TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 100 MOTOR VEHICLE INSPECTION -- DECENTRALIZED

20.11.100.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board, c/o Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[10/19/82. . .12/1/95; 20.11.100.1 NMAC - Rn, 20 NMAC 11.100.I.1, 10/1/02; A, 9/1/04]

20.11.100.2 SCOPE:

A. Applicability (vehicles to be inspected): All motor vehicles, as defined in 20.11.100.7 NMAC, shall be inspected for compliance with the requirements of this part unless otherwise exempted. A vehicle shall not be registered or re-registered until the vehicle has passed the applicable on-board diagnostics (OBDII) inspection, exhaust emissions inspection, tampering inspection, pressurized gas cap test and visible emissions inspection prescribed by 20.11.100.14 NMAC or the program has issued a time extension for repairs of the vehicle, unavailability for testing, or reciprocity for a test from another state.

B. Commuter vehicles: All motor vehicles, which are more than four years old and are driven into, operated, or are otherwise present in Bernalillo county for 60 or more days per year but are registered in another county or state must comply with this part.

C. Federal installations: Vehicles, which are operated on federal installations located in Bernalillo county, shall comply with this part whether or not 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. The inspection requirements for federal installations are mandated by 40 CFR Part 51.356(a)(4).

D. Fleet vehicles: Fleet vehicles, which are registered outside of Bernalillo county but are primarily operated in Bernalillo county, shall comply with this part. The inspection requirements for fleet vehicles are mandated by 40 CFR Part 51.356(a)(2).

E. Municipalities and counties: If the program enters into a joint powers agreement with a municipality or county to extend the enforcement of this part, all vehicles registered in that municipality or county must comply with this part.
[5/20/88. . .12/1/95; 20.11.100.2 NMAC - Rn, 20 NMAC 11.100.I.2, 10/1/02; A, 5/1/04; A, 9/1/04]

20.11.100.3 STATUTORY AUTHORITY: This part is adopted pursuant to the, authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 and 4; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 and 9-5-1-4; and the City of Albuquerque and Bernalillo County Motor Vehicle Emissions Control Ordinances. It is adopted in order to comply with the Federal Clean Air Act Amendments of 1990 and 40 CFR Part 51, which are the environmental protection agency inspection/maintenance requirements.
[10/19/82. . .12/1/95; 20.11.100.3 NMAC - Rn, 20 NMAC 11.100.I.3, 10/1/02; A, 9/1/04]

20.11.100.4 DURATION: Permanent, unless the violation described in 20.11.101 NMAC occurs.
[12/1/95; 20.11.100.4 NMAC - Rn, 20 NMAC 11.100.I.4, 10/1/02; A, 5/1/04]

20.11.100.5 EFFECTIVE DATE: Effective December 1, 1995, unless a later date is cited at the end of a section. If no EPA confirmed violation (two exceedances) of the federal ambient carbon monoxide standards has occurred within Bernalillo county, the vehicle inspection frequency shall be biennial. Until the later of June 13, 2006, or when the SIP revision, "s*econd half of the carbon monoxide maintenance plan for Bernalillo county*", is effective following EPA approval, if EPA confirms a violation of the federal ambient carbon monoxide standards, then, 120 days after the violation is confirmed by the EPA, the program shall require annual testing of vehicles and the program will be upgraded to meet the performance standards established in 40 CFR Part 51. Beginning on the later of June 13, 2006, or when the SIP revision, "s*econd half of the carbon monoxide maintenance plan for Bernalillo county*" is effective following EPA approval, if no EPA-confirmed violation of the federal ambient carbon monoxide standards has occurred, the vehicle inspection frequency shall be biennial.
[8/25/92. . .12/1/95; 20.11.100.5 NMAC - Rn, 20 NMAC 11.100.I.5, & A, 10/1/02; A, 9/1/04]

20.11.100.6 OBJECTIVE: To provide for the control and regulation of carbon monoxide (CO), hydrocarbon (HC), and particulate emissions above certain levels from motor vehicles, and for anti-tampering inspections. [10/19/82. . .12/1/95; 20.11.100.6 NMAC - Rn, 20 NMAC 11.100.I.6, 10/1/02; A, 5/1/04; A, 9/1/04]

20.11.100.7 DEFINITIONS: In addition to the definitions in 20.11.100.7 NMAC the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in this part shall govern.

A. **"*Air care* inspection station"** means a private business authorized by certificate in accordance with 20.11.100.18 NMAC to inspect motor vehicles and issue certificates of inspection. It also means stations established by the city of Albuquerque and Bernalillo county, or other governmental entities for testing government owned or leased motor vehicles.

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 20.11.100.21 NMAC.

C. **"*Air care* station"** means both an *air care* inspection station and a fleet *air care* station.

D. [Reserved]

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

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

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

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 Chapter 66, 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 CO, HC 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 emission 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. **"Fast idle condition or unloaded 2500 rpm"** means an exhaust emissions inspection conducted with the engine of the vehicle running under an accelerated condition as required by 40 CFR Part 51.

Q. **"Field audit gas"** means a gas mixture with known concentrations of CO_2, CO, and HC that is used by the program to check the accuracy of exhaust gas analyzers used by authorized inspection stations.

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 this part, and not offering inspection services to its employees or the general public.

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. **"Inspection or re-inspection or test"** means the mandatory vehicular anti-tampering and emissions inspection conducted both visually and with equipment or chemical sensing devices as required by this Part.

Z. **"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, 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.

AA. **"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.

BB. **"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.

CC. **"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.

DD. **"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 MVD 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 10,001 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 this part.

EE. **"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.

FF. **"Operator"** means driver, as defined in this part.

GG. **"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.

HH. **"Pass fail criteria"** means those standards set by this part which specify the maximum allowable motor vehicle exhaust emissions under appropriate specified operating conditions.

II. **"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.

JJ. **"Program or VPM program"** means the Albuquerque/Bernalillo county vehicle pollution management program.

KK. **"Program manager"** means a classified city employee selected in accordance with 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 this part, or the program manager's designee.

LL. **"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, derived from other vehicles or makes of vehicles.

MM. **"Registration and re-registration"** means both original registration, and renewal of motor vehicles as provided in the New Mexico Motor Vehicle Code, Chapter 66 NMSA 1978.

NN. **"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 this part as evidenced by the issuance of a certificate of inspection.

OO. **"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.

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

QQ. **"VEGAS"** means a program-certified, garage-type, computer controlled NDIR vehicle exhaust gas analyzer system which is capable of performing a preconditioned two-speed idle test on-board diagnostic test, and pressurized gas cap test on vehicles as required by 40 CFR Part 51 appendix B to Subpart S and meets or exceeds the specifications adopted by the program.

RR. **"VIR"** means vehicle inspection report, a program-certified document (VIR) 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).

SS. **"Visible emissions"** means any fume, smoke, particulate matter, vapor or gas, or combination thereof, except water vapor or steam.

TT. **"VPMP procedures manual or procedures manual"** means a compilation of procedures developed by the program manager pursuant to 20.11.100.12 NMAC.

UU. **"Wholesale"** means either 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 any person 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, but 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.

VV. **"Working gases"** means program-approved span gases maintained by an authorized *air care* inspection station to perform periodic calibration of approved exhaust gas analyzers.

WW. **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_2** means carbon dioxide
(5) **DTC** means diagnostic trouble code
(6) **EHD** means the Environmental Health Department
(7) **EPA** means the Environmental Protection Agency
(8) **GVW** means gross vehicle weight
(9) **HC** means hydrocarbon
(10) **HP** means horsepower
(11) **LNG** means liquefied natural gas
(12) **LPG** means liquefied petroleum gas
(13) **MPH** means miles per hour
(14) **MCO** means manufacturer's certificate of origin
(15) **MVD** means the Motor Vehicle Division of the New Mexico Taxation and Revenue Department
(16) **NDIR** means non-dispersive infrared

(17) **NIST** means National Institute of Standards and Technology
(18) **OBDII** means On-Board Diagnostics second generation
(19) **%** means percent
(20) **PCV** means positive crankcase ventilation
(21) **ppm** means parts per million by volume
(22) **VIN** means vehicle identification number
(23) **40 CFR Part 51** means the EPA regulations for inspection/maintenance programs published in the federal register on November 5, 1992 and mandated by the Federal Clean Air Act Amendments of 1990.
[10/12/82. . .5/20/88, 11/13/91, 8/25/92, 9/23/94, 12/1/95; 20.11.100.7 NMAC - Rn, 20 NMAC 11.100.I.7, 10/1/02; A, 5/1/04; A, 9/1/04]

20.11.100.8 VARIANCES: [Reserved]
[12/1/95; 20.11.100.8 NMAC - Rn, 20 NMAC 11.100.I.8, 10/1/02]

20.11.100.9 SAVINGS CLAUSE: Any amendment of 20.11.100 NMAC, which is filed, with the state records center shall not affect actions pending for violation of a city or county ordinance, Air Quality Control Board Regulation 28, the procedures manual, or 20.11.100 NMAC. Prosecution for a prior violation shall be governed and prosecuted under the statute, ordinance, regulation, part or procedures manual in effect at the time the violation was committed.
[9/23/94. . .12/1/95; 20.11.100.9 NMAC - Rn, 20 NMAC 11.100.I.9, 10/1/02]

20.11.100.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of this part or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, such decision shall not affect the validity of remaining provisions of this part or the procedures manual.
[9/23/94. . .12/1/95; 20.11.100.10 NMAC - Rn, 20 NMAC 11.100.I.10, 10/1/02]

20.11.100.11 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; 20.11.100.11 NMAC - Rn, 20 NMAC 11.100.I.11, 10/1/02]

20.11.100.12 INSPECTION PROCEDURES:

A. VPMP Procedures manual:

(1) The program manager shall develop an official document, entitled VPMP procedures manual, outlining in sufficient detail the procedures necessary for a certified *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 10 days of publication, provide notice of its availability.

(2) The procedures, details and specifications contained in the VPMP procedures manual will be a part of and incorporated into this part and shall be binding upon each *air care* inspection station, *air care* station owner/operator, *air care* inspector and *air care* technician.

(3) The procedures manual shall be amended as needed. 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* station owner/operator to obtain and incorporate all amendments made available by the program manager. Each *air care* station shall maintain at least one current copy of the VPMP procedures manual at each *air care* inspection 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 this part and the VPMP procedures manual. Each vehicle shall be inspected at an *air care* station by an *air care* inspector. All items shall be tested to completion with reports of outcomes provided to the motor vehicle owner.

(a) 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.

(b) Assembled vehicles or kit cars shall meet the standards and emission control equipment as requirements for the year of the vehicle engine. If the vehicle is assembled with pre-1975 engine, testing is not required, but the vehicle owner must petition the program manager for an exemption from emission inspections.

(2) Exhaust gas emissions measurements: No emissions inspection required by this part shall be performed unless the instrument used for measuring exhaust gases from the motor vehicle is an approved VEGAS.

(a) Vehicle operating condition:

(i) 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.

(ii) All 1975 - 1995 model year motor vehicles subject to this part shall be required to take and pass a preconditioned two-speed idle test as outlined in appendix B to Subpart S of 40 CFR part 51 and the VPMD procedures manual. The test procedure will include a first and second chance test at both idle and at the unloaded 2500 RPM test. If the vehicle passes both emission tests, it shall be deemed in compliance with minimum emissions standards unless the vehicle fails the tampering inspection, pressurized gas cap test, or visible emissions inspection required by this part.

(iii) All 1996 and newer model year motor vehicles subject to this part shall be required to take and pass an on-board diagnostic test, pressurized gas cap test, and visible emissions inspection as outlined in 40 CFR part 51 and the VPMD procedures manual. Certain vehicles which are not OBDII compatible may be tested using the two-speed idle test as determined by the program manager.

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

(v) Pattern failure notices issued by EPA shall be maintained by the *air care* station and *air care* inspector in an up-to-date file for reference to unusual pretest conditioning.

(b) Pretest: Vehicles presented to an *air care* station for inspection shall not be pre-tested by having manual diagnostic emissions analysis or visual examination for tampering performed prior to the beginning of the inspection. This shall not prohibit diagnostic engine analysis service of vehicles when specifically presented for such, before emission testing.

(c) Exhaust emissions inspection: The exhaust emissions inspection shall proceed as specifically described in 40 CFR Part 51 Appendix B to Subpart S and the VPMP procedures manual.

(d) Selection of appropriate pass/fail emissions inspection criteria: The appropriate pass/fail criteria will be selected automatically by the approved VEGAS.

(3) Visual examination for tampering: The certified *air care* inspector shall determine specifically what emissions control devices should be in place and operable for each 1975 - 1995 model year vehicle inspected. Specific design and equipment elements necessary in anti-tampering determinations shall only include catalytic converter(s).

(4) Visible emissions requirements: In addition to exhaust and tampering requirements of this part, all vehicles are subject to and must pass inspection for visible emissions (smoke). Non-diesel vehicles may not emit any visible emissions (except steam) during the test as described in Paragraph (3), of Subsection A of 20.11.100.14 NMAC.

[5/20/88. . .11/13/91, 8/25/92, 9/23/94, 12/1/95, 8/1/97; 20.11.100.12 NMAC - Rn, 20 NMAC 11.100.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.100.II.1, 10/1/02; A, 5/1/04]

20.11.100.13 SCHEDULING OF INSPECTIONS:

A. Inspection and registration: Every motor vehicle, as defined in Section 20.11.100.7 NMAC, shall be inspected biennially when the owner is so notified or otherwise informed by MVD, unless the vehicle is a 1975-1985 model year motor vehicle in which case the inspection requirement shall be annual. Any 1986 - 1995 model year motor vehicle which is determined to emit quantities (rates) of CO and/or HC between 75% and 100% of any of its maximum allowable standards listed in Table I of Subsection A of 20.11.100.14 NMAC shall be issued a pass certificate good only for a one year registration and shall be required to be inspected again the following year prior to re-registration. The MVD will distribute notices or other appropriate information to owners of vehicles applying for re-registration in accordance with the written agreement made with the program manager. Vehicles shall also be inspected upon sale or 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: Motor vehicles, which are unavailable for inspection, may be granted an extension of inspection if authorized by the program manager. Persons seeking such 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.

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 local government entity shall be inspected biennially.

(2) Scheduling vehicles under this subsection shall be established by the responsible governmental authority pursuant to an agreement with the program manager. Such schedules shall only be approved if the program manager determines that they are consistent with the scope and goals of this part.

(3) Persons who are responsible for such 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.

[5/20/88. . .9/23/94, 12/1/95, 20.11.100.13 NMAC - Rn, 20 NMAC 11.100.II.2, 10/1/02; A, 5/1/04]

20.11.100.14 INSPECTION CRITERIA: Failure to pass any one of the applicable criteria specified below in Subsections A, B, C, D and E of Section 20.11.100.14 NMAC, entitled *exhaust emissions*, *anti-tampering*, *visible emissions*, *gas cap*, and *on-board diagnostics* respectively; shall constitute noncompliance with this part and a fail VIR shall be issued.

A. Exhaust emissions:

(1) Any motor vehicle which is determined to emit quantities (rates) of CO and HC greater than those listed in Table I 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 subsection A of 20.11.100.14 NMAC.

TABLE I

Maximum Allowable Exhaust Emissions

Vehicle Model Year	Gross Vehicle Weight Rating (pounds)	Group Code	Unloaded			
			Idle Mode		2500 RPM Test	
			HC PPM	CO %	HC PPM	CO %
1975 - 1978	0 to 6000	C/T	500	5.0	500	5.0
1979 - 1980	0 to 6000	C/T	400	4.0	400	4.0
1981 - 1985	0 to 6000	C/T	220	1.2	220	1.2
1986 - 1990	0 to 6000	C/T	200	1.2	200	1.2
1991 - 1995	0 to 6000	C/T	180	1.2	180	1.2
1975 - 1978	6001 to 8000	LT	600	6.0	600	6.0
1979 - 1980	6001 to 8000	LT	600	4.5	600	4.5
1981 - 1982	6001 to 8500	LT	400	2.7	400	3.0
1983 - 1988	6001 to 8500	LT	300	1.2	300	3.0

Vehicle Model Year	Gross Vehicle Weight Rating (pounds)	Group Code	Unloaded			
			Idle Mode		2500 RPM Test	
			HC PPM	CO %	HC PPM	CO %
1989 - 1995	6001 to 8500	LT	220	1.2	220	1.2
1975 - 1980	8001 to 10,000	MT	650	6.5	650	6.5
1981 - 1990	8501 to 10,000	MT	400	4.0	400	3.0
1991 - 1995	8501 to 10,000	MT	220	2.0	220	2.0

Note: These criteria will be reviewed by the board annually pursuant to the urban implementation plan for Albuquerque-Bernalillo county. Adjustments will be promulgated as appropriate.

B. Anti-tampering:

(1) All 1975 - 1995 model year motor vehicles subject to this part shall be inspected for the presence and proper connections of catalytic converter(s).

(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*.

(3) Vehicles which have had the original engine removed and replaced with a newer and/or inherently cleaner technology engine including the emission control devices required in association with that engine may be eligible for a waiver of compliance with portions of this subsection. The program manager or designee shall determine if a vehicle has been retrofitted with an engine that is not adaptable to the emission control requirements for the vehicle chassis model year. Upon such determination, the program manager may waive the requirements for replacement of emission control equipment. There shall be no waiver for the installation of a catalytic converter unless the program manager determines installation would create a safety hazard.

C. Visible emissions (smoke): All non-diesel vehicles subject to inspection must pass an inspection for visible emissions. Prior to conducting the OBDII or two-speed idle test, the *air care* inspector will observe the tailpipe for visible smoke while the driver raises the engine speed to 2200 - 2800 rpm for a minimum of 10 seconds to be followed immediately by observation at idle for a minimum of 10 seconds. The *air care* inspector will watch the tailpipe during the idle portion of the emissions test and during the high-speed portion of the emissions test (using a mirror if necessary). If the inspector observes ***any*** smoke (not steam) during any part of the inspection, the visible portion of the emissions test shall be a *fail*.

D. Gas cap (pressurized): All vehicles subject to inspection must pass a pressurized gas cap test to check the integrity of the gas cap seal designed to minimize fuel vapor loss or hydrocarbon emissions. Any vehicle with a gas cap that does not hold pressure consistent with the design standard for the vehicle shall be *failed*. Gas cap testing for 1996 and newer OBDII tested vehicles shall not commence until 2005 and shall be limited to vehicles that are at least four years old.

E. On-board diagnostics (OBDII): All 1996 and newer motor vehicles must pass an on-board diagnostics test consistent with 40 CFR Part 51. Any vehicle with an illuminated malfunction indicator lamp (MIL) and/or a set diagnostic trouble code (DTC) shall be *failed*. There will be a one year phase-in period (2004) during which any vehicle which fails the OBDII test will default to the two-speed idle test. Vehicles which fail the OBDII test during phase-in but pass the two-speed idle test with maximum allowable exhaust standards of 100ppm hydrocarbons and 1.0% carbon monoxide will be issued a *pass* certificate valid only for a one year registration. Certain 1996 and newer model year vehicles which have been determined by the program manager to be OBDII incompatible shall be tested using the two-speed idle test with maximum allowable exhaust standards of 100 ppm hydrocarbons and 1.0 % carbon monoxide.

[10/19/82. . .5/20/88, 9/23/94, 12/1/95, 8/1/97, 20.11.100.14 NMAC - Rn, 20 NMAC 11.100.II.3, 10/1/02; A, 5/1/04]

20.11.100.15 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 to any other person. All unused VIRs which, a person, 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 on-board diagnostics, exhaust emissions, anti-tampering, pressurized gas cap and visible emissions as applicable. A fail VIR shall be issued to each motorist whose vehicle has undergone inspection and failed on-board diagnostics or any of the criteria relative to exhaust emissions, anti-tampering, pressurized gas cap and visible emissions as applicable. Vehicles, which have failed any portion of an inspection and have been subsequently repaired and adjusted and passed a reinspection, shall be issued a pass VIR. Pass VIRs shall be presented to the MVD upon re-registration of the vehicle.

[11/13/91. . .8/25/92, 9/23/94, 12/1/95; 20.11.100.15 NMAC - Rn, 20 NMAC 11.100.II.4, 10/1/02; A, 5/1/04]

20.11.100.16 REPAIRS, ADJUSTMENTS, AND RE-INSPECTIONS: Each motor vehicle that fails an inspection required by this part shall be repaired as necessary to pass re-inspection. Where replacement of parts is required, such parts shall only be new aftermarket parts approved by the program manager or new original equipment, manufacturer's parts or assemblies.

A. Repairs required by this subsection shall 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 replacement parts acceptable to the program manager.

(3) Visible emissions: Repair engine or replace inoperative emission control devices as required to eliminate visible emissions.

(4) Gas cap: Replace gas cap with a new approved aftermarket or original equipment cap.

(5) On-board diagnostics: Repair malfunction(s) indicated by diagnostic trouble code(s), clear diagnostic trouble code(s) and drive vehicle through drive cycle required to reset readiness monitors in order to ensure repair effectiveness and elimination of diagnostic trouble codes.

B. Any person may repair, adjust or replace parts as necessary to prepare a vehicle to pass re-inspection.

C. Re-inspections may be obtained at any *air care* station. One free retest, within 90 calendar days of a failed test, may be obtained at the program headquarters, if requested.

[10/19/82. . .12/1/95; 20.11.100.16 NMAC - Rn, 20 NMAC 11.100.II.5, 10/1/02; A, 5/1/04]

20.11.100.17 COMPLIANCE TIME EXTENSION: Normal Difficulty:

A. Vehicles, which are unable to pass re-inspection, are eligible to obtain a time extension 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 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 program headquarters, provide receipts for all parts and/or 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 and/or any other information or documentation that the program manager may deem necessary, and

(v) if applicable, identification of where the re-inspection, tune-up and/or determination was made, including documentation acceptable to the program manager that critical parts are unavailable.

(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 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 parts and/or 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 and/or any other information or documentation that the program manager may deem necessary; and

(v) if applicable, identification of where the re-inspection, tune-up, and/or determination was made including documentation acceptable to the program manager that critical parts are unavailable.

B. Time extension for repairs:

(1) Vehicles which require repair in addition to a low emission tune-up may be eligible for a time extension of up to 12 months for repairs over three hundred dollars ($300).

(2) The vehicle owner must petition the program manager for a time extension for repairs. Upon receipt of the petition the program manager may grant a time extension based upon the validity and applicability of the information provided. In addition to the time extensions described above, the program manager has the discretion to issue time extensions for extraordinary circumstances and shall report such extensions on the next program report to the board.

(3) Time extensions shall be limited to 90 days for motor vehicles that exceed any of their maximum allowable exhaust standards as prescribed in Table I shown in Paragraph (1), of Subsection A of 20.11.100.14 NMAC by more than twice the level allowed.

C. Inspection due following extension: Any person owning a motor vehicle for which a time extension has been issued pursuant to this section shall have that vehicle inspected within the time frame specified by the extension for that vehicle.

D. Expiration upon sale: If a motor vehicle is granted a time extension under this section and is sold within the time extension period, such sale shall terminate the extension. The holder of the original time extension must inform each potential buyer that the vehicle does not comply with the emission requirements of this Part. The seller must also inform each potential buyer that the time extension is void upon the sale and the vehicle cannot be registered unless the vehicle passes an emissions inspection.

E. Appeals: Any person aggrieved by the decision of the program manager or designee regarding a compliance time extension may appeal by petitioning the director of the environmental health department (EHD). To perfect the appeal, the person aggrieved must deliver the completed form to the headquarters within 15 consecutive days after receipt of the program manager's decision. Following receipt of the request for hearing, the director of the EHD shall report his or her 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 division within 45 days, and the program shall forward the findings and conclusions promptly to the petitioner. [5/20/88. . .11/13/91, 8/25/92, 9/23/94, 12/1/95; 20.11.100.17 NMAC - Rn, 20 NMAC 11.100.II.6, 10/1/02; A, 5/1/04]

20.11.100.18 CERTIFICATION REQUIREMENTS FOR *AIR CARE* STATIONS:

A. No person shall solicit, advertise or imply that a facility is an *air care* station certified by the program manager to conduct inspections pursuant to this part without having a current program-issued certificate on display on the premises. Any *air care* inspection station that has its certification permanently or temporarily, withdrawn or canceled by the Board or the program manager shall immediately remove all inspection related signs and cease to represent the facility as a certified *air care* station.

B. No *air care* station owner or operator shall allow a person to conduct any part of an inspection pursuant to this part without that person being an *air care* inspector certified by the program manager and having a current program-issued certificate on display on the premises.

C. Any person may make application for certification for the operation of an *air care* station.

D. Prior to construction, installation or renovation of any facility or building intended for use as an *air care* station, the owner/operator must have submitted an application and received pre-approval to operate the facility as an *air care* station. The applicant shall also provide information on traffic flow and how it will be managed to prevent unsafe conditions. The applicant shall also indicate how and where the customer may view the vehicle inspection from start to finish.

E. The program manager may issue a station certificate to a person who makes application and demonstrates to the program manager's satisfaction the following minimum conditions will be in effect and equipment will be present at the applicant's proposed *air care* station:

(1) At least one certified *air care* inspector whose certification is current and listed with the program manager will be on hand and will conduct all the inspections of motor vehicles. No such inspection will be performed in whole, or in part, by any person other than a certified *air care* inspector.

(2) At least one approved VEGAS owned or leased by the station will be in place and operating within the equipment specification limits set forth in 20.11.100.25 NMAC.

(3) In order to qualify for certification, the facility shall also be equipped and supplied as follows:

(a) sufficient hand tools and automotive diagnostic equipment for proper performance of the inspections,

(b) program approved span gas and compatible equipment for performing gas span checks,

(c) suitable non-reactive tail pipe extenders or probe adapters for inspecting vehicles with screened or baffled exhaust systems, and

(d) the approved VEGAS manufacturer's maintenance and calibration manual.

(4) The *air care* station must provide the vehicle owner or driver access to the test area so observation of the entire official inspection process is possible. Access may be limited but in no way shall prevent full observation from beginning to end.

(5) The program manager may deny certification to a facility that:

(a) does not comply with all applicable federal, state and local laws and regulations, or

(b) does not provide for an entrance and a dedicated inspection area inside the facility that is large enough to accept all vehicles with a GVW of 8500 lbs or less presented for inspection, or

(c) does not provide for adequate traffic flow, or

(d) does not provide adequate viewing access by the vehicle owner or driver or for surveillance by program auditors.

(6) Certified *air care* station 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.

F. **"Emissions inspection-only" stations** may be authorized by the program manager. Such stations shall indicate on a sign authorized by the program and placed in a readily visible location, that no emissions related adjustments or repair services are available. Repair related requirements of Paragraph (2), of Subsection G of 20.11.100.18 NMAC do not apply to "inspection-only" stations.

G. **Performance of certified *air care* stations:**

(1) A certified *air care* station will obtain and pay for routine and unscheduled maintenance or replacement parts of the approved exhaust gas analyzer.

(2) The certified *air care* station will accept and perform emissions inspections on all vehicles presented for inspection and must have adequate reference manuals and basic emissions information in accordance with the VPMP procedures manual. Emissions inspections will not be performed on vehicles when the emissions inspection would pose a threat to any person's safety. Any motor vehicle accepted for repair shall be one for which the station has adequate information regarding idle speed, idle mixture, timing, dwell, fast idle speed specifications, high altitude specifications and information describing emissions control systems, diagnostic and repair procedures if normally available in the trade.

(3) The times that a certified *air care* inspector will be available to make inspections shall be posted if such times do not include all hours the station is open for business.

(4) Each certified *air care* station shall post a sign in a conspicuous location, on the exterior of the station, indicating testing hours and the fee charged for inspections. The sign shall meet the uniform format and style requirements established by the program manager.

(5) A certified *air care* station 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 station refuse any vehicle for inspection because of the make, model, or year of the vehicle.

(6) Each certified *air care* station shall provide vehicle owners or drivers access to the inspection area so that the owner or driver can observe the official inspection. Access can be limited but in no way shall prevent full observation.

(7) A certified *air care* station shall perform initial emissions inspection on vehicles without repair or adjustment prior to the inspection. This does not apply to a vehicle when an owner or driver specifically asks for repairs or adjustments prior to an emissions inspection and a work order is completed and authorized by the vehicle owner or driver.

(8) Each certified *air care* station must employ a sufficient number of *air care* inspectors so that it can adequately staff regular testing hours, as set by the *air care* station and approved by the program manager.

(9) Each *air care* station must ensure that emissions inspections are performed on every vehicle, upon presentation, unless a vehicle test poses a threat to a person's safety. An *air care* station which is not designated as an “inspection only” station may elect to conduct testing “by appointment only,” as approved by the program manager, but must indicate this on the station sign in lieu of testing hours.

H. Any person owning or operating a certified *air care* station which undergoes change of business name, ownership, official inspection personnel, or approved exhaust gas analyzers, or ceases to operate as an *air care* station, shall notify the program manager within 10 days of such change. Any certified *air care* station may have its certification revoked for failure to provide such notice. Relocation of an *air care* station, without review and written approval of the program manager being required shall automatically terminate and invalidate a current station certificate.

[5/20/88. . .11/13/91, 9/23/94, 12/1/95, 8/1/97; 20.11.100.18 NMAC - Rn, 20 NMAC 11.100.II.7, 10/1/02; A, 5/1/04]

20.11.100.19 VEHICLE POLLUTION MANAGEMENT PROGRAM FLEET *AIR CARE* 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.

B. Any person may apply for authorization for an *air care* station authorized by the program to perform inspections under this part for the purposes of fleet inspection of a company or corporate business, or governmental fleet. These stations shall not offer or provide the inspections to the company's employees or the general public. Fleet *air care* stations shall be equipped and operated subject to the same quality assurance requirements as a certified *air care* station. The signage requirements of paragraphs (3) and (4), of Subsection G of 20.11.100.18 NMAC are waived in such a facility. The fee for authorization of such station shall be the same as for a certified *air care* station.

C. Notwithstanding the above, any person with a fleet may contract with any certified *air care* station to provide inspections needed to satisfy this part.

[11/13/91. . .9/23/94, 12/1/95; 20.11.100.19 NMAC - Rn, 20 NMAC 11.100.II.8, 10/1/02]

20.11.100.20 VEHICLE POLLUTION MANAGEMENT PROGRAM HEADQUARTERS:

A. The program manager shall establish and maintain a VPMP headquarters, to be an emissions inspection facility equipped with at least one program certified VEGAS from each manufacturer participating in the program, and employing at least two ASE certified technicians. 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 this part.

B. The headquarters shall have, but not be limited to, the following responsibilities:

(1) Provide for non-binding mediation of disputes arising from inspection activities by certified *air care* stations or certified *air care* inspectors, to include if necessary a verification test at no cost to the person requesting such test.

(2) Evaluate and issue a compliance time extension for vehicles unable to pass the inspection test criteria as provided under the terms of this part.

(3) Investigate and maintain records regarding complaints against certified *air care* stations, certified *air care* technicians and certified *air care* inspectors, and forward such findings to the board.

(4) Perform quality assurance audits as required by 20.11.100.24 NMAC.

[5/20/88. . .11/13/91, 8/25/92, 9/23/94, 12/1/95; 20.11.100.20 NMAC - Rn, 20 NMAC 11.100.II.9, 10/1/02; A, 5/1/04]

20.11.100.21 CERTIFICATION OF *AIR CARE* INSPECTORS:

A. 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.

B. 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 Paragraph (3), of Subsection B of 20.11.100.21 NMAC.

(1) Certification requirements for *air care* inspectors:

(a) A person desiring to be certified shall file an application with the program manager on forms provided by the program. The issuance of certificates shall be administered by the program. Before an applicant may be granted a certificate, the applicant must demonstrate general knowledge, skill and competence requirements under the program and in accordance with training and testing requirements set forth by the program manager.

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

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

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

(iii) rules and regulations pertaining to inspection and the inspection procedures established in the procedures manual and this part,

(iv) 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,

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

(vi) operation and proper use, care, maintenance, and gas span checking of the approved exhaust gas analyzers,

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

(viii) ability to perform an actual emissions inspection from start to finish,

(ix) other information as the program manager requires.

(c) The program may issue a certificate to the applicant when the program manager determines that there has been successful completion of the certification requirements of this part.

(d) persons certified under this subsection shall inform the program manager within ten days of any change in legal name, employment status or current mailing address. Each certified inspector will be assigned a personal identification number which will be checked for correlation in data audits of the program. Failure to keep the program manager informed may be cause for revocation of certification.

(2) Performance of certified *air care* inspectors: Every certified *air care* inspector shall comply with the VPMP procedures manual, and the board regulations and shall:

(a) at no time allow another person to use his or her certificate or personal code to enter into an approved exhaust gas analyzer nor will he or she delegate his or her authority to another person to perform any official inspection or any part of an inspection under his or her name or personal identity code;

(b) accept all vehicles for emission inspection and perform the emissions inspections in an expedient manner in order to avoid unnecessary public inconvenience. However, an *air care* inspector shall not accept any vehicle for inspection if the inspection would pose a threat to any person's safety;

(c) refrain from deviation from this part and official procedures established for this program;

(d) 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

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

(3) Re-certification requirements for certified *air care* inspectors:

(a) 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-certification shall be required upon expiration of a current annual certificate or sooner as provided below.

(i) 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.

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

(b) Certified *air care* inspectors must re-certify during the month of expiration of a current certification. The program shall mail written notification to the station address of record of any active certified inspector whose certificate is about to expire or is otherwise being revoked. The notice shall inform the person of the necessity for re-certification and the nature of such skills, systems, or any updated procedures or retraining deemed necessary to perform emissions inspections. The notice shall state the deadline for re-certification.
[5/20/88. . .11/13/91, 9/23/94, 12/1/95; 20.11.100.21 NMAC - Rn, 20 NMAC 11.100.II.10, 10/1/02]

20.11.100.22 CERTIFICATION OF *AIR CARE* TECHNICIANS: [Reserved]
[5/20/88. . .8/25/92, 9/23/94; 20.11.100.22 NMAC - Rn, 20 NMAC 11.100.II.11, 10/1/02; A, 5/1/04]

20.11.100.23 EXEMPTED SPECIAL VEHICLES CLASSIFICATIONS:

A. All new motor vehicles shall be exempt from inspection only during the initial two registration periods first following the date of the manufacturer's certificate of origin (MCO).

B. Vehicles, which are fueled by a mixture of gasoline and oil for purposes of lubrication, are exempt from inspection.

C. Motor vehicles that are used for legally sanctioned competition and not operated on public streets and highways.

D. Implements of husbandry, or road machinery not regularly operated on public streets and highways.

E. Other vehicles which are not regularly operated on public streets and highways after making a proper showing to demonstrate such to the program manager.

F. Diesel and electric powered vehicles. New diesel vehicles are exempt until title transfer. Diesel vehicles must pass a visible emissions test at VPMD Program Headquarters prior to-registration following a title transfer.

G. Vehicles leased by a leasing company whose place of business is Bernalillo county, to a person who resides outside of Bernalillo county. However an exemption shall not be granted if the person resides in an area, which has an EPA-required vehicle inspection program.

H. Vehicles manufactured during or before model year 1974.

I. Vehicles sold between licensed dealers.

J. Vehicles with a GVW of 10,001 lbs or more.

K. Dedicated alternative fueled vehicles classified as super ultra low emission vehicles.

L. Electric hybrid vehicles classified as super ultra low emission vehicles.
[5/20/88. . .11/13/91, 9/23/94, 12/1/95, 8/1/97; 20.11.100.23 NMAC - Rn, 20 NMAC 11.100.II.12, 10/1/02; A, 5/1/04]

20.11.100.24 QUALITY CONTROL OF *AIR CARE* STATIONS:

A. The program shall conduct announced and unannounced quality assurance audits of each certified *air care* station as ordered by the program manager. The duties of the auditor shall include but not be limited to the following:

(1) Verify that the equipment, reference materials and staffing agree with the information on file with the program manager.

(2) Check the accuracy of data entry and production of the final inspection reports furnished to motorists.

(3) Perform a complete quality assurance survey on the analyzer, the calibration gas system, and automatic zero-span performance in relation to the specifications and requirements of this part.

(4) The field audit gases for standardizing approved analyzers used for inspections shall conform to the provisions outlined in 40 CFR, Part 86, Subpart B114 for automotive exhaust emissions testing. Those gases shall be of "precision" quality, certified to be within ± (plus-or-minus) 1% of the labeled concentration, and certified by the NIST.

(5) Examine the service contract for the analyzer to assure proper lockout controls, data record capture and response in case of trouble.

B. The program shall perform audits without offering official credentials or identification by submitting any motor vehicle for inspection so as to examine the station operation under actual conditions. Such

inspection vehicles may be offered at random times in a condition involving intentional maladjustment, or intentionally removed or rendered inoperative emissions control components. The results of such audits by the program will provide data for assessing the performance of the certified *air care* station and its adherence to the requirements of this part and the VPMP procedures manual.
[5/20/88. . .8/25/92, 9/23/94, 12/1/95, 20.11.100.24 NMAC - Rn, 20 NMAC 11.100.II.13, 10/1/02]

20.11.100.25 SPECIFICATIONS FOR APPROVED VEGAS:

A. Performance and design specifications for the VEGAS: The program manager shall establish the specifications for the VEGAS, which shall be used exclusively by all stations, which have been certified by the program to perform emission inspections. The specifications shall be consistent with those required in 40 CFR Part 51 Appendix B subpart S and shall include, but are not limited to, operation by internal computer controlled logic, automatic data collection, service and maintenance requirements for replacement or loan analyzers and warranty for the period of an agreement with the station. The VEGAS shall be able to perform an on-board diagnostic test, a pressurized gas cap test, an idle mode test and an unloaded 2500 RPM test. The VEGAS shall provide second chance capabilities for the idle mode and 2500 RPM tests. The specifications shall be described in a separate document and shall be made available by the program upon request. A list of vendors for the approved VEGAS will be available at VPMD Headquarters.

B. The program manager will establish specifications for the exhaust gas analytical and sampling system portion of the approved VEGAS. The program manager will determine the manufacturers' compliance with the revisions and additions to the specifications necessary for use of the instrument within the program area.

C. Applications for approval of vehicle exhaust systems:

(1) Those manufacturers seeking to become a vendor of approved VEGAS shall make application to the program manager on forms provided by the program. Only manufacturers, which can offer an analyzer, which meets the requirements as specified by the program manager, shall be allowed to participate as a vendor.

(2) A manufacturer requesting the approval of an analyzer for the measurement of exhaust gases for use in the program shall make application with the program manager on forms provided by the Program. All manufacturers making application shall meet the applicable technical specifications and administrative requirements specified by the program manager prior to approval.

D. Working span gases:

(1) General: The VEGAS manufacturer and its designated marketing vendors shall, on request, supply span gases approved by the program to any ultimate purchaser of its unit. The VEGAS manufacturer shall also provide the analyzer purchaser with a comprehensive, up-to-date list with addresses and phone numbers of NIST approved gas blenders. Each new or used VEGAS sold or leased by the instrument manufacturer or marketing vendor shall have a full span gas container installed and operational at time of delivery if the VEGAS is designed to incorporate an integral span gas supply.

(2) Span gas blends: The span gas concentrations supplied with VEGAS used by certified *air care* stations shall conform to the specifications developed pursuant to this subsection.

E. VEGAS performance characteristics:

(1) Optical correction factor sometimes referred to as "C" factor or "propane to hexane conversion factor": Each approved VEGAS shall be permanently labeled with its correction factor, carried to at least two decimal places. Factor confirmation shall be made on each assembled VEGAS by measuring both N-hexane and propane on assembly line quality checks.

(2) Changes and equipment updates: No changes in design or performance characteristics of component specifications which may affect VEGAS performance will be allowed without the program manager's approval. It will be the VEGAS manufacturer's responsibility to confirm that such changes have no detrimental effect on VEGAS performance. All approved VEGAS shall be updated as needed and specified in the specifications document.

F. Documentation, logistics and warranty requirements: An instruction manual shall accompany each VEGAS and shall contain at least the following:

(1) complete technical description,

(2) functional schematics (mechanical and electrical),

(3) accessories and options,

(4) model number, identification markings and location,

(5) operating maintenance to include recommended periodic cycles and procedure for maintaining sample system integrity (leaks, hang-up, calibration, filters, etc.),

(6) required service schedule, identifying the items needing maintenance and the procedures to be followed by the purchaser or lessor. The services to be performed only by the manufacturer shall be clearly identified,

(7) warranty provisions to include listing of warranty repair stations by name, address, and phone number, and

(8) the name, address, and phone number of the permanent southwestern regional representative(s) for training, service, and warranties.

G. Calibration of approved VEGAS: Certified *air care* stations and all others participating in this program shall abide by this subsection in the calibration and spanning of VEGAS. Span gases and containers shall meet the following parameters, blends and specifications:

(1) span and calibration gases: The operator of a certified *air care* station shall be responsible to assure that span gases used in approved VEGAS conform to the following:

(a) All span gases supplied to stations shall be named using EPA recommended naming practices.

(b) The carrier gas shall be nitrogen; the hydrocarbon gas shall be propane. Three component (HC, CO, CO_2 and carrier) gases will be provided.

(c) The concentration(s) of the span gas blend shall be within limits established by the program to provide for uniform VEGAS spanning.

(d) The accuracy of the certified *air care* station span gas blend shall be certified by the blender to be $\pm$ (plus-or-minus) 2% of labeled concentration and traceable to the NIST. Only gas blends supplied by the program's approved blenders shall be used with the approved VEGAS.

(e) Certified *air care* stations shall gas calibrate the approved VEGAS once each 72 hours as determined by the instrument or as needed in order to maintain accuracy.

(f) All approved VEGAS shall be calibrated only with span gases bearing a program approved label.

(2) Accuracy: A gas supplier shall initially demonstrate to the program its qualifications as a vendor of span gases. The program may require additional evidence of qualifications at periodic intervals. All gas suppliers will be required to abide by the "approved span gas verification program" established by the VPMP.

(3) Containers: Span gases shall be supplied in containers which meet all the applicable provisions of the occupational safety and health administration (OSHA).

(4) Additional requirements: Additional specifications related to calibration requirements are described in the VEGAS specifications document.

[5/20/88. . .11/13/91, 8/25/92, 9/23/94, 12/1/95; 20.11.100.25 NMAC - Rn, 20 NMAC 11.100.II.14, 10/1/02; A, 5/1/04]

20.11.100.26 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 this regulation to take disciplinary actions including monetary penalties and/or denial, suspension or revocation of certification to operate under the program as a certified *air care* station, 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; previous actions which may have been taken by the program against the charged party; settlement or consent agreements which document past violations; and judicial decisions if related to the requirements of this part, to the procedures manual, or other program guidelines or requirements.

B. Notwithstanding the provisions of Subsection C of 20.11.100.26 NMAC, the program manager may immediately suspend or revoke the certification of a certified *air care* station, certified fleet *air care* station, certified *air care* inspector or certified *air care* technician if the program manager determines that continued operation as an *air care* station, fleet *air care* station, *air care* inspector or *air care* technician would jeopardize the public health, safety and welfare; violate the VPMP procedures manual or this part; or compromise the program.

C. Prior to taking any action to suspend or revoke a certification, the program manager shall inform the inspector, technician or station owner 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 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 60 days from the date of receipt of the request. No fewer than 15

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, based on the findings of the initial investigation and the evidence presented at the hearing, the program manager, with the approval of the environmental health department director, may take appropriate action including but not limited to any one or a combination of the following: monetary penalty; suspension or revocation of the certification; or dismissal of the charges. The program manager may issue monetary penalties as authorized by the City of Albuquerque and the Bernalillo County Joint Air Quality Control Board Ordinances, the City of Albuquerque and Bernalillo County Motor Vehicle Emissions Control Ordinances, and the New Mexico Air Quality Control Act. The program manager may consider: past violations on file against the charged party; previous actions which may have been taken by the program against the charged party; settlement or consent agreements which document past violations; and judicial decisions if related to the requirements of this part, to the procedures manual, or other program guidelines or requirements.

F. Any party whose application for certification is denied or certificate is 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 15 consecutive days after receipt of the program manager's decision. The program shall inform the board at the next regular meeting of the board. 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 90 days of the headquarters' receipt of the written request. No fewer than 15 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.
[5/20/88. . .11/13/91, 8/25/92, 9/23/94, 12/1/95, 20.11.100.26 NMAC - Rn, 20 NMAC 11.100.II.15, 10/1/02; A, 5/1/04; A, 9/1/04]

20.11.100.27 ENFORCEMENT:

A. Mandatory inspections: Any person who owns a motor vehicle subject to this part and fails to demonstrate compliance with this part 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 (1978).

B. Procedural provisions: Any person who violates the requirements of this part shall be guilty of a misdemeanor pursuant to either the City of Albuquerque Joint Air Quality Control Board Ordinance 9-15-1-99(B)(1) R.O.1994 or the Bernalillo County Joint Air Quality Control Board Ordinance No. 94-5. Any person who violates a requirement of this regulation 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 at law or equity.
[5/20/88. . .12/1/95; 20.11.100.27 NMAC - Rn, 20 NMAC 11.100.II.16, 10/1/02]

20.11.100.28 ADMINISTRATIVE FEES FOR CERTIFICATIONS: Any person seeking certification, or annual renewal thereof, to participate in the program as an *air care* station, inspector or technician shall remit to the city the appropriate fee as indicated below before a certification shall be issued or renewed by the program.

Certifications	**Amount**
Certified *Air Care* Station	$200.00
Certified *Air Care* Inspector	$35.00
Certified *Air Care* Technician	$35.00

[5/20/88; 20.11.100.28 NMAC - Rn, 20 NMAC 11.100.II.17, 10/1/02]

20.11.100.29 Repealed.
[9/23/94. . .12/1/95, R 8/1/97; 20.11.100.29 NMAC - Rn, 20 NMAC 11.100.II.18, 10/1/02]

HISTORY OF 20.11.100 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. 28, Motor Vehicle Inspection, filed 5/20/88;
Regulation No. 28, Motor Vehicle Inspection, filed 8/30/89;
Regulation No. 28, Motor Vehicle Inspection, filed 11/13/91;

Regulation No. 28, Motor Vehicle Inspection, filed 8/25/92;
Regulation No. 28, Motor Vehicle Inspection, filed 9/23/94.

History of Repealed Material: 20 NMAC 11.100.II.18, effective 8/1/97.

Other History: Regulation No. 28, Motor Vehicle Inspection, filed 9/23/94 was renumbered and reformatted to 20 NMAC 11.100, Motor Vehicle Inspection-Decentralized, effective 12/1/95.
20 NMAC 11.100, Motor Vehicle Inspection-Decentralized, filed 10/27/95 was renumbered, amended and reformatted to 20.11.100 NMAC effective 10/1/02.