

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**  
**PART 101 MOTOR VEHICLE INSPECTION -- CENTRALIZED**

**20.11.101.1 ISSUING AGENCY:** Albuquerque/Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.  
[11/16/93. . .12/1/95; 20.11.101 NMAC - Rn, 20 NMAC 11.101.I.1, 10/1/02]

**20.11.101.2 SCOPE:** All motor vehicles, as defined in 20.11.101.7 NMAC, shall be inspected biennially for compliance with the requirements of 20.11.101 NMAC, unless otherwise exempted. A vehicle shall not be registered or re-registered until such a vehicle has passed the emissions inspection and tampering inspection prescribed in 20.11.101.14 NMAC or has been issued a time extension for repairs by the VPMD.

**A. Federal Installations:** Vehicles, which are operated on federal installations located within Bernalillo County, shall comply with 20.11.101 NMAC regardless of whether the vehicles are registered in New Mexico or Bernalillo County. The inspection requirement applies to all employee owned or leased vehicles as well as agency operated vehicles.

**B. Fleet Vehicles:** Fleet vehicles, which are registered outside Bernalillo County but are primarily operated in Bernalillo County, shall comply with 20.11.101 NMAC.

**C. Municipalities and Counties:** If the Program enters into a joint powers agreement with another municipality or county to extend the enforcement of 20.11.101 NMAC, all vehicles registered in that municipality or county must comply with 20.11.101 NMAC.

[11/16/93. . .12/1/95; 20.11.101.2 NMAC - Rn, 20 NMAC 11.101.I.2, 10/1/02]

**20.11.101.3 STATUTORY AUTHORITY:** 20.11.101 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Act, NMSA 1978 Sections 74-2-4, 74-2-5.C: and the Joint Air Quality Board Ordinance, Bernalillo County Ordinance 94-5 Section 4, Revised Ordinances of Albuquerque ROA 1994 Section 9-5-1-4.

[11/16/93. . .12/1/95; 20.11.101.3 NMAC - Rn, 20 NMAC 11.101.I.3, 10/1/02]

**20.11.101.4 DURATION:** Permanent.

[12/1/95; 20.11.101.4 NMAC - Rn, 20 NMAC 11.101.I.4 10/1/02]

**20.11.101.5 EFFECTIVE DATE:** Shall become effective upon the date EPA issues notice requiring the Program to operate a centralized vehicle emissions inspection and maintenance program, in which case the centralized program established in 20.11.101 NMAC will be implemented.

[8/31/94. . .12/1/95; 20.11.101.5 NMAC - Rn, 20 NMAC 11.101.I.5 & A, 10/1/02]

**20.11.101.6 OBJECTIVE:** The objective of 20.11.101 NMAC is to provide for the control and regulation of CO and HC emissions above certain levels from motor vehicles, and anti-tampering.

[11/16/93. . .12/1/95; 20.11.101.6 NMAC - Rn, 20 NMAC 11.101.I.6, 10/1/02]

**20.11.101.7 DEFINITIONS:** In addition to the definitions in 20.11.101.7 NMAC the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.101 NMAC shall govern.

**A. "Air Care Inspection Facility"** means a business operated by an Independent Contractor authorized by contract in accordance with 20.11.101.18 NMAC to inspect motor vehicles and issue certificates of inspection. Repairs shall not be performed at an AIR CARE Inspection Facility.

**B. "Air Care Inspector"** means an individual authorized by a certificate issued by the Program to perform inspections of motor vehicles and who has met the requirements of 20.11.101.21 NMAC.

**C. "Air Care Technician"** means an individual certified in accordance with 20.11.101.18 NMAC to repair and adjust motor vehicles, which are subject to inspection pursuant to 20.11.101 NMAC.

**D. "Biennial"** means every other year.

**E. "Chassis"** means the complete motor vehicle, including standard factory equipment, exclusive of the body and cab.

**F. "City"** means the City of Albuquerque, a New Mexico municipal corporation.

- G.** “**Conditioning Mode**” means either a fast idle test condition or loaded test condition.
- H.** “**County**” means the County of Bernalillo, a political subdivision of the state of New Mexico.
- I.** “**Dealer**” means any person who sells or solicits or advertises the sale of new or used motor vehicles subject to registration in the State of New Mexico and as further defined in the Motor Vehicle Code Section 66-1-4.4.D, NMSA 1978.
- J.** “**Distributor**” means any person who distributes or sells new or used motor vehicles to dealers and who is not a manufacturer.
- K.** “**Division or VPMD**” means the Vehicle Pollution Management Division of the City Environmental Health Department, which provides the staff for the Albuquerque/Bernalillo County Vehicle Pollution Management Program.
- L.** “**Driver**” means every person who drives or is in actual physical control of a motor vehicle upon a highway or upon property used for inspections.
- M.** “**Essential Parts**” means all integral and body parts of a vehicle of a type required to be registered under the Motor Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model type or mode of operation.
- N.** “**Exhaust Emissions**” means carbon monoxide, hydrocarbon and all other substances emitted through a motor vehicle's exhaust system, after passing downstream of the engine block exhaust ports and exhaust emissions control devices, if any.
- O.** “**Exhaust Emissions Control Device**” means equipment designed by the manufacturer of the vehicle and installed on a motor vehicle for the purpose of reducing pollutants emitted from the vehicle, or a system or engine modification designed by the manufacturer of the motor vehicle which causes a reduction of pollutants emitted from the vehicle, or equipment designed by the vehicle manufacturer to prevent damage to or tampering with other exhaust emission control devices.
- P.** “**Field Audit Gas**” means a gas mixture with known concentrations of CO<sub>2</sub>, CO, and HC that is used by the Program to check the accuracy of exhaust gas analyzers used by authorized inspection facilities.
- Q.** “**Fast Idle Test Condition**” means an exhaust emission inspection conducted with the engine of vehicle running under an accelerated condition to an extent prescribed by the Program Manager.
- R.** “**Fleet Air Care Station**” means any person, business, government entity, firm, partnership or corporation which provides for the construction, equipping, maintaining, staffing, managing and operation of authorized inspection station for the sole purpose of inspecting its private fleet of motor vehicles subject to 20.11.101 NMAC, and not offering inspection services to its employees or the general public. The fleet must include 10 or more vehicles, which are capable of being centrally fueled.
- S.** “**Fuel**” means any material that is burned by the engine of a vehicle in order to propel the vehicle.
- T.** “**Gross Vehicle Weight**” means the weight of a vehicle without load, plus the weight of any load thereon.
- U.** “**Government Vehicle**” means a motor vehicle exempt from the payment of a registration fee and owned or leased by any federal, state, local, or other governmental entity.
- V.** “**Headquarters**” means the main office of the Vehicle Pollution Management Program.
- W.** “**Highway**” means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.
- X.** “**Idle Mode Test**” means an unloaded exhaust emissions test conducted only at the idle condition, as described in the VPMP Procedures Manual.
- Y.** “**Independent Contractor**” means any person, partnership, corporation, or business entity with whom the Program Manager enters into a contract providing for construction, equipment, maintenance, personnel, management and operation of official AIR CARE inspection facilities.
- Z.** “**Inspection, Re-inspection or Test**” means the mandatory vehicular anti-tampering and emissions inspection conducted both visually and with equipment required by 20.11.101 NMAC.
- AA.** “**Loaded Mode Test**” means an exhaust emissions test conducted at cruise conditions as specified by 20.11.101 NMAC and in compliance with 40 CFR Part 51 Appendix B Subpart S.
- BB.** “**Low Emissions Tune-Up**” means adjustments and repairs, which can reduce motor vehicle emissions including but not limited to the following procedures:
- (1) checking and setting to manufacturer's specifications, the idle mixture, idle speed, ignition timing and dwell, and
  - (2) checking for proper connection of vacuum lines, electrical wires, and for proper operation of pollution control devices, and

- (3) checking and replacement of air breathing filters and positive crankcase ventilation valve as necessary, and
- (4) replacement of spark plugs, points, wires, as necessary, and
- (5) for all motor vehicles equipped with computer controlled closed-loop feedback exhaust emission control devices and systems, inspecting the operation of the emission control system according to the motor vehicle manufacturer's specified procedures, including hose routing and on-board diagnostics, new vehicle warranty, and repair or replacement as necessary.

**CC. "Manufacturer"** means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under the laws of the State of New Mexico.

**DD. "Manufacturer's Certificate of Origin or MCO"** means a certification, on a form supplied by or approved by the MVD, signed by the manufacturer, stating that the new vehicle described therein has been transferred to the New Mexico dealer or distributor named therein or to a dealer duly licensed or recognized as such in another state, territory or possession of the United States and that such transfer is the first transfer of such vehicle in ordinary trade and commerce. Every such certificate contains a space for proper reassignment to a New Mexico dealer or to a dealer duly licensed or recognized as such in another state, territory or possession of the United States. The certificate also contains a description of the vehicle, the number of cylinders, type of body, engine number and the serial number or other standard identification number provided by the manufacturer of the vehicle, where such exists.

**EE. "Model Year"** means the year of manufacture of the vehicle based on the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then the model year means the calendar year of manufacture.

**FF. "Motor Vehicle"** means any vehicle which:

- (1) is propelled by a spark ignition, internal combustion engine, and
- (2) has four or more wheels in contact with the ground, and
- (3) is subject to registration with the New Mexico Motor Vehicle Division to an owner of record who is domiciled within Bernalillo County, or is a government vehicle which is assigned to a governmental unit within Bernalillo County, and
- (4) has a GVW greater than 1,000 and less than 26,000 pounds, and
- (5) is for use upon public roads and highways, and
- (6) is a 1975 model year or newer, and
- (7) is a vehicle not otherwise exempted by 20.11.101 NMAC.

**GG. "New Motor Vehicle"** is a vehicle, which has undergone a transfer of ownership and is being registered for the first time to any person except in the sale to another licensed motor vehicle dealer for the purpose of resale as a new vehicle.

**HH. "Operator"** means driver, as defined in 20.11.101 NMAC.

**II. "Owner"** means a person who holds the legal title of the motor vehicle or, in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor.

**JJ. "Pass Fail Criteria"** means those standards set by 20.11.101 NMAC which specify the maximum allowable motor vehicle exhaust emissions under appropriate specified operating conditions.

**KK. "Person"** means any individual, partnership, firm, public or private corporation, association, trust, estate, political subdivision or agency, or any other legal entity or legal representative, agent, or assign.

**LL. "Program or VPM Program"** means the Albuquerque/Bernalillo County Vehicle Pollution Management Program.

**MM. "Program Manager"** means the classified City employee selected in accordance with the provisions of the Joint Powers Agreement between the City and the County to perform for the Joint Air Quality Control Board those duties required to enforce and administer the provisions of 20.11.101 NMAC or the Program Manager's designee.

**NN. "Reconstructed Vehicle"** means any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts, new or used, obtained from other vehicles.

**OO. “Registration and Re-registration”** means both original registration and renewal of registration of motor vehicles as provided in the New Mexico Motor Vehicle Code, Chapter 66 NMSA 1978.

**PP. “Shall be Inspected”** means the vehicle shall be subjected to testing and inspection as applicable to model year and weight classification and shall satisfy the criteria of 20.11.101 NMAC as evidenced by the issuance of a certificate of inspection.

**QQ. “Standard Gases”** means NIST certified emissions samples of gases maintained as primary standards for determining the composition of working gases, field audit gases, or the accuracy of analyzers.

**RR. “Truck”** means every motor vehicle designed, used or maintained primarily for the transportation of property. In addition, all vans and all other vehicles with a GVW greater than 6000 pounds shall be considered a truck.

**SS. “VEGAS”** means a Program-certified, garage-type; computer controlled system, which meets or exceeds the specifications adopted by the Program and is capable of testing vehicles under idle mode and loaded mode conditions.

**TT. “VIR”** means Vehicle Inspection Report, a Program-certified document signed by a certified AIR CARE inspector or other Program authorized official stating that the vehicle described therein is either in compliance (pass), not in compliance (fail), or has an approved time extension in order to achieve compliance through additional repairs or adjustments (time-limit extension).

**UU. “Visible Emissions”** means any fume, smoke, particulate matter, vapor or gas, or combination thereof, except water vapor or steam.

**VV. “VPMP Procedures Manual or Procedures Manual”** means a compilation of procedures developed by the Program Manager pursuant to 20.11.101.12 NMAC.

**WW. “Wholesale”** means the act of any person selling or offering for sale vehicles of a type subject to registration in New Mexico to a vehicle dealer licensed under the Motor Vehicle Code, Chapter 66 NMSA 1978, or who is franchised by a manufacturer, distributor or vehicle dealer to sell or promote the sale of vehicles dealt in by such manufacturer, distributor or vehicle dealer and does not include the act of selling a vehicle at retail as a dealer subject to the dealer-licensing provisions of the Motor Vehicle Code.

**XX. “Working Gases”** means Program-approved span gases maintained by an authorized AIR CARE inspection facility or fleet AIR CARE station to perform periodic calibration of approved exhaust gas analyzers.

**YY. Abbreviations and Symbols:**

- (1) **A/F:** means air/fuel.
- (2) **ASE:** means the National Institute for Automotive Service Excellence.
- (3) **CO:** means carbon monoxide.
- (4) **CO<sub>2</sub>:** means carbon dioxide.
- (5) **EPA:** means the Environmental Protection Agency.
- (6) **GVW:** means gross vehicle weight.
- (7) **HC:** means hydrocarbon.
- (8) **HP:** means horsepower.
- (9) **LNG:** means liquefied natural gas.
- (10) **LPG:** means liquefied petroleum gas.
- (11) **MPH:** means miles per hour.
- (12) **MCO:** means manufacturer's certificate of origin.
- (13) **MVD:** means the Motor Vehicle Division of the New Mexico Taxation and Revenue

Department.

- (14) **NDIR:** means non-dispersive infrared.
- (15) **%:** means percent.
- (16) **PCV:** means positive crankcase ventilation
- (17) **ppm:** means parts per million by volume.
- (18) **VIN:** means vehicle identification number.
- (19) **40 CFR PART 51:** means the EPA Regulations for Inspection/Maintenance Programs

published November 5, 1992 mandated by the Federal Clean Air Act Amendment of 1990.

[11/16/93, 12/1/95; 20.11.101.7 NMAC - Rn, 20 NMAC 11.101.I.7, 10/1/02]

**20.11.101.8 VARIANCES:** [Reserved]

[12/1/95; 20.11.101.8 NMAC - Rn, 20 NMAC 11.101.I.8, 10/1/02]

**20.11.101.9 SAVINGS CLAUSE:** Any amendment of 20.11.101 NMAC, which is filed, with the State Records Center shall not affect actions pending for violation of a City or County ordinance, Board Regulation 40, the Procedures Manual, or 20.11.101 NMAC. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, Part, the Procedures Manual or regulation in effect at the time the violations were committed.

[8/31/94. . .12/1/95; 20.11.101.9 NMAC - Rn, 20 NMAC 11.101.I.9, 10/1/02]

**20.11.101.10 SEVERABILITY:** If any section, paragraph, clause, or word of this Part is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of the remaining provisions of 20.11.101 NMAC or the Procedures Manual.

[8/31/94. . .12/1/95; 20.11.101.10 NMAC - Rn, 20 NMAC 11.101.I.10, 10/1/02]

**20.11.101.11 DOCUMENTS:** Documents incorporated and cited in this Part may be viewed at the Vehicle Pollution Management Program Headquarters, 1500 Broadway NE, Albuquerque, NM 87102.

[12/1/95; 20.11.101.11 NMAC - Rn, 20 NMAC 11.101.I.11, 10/1/02]

**20.11.101.12 INSPECTION PROCEDURES:**

**A. VPMP Procedures Manual:**

(1) The Program Manager shall develop an official document, titled VPMP Procedures Manual, outlining in sufficient detail the procedures necessary for a certified AIR CARE inspection facility, a certified fleet AIR CARE station, a certified AIR CARE inspector and a certified AIR CARE technician to comply with all applicable requirements of this Part. Upon approval by the Board, the Program Manager shall publish the official VPMP Procedures Manual and, within ten days of publication, provide general notice of its availability.

(2) The procedures, details and specifications contained in the VPMP Procedures Manual shall be a part of and incorporated into 20.11.101 NMAC and shall be binding upon each AIR CARE inspection facility, fleet AIR CARE station, AIR CARE inspector and AIR CARE technician.

(3) The Procedures Manual shall be amended as needed and required, and kept updated by the Program Manager. Notice of amendments to the Procedures Manual shall be provided by the Program Manager, with copies made available to the users. It is the responsibility of each AIR CARE inspection facility and fleet AIR CARE station to obtain and incorporate all amendments made available by the Program Manager. Each AIR CARE inspection facility or fleet AIR CARE station shall maintain at least one current copy of the VPMP Procedures Manual at the facility or station.

(4) If a provision of the Procedures Manual conflicts with a provision of this Part, the provision of this Part will prevail.

**B. Vehicle Tests:**

(1) To determine if a motor vehicle is in compliance with this Part all inspections shall be performed in strict accordance with 20.11.101 NMAC and the VPMP Procedures Manual. Each vehicle shall be inspected at an AIR CARE inspection facility or fleet AIR CARE station by an AIR CARE inspector. All items shall be inspected to completion with reports of outcomes provided to the motor vehicle owner.

(2) Vehicles with an engine other than the engine originally installed by the manufacturer or an identical replacement of such an engine shall be subject to the inspection procedures and standards for the chassis type, GVW, and model year of the vehicle.

(3) Assembled vehicles or kit cars shall meet the standards and emission control equipment requirements for the year of the engine in the vehicle. If the vehicle is assembled with a pre-1975 engine, testing is not required. The vehicle owner must apply for an exemption from the Program Headquarters.

(4) Vehicles that have been switched from an engine of one fuel type to another fuel type that is subject to the program shall be subject to the test procedures and standards for the current fuel type, and the requirements of Paragraph (2), of Subsection B of 20.11.101.12 NMAC.

(5) Vehicles which are switched to a fuel type for which there is no certified configuration shall be tested according to the most stringent emission standards established for that vehicle type and model year.

**C. Exhaust Gas Emissions Measurements:** Emissions inspections required by this Part [20.11.101 NMAC] shall be performed in accordance with procedures described in 40 CFR part 51. All vehicles subject to inspection shall be required to pass the idle mode test. In addition, all 1981 and newer vehicles must pass the loaded mode test.

(1) Prior to this portion of the inspection, the entire vehicle shall be in normal operating condition as specified by the emissions tune-up label originally installed on the vehicle or as specified in the VPMP Procedures

Manual. Motor vehicles equipped for simple selection of alternate fuel supplies, switching between gasoline and any compressed or liquefied gaseous fuel, shall be inspected using the fuel in use when presented for inspection.

(2) A Motor vehicle manufactured during or before the 1980 model year shall be required to take and pass only the idle mode test as outlined in the 40 CFR Part 51 and the VPMP Procedures Manual. The conditioning mode shall be administered only after a vehicle has failed the idle mode test. Upon completion of the conditioning mode, a vehicle that has failed the idle mode test condition may be retested at idle. If the vehicle passes the second chance test, it shall be deemed in compliance with minimum emissions standards unless the vehicle fails the tampering or visible emissions inspection required by 20.11.101 NMAC.

(3) A motor vehicle manufactured during or after the 1981 model year shall be required to take and pass the idle mode test and the loaded test condition as outlined in 40 CFR Part 51 and the VPMP Procedures Manual, except that a constant four-wheel drive vehicle is required to take and pass an unloaded 2500 rpm test and the idle mode test. If the vehicle passes, it is deemed in compliance with emissions standards unless the vehicle fails the tampering or visible emissions inspection required by 20.11.101 NMAC.

(4) No inspection shall commence if there are apparent leaks in the motor vehicle's exhaust system that will cause the exhaust analyzer to invalidate the inspection.

(5) Pattern failure notices issued by EPA shall be maintained by the AIR CARE facility, fleet AIR CARE station, and AIR CARE inspector in an up-to-date file for reference to unusual pretest conditioning requirements.

(6) Vehicles presented to an AIR CARE inspection facility for inspection shall not be pre-tested by having a manual diagnostic emissions analysis or visual examination for tampering performed prior to the beginning of the inspection.

(6) Selection of appropriate pass/fail emissions inspection criteria shall be done by an approved VEGAS.

**D. Visual Examination for Tampering:** All vehicles are subject to and must pass a tampering inspection. The certified AIR CARE inspector shall determine specifically what emissions control devices should be in place and operable for each vehicle inspected. This shall be done by consulting the emissions control information sticker under the hood and checking a reference manual or applications guide which states how the vehicle was equipped as manufactured and/or certified for sale or use within the United States. Specific design and equipment elements necessary in anti-tampering determinations shall only include catalytic converter, air injection reaction system, O<sub>2</sub> sensor.

**E. Visible Emission Requirements:** In addition to exhaust and tampering requirements of 20.11.101 NMAC, all vehicles are subject to and must pass an inspection for visible emissions (smoke). Non-diesel vehicles may not emit any continuous visible emissions for a period greater than two consecutive seconds. [11/16/93. . 12/1/95; 20.11.101.12 NMAC - Rn, 20 NMAC 11.101.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.101.II.1, 10/1/02]

### **20.11.101.13 SCHEDULING OF INSPECTIONS:**

**A.** Every motor vehicle, as defined in 20.11.101.7 NMAC, shall be inspected biennially when the owner is so notified or otherwise informed by MVD. The MVD will distribute notices or other appropriate information to owners of vehicles applying for re-registration in accordance with the written agreement made between the MVD and the Program Manager. Vehicles shall also be inspected upon sale and when titles are transferred. Any person who believes he/she has a vehicle for which he/she has been erroneously notified of inspection may petition the Program Manager to correct such error.

#### **B. Vehicles Unavailable for Inspection:**

(1) Motor vehicles which are unavailable for inspection, and primarily operated in an area that does not have an I/M Program, may be granted an extension of inspection, if authorized by the Program Manager. Persons seeking an extension may petition the Program Manager by submitting a signed affidavit justifying the special need and by providing other necessary documentation as required by the Program Manager.

(2) Motor vehicles which are registered in Bernalillo County but are primarily operated in another I/M Program shall be tested, either in the area of primary operation or in Bernalillo county. If tested in another I/M Program area, the Program Manager will issue a compliance certificate upon presentation of a passing I/M test from the other program.

#### **C. Federal, State and Local Government Vehicles:**

(1) Each motor vehicle operated in Bernalillo County which is owned or leased by the United States Government, the State of New Mexico or any New Mexico political subdivision shall be inspected biennially.

(2) The responsible government authority shall perform emissions inspections according to a schedule approved by the Program Manager. A schedule shall only be approved if the Program Manager determines that it is consistent with the scope and goals of 20.11.101 NMAC.

(3) Persons who are responsible for government fleet vehicles or motor pools shall periodically, but not less than annually, update the vehicle inventory and forward the resulting inspection plan with inventory to the Program Manager.

[11/16/93. . .12/1/95; 20.11.101.13 NMAC - Rn, 20 NMAC 11.101.II.2, 10/1/02]

**20.11.101.14 INSPECTION CRITERIA FOR AIR CARE INSPECTION FACILITIES:** Failure to pass any one of the applicable criteria specified below as, Exhaust Emissions; Anti-Tampering; or Visible Emissions (smoke), referred to respectively as Subsections A, B, C, of 20.11.101.14 NMAC, shall constitute noncompliance with 20.11.101 NMAC, and a fail VIR shall be issued.

**A. Exhaust Emissions:** Inspection procedure for all vehicles other than diesel-powered vehicles shall be consistent with the requirements specified in 40 CFR Part 51 Subpart S Appendix B.

(1) A non-diesel motor vehicle manufactured on or before the 1980 model year shall be required to take and pass only the idle mode test condition. A non-diesel motor vehicle manufactured in or after the 1981 model year shall be required to take and pass both the loaded test condition (except as specified in Paragraph (2), of Subsection A of 20.11.101.14 NMAC for full time four wheel drive) and the idle mode test condition.

(a) **Loaded mode condition:** Vehicles tested under the loaded mode shall have the drive wheels placed on a dynamometer and the vehicle shall be operated as prescribed in Table I, in drive for automatic transmissions and 2nd or higher gear for manual transmissions. Exhaust reading for HC and CO shall be recorded after readings have stabilized or at the end of 30 seconds, whichever comes first. After exhaust emissions have been recorded, engine speed shall be returned to idle for the idle mode test.

(b) **Idle mode test condition:** The idle mode test shall be performed with:  
(i) the vehicle in drive for pre 1981 model year vehicles with automatic transmissions, or  
(ii) in neutral both for, vehicles with manual transmissions and for post 1980 model year vehicles with automatic transmissions. Exhaust emissions shall be recorded for HC and CO concentrations after readings have stabilized or at the end of 30 seconds, whichever occurs first. A CO<sub>2</sub> reading less than 6% will be deemed as proof of exhaust sample dilution, and the vehicle shall be rejected from further emissions inspections until the vehicle is repaired. The vehicle owner will be provided with an INVALID VIR.

(2) 1981 and newer constant four wheel drive vehicles shall be inspected and required to pass an unloaded 2500 rpm  $\pm$  300 rpm test ("set RPM") and an idle mode test. The appropriate maximum allowables listed in Table II shall apply to both test conditions. Vehicle transmissions shall be placed in neutral. During the unloaded 2500-rpm test exhaust emissions for HC and CO shall be recorded after the engine reaches set rpm and readings have stabilized. A sampling algorithm shall allow for sampling system delay. If the recorded readings are below the appropriate maximum allowable (PASS), the unloaded 2500-rpm test shall terminate and the engine speed shall be returned to idle for an idle mode test. If the recorded readings at 2500 rpm are above the appropriate maximum allowables (FAIL), real time sampling shall continue until the vehicle either passes or ninety (90) seconds have elapsed, whichever occurs first. After final exhaust emissions reading have been recorded, engine speed shall be returned to idle for an idle mode test. The idle mode test shall be performed as described in Subparagraph (b), of Paragraph (1), of Subsection A of 20.11.101.14 NMAC.

(3) **Conditioning mode:** If a non-diesel vehicle manufactured in or before the 1980 model year fails the idle mode test, and if requested by the vehicle operator, the vehicle shall be conditioned according to one of the following conditioning modes and retested at idle:

(a) **Fast idle condition:** For constant four wheel driven vehicles, the engine shall be conditioned by increasing the engine speed to 2500 RPM (+/-300) for a period of 30 seconds with the transmission in neutral. Exhaust emissions for HC and CO shall be recorded after the readings have stabilized or at the end of 30 seconds, whichever comes first. After the exhaust emissions at high idle have been recorded, the engine speed shall be returned to idle for an idle mode test.

(b) **Loaded mode test condition:** For vehicles other than constant four wheel drive vehicles, the conditioning mode shall be conducted according to Subparagraph (a), of Paragraph (1), of Subsection A of 20.11.101.14 NMAC.

**TABLE I  
DYNAMOMETER LOADING TABLE  
PASSENGER VEHICLES AND TRUCKS**

| <b>Gross Vehicle Weight Rating (Pounds)</b> | <b>Engine Size</b> | <b>Speed (MPH)</b> | <b>Load (HP)</b> |
|---|--------------------|--------------------|------------------|
| 8500 or less                                | 4 cyl or less      | 22 - 25            | 2.8 - 4.1        |
| 8500 or less                                | 5 or 6 cyl         | 29 - 32            | 6.4 - 8.4        |
| 8500 or less                                | 8 cyl or more      | 32 - 35            | 8.4 - 10.8       |
| 8501 or more                                | all                | 37 - 40            | 12.7 - 15.8      |

(4) Any motor vehicle which is determined to emit quantities (rates) of carbon monoxide and hydrocarbons greater than those listed in Table II appropriate to model year and weight classification listed shall be FAILED and those with emission rates equal to or lower than the applicable amounts shall be PASSED under this subsection.

**TABLE II  
MAXIMUM ALLOWABLE EMISSIONS STANDARDS**

| Vehicle Model Year | Gross Vehicle Rating (Pounds) | Group Code | IDLE MODE |      | LOADED MODE OR UNLOADED 2500 RPM TEST |      |
|--------------------|-------------------------------|------------|-----------|------|---------------------------------------|------|
|                    |                               |            | HC PPM    | CO % | HC PPM                                | CO % |
| 1975-1976          | 0 to 6000                     | C/T        | 700       | 6.0  | --                                    | --   |
| 1977-1978          | 0 to 6000                     | C/T        | 600       | 5.0  | --                                    | --   |
| 1979-1980          | 0 to 6000                     | C/T        | 500       | 4.0  | --                                    | --   |
| 1981- newer        | 0 to 6000                     | C/T        | 220       | 1.2  | 220                                   | 1.2  |
| 1975-1978          | 6001 to 8000                  | LT         | 900       | 6.0  | --                                    | --   |
| 1979-1980          | 6001 to 8000                  | LT         | 750       | 4.5  | --                                    | --   |
| 1981-1982          | 6001-8000                     | LT         | 650       | 2.7  | 400                                   | 3.0  |
| 1983-newer         | 6001-8000                     | LT         | 400       | 1.2  | 300                                   | 3.0  |
| 1975-1980          | 8001-10,000                   | MT         | 950       | 6.5  | --                                    | --   |
| 1981-1983          | 8001-10,000                   | MT         | 800       | 5.4  | 450                                   | 3.5  |
| 1984-newer         | 8001-10,000                   | MT         | 630       | 4.0  | 400                                   | 3.0  |
| 1975-1980          | 10,001 to 25,999              | HT         | 950       | 6.5  | --                                    | --   |
| 1981-1986          | 10,001 to 25,999              | HT         | 800       | 5.5  | 500                                   | 3.5  |
| 1986-newer         | 10,001 to 25,999              | HT         | 440       | 2.0  | 400                                   | 3.0  |

Note: These criteria will be reviewed by the Board annually pursuant to the State Implementation Plan for Albuquerque/Bernalillo County. Adjustments will be promulgated as appropriate.

**B. Anti-tampering:**

(1) Motor vehicles subject to this Part shall be inspected for the presence and proper connections of original design features and components designed to reduce CO and HC exhaust emissions. The features and components are as follows:

- (a) Catalytic converter;
- (b) Oxygen sensor;
- (c) Air pump or air aspiration system as applicable.

(2) Any vehicle with such features or components removed or rendered inoperative shall be FAILED under this subsection. If no tampering is evident with these components or systems, this portion of the inspection shall be PASSED.

**C. Visible Emissions (Smoke):** All non-diesel vehicles subject to inspection must pass an inspection for visible emissions. The inspection for visible emissions shall be conducted after the anti-tampering inspection and prior to the exhaust measurement inspection.

(1) The vehicle must be placed in neutral gear with the parking brake secured and all accessories off.

(2) The engine speed shall be raised to approximately 2000 RPM and held constant for 10 seconds.

(3) If visible emissions are emitted for a period of two consecutive seconds, the vehicle shall FAIL this portion of the inspection.

[11/16/93; . .12/1/95; 20.11.101.14 NMAC - Rn, 20 NMAC 11.101.II.3, 10/1/02]

#### **20.11.101.15 VEHICLE INSPECTION REPORT:**

**A.** Vehicle Inspection Reports (VIRs) shall only be purchased at Program Headquarters. Unused VIRs shall not be exchanged, sold or given by any person, AIR CARE inspection facility, fleet AIR CARE station, or any other entity. All unused VIRs which a person, AIR CARE inspection facility, fleet AIR CARE station, or any other entity does not intend to use shall be turned in to the Headquarters for credit or a refund, as the Program Manager determines is appropriate.

**B.** A pass VIR shall be issued to each motorist whose vehicle has undergone inspection and passed all criteria relative to exhaust emissions, anti-tampering, and visible emissions as applicable. A fail VIR shall be issued to each motorist whose vehicle has undergone inspection and failed any of the criteria relative to exhaust emissions, anti-tampering, and visible emissions as applicable. Vehicles, which have failed any portion of an inspection and have been subsequently repaired and adjusted and passed a re-inspection, shall be issued a pass VIR. Pass VIRs shall be presented to the MVD upon re-registration of the vehicle.

**C.** Within 60 calendar days after each paid emissions inspection, one free re-inspection may be obtained at any AIR CARE inspection facility upon presentation of the failed VIR.

[11/16/93; 20.11.101.15 NMAC - Rn, 20 NMAC 11.101.II.4, 10/1/02]

#### **20.11.101.16 REPAIRS, ADJUSTMENTS AND RE-INSPECTIONS:**

**A.** Each motor vehicle that fails an inspection required by 20.11.101 NMAC shall be repaired as necessary to pass re-inspection. Where replacement of a catalytic converter or oxygen sensor is required, such parts shall only be new aftermarket parts approved by the Program Manager or new original equipment, manufacturer's parts or manufacturer's assemblies. Repairs required by this subsection may include but are not limited to, the following as applicable to the type of failure:

(1) **Exhaust Emissions:** adjust idle speed, fuel/air ratio and ignition timing to manufacturer's specifications including replacement of spark plugs, spark plug wires, air filters and PCV specified by the manufacturer.

(2) **Anti-tampering:** replace the missing or disabled components with new replacement parts.

(3) **Visible Emissions:** repair engine or replace inoperative emission control devices as required to eliminate visible emissions. Repairs may include replacement of valves, rings, pistons, PCV, or EGR systems.

**B.** Any person may repair, adjust or replace parts as necessary to prepare a vehicle to pass re-inspection, but in order to qualify for a time extension as specified in 20.11.101.17 NMAC, a Certified AIR CARE Technician must perform the repair.

**C.** Within 60 calendar days after each paid emissions inspection, one free re-inspection may be obtained at any AIR CARE inspection facility upon presentation of the failed VIR.

[11/16/93; 20.11.101.16 NMAC - Rn, 20 NMAC 11.101.II.5, 10/1/02]

#### **20.11.101.17 REPAIR TIME EXTENSION:**

**A. Normal Difficulty:** Vehicles, which are unable to pass re-inspection, are eligible to obtain a time extension, not to exceed two years, providing the following conditions are met:

(1) **Exhaust Emissions:** In order for a motor vehicle to be eligible for a time extension, the owner must:

(a) Provide evidence, satisfactory to the Program Manager, that a low emissions tune-up has been performed by a Certified AIR CARE Technician, to the extent possible considering engine condition; and repair and replace nonfunctional emissions control devices.

- (b) Provide evidence that any emissions control devices needed to bring the vehicle into compliance are not available.
- (c) Petition the Program Manager at the Program Headquarters, provide receipts for all repair work performed, and list at least the following information in order to be eligible for consideration:
  - (i) vehicle VIN number,
  - (ii) model year and manufacturer,
  - (iii) owner's name and street address,
  - (iv) valid driver's license number or any other information or documentation that the Program Manager may deem necessary; and
  - (v) identification of where the re-inspection, tune-up and/or determination was made, including evidence that critical parts are unavailable if so claimed.

**(2) Anti-tampering:** In order for a motor vehicle to be eligible for a time extension, the vehicle must pass all criteria relative to exhaust emissions for its model year and weight. If the vehicle cannot pass the exhaust emissions, in order for a motor vehicle to be eligible for a time extension, the owner must:

(a) Provide evidence that a low emissions tune-up has been performed by a Certified AIR CARE Technician to the extent possible considering engine condition; repair and replace nonfunctional emissions control devices.

(b) Provide evidence that any emissions control devices needed to bring the vehicle into compliance are not available.

(c) Petition the Program Manager at the Headquarters, provide receipts for all repair work performed, and list at least the following information in order to be eligible for consideration:

- (i) vehicle VIN number,
- (ii) model year and manufacturer,
- (iii) owner's name and street address,
- (iv) valid driver's license number or any other information or documentation that the Program Manager may deem necessary, and
- (v) identification of where the re-inspection, tune-up, and/or determination was made, including evidence that critical parts are unavailable if so claimed.

(d) Upon receipt of the petition the Program Manager may grant a time extension based upon the validity and applicability of the information provided.

(e) Time extensions for anti-tampering can be issued to the same owner for two registration cycles but are void and cannot be renewed upon sale of the vehicle. The total extensions granted shall not exceed 24 months. The holder of an original time extension must inform each potential purchaser that the vehicle has a time extension and the vehicle does not comply with the emission requirements of 20.11.101 NMAC. The seller also must inform each potential purchaser that the extension is void upon the sale of the vehicle and the vehicle cannot be registered unless the vehicle passes an emission inspection.

(f) In addition to the time extensions described above, the Program Manager has the discretion to issue time extensions for extraordinary circumstances, if consistent with the purposes of 20.11.101 NMAC, and shall report such extensions at the next Program report to the Board.

**B. Inspection Due Following Extension:** Any person who owns a vehicle for which a time extension has been issued shall have the vehicle inspected and passed within the time frame specified by the extension for that vehicle.

**C. Appeals:** Any person aggrieved by the decision of the Program Manager or the Program Manager's designee regarding a compliance time extension may appeal by petitioning the Director of the EHD. To perfect the appeal, the person aggrieved must deliver the completed form to the Headquarters within fifteen (15) consecutive days after receipt of the Program Manager's decision. Following receipt of the appeal, the Director of the EHD shall hold an administrative hearing, within fourteen (14) calendar days of receipt of the request, and report the Director's decision to the Program within 48 hours of the determination. By the end of the next working day or sooner, if reasonably possible, the Program shall report the decision of the Director of the EHD to the petitioner. The Director of the EHD will present written findings of fact and conclusions of law to the Program within 45 days, and the Program shall forward the findings and conclusions promptly to the petitioner.

[11/16/93. . .12/1/95; 20.11.101.17 NMAC - Rn, 20 NMAC 11.101.II.6, 10/1/02]

**20.11.101.18 CERTIFICATION REQUIREMENTS FOR AIR CARE INSPECTION FACILITIES:** No individual or business shall represent itself as a certified AIR CARE inspection facility without being in possession

of a duly authorized and currently valid certificate issued by the Program Manager. Violations of the requirements of 20.11.101.18 NMAC shall be a violation of this Part.

**A.** The Program shall enter into an emissions inspection contract with one or more independent contractors following the review of proposals (RFP), to provide for the construction, equipping, operation and maintenance of official test-only AIR CARE inspection facilities, in such numbers and locations as may be required by 40 CFR Part 51 to provide vehicle owners reasonably convenient access to inspection facilities for the purposes of obtaining compliance with 20.11.101 NMAC.

**B.** In consultation with the Mayor's Office, City legal staff, City Finance and Management Department, the City Council, and the County Commission, the Program Manager shall establish request for proposals (RFP) specifications and contract terms for a contract with the independent contractor(s) and negotiate any terms of a contract with the independent contractor(s).

**C.** The Program Manager is prohibited from entering into an emissions inspection agreement with any independent contractor who:

(1) Is engaged in the business of manufacturing or selling vehicles.

(2) Does not have the capability, resources or technical and management skill to adequately construct, equip, maintain and operate a sufficient number of official AIR CARE inspection facilities to meet the demand for inspection of every vehicle which is required to be submitted for inspection subject to 20.11.101 NMAC.

**D.** All independent contractors and persons employed by or contracted with the independent contractor to perform the terms of the emissions inspection contract shall be employees or agents of the independent contractor and not of the City, County, the VPMP or the Board. No employee, agent, or contractor of any independent contractor shall wear a badge, insignia, patch, emblem, or device, which would tend to indicate that such person is an employee of the City, County, or State.

**E.** No person shall solicit, advertise or imply that a facility is an AIR CARE inspection facility certified by the Program Manager to conduct inspections pursuant to this Part without having a current contract with the City, County, and Program.

**F.** No AIR CARE inspection facility owner or operator shall allow a person to conduct any part of an inspection pursuant to 20.11.101 NMAC unless that person is an AIR CARE inspector certified by the Program Manager and has a current Program-issued certificate on display on the premises.

**G.** Certified AIR CARE inspection facility owners/operators shall be responsible for the general management of their facility(ies) and for the supervision of their AIR CARE inspectors and technicians in accordance with this Part, the VPMP Procedures Manual and other procedures and policies of the Program.

**H. Performance of Certified AIR CARE Inspection Facilities.**

(1) Each certified AIR CARE inspection facility shall obtain and pay for routine and unscheduled maintenance and for replacement of parts for its approved exhaust gas analyzer systems.

(2) Each certified AIR CARE inspection facility shall provide vehicle owners or drivers access to the inspection area so that the owner or driver can observe the official inspection. Such access can be limited, but in no way shall prevent full observation.

(3) Each certified AIR CARE inspection facility shall post, on the exterior of the facility, a sign in a conspicuous location indicating the fee charged for inspections and the approximate current waiting time for vehicle owners wanting their vehicle inspected. The sign shall meet the requirements established by the Program Manager and specified by the independent contractor's contract with the Program.

(4) A certified AIR CARE facility may not refuse any vehicle for inspection based upon the race, color, religion, sex, national origin or ancestry, age or physical handicap or disability of the motorist, nor may the facility refuse any vehicle for inspection because of the make, model, or year of the vehicle.

[11/16/93. . .12/1/95; 20.11.101.18 NMAC - Rn, 20 NMAC 11.101.II.7, 10/1/02]

**20.11.101.19 FLEET AIR CARE INSPECTION STATIONS:**

**A.** No individual or business shall represent itself as a certified fleet AIR CARE station without being in possession of a duly authorized and currently valid certificate issued by the Program Manager. Violations of the requirements of 20.11.101.19 NMAC shall be a violation of this Part.

**B.** Any government entity, corporation, or other business entity may apply for authorization to become a fleet AIR CARE station authorized by the Program to perform inspections under this regulation. The fleet stations shall not offer inspections to the company's employees or the general public. Fleet AIR CARE stations shall be equipped and operated as required by this section, and any applicable provisions in the Procedures Manual. The sign requirements of 20.11.101.18 NMAC shall not apply to a fleet AIR CARE station.

C. Vehicles which fail to pass any one of the applicable criteria required in the following paragraphs: Paragraph (2), Exhaust Emissions; Paragraph (3), Anti-Tampering; or Paragraph (4), Visible Emissions (smoke); of Subsection C of 20.11.101.19 NMAC, shall be in noncompliance with this regulation, and a fail VIR shall be issued.

(1) **Approved Equipment for Testing Fleet Vehicles:** The Program Manager shall develop specifications and approve BAR 90 equipment which is capable of testing vehicles during idle test modes (with second chance capabilities), and during an unloaded 2500 RPM test. The specifications shall be described in a separate document and shall meet the minimum requirements set forth by 40 CFR Part 51. All fleet AIR CARE stations shall be equipped with approved BAR 90 analyzers.

(2) **Fleet Vehicle Exhaust Emissions:** Exhaust emissions inspection procedures for all fleet vehicles, other than diesel-powered vehicles, at fleet AIR CARE stations are as follows: A non-diesel motor vehicle manufactured on or before the 1980 model year shall be required to take and pass only the idle mode test condition. A non-diesel motor vehicle manufactured in or after the 1981 model year shall be required to take and pass both the unloaded 2500 RPM test condition and the idle mode test condition.

(a) **Idle mode test condition:** The idle mode test shall be performed with:

(i) the vehicle in drive for pre 1981 model year vehicles with automatic transmissions, or  
(ii) in neutral both for vehicles with manual transmissions and for post 1980 model year vehicles with automatic transmissions. Exhaust emissions shall be recorded for HC and CO concentrations after readings have stabilized or at the end of 30 seconds, whichever occurs first. A CO<sub>2</sub> reading less than 6% will be deemed as proof of exhaust sample dilution, and the vehicle shall be rejected from further emissions inspections until the vehicle is repaired.

(b) **1981 and newer vehicles** shall be inspected and required to pass an unloaded 2500 rpm  $\pm$  300 rpm test and an idle mode test. The appropriate maximum allowables are listed on Table II, under 20.11.101.14 NMAC, and shall apply to both test conditions. For the 2500 RPM test the engine of all vehicles shall be conditioned by increasing the engine speed to 2500 RPM (+/-300) for a period of 30 seconds with the transmission in neutral. Exhaust emissions for HC and CO shall be recorded after the readings have stabilized or at the end of 30 seconds, whichever comes first. If during these 30 seconds the recorded readings are below the appropriate maximum allowable (PASS), the unloaded 2500-rpm test shall terminate and the engine speed shall be returned to idle for an idle mode test. If the recorded readings at 2500 rpm are above the appropriate maximum allowables (FAIL), real time sampling shall continue until the vehicle either passes or ninety (90) seconds have elapsed, whichever occurs first. After final exhaust emissions reading have been recorded, engine speed shall be returned to idle for an idle mode test. The idle mode test shall be performed as described in Subparagraph (a), of Paragraph (2), of Subsection C of 20.11.101.19 NMAC. During both tests a sampling algorithm shall allow for sampling system delay.

(3) **Anti-tampering:**

(a) Fleet motor vehicles subject to this regulation shall be inspected for the presence and proper connections of original design features and components designed to reduce CO and HC exhaust emissions. The features and components are as follows:

- (i) catalytic converter,
- (ii) oxygen sensor,
- (iii) air pump or air aspiration system as applicable.

(b) Any vehicle with such features or components removed or rendered inoperative shall be FAILED under this subsection. If no tampering is evident with these components or systems, this portion of the inspection shall be PASSED.

(4) **Visible Emissions (Smoke):** All non diesel vehicles subject to inspection shall pass an inspection for visible emissions. The inspection for visible emissions shall be conducted after the anti-tampering inspection and prior to the exhaust measurement inspection.

(a) The vehicle must be placed in neutral gear with the parking brake secured and all accessories off.

(b) The engine speed shall be raised to approximately 2000 RPM and held constant for 10 seconds.

(c) If visible emissions are emitted for a period of two consecutive seconds the vehicle shall FAIL this portion of the inspection.

(5) **Additional Requirements for Fleet Air Care Stations:**

(a) Each fleet AIR CARE station shall obtain and pay for routine and unscheduled maintenance and for replacement parts for its approved exhaust gas analyzer systems.

(b) No person shall solicit, advertise or imply that a business is a fleet AIR CARE station certified by the Program Manager to conduct inspections pursuant to this regulation without having a current Program issued certificate on display on the premises.

(c) No fleet AIR CARE station owner or operator shall allow a person to conduct any part of an inspection pursuant to this Part unless that person is an AIR CARE inspector certified by the Program Manager and has a current Program issued certificate on display on the premises.

(d) Certified fleet AIR CARE stations owners or operators shall be responsible for the general management of their station and for the supervision of their AIR CARE inspectors and technicians in accordance with this regulation, the VPMP Procedures Manual, and other procedures and policies of the Program.

(e) Each certified fleet AIR CARE station shall obtain and pay for routine and unscheduled maintenance and for replacement of parts for its approved exhaust gas analyzer systems.

[11/16/93. . .12/1/95; 20.11.101.19 NMAC - Rn, 20 NMAC 11.101.II.8, 10/1/02]

**20.11.101.20 VEHICLE POLLUTION MANAGEMENT PROGRAM HEADQUARTERS:** The Program Manager shall establish and maintain a VPMP headquarters, which shall be an emissions inspection facility, equipped with at least two lanes with Program certified emissions equipment capable of duplicating the idle mode and loaded mode test conducted at the AIR CARE inspection facilities. It shall be staffed with at least two technicians who are ASE certified. The facility shall be operated by the City to provide services to the public and as necessary to facilitate Program responsibilities and administer the provisions of 20.11.101 NMAC. The Headquarters shall have, but not be limited to, the following responsibilities:

**A.** Provide for non-binding mediation of disputes between vehicle owners and certified AIR CARE inspection facilities, certified AIR CARE inspectors, or certified AIR CARE technicians. If required by the Program Manager, the facility will provide verification at no cost to the person requesting the inspection.

**B.** Evaluate and issue compliance time extensions for vehicles unable to pass the emissions inspections as provided under the terms of 20.11.101 NMAC.

**C.** Investigate and maintain records regarding complaints against certified AIR CARE inspection facilities, certified AIR CARE technicians and certified AIR CARE inspectors, and forward such findings to the Board.

**D.** Implement and oversee a repair effectiveness program which will keep track of emission-related repairs at repair facilities throughout the Program area. Information collected regarding the repair effectiveness of repair facilities shall be tabulated and made available to consumers.

**E.** Perform quality assurance audits as required by 20.11.101.24 NMAC.

[11/16/93. . .12/1/95; 20.11.101.20 NMAC - Rn, 20 NMAC 11.101.II.9, 10/1/02]

**20.11.101.21 CERTIFICATION OF AIR CARE INSPECTORS:** No person shall represent him or herself as a certified AIR CARE inspector without being in possession of a duly authorized and currently valid certificate issued by the Program Manager. Certificates issued under this subsection shall be valid for 12 months unless the Program Manager requires re-certification at some shorter time as provided below in Subsection C of 20.1.101.209 NMAC.

**A. Qualification Requirements for Air Care Inspectors:**

(1) A person desiring to be certified shall file an application with the Program Manager on forms provided by the Program. All certificates shall be issued by the Program. Before an applicant is granted a certificate, the applicant must demonstrate the general knowledge, skill and competence required by the Program and shall meet the training and testing requirements established by the Program Manager.

(2) Knowledge, skill, and competence that an applicant must demonstrate shall include, but not be limited to, the following:

(a) general operation and purpose of emissions control systems for all types of motor vehicles,

(b) how HC and CO relate to timing and air/fuel ratio control,

(c) rules and regulations pertaining to inspection and the inspection procedures set forth in the Procedures Manual and 20.11.101 NMAC,

(d) general understanding of the benefits to vehicle owners provided in the Defect Warranty Provisions of Section 207(a) and the Performance Warranty Provisions of Section 207(b) of the Federal Clean Air Act as it applies to the inspection,

(e) ability to recognize by visual inspection the emissions control equipment for 1975 and newer vehicles, distinguishing between those required and those not required during inspection,

(f) proper use, filing, and storage of inspection forms, certificates of inspection and supplemental documents, and

(g) ability to perform an actual vehicle emissions test from start to finish,

(h) other information as the Program Manager requires.

(3) The Program may issue a certificate to the applicant when the Program Manager determines that the applicant has successfully completed the certification requirements of this Part.

(4) Individuals certified under this subsection shall inform the Program Manager within ten days of any change in legal name, employment status, or current mailing address. Failure to keep the Program Manager informed may be cause for revocation of certification. Each certified AIR CARE Inspector would be assigned a personal identification number, which will be used by the Program to correlate information in data audits.

**B. Performance of Certified Air Care Inspectors:** Every certified AIR CARE inspector shall follow the official procedures of the VPMP Procedures Manual and uphold the rules and regulations set forth by the Board and the Program Manager and shall do the following:

(1) at no time allow another person to use his or her certificate or personal code to perform an official AIR CARE inspection nor delegate his or her authority to another person to perform any portion of an official inspection under his or her name or personal code,

(2) accept all vehicles for emission inspection and perform inspections in an expedient manner so as to avoid unnecessary public inconvenience. However and AIR CARE inspector will not accept a vehicle for inspection if the inspection would pose a threat to any person's safety,

(3) comply with the requirements of 20.11.101 NMAC and all the regulations and official procedures established for the Program,

(4) at no time during the emissions inspections sequence attempt or allow adjustments to be performed on the vehicle being inspected until the final VIR is complete, and

(5) sign all certificates of inspection at the time of inspection.

**C. Re-qualification Requirements for Certified Air Care Inspectors:**

(1) The Program Manager will reissue certification to any AIR CARE inspector who demonstrates updated competency as evidenced under the then-current requirements administered by the Program. Such re-qualification shall be required upon expiration of a current annual certificate or sooner as provided below.

(a) If the Board determines a need to update the general qualifications of AIR CARE inspectors prior to the annual re-certification period, holders of such certificates may be required to re-qualify.

(b) As a result of auditing or investigating consumer complaints, a certified inspector may be required to re-qualify if the Program Manager determines that competency and related problems must be corrected in order to protect the public.

(2) Certified AIR CARE inspectors must re-qualify during the month of expiration of the then-current certification. The Program shall mail written notification to the facility or station address of record of each active certified inspector whose certificate is about to expire. The notice shall inform the inspector of the necessity for re-qualification and the nature of the skills, systems, or any updated procedures or retraining deemed necessary for performance of emissions inspections. The notice shall state the deadline for re-certification.

[11/16/93; 20.11.101.21 NMAC - Rn, 20 NMAC 11.101.II.10, 10/1/02]

**20.11.101.22 CERTIFICATION OF AIR CARE TECHNICIANS:** No person shall represent him or herself as a certified AIR CARE technician without being in possession of a duly authorized and currently valid certificate issued by the Program Manager. Certificates issued under this subsection shall be valid for 12 months unless the Program Manager subsequently requires re-certification sooner for a reason provided below in Subsection B of 20.11.101.22 NMAC.

**A. Qualification Requirements for Air Care Technicians:**

(1) A person desiring to be certified shall file an application with the Program Manager on forms provided by the Program. All certificates shall be issued by the Program. Before an applicant is granted a certificate, the applicant must demonstrate the general knowledge, skill and competence required by the Program and shall meet the training and testing requirements established by the Program Manager.

(2) The competency test required by this section shall include, but not be limited to, knowledge of the following:

(a) how to use a Program-approved emissions systems reference guide,

(b) basic understanding of possible causes and effects of timing and air/fuel ratio on emissions,

(c) how to perform, when applicable, high altitude adjustments as required by manufacturer's

specifications,

- (d) program requirements applicable to vehicles for which special time extensions may be needed,
- (e) how to use on board diagnostics, latest shop diagnostic tools and instruments available to automotive emissions technicians,
- (f) the provisions of the Emissions Control Systems Performance Warranty provided as required by Section 207(b) of the Federal Clean Air Act as it applies to the inspection,
- (g) the emissions control equipment for 1975 and newer vehicles that are essential to satisfy 20.11.101.12 NMAC, and the ability to recognize equipment which is not necessary to repair or adjust in order to pass a vehicle emissions inspection, so the motorist's costs can be kept at a minimum,
- (h) the regulations and procedures under which the Program operates.

(3) Individuals certified under this subsection shall inform the Program Manager within ten days of any change in legal name, employment status, or current mailing address. Failure to keep the Program Manager informed may be cause for revocation of certification. Each certified technician would be assigned a personal identification number, which will be used by the Program to correlate information in data audits.

(4) The Program Manager may waive those portions of the test described above in a, b, c, e, and g of Paragraph (2) of Subsection A of 20.11.101.22 NMAC upon the applicant's submittal and the Program's acceptance of current certification in engine repair and engine performance from the ASE, or other nationally recognized automotive certification authority acceptable to the Program Manager, or a showing of equivalent education and experience in emission control, testing and engine repair.

**B. Re-qualification Requirements for Certified Air Care Technicians:**

(1) The Program Manager will reissue certification to an AIR CARE technician who demonstrates updated competency as evidenced under the then-current requirements administered by the Program. Such re-qualification shall be required at the expiration of a current annual certificate or sooner as provided below.

(a) If the Board determines a need to update the qualifications of AIR CARE technicians prior to the annual re-certification period, holders of such certificates may be required to re-qualify.

(b) As a result of auditing or investigating consumer complaints, a certified AIR CARE technician may be required to re-qualify if the Program Manager determines that competency and related problems must be corrected in order to protect the public.

(2) Certified AIR CARE technicians must re-qualify within thirty (30) days prior to the date of expiration of the then-current certification. The Program shall mail written notification to the facility or station address of record to each active technician whose certificate is about to expire. The notice shall inform the technician of the necessity for re-qualification and the nature of the skills, systems or any updated procedures or retraining deemed necessary for performance of emissions repairs, which will comply with 20.11.101 NMAC. The notice shall state the deadline for re-certification.

[11/16/93; . . . 12/1/95; 20.11.101.22 NMAC - Rn, 20 NMAC 11.101.II.11, 10/1/02]

**20.11.101.23 EXEMPTED SPECIAL VEHICLES CLASSIFICATIONS:** The following vehicles are exempted from emission inspections:

- A.** Motor vehicles with a GVW less than 1,000 pounds or greater than 26,000 pounds.
- B.** All new motor vehicles only during the initial registration period first following the date of the MCO.
- C.** Vehicles, which are fueled by a mixture of gasoline and oil for purposes of lubrication.
- D.** 1974 or older model year vehicles.
- E.** Diesel and electric powered vehicles.
- F.** Vehicles sold between licensed motor vehicle dealers.
- G.** Vehicles leased to a person residing outside of the County by a leasing company whose place of business is Bernalillo County. This exemption applies only to those vehicles operated in an area with no I/M Program.
- H.** Vehicles that are used for legally sanctioned competition and not operated on public streets and highways.
- I.** Implements of husbandry, or road machinery not regularly operated on public streets and highways.
- J.** Other vehicles, which are not regularly operated on public streets and highways after adequate proof, satisfactory to the Program Manager, is submitted to the Program.

[11/16/93; 20.11.101.23 NMAC - Rn, 20 NMAC 11.101.II.12, 10/1/02]

**20.11.101.24 QUALITY CONTROL OF AIR CARE INSPECTION FACILITIES:**

**A.** The Program shall conduct announced and unannounced quality assurance audits of each certified AIR CARE inspection facility as ordered by the Program Manager. The duties of the auditor shall include but not be limited to the following:

- (1) verifying that the equipment, reference materials and staffing are consistent with the information on file with the Program Manager,
- (2) checking the accuracy of data entry and production of the final inspection reports furnished to motorists,
- (3) performing a complete quality assurance survey on the VEGAS as required by 40 CFR Part 51 appendix A,
- (4) confirming that the field audit gases for standardizing approved analyzers used for inspections conform to the provisions outlined in 40 CFR, Part 86, Subpart B114 for automotive exhaust emissions inspections. Those gases shall be of "precision" quality, certified to be within  $\pm 1\%$  of the labeled concentration, and certified by the NIST.

**B.** The Program may perform audits without offering official credentials or identification by submitting any motor vehicle for inspection in order to examine the station operation under actual conditions. Such inspection vehicles may be offered at random times in a condition involving intentional maladjustment, or with emissions control components intentionally removed or rendered inoperative. The results of such audits by the Program will provide data for assessing the performance of the certified AIR CARE inspection facility and its adherence to the requirements of 20.11.101 NMAC and the VPMP Procedures Manual.

[11/16/93; 20.11.101.24 NMAC - Rn, 20 NMAC 11.101.II.13, 10/1/02]

**20.11.101.25 SPECIFICATIONS FOR APPROVED VEGAS:**

**A. Performance and Design Specifications for Emissions Inspection Equipment:** The Program Manager shall establish the specifications for VEGAS, which shall be used exclusively by the AIR CARE facilities authorized by the Program to perform emission inspections. The VEGAS shall have the capability to perform emission inspections on vehicles under idle mode and loaded test conditions as required by this regulation and the VPMD Procedures Manual for AIR CARE inspection facilities and shall meet the calibration, adjustments, and quality control requirements of 40 CFR Part 51 Subpart S Appendix A. In addition, the Program Manager will establish specifications and approve equipment to be used for inspection of vehicles at fleet AIR CARE stations. Both of these specifications shall be described in separate documents and shall meet the minimum requirements set forth by 40 CFR Part 51. These specifications will be made available by the Program upon request.

**B. Changes and Equipment Updates:** No changes in design or performance characteristics of component specifications which may affect emission inspection equipment performance will be allowed without the Program Manager's written approval. It will be the emission inspection equipment manufacturer's responsibility to confirm that such changes have no detrimental effect on the equipment performance. All approved emission inspection equipment shall be updated as needed and as specified in the specifications document.

[11/16/93; 20.11.101.25 NMAC - Rn, 20 NMAC 11.101.II.14, 10/1/02]

**20.11.101.26 DISCIPLINARY ACTION, DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATIONS:**

**A.** The Program Manager is authorized, after reasonable investigation and showing of a violation of any provisions of 20.11.101 NMAC, to take disciplinary actions including monetary penalties, and/or denial, suspension, or revocation of certification to operate under the Program as a certified fleet AIR CARE station, certified AIR CARE inspector or certified AIR CARE technician. In deciding on an appropriate action, the Program Manager may consider past violations on file against the charged party as well as previous actions, which have been taken by the Program against the charged party.

**B.** Notwithstanding the provisions of Subsection C of 20.11.101.26 NMAC, the Program Manager may immediately suspend the certification of a certified fleet AIR CARE station, certified AIR CARE inspector or certified AIR CARE technician if the Program Manager determines that continued operation as an fleet AIR CARE station, AIR CARE inspector or an AIR CARE technician would jeopardize the public health, safety and welfare; violate the VPMP Procedures Manual, or 20.11.101 NMAC; or compromise the Program. In the case of immediate suspension or revocation, a hearing shall be held within fourteen calendar days of receipt of a written request for a hearing by the station, inspector, or technician.

**C.** Prior to taking any action to suspend or revoke a certification, the Program Manager shall inform the inspector, technician, or fleet station manager of the charges. Any party so informed may request a hearing on

the merits before the Program Manager. Such request must be made in writing to the Program Manager within fifteen (15) consecutive days of receipt of the notice of intent to suspend or revoke the certification.

**D.** Upon receipt of a written request for a hearing on the merits, the Program Manager shall set a date, time and place for the hearing no more than sixty days from the date of receipt of the request. No fewer than fifteen consecutive days before the hearing, the Program Manager shall inform the charged party of the date, time and place of the hearing. The Program Manager may appoint a hearing officer. At the hearing, the charged party may demonstrate why a monetary penalty should not be imposed and/or the certification should not be suspended or revoked.

**E.** At the hearing on the merits, the Program Manager may take appropriate action including monetary penalties and/or suspension or revocation of the certification or dismissal of the charges based on the findings of the initial investigation and the evidence presented at the hearing. The Program Manager may issue monetary penalties, which are authorized by the City of Albuquerque and Bernalillo County Joint Air Quality Control Board Ordinances; the City of Albuquerque and Bernalillo County Motor Vehicle Control Ordinances, or the Air Quality Control Act. The Program Manager may consider past violations on file against the charged party as well as previous actions, which may have been taken by the Program, or the judicial system against the charged party which are related to the requirements of 20.11.101 NMAC, the Procedures Manual, or other Program guidelines and requirements.

**F.** Any party whose application for certification is denied, suspended, or revoked may appeal the decision of the Program Manager to the Board. To perfect the appeal to the Board, the appellant must deliver a written request to the Headquarters within fifteen consecutive days after receipt of the Program Manager's decision. The Board may make its determination based on the record or may require a hearing de novo. The Board may uphold, overturn or amend the Program Manager's decision. If the Board decides to conduct a hearing de novo, the Board may appoint a hearing officer, and the Board shall set a date, time and place for the hearing and shall hold the hearing within ninety (90) days of the Board's receipt of the written request. No fewer than fifteen consecutive days before the hearing, the Board shall inform the appellant of the date, time and place of the hearing. The decision of the Board shall be final.

**G.** Enforcement provisions regarding AIR CARE Inspection Facilities shall be incorporated and made part of the contract between the Program and Contractor. Penalties for violation of this Part may include monetary fines, suspensions or termination of the contract.

[11/16/93. . .12/1/95; 20.11.101.26 NMAC - Rn, 20 NMAC 11.101.II.15, 10/1/02]

#### **20.11.101.27 ENFORCEMENT:**

**A. Mandatory Inspections:** Any person who owns a motor vehicle subject to 20.11.101 NMAC and fails to demonstrate compliance with 20.11.101 NMAC shall be issued a failing VIR and shall be refused re-registration by MVD pursuant to the Motor Vehicle Code, 66-3-7.1 NMSA (1988).

**B. Procedural Provisions:** Any person who violates a requirement of 20.11.101 NMAC shall be guilty of a petty misdemeanor pursuant to either the City Joint Air Quality Control Board Ordinance 9-5-1-99(B) ROA 1994 or the County Joint Air Quality Control Board Ordinance No. 95-5 Section 17. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person who violates a requirement of 20.11.101 NMAC also shall be subject both to all other enforcement actions authorized by the Air Quality Control Act, 74-2-1 et seq., NMSA 1978, and all other remedies available under law or equity.

[11/16/93. . .12/1/95; 20.11.101.27 NMAC - Rn, 20 NMAC 11.101.II.16, 10/1/02]

**20.11.101.28 ADMINISTRATIVE FEES FOR CERTIFICATIONS:** Any person seeking a certification, or annual renewal thereof, to participate in the Program as an fleet AIR CARE station, AIR CARE inspector, or AIR CARE technician shall remit to the City the fee indicated below before a certification shall be issued by the Program.

**A.** Certified fleet AIR CARE station certification fee = \$200.00

**B.** Certified AIR CARE inspector certification fee = \$35.00;

**C.** Certified AIR CARE technician certification fee = \$35.00.

[11/16/93. . .12/1/95; 20.11.101.28 NMAC - Rn, 20 NMAC 11.101.II.17, 10/1/02]

#### **HISTORY OF 20.11.101 NMAC:**

**Pre-NMAC History:** the material in this part was derived from that previously filed with the commission of public records - state records center and archives.

Regulation No. 40, Motor Vehicle Inspection-Centralized, 11/16/93.

**History of Repealed Material:** [Reserved]

**Other History:** Regulation No. 40, Motor Vehicle Inspection-Centralized, filed 11/16/93 was **renumbered** and **reformatted** into first version of the New Mexico Administrative Code as 20 NMAC 11.101, Motor Vehicle Inspection-Centralized, filed 10/27/95.

20 NMAC 11.101, Motor Vehicle Inspection-Centralized, filed 10/27/95 was **renumbered, reformatted, amended and replaced** by 20.11.101 NMAC, Motor Vehicle Inspection-Centralized, effective 10/1/02.