAIR FACILITIES NEEDING IMPROVEMENT IN REPAIR EFFECTIVENESS. THE COMMISSION SHALL REQUIRE THAT EMISSIONS-RELATED REPAIR EFFECTIVENESS INFORMATION REGARDING REGISTERED REPAIR FACILITIES BE MADE AVAILABLE TO THE PUBLIC.

(21) (a) THE COMMISSION SHALL INVESTIGATE AND DEVELOP OTHER SUPPLEMENTAL OR ALTERNATIVE MOTOR VEHICLE RELATED EMISSIONS REDUCTION STRATEGIES, INCLUDING BUT NOT LIMITED TO "CASH FOR CLUNKERS", WHICH MAY COMPLEMENT OR ENHANCE THE PERFORMANCE OF THE AIR PROGRAM. SUCH STRATEGIES MUST BE CREDITABLE UNDER THE STATE IMPLEMENTATION PLAN AND BE PROVEN COST-EFFECTIVE.

(b) A STUDY OF A "CASH FOR CLUNKERS" PROGRAM SHALL BE COMPLETED NO LATER THAN DECEMBER 1, 1994. THE RESULTS OF SUCH STUDY SHALL BE REPORTED TO THE GENERAL ASSEMBLY BY JANUARY 5, 1995, FOR POSSIBLE LEGISLATIVE ACTION IN THE 1995 REGULAR SESSION OF THE GENERAL ASSEMBLY.

(22) THE COMMISSION SHALL DEVELOP RULES AND REGULATIONS WITH RESPECT TO EMISSIONS INSPECTION PROCEDURES AND STANDARDS OF MOTOR VEHICLES WHICH OPERATE ON ALTERNATIVE MOTOR FUELS INCLUDING BUT NOT LIMITED TO COMPRESSED NATURAL GAS, LIQUID PETROLEUM GAS, METHANOL, AND ETHANOL. SUCH RULES AND REGULATIONS SHALL BE DEVELOPED FOR BOTH THE BASIC EMISSIONS PROGRAM AND THE ENHANCED EMISSIONS PROGRAM. THE COMMISSION SHALL EVALUATE WHETHER DUAL FUEL MOTOR VEHICLES SHOULD BE INSPECTED ON BOTH FUELS AND WHETHER SUCH VEHICLES SHALL BE CHARGED FOR ONE OR TWO INSPECTIONS.

SECTION 16. 42-4-309.5, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-309.5. Powers and duties of the department of health - division of administration - automobile inspection and readjustment program - basic emissions program - enhanced emissions program. (1) ~~The executive director of the department of health, referred to in this section as the "executive director"~~ DIVISION shall establish and provide for the operation of a

system, which may include a telephone answering service, to answer questions concerning the automobile inspection and readjustment ~~program~~ PROGRAMS from EMISSIONS INSPECTORS, emissions mechanics, REPAIR TECHNICIANS, and the public.

(2) The ~~executive director~~ DIVISION shall administer the licensing test for ~~emission~~ EMISSIONS INSPECTORS, EXCEPT FOR SUCH INSPECTORS AT ENHANCED INSPECTION CENTERS, AND EMISSIONS mechanics AND SHALL OVERSEE TRAINING.

(3) (a) The ~~executive director may~~ DIVISION SHALL establish and operate such technical or administrative centers as may be necessary for the proper administration AND ONGOING SUPPORT of the automobile inspection and readjustment program, FOR ENHANCED INSPECTION CENTERS, FOR THE SMALL BUSINESS TECHNICAL ASSISTANCE PROGRAM, and for the state smoking vehicle programs provided for in sections 18-13-110, ~~25-7-130 (5)~~, 42-4-319, and 42-4-320, C.R.S., AND FOR AFFECTED MOTORISTS. THE DIVISION IS AUTHORIZED TO ENTER INTO A CONTRACT OR SERVICE AGREEMENT IN ACCORDANCE WITH PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION FOR THIS PURPOSE.

(b) Repealed, L. 86, p. 1178, § 5, effective July 1, 1987.

(4) Repealed, L. 85, p. 1368, § 46, effective June 28, 1985.

(5) THE DIVISION SHALL DEVELOP AND RECOMMEND TO THE COMMISSION, AS NECESSARY, VEHICLE EMISSIONS INSPECTION PROCEDURE REQUIREMENTS TO ENSURE COMPLIANCE WITH THE STATE IMPLEMENTATION PLAN AND THE FEDERAL ACT.

(6) THE DIVISION SHALL IDENTIFY AND RECOMMEND TO THE COMMISSION, AS NECESSARY, REVISIONS TO VEHICLE ELIGIBILITY AND THE SCHEDULE OF INSPECTION FREQUENCY.

(7) (a) (I) THE DIVISION SHALL ADMINISTER, IN ACCORDANCE WITH FEDERAL REQUIREMENTS, THE ON-ROAD REMOTE SENSING PROGRAM WHICH SHALL INCLUDE THE MEASUREMENT OF AT LEAST FIVE-TENTHS OF ONE PERCENT OF THE VEHICLES REQUIRED TO PARTICIPATE IN THE ENHANCED EMISSIONS PROGRAM ANNUALLY.

(II) PURSUANT TO COMMISSION RULE AND BASED ON CONFIRMATORY TESTS AT AN EMISSIONS TECHNICAL CENTER WHICH IDENTIFY SUCH VEHICLES AS EXCEEDING APPLICABLE EMISSIONS STANDARDS, OFF-CYCLE REPAIRS MAY BE REQUIRED FOR NONCOMPLYING VEHICLES.

(b) ADDITIONAL STUDIES OF THE FEASIBILITY AND APPROPRIATENESS OF ON-ROAD REMOTE SENSING TECHNOLOGY AS A POTENTIAL EMISSIONS CONTROL STRATEGY SHALL BE PURSUED AS AVAILABLE FUNDING PERMITS.

(c) THE DIVISION IS AUTHORIZED TO ENTER INTO A CONTRACT OR SERVICE AGREEMENT IN ACCORDANCE WITH PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION FOR THE PURPOSE OF THIS SUBSECTION (7).

(8) THE DIVISION SHALL MONITOR AND PERIODICALLY REPORT TO THE COMMISSION ON THE PERFORMANCE OF THE MOBILE SOURCES STATE IMPLEMENTATION PLAN PROVISIONS AS THEY PERTAIN TO THE BASIC EMISSIONS PROGRAM AREA AND THE ENHANCED EMISSIONS PROGRAM AREA.

(9) (a) THE DIVISION SHALL ADMINISTER THE EMISSIONS INSPECTOR, EMISSIONS MECHANIC, AND REPAIR TECHNICIAN QUALIFICATION AND PERIODIC REQUALIFICATION PROCEDURES, IF APPLICABLE, AND REMEDIAL TRAINING PROVISIONS IN A MANNER CONSISTENT WITH DEPARTMENT OF REVENUE ENFORCEMENT ACTIVITIES.

(b) THE DIVISION, IN CONSULTATION WITH THE EXECUTIVE DIRECTOR, IS AUTHORIZED TO BRING ENFORCEMENT ACTIONS IN ACCORDANCE WITH ARTICLE 7 OF TITLE 25, C.R.S., FOR VIOLATIONS OF REGULATIONS PROMULGATED PURSUANT TO SECTION 42-4-309 WHICH WOULD CAUSE VIOLATIONS OF THE STATE IMPLEMENTATION PLAN.

(10) THE DIVISION SHALL MAINTAIN INSPECTION DATA FROM THE AIR PROGRAM PURSUANT TO THE FEDERAL ACT. DATA ANALYSIS AND REPORTING SHALL BE SUBMITTED TO THE COMMISSION BY THE DEPARTMENTS OF HEALTH AND REVENUE BY JULY 1 OF EACH YEAR FOR THE PERIOD OF JANUARY THROUGH DECEMBER OF THE PREVIOUS YEAR. DATA ANALYSIS, STATE IMPLEMENTATION PLAN COMPLIANCE, AND PROGRAM PERFORMANCE REPORTING SHALL BE SUBMITTED TO THE ENVIRONMENTAL PROTECTION AGENCY BY THE DEPARTMENT OF HEALTH BY JULY 1 OF EACH YEAR FOR THE PERIOD OF JANUARY THROUGH DECEMBER OF THE PREVIOUS YEAR. THE DIVISION SHALL DEVELOP AND MAINTAIN THE DATA PROCESSING SYSTEM NECESSARY FOR THE AIR PROGRAM IN COMPLIANCE WITH FEDERAL REPORTING REQUIREMENTS.

(11) (a) FOR THE ENHANCED EMISSIONS PROGRAM, THE DEPARTMENT OF HEALTH AND THE EXECUTIVE DIRECTOR ARE AUTHORIZED TO ENTER INTO A CONTRACT OR SERVICE AGREEMENT WITH A CONTRACTOR TO PROVIDE INSPECTION SERVICES AT ENHANCED INSPECTION CENTERS FOR VEHICLES REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312 WITHIN THE ENHANCED PROGRAM AREA. ANY SUCH CONTRACT OR SERVICE AGREEMENT SHALL INCLUDE SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO ENSURE THAT SUCH CONTRACTOR WILL OPERATE ANY SUCH ENHANCED INSPECTION CENTER IN COMPLIANCE WITH THIS ARTICLE AND THE FEDERAL ACT. ANY SUCH CONTRACT OR SERVICE AGREEMENT SHALL ALSO INCLUDE PROVISIONS ESTABLISHING LIQUIDATED DAMAGES AND PENALTIES FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT AND SHALL BE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

(b) UPON APPROVAL BY THE DEPARTMENT OF HEALTH AND THE EXECUTIVE DIRECTOR, THE CONTRACTOR SHALL PROVIDE INSPECTION SERVICES FOR VEHICLES WITHIN THE ENHANCED PROGRAM AREA REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312.

(12) THE DEPARTMENT OF HEALTH SHALL CONDUCT STUDIES ON THE DEVELOPMENT, EFFECTIVENESS, AND COST OF EVOLVING TECHNOLOGIES IN MOBILE SOURCE EMISSION INSPECTION FOR CONSIDERATION BY MARCH, 1994, AND BIENNIALY THEREAFTER. SUCH STUDIES SHALL BE REPORTED TO THE HEALTH, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION COMMITTEE OF THE SENATE AND TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES. IN THE EVENT THAT ALTERNATIVE TECHNOLOGIES BECOME AVAILABLE, COST AND AIR QUALITY EFFECTIVENESS SHALL BE CONSIDERED PRIOR TO ADOPTION BY THE COMMISSION AS INSPECTION TECHNOLOGY.

SECTION 17. 42-4-310, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-310. Inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - contractor - emissions inspectors - emissions mechanics - requirements. (1) (a) Applications for an inspection and readjustment station license, AN INSPECTION-ONLY FACILITY LICENSE, a fleet inspection STATION license, A MOTOR VEHICLE DEALER TEST FACILITY LICENSE, AN EMISSIONS INSPECTOR LICENSE, AN ENHANCED INSPECTION CENTER LICENSE, or an emissions mechanic's license shall be made on forms prescribed by the executive director.

(b) No inspection and readjustment station license, INSPECTION-ONLY FACILITY LICENSE, FLEET INSPECTION STATION LICENSE, MOTOR VEHICLE DEALER TEST FACILITY LICENSE, OR ENHANCED INSPECTION CENTER LICENSE shall be issued unless the executive director finds that the facilities of the applicant are of adequate size and properly equipped as provided in subsection (3) of this section, that a licensed INSPECTOR OR emissions mechanic, WHICHEVER IS APPLICABLE, is or will be available to make such inspection, and that the inspection and ~~adjustment~~ READJUSTMENT procedures will be properly ~~conducted~~ FOLLOWED BASED UPON ESTABLISHED PERFORMANCE CRITERIA PURSUANT TO SECTION 42-4-309 (4) (c).

(2) No inspection or adjustments shall be made pursuant to the automobile inspection and readjustment program nor certification of emissions control issued unless the owner or operator of the inspection and readjustment station, INSPECTION-ONLY FACILITY, ~~or~~ fleet inspection station, MOTOR VEHICLE DEALER TEST FACILITY, OR ENHANCED INSPECTION CENTER at which such inspection is made or such adjustments or repairs are performed AS REQUIRED has been issued, and is then operating under, a valid inspection and readjustment station license, INSPECTION-ONLY FACILITY LICENSE, FLEET INSPECTION STATION LICENSE, MOTOR VEHICLE DEALER TEST FACILITY LICENSE, OR A CONTRACT FOR AN AUTHORIZED ENHANCED INSPECTION CENTER and has one or more licensed EMISSIONS INSPECTORS OR emissions mechanics employed AS

REQUIRED, one of whom shall have made the inspection for which said certification has been issued.

(3) No inspection and readjustment station license, INSPECTION-ONLY FACILITY LICENSE, FLEET INSPECTION STATION LICENSE, MOTOR VEHICLE DEALER TEST FACILITY LICENSE, OR CONTRACTOR'S CONTRACT shall be issued to any applicant OR EXECUTED unless the station OR CONTRACTOR has proper equipment to meet licensing, FACILITY, OR CONTRACTOR APPROVAL requirements. ~~including a motor vehicle exhaust gas analyzer approved by the commission~~ SUCH EQUIPMENT SHALL INCLUDE ALL TEST EQUIPMENT APPROVED BY THE COMMISSION TO PERFORM EMISSIONS INSPECTIONS CORRESPONDING TO THE TYPE OF LICENSED OR APPROVED FACILITY together with such auxiliary tools, equipment, and testing devices as are required by the commission by rule.

(4) (a) No EMISSIONS INSPECTOR LICENSE OR emissions mechanic's MECHANIC license shall be issued to any applicant unless said applicant has COMPLETED THE REQUIRED TRAINING, HAS demonstrated necessary skills and competence in the performance of the inspection and adjustments OF MOTOR VEHICLES by passing the ~~qualification~~ WRITTEN CERTIFICATION test developed by the commission and administered by the department of health, AND HAS DEMONSTRATED SUCH SKILL AND COMPETENCE AS A PREREQUISITE TO INITIAL LICENSING BY THE DEPARTMENT OF REVENUE.

(b) THE DEPARTMENT OF REVENUE SHALL MONITOR EMISSIONS INSPECTOR AND EMISSIONS MECHANIC ACTIVITIES AT INSPECTION AND READJUSTMENT STATIONS, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, MOTOR VEHICLE DEALER TEST FACILITIES, AND ENHANCED INSPECTION CENTERS DURING PERIODIC PERFORMANCE AUDITS CONDUCTED AS PRESCRIBED BY SECTION 42-4-308.

(c) AN EMISSIONS INSPECTOR OR EMISSIONS MECHANIC LICENSE MAY BE REVOKED IN ACCORDANCE WITH SECTION 42-4-308 IF THE LICENSEE IS NOT IN COMPLIANCE WITH THE MINIMUM PERFORMANCE CRITERIA SET FORTH BY THE COMMISSION OR THE DEPARTMENT OF REVENUE.

(d) LICENSES SHALL BE VALID FOR TWO YEARS.

(e) EMISSIONS INSPECTOR AND EMISSIONS MECHANIC LICENSE RENEWAL SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH BY THE COMMISSION THROUGH RULE AND REGULATION.

(5) ~~An inspection and readjustment station may be licensed for inspections only if it meets with requirements imposed by the commission and conspicuously displays a sign identifying it as a station licensed to perform inspections for emissions procedures only.~~

SECTION 18. 42-4-311, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

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42-4-311. Vehicle fleet owners - motor vehicle dealers - authority to conduct inspections - fleet inspection stations - motor vehicle dealer test facilities - contracts with licensed inspection-only entities. (1) (a) Any person in whose name ~~ten~~ TWENTY or more motor vehicles, required to be inspected, are registered in this state or to whom said number of vehicles are leased for a period of not less than six continuous months ~~or are consigned for sale~~ and who operates a motor vehicle repair garage or shop adequately equipped and manned, as required by section 42-4-310 and the rules and regulations issued pursuant thereto, may be licensed to perform said ~~inspection as an inspection and readjustment station~~ INSPECTIONS AS A FLEET INSPECTION STATION. Said inspections shall be made by licensed EMISSIONS INSPECTORS OR emissions mechanics ~~in conformance with rules of the commission~~. Such stations shall be subject to all licensing regulations and supervision applicable to inspection and readjustment stations. ~~in performing the emissions inspections required by section 42-4-312 on motor vehicles operated by such person.~~ FLEET INSPECTION STATIONS SHALL INSPECT FLEET VEHICLES IN ACCORDANCE WITH APPLICABLE REQUIREMENTS PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSION. No person licensed pursuant to this section may conduct ~~emission~~ EMISSIONS inspections on the motor vehicles ~~of his~~ OWNED BY employees OF SUCH PERSON or the general public, but only on those vehicles ~~consigned or held in inventory for sale~~ OWNED OR OPERATED BY THE PERSON SUBJECT TO THE FLEET INSPECTION REQUIREMENTS. ANY SUCH MOTOR VEHICLES ARE NOT ELIGIBLE FOR A CERTIFICATE OF EMISSIONS WAIVER AND SHALL BE INSPECTED ANNUALLY. THE COMMISSION SHALL PROMULGATE SUCH RULES AS MAY BE NECESSARY TO ESTABLISH NON-LOADED MODE STATIC IDLE INSPECTION PROCEDURES, STANDARDS, AND CRITERIA UNDER THIS SECTION.

(b) EACH FLEET OPERATOR LICENSED OR OPERATING WITHIN THE ENHANCED PROGRAM AREA WHO IS ALSO LICENSED TO OPERATE A FLEET INSPECTION STATION SHALL ASSURE THAT A REPRESENTATIVE SAMPLE OF ONE-HALF OF ONE PERCENT OR ONE VEHICLE, WHICHEVER IS GREATER, OF SUCH OPERATOR'S VEHICLE FLEET IS INSPECTED ANNUALLY AT AN INSPECTION-ONLY FACILITY OR ENHANCED INSPECTION CENTER. AN ANALYSIS OF THE DATA GATHERED FROM ANY SUCH INSPECTION SHALL BE PERFORMED BY THE DEPARTMENT OF HEALTH AND PROVIDED TO THE DEPARTMENT OF REVENUE TO DETERMINE COMPLIANCE BY SUCH FLEET WITH THE SELF-INSPECTION REQUIREMENTS OF THIS SECTION.

(2) (a) AS AN ALTERNATIVE TO SUBSECTION (1) OF THIS SECTION, ANY PERSON HAVING TWENTY OR MORE VEHICLES REGISTERED IN THIS STATE THAT ARE REQUIRED TO BE INSPECTED PURSUANT TO SECTION 42-4-312 MAY CONTRACT FOR PERIODIC INSPECTION SERVICES WITH A CONTRACTOR OR AN INSPECTION-ONLY FACILITY. SUCH INSPECTIONS SHALL BE IN COMPLIANCE WITH NON-FLEET VEHICLE REQUIREMENTS AS SPECIFIED IN THIS PART 3 AND SHALL BE PERFORMED BY AN AUTHORIZED OR LICENSED EMISSIONS INSPECTOR WHO SHALL BE SUBJECT TO ALL REQUIREMENTS AND OVERSIGHT AS APPLICABLE.

(b) UPON RETAIL SALE OF ANY VEHICLE SUBJECT TO FLEET INSPECTION TO A PARTY OTHER THAN A FLEET OPERATOR, SUCH VEHICLE SHALL BE INSPECTED AT AN AUTHORIZED ENHANCED INSPECTION CENTER, LICENSED INSPECTION-ONLY FACILITY, OR LICENSED INSPECTION AND READJUSTMENT STATION, AS APPLICABLE. A CERTIFICATE OF EMISSIONS COMPLIANCE SHALL BE REQUIRED AS A CONDITION OF THE RETAIL SALE OF ANY SUCH VEHICLE.

(3) (a) ANY PERSON LICENSED AS A MOTOR VEHICLE DEALER PURSUANT TO ARTICLE 6 OF TITLE 12, C.R.S., IN WHOSE NAME TWENTY OR MORE MOTOR VEHICLES ARE REGISTERED OR INVENTORIED OR CONSIGNED FOR RETAIL SALE IN THIS STATE WHICH ARE REQUIRED TO BE INSPECTED SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 42-4-312 FOR THE ISSUANCE OF A CERTIFICATE OF EMISSIONS COMPLIANCE AT THE TIME OF THE RETAIL SALE OF ANY SUCH VEHICLE.

(b) WITHIN THE ENHANCED EMISSIONS PROGRAM, MOTOR VEHICLE DEALERS LICENSED PURSUANT TO ARTICLE 6 OF TITLE 12, C.R.S., MAY CONTRACT FOR USED MOTOR VEHICLE INSPECTION SERVICES BY A LICENSED MOTOR VEHICLE DEALER TEST FACILITY. PURSUANT TO REGULATIONS OF THE COMMISSION, INSPECTION PROCEDURES SHALL INCLUDE A LOADED MODE TRANSIENT DYNAMOMETER TEST CYCLE IN COMBINATION WITH APPROPRIATE IDLE SHORT TESTS PURSUANT TO RULES AND REGULATIONS OF THE COMMISSION.

(c) 1981 AND OLDER MODEL VEHICLES HELD IN INVENTORY AND OFFERED FOR RETAIL SALE BY A USED VEHICLE DEALER MAY BE INSPECTED BY A LICENSED INSPECTION-ONLY FACILITY.

(d) WITHIN THE BASIC EMISSIONS PROGRAM, ANY PERSON LICENSED AS A MOTOR VEHICLE DEALER PURSUANT TO ARTICLE 6 OF TITLE 12, C.R.S., MAY BE LICENSED TO CONDUCT INSPECTIONS PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION.

(4) NOTHING IN THIS SECTION SHALL PRECLUDE A FLEET OR MOTOR VEHICLE DEALER TEST FACILITY FROM PARTICIPATING IN THE BASIC OR ENHANCED EMISSIONS PROGRAM PURSUANT TO THIS PART 3 WITH THE REQUIREMENTS OF SUCH PROGRAM BEING DETERMINED BY THE COUNTY OF RESIDENCE OR OPERATION.

(5) (a) MOTOR VEHICLE DEALERS SELLING ANY VEHICLE TO BE REGISTERED IN THE ENHANCED PROGRAM AREA SHALL COMPLY WITH THE ENHANCED PROGRAM REQUIREMENTS.

(b) MOTOR VEHICLE DEALERS SELLING ANY VEHICLE TO BE REGISTERED IN THE BASIC PROGRAM AREA SHALL COMPLY WITH THE BASIC PROGRAM REQUIREMENTS.

(c) IF USED MOTOR VEHICLES FOR SALE HAVE BEEN INSPECTED BY A MOTOR VEHICLE DEALER TEST FACILITY, THE MOTOR VEHICLE DEALER SHALL COMPLY WITH THE STANDARDS AND REQUIREMENTS ESTABLISHED FOR MOTOR VEHICLE DEALER TEST FACILITIES.

SECTION 19. 42-4-312, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-312. Periodic emissions control inspection required.

(1) (a) (I) Effective October 1, 1989, no motor vehicle which is required to be registered in the program area shall be sold, registered for the first time, or reregistered unless such vehicle has a valid certification of emissions compliance, emissions ~~adjustment~~ WAIVER, or emissions ~~inspection~~ exemption, OR, BEGINNING JANUARY 1, 1995, IF SUCH VEHICLE HAS AN EMISSIONS EXEMPTION OR CERTIFICATE OF EMISSIONS CONTROL AND VERIFICATION OF EMISSIONS TEST, CERTIFICATION AS REQUIRED BY THE APPROPRIATE COUNTY. The provisions of this paragraph (a) shall not apply to motor vehicle transactions at wholesale between motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S.

(II) (A) IF TITLE TO A ROAD-WORTHY MOTOR VEHICLE, AS DEFINED IN SECTION 42-6-102 (10.2), FOR WHICH A CERTIFICATION OF EMISSIONS COMPLIANCE OR EMISSIONS WAIVER MUST BE OBTAINED PURSUANT TO THIS PARAGRAPH (a) IS BEING TRANSFERRED TO A NEW OWNER, THE NEW OWNER MAY REQUIRE AT THE TIME OF SALE THAT THE PRIOR OWNER PROVIDE SAID CERTIFICATION AS REQUIRED FOR THE COUNTY OF RESIDENCE OF THE NEW OWNER.

(B) THE NEW OWNER SHALL SUBMIT SUCH CERTIFICATION TO THE DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT THEREOF WITH APPLICATION FOR REGISTRATION OF THE MOTOR VEHICLE.

(C) IF SUCH VEHICLE IS BEING REGISTERED IN THE PROGRAM AREA FOR THE FIRST TIME, THE OWNER SHALL OBTAIN ANY CERTIFICATION REQUIRED FOR THE COUNTY WHERE REGISTRATION IS SOUGHT AND SHALL SUBMIT SUCH CERTIFICATION TO THE DEPARTMENT OF REVENUE OR AN AUTHORIZED AGENT THEREOF WITH SUCH OWNER'S APPLICATION FOR THE REGISTRATION OF THE MOTOR VEHICLE.

(b) (I) Effective July 1, 1987, those motor vehicles which are owned by the United States government or an agency thereof or by the state of Colorado or any agency or political subdivision thereof which ~~except for the exemption provided in section 42-3-103 (3),~~ would be registered in the program area shall be inspected once each year, and a valid certification of emissions compliance ~~or emissions adjustment~~ shall be obtained. ~~except that, in the program area in Weld county designated in section 42-4-307 (8), the provisions of this paragraph (b) shall not be effective until January 1, 1988.~~

(II) (A) NEW MOTOR VEHICLES REQUIRED UNDER THIS SECTION TO HAVE A CERTIFICATION OF EMISSIONS CONTROL SHALL BE ISSUED A CERTIFICATION OF EMISSIONS COMPLIANCE WITHOUT INSPECTION WHICH SHALL EXPIRE ON THE ANNIVERSARY OF THE DAY OF THE ISSUANCE OF SUCH CERTIFICATION WHEN SUCH VEHICLE HAS REACHED ITS FOURTH MODEL YEAR OR ON THE DATE OF THE TRANSFER OF OWNERSHIP AT ANY TIME PRIOR TO

THE FOURTH MODEL YEAR. PRIOR TO THE EXPIRATION OF SUCH CERTIFICATION SUCH VEHICLE SHALL BE INSPECTED AND A CERTIFICATION OF EMISSIONS CONTROL SHALL BE OBTAINED THEREFOR.

(B) 1982 AND NEWER MODEL MOTOR VEHICLES REQUIRED PURSUANT TO THIS SECTION TO HAVE A CERTIFICATION OF EMISSIONS CONTROL SHALL BE INSPECTED AT THE TIME OF THE SALE OR TRANSFER OF ANY SUCH VEHICLE AND, PRIOR TO REGISTRATION RENEWAL, SHALL BE ISSUED A CERTIFICATION OF EMISSIONS CONTROL WHICH SHALL BE VALID FOR TWENTY-FOUR MONTHS EXCEPT AS PROVIDED UNDER SECTION 42-4-311.

(C) 1981 AND OLDER MODEL MOTOR VEHICLES REQUIRED PURSUANT TO THIS SECTION TO HAVE A CERTIFICATION OF EMISSIONS CONTROL SHALL BE INSPECTED AT THE TIME OF THE SALE OR TRANSFER OF ANY SUCH VEHICLE AND, PRIOR TO REGISTRATION RENEWAL, SHALL BE ISSUED A CERTIFICATION OF EMISSIONS CONTROL WHICH SHALL BE VALID FOR TWELVE MONTHS.

(III) UPON REGISTRATION OR RENEWAL OF REGISTRATION OF A MOTOR VEHICLE REQUIRED TO HAVE A CERTIFICATION OF EMISSIONS CONTROL, THE DEPARTMENT SHALL ISSUE A TAB IDENTIFYING THE VEHICLE AS REQUIRING CERTIFICATION OF EMISSIONS CONTROL. THE TAB SHALL BE DISPLAYED FROM THE TIME OF REGISTRATION. THE VERIFICATION OF EMISSIONS TEST SHALL ALSO BE DISPLAYED ON THE MOTOR VEHICLE IN A LOCATION PRESCRIBED BY THE DEPARTMENT OF REVENUE CONSISTENT WITH FEDERAL REGULATIONS.

(b.5) (I) Effective October 1, 1989, those motor vehicles owned by nonresidents who reside in a EITHER THE BASIC OR ENHANCED EMISSIONS program area AREAS or residents who reside outside the program area and who are persons employed for at least ninety days in a program area or by persons WHO ARE attending school in a program area, shall be inspected as required by this section and a valid certification of emissions compliance or emissions adjustment WAIVER shall be obtained AS REQUIRED FOR THE COUNTY WHERE SAID PERSON IS EMPLOYED OR ATTENDS SCHOOL. Such nonresidents include, but are not limited to, all military personnel, temporarily assigned employees of business enterprises, and persons engaged in activities at the olympic training center.

(II) Any person owning or operating a business AND ANY POST-SECONDARY EDUCATIONAL INSTITUTION located in the A program area shall inform all persons employed by such business OR ATTENDING CLASSES AT SUCH INSTITUTION that they are employed OR ATTENDING CLASSES in the A program area and are required to comply with the provisions of subparagraph (I) of this paragraph (b.5).

(III) VEHICLES THAT ARE REGISTERED IN A PROGRAM AREA THAT 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 OF ANY

PROGRAM AREA 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.

(IV) NOTHING IN THIS SECTION SHALL BE DEEMED TO PREVENT OR SHALL BE INTERPRETED SO AS TO HINDER THE VOLUNTARY INSPECTION OF ANY MOTOR VEHICLE IN THE ENHANCED EMISSIONS PROGRAM. A CERTIFICATE OF EMISSIONS CONTROL ISSUED UNDER THE PROVISIONS OF THE ENHANCED EMISSIONS PROGRAM SHALL BE ACCEPTABLE AS A DEMONSTRATION OF COMPLIANCE WITHIN THE BASIC PROGRAM FOR VEHICLE REGISTRATION PURPOSES. IN ORDER TO PROVIDE MOTORIST PROTECTION, THOSE VEHICLES VOLUNTARILY INSPECTED AND WHICH FAIL SAID INSPECTION BUT WHICH ARE WARRANTABLE UNDER MANUFACTURERS' EMISSIONS CONTROL WARRANTIES PURSUANT TO SECTION 207 (A) AND (B) OF THE FEDERAL ACT SHALL COMPLY WITH THE EMISSIONS-RELATED REPAIR REQUIREMENTS OF THIS PART 3.

(c) (I) (A) Effective July 1, 1989, for businesses which operate five or fewer vehicles and for private passenger motor vehicles only of the model year 1981 or earlier, after any adjustments or repairs required pursuant to section 42-4-309 (7) (a) (II), if total expenditures of at least fifty dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions adjustment shall be issued for such vehicle. Effective September 1, 1991, no emissions-related repair waivers shall be issued for vehicles which are registered as collectors' items pursuant to the provisions of section 42-15-102 and which are of model year 1960 or later.

(B) THIS SUBPARAGRAPH (I) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(C) THIS SUBPARAGRAPH (I) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

(D) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 1995.

(II) (A) FOR THE BASIC EMISSIONS PROGRAM, EFFECTIVE JANUARY 1, 1994, FOR BUSINESSES WHICH OPERATE NINETEEN OR FEWER MOTOR VEHICLES AND FOR 1981 OR OLDER PRIVATE MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, AFTER ANY ADJUSTMENTS OR REPAIRS REQUIRED PURSUANT TO SECTION 42-4-309, IF TOTAL EXPENDITURES OF AT LEAST SEVENTY-FIVE DOLLARS HAVE BEEN MADE TO BRING THE VEHICLE INTO COMPLIANCE WITH APPLICABLE EMISSIONS STANDARDS AND THE VEHICLE STILL DOES NOT MEET SUCH STANDARDS, A CERTIFICATION OF EMISSIONS WAIVER SHALL BE ISSUED FOR SUCH

VEHICLE.

(B) FOR THE BASIC EMISSIONS PROGRAM, EFFECTIVE JANUARY 1, 1994, NO EMISSIONS-RELATED REPAIR WAIVER SHALL BE ISSUED FOR ANY VEHICLE WHICH IS REGISTERED AS A COLLECTOR'S ITEM PURSUANT TO THE PROVISIONS OF SECTION 42-15-102 AND WHICH IS OF THE MODEL YEAR 1960 OR LATER.

~~(II)~~ (III) (A) Effective July 1, 1989, for businesses which operate five or fewer vehicles and for private passenger motor vehicles only of the model year 1982 or later, after any adjustments or repairs required pursuant to section 42-4-309 (7) (a) (II), if total expenditures of at least two hundred dollars have been made to bring the vehicle into compliance with the applicable emissions standards and the vehicle still does not meet such standards, a certification of emissions adjustment shall be issued for such vehicle. For vehicles not older than two years or which have not more than twenty-four thousand miles, no emissions-related repair waivers shall be issued due to the provisions of and enforcement of section 207(b) of the federal "Clean Air Act" relating to emissions control systems performance warranty.

(B) THIS SUBPARAGRAPH (III) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(C) THIS SUBPARAGRAPH (III) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

(D) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 1995.

(IV) FOR THE BASIC EMISSIONS PROGRAM, EFFECTIVE JANUARY 1, 1994, FOR BUSINESSES WHICH OPERATE NINETEEN OR FEWER VEHICLES AND FOR PRIVATE MOTOR VEHICLES ONLY OF A MODEL YEAR 1982 OR LATER REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, AFTER ANY ADJUSTMENTS OR REPAIRS REQUIRED PURSUANT TO SECTION 42-4-309, IF TOTAL EXPENDITURES OF AT LEAST TWO HUNDRED DOLLARS HAVE BEEN MADE TO BRING THE VEHICLE INTO COMPLIANCE WITH THE APPLICABLE EMISSIONS STANDARDS AND THE VEHICLE STILL DOES NOT MEET SUCH STANDARDS, A CERTIFICATION OF EMISSIONS WAIVER SHALL BE ISSUED FOR SUCH VEHICLE. FOR VEHICLES NOT OLDER THAN TWO YEARS OR WHICH HAVE NOT MORE THAN TWENTY-FOUR THOUSAND MILES, OR SUCH PERIOD OF TIME AND MILEAGE AS ESTABLISHED FOR WARRANTY PROTECTION BY AMENDMENTS TO FEDERAL REGULATIONS, NO EMISSION-RELATED REPAIR WAIVERS SHALL BE ISSUED DUE TO THE PROVISIONS AND ENFORCEMENT OF SECTION 207 (A) AND (B) OF THE FEDERAL ACT RELATING TO EMISSIONS CONTROL SYSTEMS COMPONENTS AND PERFORMANCE WARRANTIES.

~~(III)~~ (V) (A) For inspections conducted during July 1, 1987, through July 1, 1988, the no-smoke requirement for

nondiesel-fueled vehicles and required corrective repairs due to tampering or fuel-switching for vehicles of model years 1975 through 1981 or newer shall not be mandatory, but owners of such vehicles shall be notified of visible emissions of smoke or of equipment deficiency. After July 1, 1988, a certificate of emissions control shall not be issued for vehicles in the program area exhibiting such smoke or such indications of tampering with emissions control systems except for such vehicles in the program area in Weld county designated in section 42-4-307 (8).

(B) THIS SUBPARAGRAPH (V) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(C) THIS SUBPARAGRAPH (V) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

(D) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 1995.

(VI) FOR THE ENHANCED EMISSIONS PROGRAM, EFFECTIVE JANUARY 1, 1995, FOR BUSINESSES WHICH OPERATE NINETEEN OR FEWER VEHICLES AND FOR PRIVATE MOTOR VEHICLES ONLY OF A MODEL YEAR 1968 AND LATER REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, AFTER ANY ADJUSTMENTS OR REPAIRS REQUIRED PURSUANT TO SECTION 42-4-309, IF TOTAL EXPENDITURES OF AT LEAST FOUR HUNDRED FIFTY DOLLARS HAVE BEEN MADE TO BRING THE VEHICLE INTO COMPLIANCE WITH APPLICABLE EMISSIONS STANDARDS AND THE VEHICLE DOES NOT MEET SUCH STANDARDS, A CERTIFICATION OF EMISSIONS WAIVER SHALL BE ISSUED FOR SUCH VEHICLE EXCEPT AS PRESCRIBED IN SUBPARAGRAPH (XII) OF THIS PARAGRAPH (c) PERTAINING TO VEHICLE WARRANTY. THE FOUR HUNDRED FIFTY DOLLAR MINIMUM EXPENDITURE SHALL BE ADJUSTED ANNUALLY BY THE PERCENTAGE, IF ANY, BY WHICH THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPIU) FOR THE DENVER-BOULDER METROPOLITAN STATISTICAL AREA FOR THE PRECEDING YEAR DIFFERS FROM SUCH INDEX FOR 1989.

~~(B)~~ (VII) (A) For inspections conducted during July 1, 1988, through December 31, 1988, in the program area in Weld county designated in section 42-4-307 ~~(8)~~ (18), the no-smoke requirement for nondiesel-fueled vehicles and required corrective repairs due to tampering or fuel-switching for vehicles of model years 1975 through 1981 or newer shall not be mandatory, but owners of such vehicles shall be notified of visible emissions of smoke or of equipment deficiency. After December 31, 1988, a certificate of emissions control shall not be issued for vehicles in the program area in Weld county designated in section 42-4-307 ~~(8)~~ (18) exhibiting such smoke or such indications of tampering with emissions control systems.

(B) THIS SUBPARAGRAPH (VII) IS REPEALED, EFFECTIVE JULY 1, 1995.

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(VIII) (A) FOR THE ENHANCED EMISSIONS PROGRAM EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (VIII), EFFECTIVE JANUARY 1, 1995, FOR BUSINESSES WHICH OPERATE NINETEEN OR FEWER VEHICLES AND FOR PRIVATE MOTOR VEHICLES ONLY OF A MODEL YEAR 1967 OR EARLIER REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, AFTER ANY ADJUSTMENTS OR REPAIRS REQUIRED PURSUANT TO SECTION 42-4-309, IF TOTAL EXPENDITURES OF AT LEAST SEVENTY-FIVE DOLLARS HAVE BEEN MADE TO BRING THE VEHICLE INTO COMPLIANCE WITH APPLICABLE EMISSIONS STANDARDS AND THE VEHICLE STILL DOES NOT MEET SUCH STANDARDS, A CERTIFICATION OF EMISSIONS WAIVER SHALL BE ISSUED FOR SUCH VEHICLE. NO EMISSIONS-RELATED REPAIR WAIVER SHALL BE ISSUED FOR VEHICLES WHICH ARE REGISTERED AS COLLECTOR'S ITEMS PURSUANT TO THE PROVISIONS OF SECTION 42-15-102 AND WHICH ARE OF A MODEL YEAR 1960 OR LATER.

(B) THIS SUBPARAGRAPH (VIII) SHALL APPLY IN BOULDER COUNTY, EFFECTIVE JULY 1, 1995.

(IX) (A) FOR THE ENHANCED EMISSIONS PROGRAM EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IX) EFFECTIVE JANUARY 1, 1995, FOR VEHICLES SUBJECT TO A TRANSIENT, LOADED MODE DYNAMOMETER INSPECTION PROCEDURE UNDER THE ENHANCED PROGRAM AS DETERMINED BY THE COMMISSION, A CERTIFICATE OF WAIVER MAY BE ISSUED BY AN AUTHORIZED STATE REPRESENTATIVE, IF AFTER FAILING A RETEST, AT WHICH POINT THE MINIMUM REPAIR COST LIMIT OF FOUR HUNDRED FIFTY DOLLARS HAS NOT BEEN MET, A COMPLETE AND DOCUMENTED PHYSICAL AND FUNCTIONAL DIAGNOSIS OF THE VEHICLE PERFORMED AT AN EMISSIONS TECHNICAL CENTER INDICATES THAT NO ADDITIONAL EMISSIONS-RELATED REPAIRS WOULD BE EFFECTIVE OR NEEDED.

(B) THIS SUBPARAGRAPH (IX) SHALL APPLY IN BOULDER COUNTY, EFFECTIVE JULY 1, 1995.

(X) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (V) OF THIS PARAGRAPH (c), A CERTIFICATE OF EMISSIONS CONTROL SHALL NOT BE ISSUED FOR VEHICLES IN THE PROGRAM AREA EXHIBITING SMOKE OR INDICATIONS OF TAMPERING WITH OR POOR MAINTENANCE OF EMISSIONS CONTROL SYSTEMS INCLUDING ON-BOARD DIAGNOSTIC SYSTEMS.

~~(IV)~~ (XI) As used in this paragraph (c), "total expenditures" means those expenditures directly related to adjustment or repair of a motor vehicle to reduce exhaust or ~~visible~~ EVAPORATIVE emissions to a level which complies with applicable emissions standards. The term does not include the AN inspection fee, ~~provided in section 42-4-313 (4) (b) nor does it include~~ OR any costs of adjustment, repair, or replacement necessitated by the disconnection of, tampering with, or abuse of air pollution control equipment, ~~or~~ improper fuel use, OR VISIBLE SMOKE.

(XII) NO CERTIFICATION OF EMISSIONS WAIVER SHALL BE ISSUED FOR VEHICLES NOT OLDER THAN TWO YEARS OR WHICH HAVE NOT MORE THAN

TWENTY-FOUR THOUSAND MILES, OR ARE OF SUCH OTHER AGE AND MILEAGE AS ESTABLISHED FOR WARRANTY PROTECTION UNDER THE FEDERAL ACT IN ACCORDANCE WITH THE PROVISIONS AND ENFORCEMENT OF SECTION 207(A) AND (B) OF THE FEDERAL ACT RELATING TO EMISSIONS CONTROL COMPONENT AND SYSTEMS PERFORMANCE WARRANTIES.

(2) (a) The emissions inspection required under this section shall include an analysis of tail pipe ~~exhaust gas and visible~~ AND EVAPORATIVE emissions. AFTER JANUARY 1, 1994, SUCH INSPECTION SHALL INCLUDE AN ANALYSIS OF EMISSIONS CONTROL EQUIPMENT INCLUDING ON-BOARD DIAGNOSTIC SYSTEMS, CHLOROFLUOROCARBONS, AND VISIBLE SMOKE EMISSIONS FOR THE BASIC EMISSIONS PROGRAM AREA AND THE ENHANCED EMISSIONS PROGRAM AREA AND EMISSIONS TESTING THAT MEETS THE PERFORMANCE STANDARDS SET BY FEDERAL REQUIREMENTS FOR THE ENHANCED EMISSIONS PROGRAM AREA by means of procedures specified by regulation of the commission to determine whether the motor vehicle qualifies for issuance of a certification of emissions compliance. For motor vehicles of the model year 1975 or later, NOT TESTED UNDER A TRANSIENT LOAD ON A DYNAMOMETER, said inspection shall also include a visual inspection OF EMISSIONS CONTROL EQUIPMENT pursuant to rules of the commission.

(b) (I) Those motor vehicles required to obtain a certification of emissions adjustment may be adjusted or repaired at an inspection and readjustment station and shall be issued a certification of emissions compliance or of emissions adjustment after the required adjustments or repairs are performed.

(II) THIS PARAGRAPH (b) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(III) THIS PARAGRAPH (b) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

(IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 1995.

(c) (I) If the exhaust gas and visible emissions from the motor vehicle do not comply with the applicable emissions standards at the time of inspection, the owner of said vehicle may obtain the required adjustments or repairs at any licensed inspection and readjustment station he may choose.

(II) THIS PARAGRAPH (c) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1994, IN THE COUNTIES OF EL PASO, LARIMER, AND WELD.

(III) THIS PARAGRAPH (c) SHALL NOT APPLY, EFFECTIVE JANUARY 1, 1995, IN THE COUNTIES OF ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, AND THE CITY AND COUNTY OF DENVER.

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(IV) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 1995.

(d) (I) IN THE BASIC EMISSIONS PROGRAM AREA, EFFECTIVE JANUARY 1, 1994, IN ORDER TO BE ISSUED A CERTIFICATE OF EMISSIONS WAIVER, APPROPRIATE ADJUSTMENTS AND REPAIRS MUST HAVE BEEN PERFORMED AT A LICENSED INSPECTION AND READJUSTMENT STATION BY A LICENSED EMISSIONS MECHANIC.

(II) IN THE ENHANCED EMISSIONS PROGRAM AREA, EFFECTIVE JANUARY 1, 1995, IN ORDER TO BE ISSUED A CERTIFICATE OF EMISSIONS WAIVER, APPROPRIATE ADJUSTMENTS AND REPAIRS MUST HAVE BEEN PERFORMED BY A TECHNICIAN AT A REGISTERED REPAIR FACILITY WITHIN THE ENHANCED EMISSIONS PROGRAM AREA.

(III) ADJUSTMENTS AND REPAIRS PERFORMED BY A REGISTERED REPAIR FACILITY AND TECHNICIAN WITHIN THE ENHANCED EMISSIONS PROGRAM AREA SHALL BE SUFFICIENT FOR COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH (d) IN THE BASIC PROGRAM AREA.

(3) (a) EFFECTIVE JULY 1, 1993, any home rule city, city, town, or county shall, AFTER HOLDING A PUBLIC HEARING AND RECEIVING PUBLIC COMMENT AND upon request by the governing body of such local government to the department of health and the department of revenue AND AFTER APPROVAL BY THE GENERAL ASSEMBLY ACTING BY BILL PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (3), be included in the ~~automobile inspection and readjustment~~ program AREA established pursuant to sections 42-4-306.5 to ~~42-4-320~~ 42-4-316. When such a request is made, said departments and governing body shall agree to a start-up date for the ~~automobile inspection and readjustment~~ program in such area, and, on or after such date, all motor vehicles, as defined in section 42-4-307 ~~(7)~~ (17), which are registered in the area shall be inspected and required to comply with the provisions of sections 42-4-306.5 to ~~42-4-320~~ 42-4-316 and rules and regulations adopted pursuant thereto as if such area was included in the program area. Except as provided in paragraph (c) of this subsection (3), the department of health and the department of revenue, the executive director, and the commission shall perform all functions and exercise all powers related to the ~~automobile inspection and readjustment~~ program in areas included in the program pursuant to this subsection (3) that they are otherwise required to perform under sections 42-4-306.5 to ~~42-4-320~~ 42-4-316.

(b) EFFECTIVE JULY 1, 1993, notwithstanding the provisions of section 42-4-307 ~~(8)~~ (18), a local government with jurisdiction over an area excluded from the program area pursuant to section 42-4-307 ~~(8)~~ (a) to ~~(8)~~ (d) (18) may request inclusion in the ~~inspection and readjustment~~ program AREA, and the exclusion under section 42-4-307 ~~(8)~~ (18) shall not apply to vehicles registered within such area.

(c) EFFECTIVE JULY 1, 1993, the inclusion pursuant to paragraph (a) or (b) of this subsection (3) of any home rule city, city, town, or county in the ~~automobile inspection and readjustment~~ program AREA shall not be submitted to the United States environmental protection agency as a revision to the state implementation plan or otherwise included in such plan. Any governing body which requests inclusion of an area pursuant to paragraph (a) or (b) of this subsection (3) in the ~~automobile inspection and readjustment~~ program AREA may, ~~at any time~~ AFTER A MINIMUM PERIOD OF FIVE YEARS, request termination of the program in such area, and the program in such area shall be terminated thirty days after the receipt by the department of revenue of such a request.

(d) EFFECTIVE JANUARY 1, 1994, EXCEPT FOR THOSE ENTITIES INCLUDED WITHIN THE PROGRAM AREA PURSUANT TO SECTION 42-4-307 (18), FOR INCLUSION IN THE PROGRAM AREA, ANY HOME RULE CITY, CITY, TOWN, OR COUNTY SHALL HAVE THE BASIC EMISSIONS PROGRAM TEST REQUIREMENTS AND STANDARDS IMPLEMENTED AS ITS EMISSIONS INSPECTION PROGRAM.

(e) (I) THOSE COUNTIES OR AREAS THEREOF INCLUDED WITHIN THE BASIC EMISSIONS PROGRAM PURSUANT TO SECTION 42-4-307 (18) (b) MAY ELECT TO PARTICIPATE IN THE ENHANCED EMISSIONS PROGRAM. UPON REQUEST BY THE GOVERNING BODY OF ANY SUCH COUNTY TO THE COMMISSION AND AFTER APPROVAL BY THE GENERAL ASSEMBLY ACTING BY BILL PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (3), THE COUNTY OR AREA THEREOF SHALL BE INCLUDED IN THE ENHANCED EMISSIONS PROGRAM AND SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTIONS 42-4-306.5 TO 42-4-316.

(II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE OCTOBER 1, 1993.

(f) UNLESS A HOME RULE CITY, CITY, TOWN, OR COUNTY VIOLATES NATIONAL AMBIENT AIR QUALITY STANDARDS AS ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY, THE INCLUSION PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (3) OF ANY HOME RULE CITY, CITY, TOWN, OR COUNTY IN THE PROGRAM AREA SHALL BE CONTINGENT UPON APPROVAL BY THE GENERAL ASSEMBLY ACTING BY BILL TO INCLUDE ANY SUCH HOME RULE CITY, CITY, TOWN, OR COUNTY IN THE PROGRAM AREA.

~~(4) New motor vehicles required under this section to obtain a certification of emissions control shall be issued a certification of emissions control, without inspection, to expire in the twelfth month after delivery or initial vehicle registration. Prior to said expiration, said vehicles shall be required to be inspected and to obtain a certification of emissions control.~~

~~(5) The emissions inspection required under this section shall be valid for commercially owned vehicles for twelve months~~

~~or twenty five thousand miles, whichever comes first.~~

SECTION 20. 42-4-313, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-313. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers. (1) (a) No inspection and readjustment station license, INSPECTION-ONLY FACILITY LICENSE, FLEET INSPECTION STATION LICENSE, MOTOR VEHICLE DEALER TEST FACILITY LICENSE, OR ENHANCED INSPECTION CENTER CONTRACT may be assigned or transferred or used at any other than the station, FACILITY, OR CENTER therein designated, and every such license OR AUTHORIZATION FOR AN ENHANCED INSPECTION CENTER shall be posted in a conspicuous place at the facility designated.

(b) BEGINNING JANUARY 1, 1995, NO EMISSIONS INSPECTOR LICENSE OR AUTHORIZATION SHALL BE ASSIGNED OR TRANSFERRED EXCEPT TO A LICENSED INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR ENHANCED INSPECTION CENTER.

(c) No EMISSIONS INSPECTOR OR ~~emissions mechanic's~~ MECHANIC license OR AUTHORIZATION may be assigned or transferred, nor shall the inspection and adjustment be made by such ~~inspector~~ EMISSIONS INSPECTOR OR EMISSIONS MECHANIC except at a licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR AUTHORIZED ENHANCED INSPECTION CENTER.

(2) (a) Licensed inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, AND MOTOR VEHICLE DEALER TEST FACILITIES, AND AUTHORIZED ENHANCED INSPECTION CENTERS shall issue a certification of emissions control to a motor vehicle only upon forms ~~issued~~ PRESCRIBED by the executive director, and a certification of emissions compliance or, ~~if~~ IF APPLICABLE, emissions ~~adjustment~~ WAIVER shall be issued by the licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR AUTHORIZED ENHANCED INSPECTION CENTER to a motor vehicle only after the licensed OR AUTHORIZED emissions INSPECTOR OR EMISSIONS mechanic performing said inspection at said station determines that:

(I) The exhaust gas AND, IF APPLICABLE, EVAPORATIVE emissions from the motor vehicle comply with the applicable emissions standards and there is no evidence of emissions system tampering nor visible smoke, in which case a certification of emissions compliance shall be issued;

~~(I.5) The motor vehicle bears a valid verification of emissions control and there is no evidence of emissions system~~

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~~tampering, in which case a certification of emissions compliance shall be issued;~~

(II) The exhaust gas ~~or visible~~ AND, IF APPLICABLE, EVAPORATIVE emissions from the motor vehicle do not comply with the applicable emissions standards after the adjustments AND REPAIRS required in accordance with section 42-4-309 have been performed and there is no evidence of emissions system tampering OR VISIBLE SMOKE, in which case a certification of emissions ~~adjustment~~ WAIVER shall be issued. A CERTIFICATION OF EMISSIONS WAIVER SHALL NOT BE ISSUED BY A FLEET EMISSIONS INSPECTOR WITHIN THE ENHANCED PROGRAM AREA. A certification of emissions ~~adjustment~~ WAIVER shall not be issued for a motor vehicle registered as a collector's item under the provisions of section 42-15-102.

(3) (a) (I) A verification of emissions test shall be issued to a motor vehicle by a licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR AUTHORIZED ENHANCED INSPECTION CENTER at the time such vehicle is issued a certification of emissions control.

(II) No verification of emissions test shall be issued to or required for any motor vehicle which is registered as a collector's item pursuant to the provisions of section 42-15-102.

(III) Verification of emissions test forms shall be purchased only by licensed inspection and readjustment stations, INSPECTION-ONLY FACILITIES, FLEET INSPECTION STATIONS, OR MOTOR VEHICLE DEALER TEST FACILITIES OR AUTHORIZED ENHANCED INSPECTION CENTERS from the department or persons authorized by the department to make such sales, and, effective with the sale of such forms, the department shall receive from the buyer the sum of twenty-five cents per form. No refund or credit shall be allowed for any unused verification of emissions test forms.

(b) The moneys collected by the department from the sale of ~~such~~ verification forms shall be transmitted to the state treasurer, who shall credit such moneys to the AIR account, which account is hereby created within the highway users tax fund. Moneys from the AIR account, upon appropriation by the general assembly, shall be expended only to pay the costs of administration and enforcement of the automobile inspection and readjustment program by the department and the department of health.

(4) (a) A licensed inspection and readjustment station shall charge a fee not to exceed nine dollars ~~and not to~~ THROUGH DECEMBER 31, 1994. ON AND AFTER JANUARY 1, 1995, A LICENSED INSPECTION AND READJUSTMENT STATION, INSPECTION-ONLY FACILITY, OR MOTOR VEHICLE DEALER TEST FACILITY SHALL CHARGE A FEE NOT TO

EXCEED FIFTEEN DOLLARS FOR THE INSPECTION OF VEHICLES IN THE BASIC EMISSIONS PROGRAM OR FOR THE INSPECTION OF MODEL YEAR 1981 AND OLDER VEHICLES AT SAID FACILITIES LICENSED OR AUTHORIZED WITHIN THE ENHANCED EMISSIONS PROGRAM; EXCEPT THAT FOR 1982 MODEL AND NEWER VEHICLES A MOTOR VEHICLE DEALER TEST FACILITY MAY CHARGE A FEE NOT TO EXCEED TWENTY-FIVE DOLLARS. IN NO CASE SHALL ANY SUCH FEE exceed the maximum fee established by and posted by the station OR FACILITY pursuant to section 42-4-308 (5) ~~(b)~~ for the inspection of any motor vehicle required to be inspected under section 42-4-312, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, OR MOTOR VEHICLE DEALER TEST FACILITY OR AUTHORIZED ENHANCED INSPECTION CENTER shall charge a fee not to exceed ~~four dollars and fifty cents~~ TWO DOLLARS AND FIFTY CENTS and not to exceed the maximum fee established and posted by the station OR FACILITY, OR CENTER pursuant to section 42-4-308 ~~(5) (b)~~ ~~for the inspection of any motor vehicle under the provisions of subparagraph (1.5) of paragraph (a) of subsection (2) of this section~~ FOR THE ISSUANCE OF A REPLACEMENT VERIFICATION OF EMISSIONS TEST.

(b) A licensed emissions inspection and readjustment station shall charge a fee for performing the adjustments or repairs required for issuance of a certification of emissions ~~adjustment~~ WAIVER not to exceed the maximum charge established in section 42-4-312 ~~(1) (c)~~ and posted by the station pursuant to section 42-4-308. ~~(5) (b)~~.

(5) The fee charged in paragraph (a) of subsection (4) OR SUBSECTION (6) of this section will be charged to all nonresident vehicle owners subject to the inspection requirement of section 42-4-312 ~~(1) (b.5)~~. ~~Such fee shall be collected by the executive director of the department of revenue and shall be transmitted to the highway users tax fund in accordance with the provisions of section 42-3-123 (23) (b)~~ AND DEPENDING ON THE COUNTY OF OPERATION.

(6) THE FEE CHARGED BY AN ENHANCED INSPECTION CENTER FOR EMISSIONS INSPECTIONS PERFORMED WITHIN THE ENHANCED EMISSIONS PROGRAM AREA SHALL NOT BE ANY GREATER THAN THAT DETERMINED BY THE COMPETITIVE BID PROCESS CONDUCTED BY THE DIVISION IN CONSULTATION WITH THE EXECUTIVE DIRECTOR IN CONTRACTOR SELECTION AND IN NO CASE GREATER THAN TWENTY-FIVE DOLLARS. SUCH FEE SHALL NOT EXCEED THE MAXIMUM FEE REQUIRED TO BE POSTED BY THE ENHANCED INSPECTION CENTER PURSUANT TO SECTION 42-4-308 FOR THE INSPECTION OF ANY MOTOR VEHICLE REQUIRED TO BE INSPECTED UNDER SECTION 42-4-312.

(7) AT LEAST ONE FREE REINSPECTION SHALL BE PROVIDED FOR THOSE VEHICLES INITIALLY FAILED AT THE INSPECTION AND READJUSTMENT STATION, INSPECTION-ONLY FACILITY, OR ENHANCED INSPECTION CENTER WHICH CONDUCTED THE INITIAL INSPECTION, WITHIN TEN CALENDAR DAYS OF SUCH INITIAL INSPECTION.

SECTION 21. 42-4-314, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-314. Improper representation as emissions inspection and readjustment station - inspection-only facility - fleet inspection station - motor vehicle dealer test facility - enhanced inspection center. (1) No person shall in any manner represent any place as an inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, MOTOR VEHICLE DEALER TEST FACILITY, OR ENHANCED INSPECTION CENTER or SHALL claim to be a LICENSED EMISSIONS INSPECTOR OR licensed emissions mechanic unless such station, FACILITY, CENTER, or person has been issued and operates under a valid license issued by the department OR CONTRACT WITH THE STATE. If the license OR CONTRACT is cancelled, suspended, or revoked, all evidence designating the station, FACILITY, OR CENTER as a licensed inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR AUTHORIZED ENHANCED INSPECTION CENTER and indicative of licensed status of the station, FACILITY, OR CENTER OR EMISSIONS INSPECTOR or emissions ~~mechanics~~ MECHANIC shall be removed within five days after receipt of notice of such action.

(2) (a) The department shall have authority to suspend or revoke the inspection and readjustment station license, INSPECTION-ONLY FACILITY LICENSE, FLEET INSPECTION LICENSE, OR MOTOR VEHICLE DEALER TEST FACILITY LICENSE OR TO SEEK TERMINATION OF THE CONTRACTOR'S CONTRACT and require surrender of said license and unused certification of emissions control forms AND VERIFICATION OF EMISSIONS TEST FORMS held by such licensee OR CONTRACTOR when such station, ~~is~~ FACILITY, OR CENTER IS not equipped as required, ~~or~~ when such station, FACILITY, OR CENTER is not operating from a location for which the license OR CONTRACT was issued, ~~or~~ when the approved location has been altered so that it will no longer qualify as ~~an inspection and readjustment~~ A LICENSED station OR FACILITY OR AUTHORIZED CENTER, or when inspections, repairs, or adjustments are not being made in accordance with applicable laws and the rules and regulations of the department or commission.

(b) The department shall also have authority to suspend or revoke the license of an EMISSIONS INSPECTOR OR emissions mechanic and require surrender of said license when it determines that said INSPECTOR OR mechanic is not qualified to perform the inspections, repairs, or adjustments or when inspections, repairs, or adjustments are not being made in accordance with applicable laws and the rules and regulations of the department or the commission.

(3) In addition to any other grounds for revocation or suspension, ~~such~~ authority to suspend and revoke inspection and readjustment station licenses, INSPECTION-ONLY FACILITY LICENSES, FLEET INSPECTION STATION LICENSES, MOTOR VEHICLE DEALER TEST

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FACILITY LICENSES, OR ENHANCED INSPECTION CENTER CONTRACTS, OR TO SEEK TERMINATION OF A CONTRACTOR'S CONTRACT or ~~the said~~ AN EMISSIONS INSPECTOR'S OR emissions mechanic's license and to require surrender of said licenses and unused certification of inspection forms and records of said station shall also exist upon a showing that:

(a) A vehicle which had been inspected and issued a certification of emissions compliance by said station, FACILITY, OR CENTER or by said INSPECTOR OR mechanic was in such condition that it did not, at the time of such inspection, comply with the law or the rules and regulations for issuance of such a certification; or

(b) ~~The AN inspection and readjustment station, or the emissions mechanic has demonstrated a pattern of issuing certifications of emissions adjustment or certifications of emissions exemption~~ WAIVERS to vehicles which, at the time of issuance of such certifications, did not comply with the law or the rules and regulations for issuance of such certifications.

(4) Upon suspending the license of an inspection and readjustment station, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR AN ENHANCED INSPECTION CENTER CONTRACT or of an EMISSIONS INSPECTOR OR emissions mechanic as authorized in this section, the executive director shall immediately notify the licensee OR CONTRACTOR in writing and, upon request therefor, shall grant the licensee OR CONTRACTOR a hearing within thirty days after receipt of such request, such hearing to be held in the county wherein the licensee OR CONTRACTOR resides, unless the executive director and the licensee OR CONTRACTOR agree that such hearing may be held in some other county. ~~Said~~ THE executive director may request a hearing officer to act in ~~his~~ THE EXECUTIVE DIRECTOR'S behalf. Upon such hearing, the executive director or the hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, records, and papers. Upon such hearing, the order of suspension or revocation may be rescinded, or, for good cause shown, the suspension may be extended for such period of time as the hearing person or body may determine, not exceeding one year, or the revocation order may be affirmed or reversed. The licensee shall not perform under the license pending the hearing and decision.

(5) ~~Upon the final cancellation or revocation of the license of an inspection and readjustment station, the executive director shall refund to the owner of such station the fees paid for unused certification of emissions control forms then in the hands of the said station owner~~ UPON THE FINAL CANCELLATION OR TERMINATION OF A CONTRACTOR'S CONTRACT, THE EXECUTIVE DIRECTOR SHALL INVOKE THE PROVISIONS OF SUCH CONTRACT TO CONTINUE SERVICE UNTIL A NEW CONTRACT CAN BE SECURED WITH QUALIFIED PERSONS AS

SUPERVISED BY THE DEPARTMENT OF REVENUE.

SECTION 22. 42-4-315, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-315. Penalties. (1) (a) No person shall make, issue, or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form or verification of emissions test FORMS.

(b) No person shall possess a certification of emissions control or verification of emissions test if ~~he~~ SUCH PERSON knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required.

(c) Any person who violates any provision of this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(2) (a) No EMISSIONS INSPECTOR OR emissions mechanic shall issue a certification of emissions control or a verification of emissions test for a motor vehicle which does not qualify for the certification or verification issued.

(b) Any EMISSIONS INSPECTOR OR emissions mechanic who issues a certification of emissions control or verification of emissions test in violation of paragraph (a) of this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(3) (a) No person shall operate a motor vehicle registered or required to be registered in this state or any vehicle otherwise required to display a valid verification of emissions test, nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle displaying a valid verification of emissions test. The owner of any motor vehicle which is in violation of this paragraph (a) because it is parked without displaying a valid verification of emissions test shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.

(b) (I) Police officers, at any time upon reasonable cause,

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may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of sections 42-4-306.5 to ~~42-4-320~~ 42-4-316. ~~Police officers, during any traffic investigation, may require the driver of any vehicle involved in such investigation to provide evidence of a valid verification of emissions test.~~ In the event that such vehicle does not have DISPLAY a valid verification of emissions test, the officer may give a written notice and SHALL issue a summons to the driver. ~~Said notice shall require that such vehicle comply with the provisions of sections 42-4-306.5 to 42-4-320.~~

(II) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.

(c) (I) Any VEHICLE owner who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifty dollars payable within thirty days after conviction.

(II) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.

(d) Any nonowner driver who violates any provision of this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifteen dollars, payable within thirty days after conviction.

(e) Repealed, L. 89, p. 1582, § 10, effective October 1, 1989.

(f) The owner or driver may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification or proof of mailing specified in this subsection (3).

(g) Any fine collected pursuant to the provisions of this subsection (3) shall be retained by the jurisdiction in whose name such penalty was assessed.

(h) Nothing in this section shall be construed to limit the authority of any municipality, city, county, or city and county to adopt and enforce an ordinance or resolution pertaining to the enforcement of emissions control inspection requirements.

(4) (a) FOR THE ENHANCED EMISSIONS PROGRAM, A CONTRACTOR WHO IS AWARDED A CONTRACT TO PERFORM EMISSIONS INSPECTIONS WITHIN THE ENHANCED EMISSIONS PROGRAM AREA SHALL BE HELD ACCOUNTABLE TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE. ANY SUCH CONTRACTOR SHALL BE SUBJECT TO CIVIL PENALTIES IN ACCORDANCE WITH

THIS SECTION OR ARTICLE 7 OF TITLE 25, C.R.S., AS APPROPRIATE, FOR ANY VIOLATION OF APPLICABLE LAWS OR RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OR THE COMMISSION.

(b) (I) PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., THE EXECUTIVE DIRECTOR MAY SUSPEND FOR A PERIOD NOT LESS THAN SIX MONTHS THE LICENSE OF ANY OPERATOR OR EMPLOYEE OPERATING AN INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY OR MAY IMPOSE AN ADMINISTRATIVE FINE PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), OR MAY BOTH SUSPEND A LICENSE AND IMPOSE A FINE, IF ANY SUCH OPERATOR OR EMPLOYEE, INSPECTION-ONLY FACILITY, FLEET INSPECTION STATION, OR MOTOR VEHICLE DEALER TEST FACILITY ENGAGES IN ANY OF THE FOLLOWING:

- (A) INTENTIONALLY PASSING A FAILING VEHICLE;
- (B) PERFORMING ANY TEST BY AN UNLICENSED INSPECTOR;
- (C) PERFORMING A TEST ON FALSIFIED TEST EQUIPMENT;
- (D) FAILING A PASSING VEHICLE;
- (E) FLAGRANTLY MISUSING CONTROL DOCUMENTS; OR

(F) ENGAGING IN A PATTERN OF NONCOMPLIANCE WITH ANY REGULATIONS OF THE DEPARTMENT OF REVENUE OR THE COMMISSION.

(II) THE CONTRACT FOR OPERATION OF ENHANCED INSPECTION CENTERS SHALL SPECIFY ADMINISTRATIVE FINES TO BE IMPOSED FOR THE VIOLATIONS ENUMERATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(c) PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., THE EXECUTIVE DIRECTOR SHALL IMPOSE ADMINISTRATIVE FINES IN AMOUNTS SET BY THE EXECUTIVE DIRECTOR OF NOT LESS THAN TWENTY-FIVE DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS AGAINST ANY OPERATOR OR EMPLOYEE OPERATING AN INSPECTION AND READJUSTMENT STATION, AN INSPECTION-ONLY FACILITY, OR A MOTOR VEHICLE DEALER TEST FACILITY, OR ANY CONTRACTOR OPERATING AN ENHANCED INSPECTION CENTER, WHICH ENGAGES IN ANY OF THE FOLLOWING:

- (I) TEST DATA ENTRY VIOLATIONS;
- (II) TEST SEQUENCE VIOLATIONS;
- (III) EMISSION RETEST PROCEDURAL VIOLATIONS;

(IV) VEHICLE EMISSIONS TAG REPLACEMENT TEST PROCEDURAL VIOLATIONS;

(V) PERFORMING ANY EMISSIONS TEST ON NONCERTIFIED EQUIPMENT;

(VI) WAIT-TIME AND LANE AVAILABILITY VIOLATIONS;

(VII) PHYSICAL EMISSIONS TEST EXAMINATION VIOLATIONS.

SECTION 23. 42-4-315.5, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-315.5. Warranties. No provision of sections 42-4-306.5 to ~~42-4-320~~ 42-4-316 shall be deemed to prevent, or interpreted so as to hinder, the enforcement of any applicable motor vehicle part OR EMISSIONS CONTROL SYSTEMS PERFORMANCE WARRANTY.

SECTION 24. 42-4-316, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-316. AIR program - termination. (1) The ~~automobile inspection and readjustment~~ AIR program established pursuant to sections 42-4-306.5 to ~~42-4-320~~ 42-4-316 shall terminate on January 1, ~~1994~~ 2002, and no inspections pursuant to section 42-4-312 shall be made after December 31, ~~1993~~ 2001.

(2) The legislative audit committee shall cause to be conducted a performance audit of the ~~automobile inspection and readjustment~~ program. Such audit shall be completed not later than January 1, ~~1993~~ 1998. In conducting the audit, the legislative audit committee shall take into consideration, but shall not be limited to considering, the factors listed in paragraph (b) of subsection (3) of this section. Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the purposes of a review of the report. A copy of the report shall be made available to each member of the general assembly.

(3) (a) Prior to termination, continuation, or reestablishment of the ~~automobile inspection and readjustment~~ program, a committee of reference in each house of the general assembly shall hold a public hearing, receiving testimony from the public, the executive directors of the departments of revenue and health, the chairman of the air quality control commission, and the air pollution control division of the department of health.

(b) In such hearings, the determination as to whether an ongoing public need for the program has been demonstrated shall take into consideration the following factors, among others:

(I) The demonstrable effect on ambient air quality of the program;

(II) The cost to the public of the program;

(III) The cost-effectiveness of the program relative to other air pollution control programs;

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(IV) The need, if any, for further reduction of air pollution caused by mobile sources to attain or maintain compliance with national ambient air quality standards;

(V) The application of the ~~automobile inspection and readjustment~~ program to assure compliance with legally required warranties covering air pollution control equipment.

(4) Repealed, L. 80, p. 774, § 17, effective May 23, 1980.

SECTION 25. 42-4-319 (1) (a), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

42-4-319. Visible emissions from diesel-powered motor vehicles unlawful - penalty. (1) (a) Effective January 1, 1987, no owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in section 18-13-110 (2) (a), C.R.S., within the ~~automobile inspection and readjustment~~ program area as defined in section 42-4-307 ~~(8)~~ (18).

SECTION 26. 42-4-321 (1) (b), (1) (d), and (6), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

42-4-321. Purchase or lease of new motor vehicles by state agencies - clean-burning alternative fuels - definitions. (1) For the purposes of this section, unless the context otherwise requires:

(b) "AIR program area" shall have the same meaning as "program area" under the AIR program as said term is defined in section 42-4-307 ~~(8)~~ (18).

(d) "Clean-burning alternative fuel" means ~~natural gas, liquified petroleum gas, a fuel mixture containing not less than eighty five percent ethanol or methanol, electricity, or any other alternative fuel, approved by the commission pursuant to section 25-7-106.9 (1), C.R.S.~~ SHALL HAVE THE SAME MEANING AS "ALTERNATIVE FUEL" AS SET FORTH IN SECTION 25-7-106.8 (1) (a), C.R.S.

(6) Motor vehicles purchased or leased by state agencies after July 1, 1991, shall comply with the percentage goals contained in the plan. ~~but this requirement shall be contingent upon annual legislative appropriations to the affected state agencies of adequate funds for purchase or lease of and operation of the requisite number of alternative fuel motor vehicles.~~

SECTION 27. 42-11-108, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

~~42-11-108. Prohibited acts. (1) No motor vehicle repair garage or any employee or contract laborer of such garage shall knowingly:~~

~~(a) Charge for repairs which have not been consented to by the customer or charge for repairs in excess of amounts allowed by this article;~~

~~(b) Represent that repairs are necessary when such is not a fact;~~

~~(c) Represent that repairs have been performed when such is not a fact;~~

~~(d) Represent that a motor vehicle or motor vehicle part being diagnosed is in dangerous condition when such is not a fact;~~


~~(e) PERFORM EMISSIONS REPAIRS TO BRING MOTOR VEHICLES INTO COMPLIANCE WITH THE PROVISIONS OF SECTIONS 42-4-306.5 TO 42-4-316 WHEN SUCH REPAIRS ARE NOT INDICATED BY THE IDENTIFIED EMISSIONS FAILURE.~~

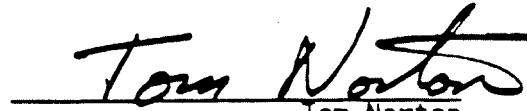
~~SECTION 28. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.~~

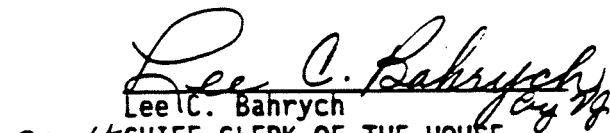
~~SECTION 29. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to acts occurring or committed on or after said date.~~

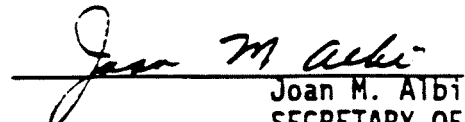
~~SECTION 30. Safety clause. The general assembly hereby~~

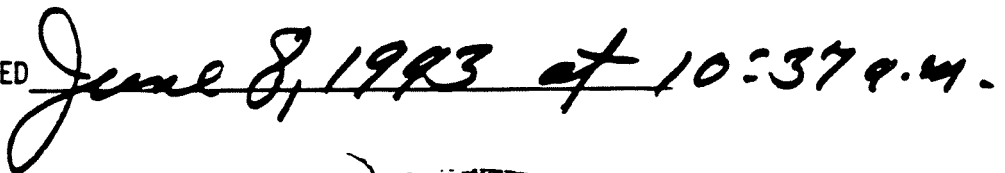
finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

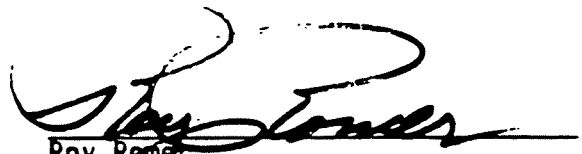

Charles F. Bailey
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Tom Norton
PRESIDENT OF
THE SENATE


Lee C. Bahrych
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Joan M. Albi
SECRETARY OF
THE SENATE

APPROVED  June 8, 1993 at 10:37 a.m.


Roy Romer
GOVERNOR OF THE STATE OF COLORADO

ACT-60

An Act

SENATE BILL 95-110

BY SENATORS Norton and Tebedo;
also REPRESENTATIVES Berry, Lamborn, Martin, Paschall, and Taylor.

CONCERNING LEGISLATIVE PROCEDURES FOR THE APPROVAL OF STATE
IMPLEMENTATION PLANS AND REGULATIONS RELATED TO AIR
POLLUTION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-7-105 (1) (a), Colorado Revised Statutes,
1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH
to read:

25-7-105. Duties of commission. (1) Except as provided in
sections 25-7-130 and 25-7-131, the commission shall promulgate
such rules and regulations as are consistent with the legislative
declaration set forth in section 25-7-102 and necessary for the
proper implementation and administration of this article,
including but not limited to:

(a) (III) THE REVISIONS TO THE DENVER ELEMENT OF THE PM-10
STATE IMPLEMENTATION PLAN ADOPTED BY THE COMMISSION ON FEBRUARY
16, 1995, WHICH CONTAIN A SIXTY TONS-PER-DAY PM-10 MOBILE SOURCE
EMISSIONS BUDGET WHICH EXPIRES JANUARY 1, 1998, AND REVERTS TO A
FORTY-FOUR TONS-PER-DAY BUDGET, ARE AMENDED TO PROVIDE THAT SUCH
FORTY-FOUR TONS-PER-DAY REVERSION SHALL NOT BE A PART OF THE STATE
IMPLEMENTATION PLAN AND SHALL ONLY APPLY AS A REGULATION ADOPTED
EXCLUSIVELY UNDER RESERVED STATE AUTHORITY PURSUANT TO THE
PROVISIONS OF SECTION 25-7-105.1. THE SIXTY TONS-PER-DAY
EMISSIONS BUDGET SHALL, UNLESS MODIFIED BY THE COMMISSION THROUGH
RULE-MAKING, APPLY FOR FEDERAL TRANSPORTATION CONFORMITY AND IS
INCLUDED IN THE STATE IMPLEMENTATION PLAN ONLY AS REQUIRED BY THE
FEDERAL ACT. ANY ENTITY WITH AUTHORITY TO ADOPT A TRANSPORTATION
PLAN REQUIRED UNDER SECTION 43-1-1103, C.R.S., SHALL CONSIDER ANY
MOBILE SOURCE EMISSIONS BUDGETS IN EFFECT UNDER THIS ARTICLE IN

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THE DEVELOPMENT OF TRANSPORTATION IMPROVEMENT PROGRAMS FOR FEDERAL PURPOSES.

SECTION 2. 25-7-133, Colorado Revised Statutes, 1989 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

25-7-133. Legislative review and approval of state implementation plans and rules - repeal. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE STATE IMPLEMENTATION PLANS (SIP) AND REVISIONS AND ANY RULES PERTAINING THERETO PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 24-4-103 (8) (c) AND (8) (d), C.R.S., AND THIS SECTION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONTROL MEASURES AND STRATEGIES WHICH HAVE BEEN ADOPTED BY AND IMPLEMENTED BY THE ENACTING JURISDICTION OF A LOCAL UNIT OF GOVERNMENT IF SUCH MEASURES AND STRATEGIES DO NOT RESULT IN MANDATORY DIRECT COSTS UPON ANY ENTITY OTHER THAN THE ENACTING JURISDICTION.

(2) THE COMMISSION MAY ONLY SUBMIT A SIP, AS DEFINED IN SECTION 110 OF THE FEDERAL ACT, ANY RULE WHICH IS A PART THEREOF, OR ANY REVISION THERETO, AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, TO THE ADMINISTRATOR FOR CONDITIONAL APPROVAL OR TEMPORARY APPROVAL. NO SUCH SIP, REVISION, RULE REQUIRED BY THE SIP OR REVISION, OR RULE RELATED TO THE IMPLEMENTATION OF THE SIP OR REVISION SO SUBMITTED TO THE ADMINISTRATOR MAY TAKE EFFECT FOR PURPOSES OF FEDERAL ENFORCEABILITY, OR ENFORCEMENT OF ANY KIND AT THE STATE LEVEL AGAINST ANY PERSON OR ENTITY BASED ONLY ON THE COMMISSION'S GENERAL AUTHORITY TO ADOPT A SIP UNDER SECTION 25-7-105 (1), UNLESS EXPIRATION OF THE SIP, RULE REQUIRED FOR THE SIP, OR REVISION HAS BEEN POSTPONED BY THE GENERAL ASSEMBLY ACTING BY BILL IN THE SAME MANNER AS PROVIDED IN SECTION 24-4-103 (8) (c) AND (8) (d), C.R.S. IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION 24-4-103 (8) (c) AND (8) (d), C.R.S., THE LEGISLATIVE COUNCIL SHALL CONDUCT A REVIEW OF THE SIP, RULE, OR REVISION THERETO TO DETERMINE WHETHER IT ACCOMPLISHES THE RESULTS INTENDED BY ENACTMENT OF THE STATUTORY PROVISIONS UNDER WHICH THE SIP, RULE, OR REVISION WAS ADOPTED. THE LEGISLATIVE COUNCIL MAY, AFTER ALLOWING A PUBLIC HEARING PRECEDED BY ADEQUATE NOTICE TO THE PUBLIC AND THE COMMISSION, MAKE SUCH RECOMMENDATIONS AS IT DEEMS APPROPRIATE BASED ON THE RESULTS OF SUCH REVIEW. THE PROVISIONS OF THIS SUBSECTION (2) SHALL APPLY TO ACTIONS OF THE COMMISSION TAKEN AFTER JANUARY 1, 1995. ANY MEMBER OF THE GENERAL ASSEMBLY MAY INTRODUCE A BILL TO MODIFY OR DELETE ALL OR A PORTION OF THE SIP OR ANY RULE OR REVISION WHICH IS A COMPONENT THEREOF.

(3) IN ORDER TO FURTHER THE GOALS OF SECTION 25-7-105.1 IN ASSURING THAT NONFEDERALLY-REQUIRED RULES OR POLICIES ARE NOT SUBMITTED TO THE ADMINISTRATOR FOR INCLUSION IN A SIP, THE COMMISSION SHALL, EFFECTIVE JULY 1, 1995, WITH RESPECT TO ANY RULE OR ANY PORTION THEREOF NOT REQUIRED BY THE FEDERAL ACT OR WHICH IS OTHERWISE MORE STRINGENT IN WHOLE OR IN PART THAN REQUIREMENTS OF THE FEDERAL ACT, ENSURE THAT THE PUBLIC NOTICE AND THE GENERAL

STATEMENT OF SUCH RULE'S BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE REQUIRED BY SECTION 24-4-103, C.R.S., IN CONNECTION WITH THE COMMISSION'S PROPOSAL AND PROMULGATION OF SUCH RULE SHALL ALSO SPECIFICALLY IDENTIFY WHAT PORTION OF SUCH RULE IS NOT REQUIRED BY PROVISIONS OF THE FEDERAL ACT OR IS OTHERWISE MORE STRINGENT THAN REQUIREMENTS OF THE FEDERAL ACT.

(4) (a) THE GENERAL ASSEMBLY RECOGNIZES THAT THE COMMISSION MUST EXERCISE DISCRETION IN SELECTING FROM AVAILABLE OPTIONS IN DEVELOPING A COST EFFECTIVE SIP WHICH ATTAINS OR MAINTAINS NATIONAL AMBIENT AIR QUALITY STANDARDS.

(b) ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COMMISSION, IN COORDINATION WITH DESIGNATED ORGANIZATIONS FOR AIR QUALITY PLANNING IN LOCAL AREAS, SHALL PROVIDE THE LEGISLATIVE COUNCIL:

(I) A COMPREHENSIVE LISTING OF SIPs OR REVISIONS THERETO THAT THE COMMISSION AND LOCAL AREAS WILL CONSIDER DURING THE FOLLOWING CALENDAR YEAR;

(II) THE PROJECTED SCHEDULE FOR LOCAL ACTION AND COMMISSION CONSIDERATION OF SUCH MEASURES;

(III) THE PROJECTED SCHEDULE FOR SUBMITTAL BY THE COMMISSION TO LEGISLATIVE COUNCIL FOR THE SIP OR ANY REVISIONS THERETO;

(IV) THE STATUTORY DEADLINE, IF ANY, FOR SUBMITTAL TO THE ADMINISTRATOR OF THE SIP OR REVISION, AND THE CORRESPONDING FEDERAL SANCTIONS OR CONSEQUENCES FOR FAILURE TO SUBMIT THE SIP OR REVISIONS THERETO BY THE DEADLINE UNDER THE FEDERAL ACT;

(V) A BRIEF DESCRIPTION OF THE PRINCIPAL TECHNICAL AND POLICY ISSUES AND AVAILABLE OPTIONS PRESENTED FOR DECISION IN EACH SIP OR REVISION THERETO.

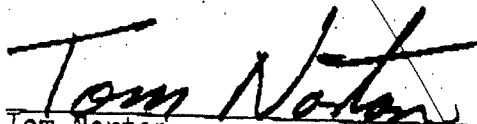
(c) THE COMMISSION, IN COORDINATION WITH DESIGNATED ORGANIZATIONS FOR AIR QUALITY PLANNING IN LOCAL AREAS, SHALL COMMUNICATE REGULARLY WITH THE LEGISLATIVE COUNCIL REGARDING EACH OF THE SIPs OR REVISIONS THERETO SCHEDULED FOR ADOPTION AND SUBMISSION TO THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. THE COMMISSION SHALL PROVIDE IMMEDIATE NOTICE IN WRITING WHEN THE PROJECTED SCHEDULES REQUIRED IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4) WILL BE DELAYED, INCLUDING AN ALTERNATIVE PROJECTED SCHEDULE CONSIDERING THE DELAY.


(5) THE INFORMATION REQUIRED BY PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION SHALL BE SUBMITTED TO THE LEGISLATIVE COUNCIL IN THE FORM AND MANNER AND ACCOMPANIED BY SUPPORTING MATERIALS PRESCRIBED BY THE LEGISLATIVE COUNCIL.

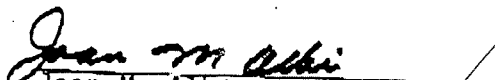
(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2000.

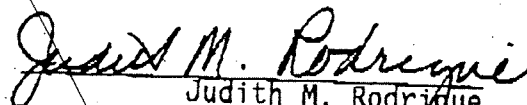
SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

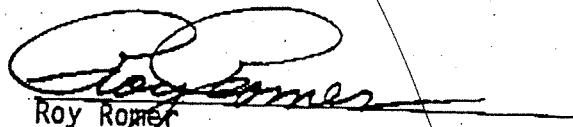

Tom Norton
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OF REPRESENTATIVES


Joan M. Albi
SECRETARY OF
THE SENATE


Judith M. Rodriguez
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 31, 1995 AT 7:25 a.m.


Roy Romo
GOVERNOR OF THE STATE OF COLORADO