

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 12-012

BY SENATOR(S) King S., Guzman, Tochtrop, Williams S.;  
also REPRESENTATIVE(S) Miklosi, Kerr A., Labuda, Pace, Wilson,  
Young.

CONCERNING THE DEPARTMENT OF REVENUE'S AUDITS OF AUTOMOBILE  
EMISSION INSPECTION FACILITIES.

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

**SECTION 1.** In Colorado Revised Statutes, 42-4-305, **amend** (6) (b), (6) (c), and (6) (e) as follows:

**42-4-305. Powers and duties of executive director - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program.** (6) (b) (I) THE DEPARTMENT SHALL CONDUCT overt performance audits ~~shall be conducted~~ as follows:

(⊕) (A) ~~Every ninety days~~ AT LEAST TWICE PER YEAR at each inspection and readjustment station, inspection-only facility, and motor vehicle dealer test facility;

(⊕) (B) ~~Every ninety days~~ AT LEAST TWICE PER YEAR at each fleet

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

inspection station;

~~(H)~~ (C) ~~Every ninety days for each~~ AT LEAST TWICE PER YEAR FOR EACH test lane at each enhanced inspection center.

(II) IN ADDITION TO REGULARLY SCHEDULED OVERT PERFORMANCE AUDITS, THE DEPARTMENT MAY PERFORM ADDITIONAL RISK-BASED OVERT PERFORMANCE AUDITS FOR STATIONS AND FACILITIES EMPLOYING INSPECTORS OR MECHANICS SUSPECTED OF VIOLATING RULES AS A RESULT OF AN AUDIT, DATA ANALYSIS, OR CONSUMER COMPLAINT.

(c) (I) THE DEPARTMENT SHALL CONDUCT covert audits using unmarked motor vehicles ~~shall be conducted as follows:~~

~~(H)~~ AT LEAST once per year PER NUMBER OF INSPECTORS at each ~~inspection and readjustment station~~ INSPECTION-ONLY FACILITY AND ENHANCED INSPECTION CENTER;

~~(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~~ IN ADDITION TO REGULARLY SCHEDULED COVERT AUDITS, THE DEPARTMENT MAY PERFORM ADDITIONAL RISK-BASED COVERT AUDITS FOR STATIONS AND FACILITIES EMPLOYING INSPECTORS OR MECHANICS SUSPECTED OF VIOLATING RULES AS A RESULT OF AN AUDIT, DATA ANALYSIS, OR CONSUMER COMPLAINT.

(e) (I) THE DEPARTMENT SHALL PERFORM equipment audits ~~shall be performed~~ to verify quality control and calibration of the required test equipment as follows:

~~(H)~~ (A) AT LEAST twice per year at each inspection and readjustment station;

~~(H)~~ (B) ~~Every ninety days for each~~ AT LEAST TWICE PER YEAR ON EACH test lane at each inspection-only facility, motor vehicle dealer test facility, and enhanced inspection center, to be ~~done~~ PERFORMED contemporaneously with the overt performance audit;

~~(H)~~ (C) ~~Once~~ AT LEAST TWICE per year at each fleet inspection station.

(II) IN ADDITION TO REGULARLY SCHEDULED EQUIPMENT AUDITS, THE DEPARTMENT MAY PERFORM ADDITIONAL RISK-BASED EQUIPMENT AUDITS FOR STATIONS AND FACILITIES EMPLOYING INSPECTORS OR MECHANICS SUSPECTED OF VIOLATING RULES AS A RESULT OF AN AUDIT, DATA ANALYSIS, OR CONSUMER COMPLAINT.

**SECTION 2. 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 3. Effective date - applicability.** This act shall take effect July 1, 2012, and shall apply to inspections occurring on or after said date.

**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.

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO