

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0188.01 Thomas Morris x4218

SENATE BILL 12-012

SENATE SPONSORSHIP

King S., Guzman, Tochtrop

HOUSE SPONSORSHIP

Miklosi, Gardner D.

Senate Committees

Transportation
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Audit Committee. The bill implements the recommendations of the legislative audit committee regarding the department of revenue's audits of facilities that conduct automobile emission inspections. Specifically, federal environmental protection agency rules require such inspections at least twice per year while current

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 13, 2012

SENATE
Amended 2nd Reading
February 10, 2012

state law generally requires them every 90 days; the bill conforms state law with federal law. Current law requires the department to conduct performance audits on each test lane at enhanced inspection centers and equipment audits on each lane at all types of inspection centers; the bill requires such audits to be conducted at least twice per year on each lane at the facilities. Finally, the bill authorizes the department to conduct risk-based audits for stations and facilities employing inspectors or mechanics suspected of violating rules.

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

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

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

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

12 ~~(H)~~ (B) ~~Every ninety days~~ AT LEAST TWICE PER YEAR at each fleet
13 inspection station;

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

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

21 (c) (I) THE DEPARTMENT SHALL CONDUCT covert audits using

1 unmarked motor vehicles ~~shall be conducted as follows:~~

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

5 ~~(II) At least twice per year for each test lane at each~~
6 ~~inspection-only facility and enhanced inspection center to include~~
7 ~~observation of inspector performance~~ IN ADDITION TO REGULARLY
8 SCHEDULED COVERT AUDITS, THE DEPARTMENT MAY PERFORM
9 ADDITIONAL RISK-BASED COVERT AUDITS FOR STATIONS AND FACILITIES
10 EMPLOYING INSPECTORS OR MECHANICS SUSPECTED OF VIOLATING RULES
11 AS A RESULT OF AN AUDIT, DATA ANALYSIS, OR CONSUMER COMPLAINT.

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

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

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

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

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

1 **SECTION 2. No appropriation.** The general assembly has
2 determined that this act can be implemented within existing
3 appropriations, and therefore no separate appropriation of state moneys
4 is necessary to carry out the purposes of this act.

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

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