

EMISSIONS CONTROL TAMPERING COMPLIANCE ASSISTANCE - 2025

For sellers of motor vehicles in Colorado

Abstract

Information to help sellers in Colorado develop processes to assure compliance with state statutes prohibiting the sale of motor vehicles with tampered emissions control systems.

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Emissions Control Tampering Inspections

It is a violation of Colorado law to do or to offer to do any of the following: sell, rent, lease, or transfer title to a motor vehicle with a tampered emissions control system.

The scope of information in this document applies to vehicles intended to be sold to a retail buyer; see CRS §25-7-144 for full text and exemptions for wholesale transactions and salvage titles.

The statute does not require the seller of a vehicle to perform any specific inspection or evaluation of a motor vehicle prior to sale but if a person offers to sell or sells a vehicle that is determined to have a tampered emissions control system at the time, the person is in violation of the statute without consideration of their intent or knowledge. For this reason, those in the automotive sales business may wish to develop a capable inspection process to help them identify tampered vehicles so they may comply with Colorado law and avoid penalties and potential adverse action against their licenses¹.

When investigating suspected violations of the anti-tampering statute, the APCD will consider documented evidence produced by a comprehensive inspection process and a seller's reasonable attempts to comply with the statute. Sellers should include any available documentation of emission control compliance in the records they retain for each vehicle sold. Such documentation may include repair orders, parts invoices, photographs, scan tool reports, and checklists.

The Air Pollution Control Division (APCD) of the Colorado Department of Public Health & Environment has received requests from auto and truck sellers for information about how to identify motor vehicles with tampered emissions control systems prior to purchasing for sale, or prior to listing a vehicle for retail sale.

The automotive industry in Colorado is diverse and is comprised of a variety of unique individual sellers and businesses. Each seller should determine their own processes and procedures based on their individual needs.

The following information can be used in consultation with your technical experts to construct a process to identify motor vehicles with tampered emissions control systems. Sellers who do not have in-house mechanical reconditioning capabilities should work with their mechanical sublet vendors to develop this process or add it to their current vehicle preparation process.

¹ See CRS §44-20-121(3)(S)

If, from time to time, you have a question about a specific issue with an individual vehicle you can contact the CDPHE – APCD Emissions Technical Centers at (888) 861-2646 for assistance with your situation.

Emissions Control Tampering:

According to Colorado statute (CRS §25-7-144) tampering “means to deactivate, dismantle, defeat, bypass, alter, modify, remove, or otherwise render inoperable, in whole or in part, mechanical or electrical parts or components of an emission control system.”

Any modification to a motor vehicle that would remove or modify any component that affects the function of the emissions control system is prohibited. This includes modification of the OEM engine control software, often referred to as a “tune” or a “reflash”².

Allowed Modifications

Modified components may be used with a vehicle if they have been issued an exemption by Executive Order (EO) from the California Air Resources Board (CARB), often referred to as a “CARB EO”. The required CARB EO sticker for each such modification must be affixed to the vehicle under the hood in a conspicuous location. The Executive Order (EO) must be valid and applicable. That is, it must not be repealed and it must apply to the exact modification and the vehicle year, make, and model must be listed in the EO. If the CARB EO lists Engine Family Numbers (EFN), the vehicle’s EFN must be listed. The full text of CARB Executive Orders can be referenced by entering the EO number on the California ARB website at:

<https://ww2.arb.ca.gov/applications/aftermarket-parts-database>.

Note that there are no exceptions for a vehicle that is licensed for operation on public roads that is occasionally used in competition. If a non-compliant part or component is on or in a motor vehicle the vehicle is considered tampered without regard to claims that it is not in use when operated on public roads. Examples of this could be a “tuner” device that is capable of installing a non-compliant ECU calibration or a part that is installed but claimed to be disconnected or turned off.

Vehicles that are permanently converted to be used solely for competition, and not able to be registered for on-road operation are not considered Motor Vehicles under CRS §42-1-102(58) and are not subject to the Colorado anti-tampering statute. It is suggested that sellers document evidence of such a conversion because a simple written statement similar to “not for on-road use” are not sufficient if a violation occurs.

² Engine control software “tunes” are among the most common types of emissions control tampering.

Catalytic Converters

The Colorado Air Quality Control Commission's Regulation #20 created requirements for catalytic converter replacements for motor vehicles with a spark-ignited engine (does not apply to diesel fueled vehicles) beginning in 2021. It is not allowed to sell or install any used catalytic converter, including a catalytic converter that may have been previously removed from the same vehicle in violation of the anti-tampering statute.

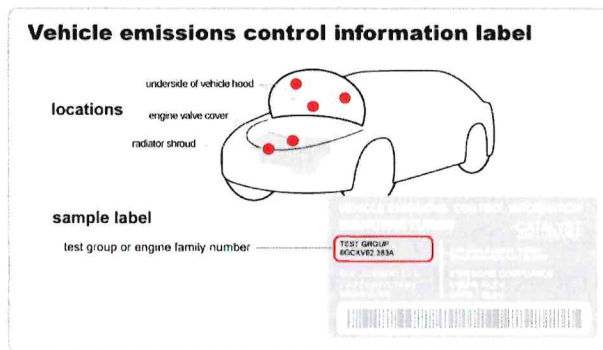
The correct part number Original Equipment (OE) part from the manufacturer is always the preferred option for replacements. For vehicles that are still covered under the 8 year/80,000 mile federal emissions warranty for major components, the OE part is the only part that can be used.

For vehicles that are outside the federal emissions warranty period a new Aftermarket catalytic converter may be installed if it has an exemption from CARB. These are often referred to as "California catalytic converters" or "CARB catalytic converters". As with other parts that are allowed per a CARB EO, the Executive Order for the catalytic converter must apply specifically to the vehicle by Engine Family. CARB exempt catalytic converters have the EO number clearly marked on the part and do not require an EO sticker.

The provisions of AQCC Regulation #20 apply to the sale and installation of catalytic converters in Colorado and must be followed if installing catalytic converters as part of the reconditioning process. However, non-CARB exempted aftermarket catalytic converters installed on a motor vehicle may be considered violations of the anti-tampering statute because they replace and modify an emissions control component.

Emissions Control Information

The specifications for the emissions control system on any vehicle certified for sale in the US can be found on the vehicle's Vehicle Emissions Control Information³ label (often referred to as the VECI) which is required to be affixed in a conspicuous place under the hood. This label is most often affixed to the underside of the hood but could be on the firewall, strut tower, apron, etc. On diesel powered vehicles the VECI is often found on the engine's valve cover, timing cover, or on the air box lid.



³ More information at:

<https://www.epa.gov/importing-vehicles-and-engines/locating-vehicle-emissions-label>

The VECI label will show the eleven-digit Engine Family Number (EFN) which is needed any time you are selecting an aftermarket replacement catalytic converter. (The EFN is sometimes called the Test Group Number on the VECI label.) The VECI will also have a list of acronyms describing emissions equipment required on the vehicle. You can look up the definition of these acronyms in any emissions control application guide or on many free online resources including the CARB website.

In cases where the VECI label is missing it is advisable to order a new label from the manufacturer using the VIN. Franchised dealers can special order a replacement label for a small fee. Emissions control information is also available in industry publications⁴ and on many online technical references⁵ already in use by most repair technicians.

Vehicle Inspections

If a seller has not owned a vehicle since it was new and does not know the full history of the vehicle, an inspection of the vehicle's condition can help avoid violations for selling a tampered vehicle. For this reason, when acquiring a used vehicle, it is advisable to ask for information and documentation about any modifications that may have been made.

A qualified technician will be able to perform some simple evaluations that will uncover many tampered conditions. Most tampered conditions can be detected by a visual inspection and some basic evaluation of Generic OBD II data using commercially available tools that most technicians and workshops already possess for diagnostic purposes. In most cases, no manufacturer specific tools or data subscriptions are needed.

Included below is an outline that lists some useful inspection steps. After the outline there is more detailed information about each of the outline items. Finally, there is a flowchart for evaluating catalytic converter compliance and detailed information for using the flowchart.

Including emissions control requirements in the vehicle inspection processes may also be useful to sellers during the acquisition process to inform their opinion about vehicle valuation and potential reconditioning costs. Any missing/removed emissions control equipment will need to be reinstalled prior to offering a vehicle for sale. Keep in mind that any missing catalysts (gasoline or diesel engine) will need to be replaced with a new catalyst. Vehicles less than eight years old with less than 80,000 miles will require a new OEM catalyst (an aftermarket CARB approved part cannot be used within the federal emissions warranty period).

⁴ One example is the *Mitchell1 Emission Control Application Guide*, Mitchel Repair Information Company, LLC, San Diego, CA.

⁵ One example is ALLDATA Repair online.

Outline of Suggested Emissions Inspection Items

This is a brief list of useful checks to identify common emission control system tampering. More detailed explanations for each item are provided in the next section.

1. Visual inspection of the vehicle.
 - a. Verify the VECI is present. If it is not, it is a good idea to order one from the manufacturer.
 - b. Visually check for devices connected to the OBD II scan tool port. Devices that disable the Active Fuel Management or Displacement on Demand vehicles must have a valid and applicable CARB EO including under-hood sticker.
 - c. Visually check for aftermarket “tuner” devices that have the ability to reprogram or “reflash” the engine control unit program or calibrations.
 - d. Visually check for the presence of “emulator” or “piggyback” modules connected to the engine control unit or any emissions control component or sensor.
 - e. Verify that any aftermarket replacement parts, if not OEM equivalent specification, have a valid and applicable CARB EO.
 - f. Visually check for the presence of aftermarket headers that relocate any of the oxygen sensors or catalytic converters.
 - g. Visually check for components listed on the VECI that are missing. Common examples are Exhaust Gas Recirculation (EGR) valves, Diesel Particulate Filters (DPF), Diesel Oxidation Catalysts (DOC), or SCR catalysts and DEF tanks and components.
 - i. Look for straight pipes or block off plates as evidence.
 - h. Visually check for the presence of spacers or extenders on the oxygen sensors that would move the sensor out of the direct exhaust stream.
 - i. Visually check for obvious signs of an engine swap to an engine different to the one originally equipped in the vehicle.
 - j. Verify the catalytic converters are present, in the original configuration, and are either OEM or CARB Exempt (sometimes referred to as “CARB Complaint”) and correct for the vehicle. (See example flowchart.)
2. Verify basic OBD Information (this can be done with most generic scan tools).
 - a. Verify the Check Engine light Bulb Check executes correctly.
 - b. Verify that the OBD II Mode \$01 data does not show the Check Engine Light is commanded “On” if the light goes off with the engine running.
 - c. The OBD Monitors for Catalyst, Oxygen Sensor, and Oxygen Sensor Heater are Supported (sometimes called “Enabled”)
 - d. The OBD Monitors for other equipment listed on the VECI are “Supported”.

- e. The Supported OBD monitors are able to run to completion.
 - f. The Supported OBD monitor readiness flags reset to Not Complete after fault codes are cleared.
 - i. Continuous monitors may show Complete immediately, but the Catalyst, Oxygen Sensor, and EVAP monitors should never be complete prior to a drive cycle.
3. More in-depth OBD evaluations that may be useful (2008 MY vehicles and newer)
- a. Verify that the In Use Monitor Performance Ratios in Mode \$09 are all showing at least a 10% completion rate.
 - b. Verify the CALID is valid and the CVN is correct for the CALID by referencing information from the manufacturer. (VW Group, General Motors, and Subaru publish this information. Franchised dealers should have this information for their model lines.)
 - c. Verify that the VIN in the engine control unit matches the public VIN on the vehicle.

Using the Outline

The descriptions here provide additional information for using the outline of suggested emissions inspection items. These explanations provide more information about how to find or interpret information.

1. Visual Inspection of the vehicle.
 - a. Check to see if the VEI is present. While the VEI is, strictly speaking, required equipment, by itself it will not be considered tampering or cause a failed emissions test if it is missing. If the VEI is missing, consider ordering a replacement from the OEM dealer. It may be necessary to have the EFN if you need to replace catalytic converters.
 - b. Check for devices connected to the OBD II port inside the vehicle. Devices that disable the “Active Fuel Management” or “Displacement On Demand” systems or have any other influence on the engine control must have a valid and applicable CARB EO. If you are selling a vehicle, devices for an insurance company monitor are probably not needed and should be removed.
 - c. Check to see that there are not aftermarket “tuner” devices plugged in to the vehicle. Many of these devices include a data display unit and they may be located inside the vehicle on the instrument panel cover. If the device has the ability to “reflash” the engine control or “install a tune” it must have a valid and applicable CARB EO. Even devices with a CARB EO may be capable of installing a non-exempt calibration so extra care should be taken examining the OBD II information if these devices are found.
 - d. Check for the presence of Emulators or Piggyback electronics that may be plugged in to the OEM wiring of emissions control components in place of a required sensor or between a part and the ECU. The use of these products tampers with the emissions control system.
 - e. Look for obvious aftermarket parts that replace the original equipment components. Aftermarket parts of the same specification are allowable, there is no requirement to use OEM parts during repairs. Also look for added-on parts that were not original equipment such as turbo or superchargers. Parts that are different from the OEM part, if they can affect the emissions, must have a valid and applicable CARB EO including the under-hood sticker.
 - f. Visually check for aftermarket exhaust headers. If there are aftermarket headers installed, they must have a CARB EO but if they relocate the oxygen sensors or catalytic converter(s) they most likely constitute tampering.

- g. Check that none of the components listed on the VECI are missing. For example, modifications or repairs that eliminate or bypass Three Way Catalysts (TWC), EGR systems, Diesel Oxidation Catalysts (DOC), Diesel Particulate Filters (DPF), Selective Catalytic Reduction Catalysts (SCRC), Diesel Exhaust Fluid (DEF) supply systems, Air Injection Systems (AIS), or other equipment are not allowed and are considered tampering.
 - i. Look for straight pipes or block off plates as visual indicators of missing parts.
- h. Check the oxygen sensor installations for the presence of spacers between the sensor and the mounting location. Relocating the oxygen sensor out of the exhaust stream is a tamper that affects the OBD II system.
- i. Visually check for obvious signs of an engine swap. Replacing the original engine with an identical replacement part is not considered a swap; that is a normal repair procedure. An engine swap is when the original type of engine has been replaced with something different such as a newer or older model year, bigger displacement, or different fuel type. These can be very complicated and may not be noticeable but some are easy to identify. For example, if the vehicle has been converted from a gasoline engine to a diesel or vice versa or if a V8 has been installed in place of a V6. Engine changes require the vehicle to be inspected at a Colorado Emissions Technical Center and, if the change meets emissions regulations, a form DR2365 issued describing the requirements for testing the vehicle. The seller of such a vehicle should provide a copy of the DR2365 form with the vehicle. If this form is not available, there is no guarantee that the change is acceptable and may be considered tampering. If you find that a vehicle has had an engine change, you can make a free appointment with the state Emissions Technical Center to have the evaluation done.
- j. Refer to the VECI or your shop's preferred technical reference to determine how many and what type of catalytic converters the vehicle requires. Visually inspect to see if the correct number of catalytic converters are installed and that they are installed in the original locations. Verify that the exhaust has not been modified anywhere between the engine and the end of the last catalytic converter. Any modification, like different size pipes (length or diameter), single to dual exhaust conversion, etc. will require a valid and applicable CARB EO or it will need to be corrected prior to offering the vehicle for sale. See the Catalytic Converter Evaluation Flowchart in this document for assistance with evaluating catalytic converters.

2. The OBD II information described in this section can be accessed with most aftermarket scan tools. No special access or manufacturer specific information is needed, but the technician should be familiar with the proper use of their chosen tools.
- a. The Check Engine Light (CEL) is required to perform a Bulb Check routine at startup. Verify that the Check Engine Light operates as described:
 - i. With key off, the CEL should be off.
 - ii. With key in the ON position, the CEL should come on and stay on for at least 5 seconds.
 - iii. With engine running, the CEL should turn off unless there are stored diagnostic codes.
 - b. Check the Mode \$01 data PID \$01, this will tell you if the OBD system is commanding the light ON or OFF. If the CEL is off with the engine running, this value should be OFF. If the OBD system is commanding the CEL to be ON but the bulb is not illuminated, suspect tampering with either the ECU software and or the physical connection to the CEL.
 - c. OBD Readiness Monitors for gasoline powered vehicles have two important pieces of information. First, monitors may be “supported” or “not supported”. Supported simply means that the monitor is able to run. If a vehicle does not have a certain system installed the required monitor would not be supported. For example, a vehicle that did not have an air injection system installed by the manufacturer would correctly have the AIR System monitor set to Not Supported. Each supported monitor will also have a status that is either Ready or Not Ready. Ready means the monitor has run and completed successfully (and may result in a Check Engine light or not, depending on whether a fault was detected). Not Ready simply means the vehicle has not been driven enough for the on-board tests to have completed. (Monitors that are Not Supported may always report as Ready and this is normal.) The OBD II readiness monitors for the Catalyst, Oxygen Sensor, and Oxygen Sensor Heater should report as Supported on all 1996 and newer gasoline powered vehicles. If they report Not Supported the ECU software is tampered. Lower quality scan tools may only show the monitors as Complete or Not Complete but most professional tools will report both the supported and ready status. If this is the case be sure to perform the test in item f. below.
 - d. The OBD II monitors for any other equipment listed on the VECI should also report as Supported. For example, if the VECI lists EGR and AIR, those monitors should not report as Not Supported.
 - e. Verify the Supported monitors show a status of Complete. If they show Not Complete then take a look at Mode \$01 PID \$30. This is the count of

engine warmups since diagnostic codes were cleared with a scan tool or battery disconnect (or discharged battery). This number maxes out at 255. If the number is fairly low, the fault memory was probably recently cleared. When the fault memory is cleared or the battery is disconnected all the OBD monitors reset to Not Complete status. If the PID \$30 number is relatively high the monitors should have been able to Complete. If they have not, the vehicle may have a fault code or other malfunction that is blocking the monitor from completing or the ECU software may be tampered.

- f. OBD II monitors are required to reset to Not Complete status when the fault memory is cleared (which uses OBD Mode \$04). Test that Complete monitors reset to Not Complete status because many ECU software tampers simply force the monitors to report Complete all the time. Note that some of the continuous monitors will correctly report Complete immediately after reset, but the Catalyst, Oxygen Sensor, and EVAP monitors should not report Complete until after a drive cycle has been run. If they do, suspect tampered software.
3. More in-depth OBD II Evaluations may be useful if you suspect tampering. Vehicles from model year 2008 and later will have access to vehicle information in Mode \$09 that provides some additional help. Trained technicians should use the technical reference information available to them but these are still relatively straightforward evaluations.
- a. In OBD II Mode \$09 you should see IUMPR or In Use Monitor Performance Ratios. This information shows how often each monitor is completing. The information shown will include OBDCOND, a count of the total number of OBD "trips" that have occurred since the last time the control unit was reset, such as when it is reprogrammed. This counter does not reset when faults are cleared. The information will also show IGNCNTR, a count of the number of ignition on cycles since the control unit was reset. This also does not reset when faults are cleared. These two pieces of information can provide a good gauge as to how long ago the control unit was reprogrammed. For each OBD II monitor there will be information for the number of times the monitor has Completed and the number of times the conditions to complete the monitor have been encountered. Depending on the monitor, the number should be pretty close to the OBDCOND number. There will then be a Calculated Ratio is simply the number of times the monitor has run divided by the number of times the conditions have been encountered. This shows how often the monitor completes when conditions are right for it to run. This number should be more than 0.1 for all monitors. (Many monitors will be able to

complete more than once per condition count and the number can be greater than 1.) If you see a catalyst or oxygen sensor monitor with IUMPR data that is much lower than the other monitors this would be additional support to suspect software tampering if there are other suspicious factors.

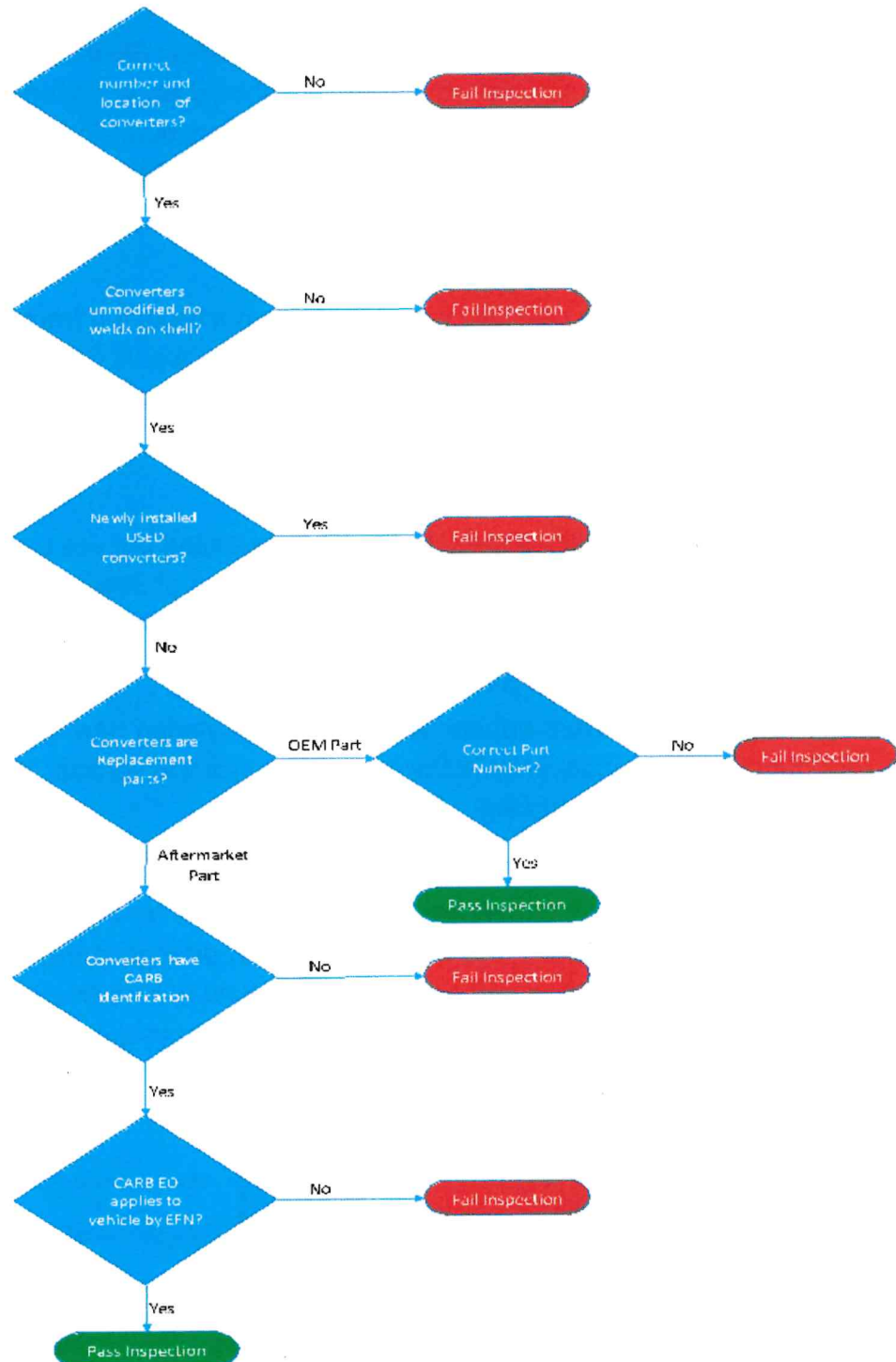
- b. Every engine control unit has programming and calibrations written to it by the OEM. These files have a "file name" just like any other computer file. In an OBD II module these are called the CALID or Calibration ID and can be read in the Mode \$09 data with your scan tool. The CALID file name should match the information provided by the vehicle manufacturer. In addition, the control unit runs a check on every line of code in the CALID files and returns an 8-digit (four bytes in hexadecimal format) value. This value is called the Calibration Verification Number and should match the vehicle manufacturer's list for the CALID. If there have been any changes in the CALID file, the CVN will calculate to a different value. If the CVN for a CALID does not match the manufacturer's list, the control unit software has been changed. If there is no valid and applicable CARB EO for this altered program (often called a "tune") then the software is tampered. CALID/CVN data for Volkswagen group products can be found at <https://literature.vw.com> by clicking on the CALID link. Data for General Motors products can be found at <https://tis2web.service.opel.com/tis2web/>. Subaru publishes CALID/CVN data on a regular basis and can be requested from a Subaru dealer. Many other manufacturers can look up this information for you by VIN.
- c. Mode \$09 also stores the vehicle's VIN. Check to see that the VIN in the control unit matches the vehicle's public VIN. If it does not, it is possible the ECU has been replaced as part of a repair but not properly reprogrammed. Another explanation might be that there has been an engine change from another vehicle that included swapping the ECU. If this is the case, check to see that the engine change is allowable. Finally, this is sometimes seen when the control unit software is tampered so it can be another piece of information to consider.

Catalytic Converter Evaluation Flowchart



COLORADO
Air Pollution Control Division
Department of Public Health & Environment

Catalytic Converter Evaluation Inspection Evaluating Installed Catalytic Converters for Regulation #20 Compliance



For Decision Support Only
Does not imply official acceptance

R00

Using the Catalytic Converter Evaluation Flowchart

Correct number and location of converters?

Refer to the VECI or an Emissions Control Application Guide to determine the number and layout of catalytic converters the vehicle should have. Visually inspect to verify the converters are present in apparently the original location. There can be no modifications to the location, pipe sizes, or configuration, including the location of the oxygen sensors. If there are any changes they require a valid and applicable CARB EO.

Converters unmodified, no welds on the shell?

Visually check that the catalytic converter(s) is not modified from the way the manufacturer delivered it. A catalytic converter with welds on the shell is not allowed as these may be indications of removal of the catalyst brick or unauthorized remanufacturing.

Newly installed “used” converters?

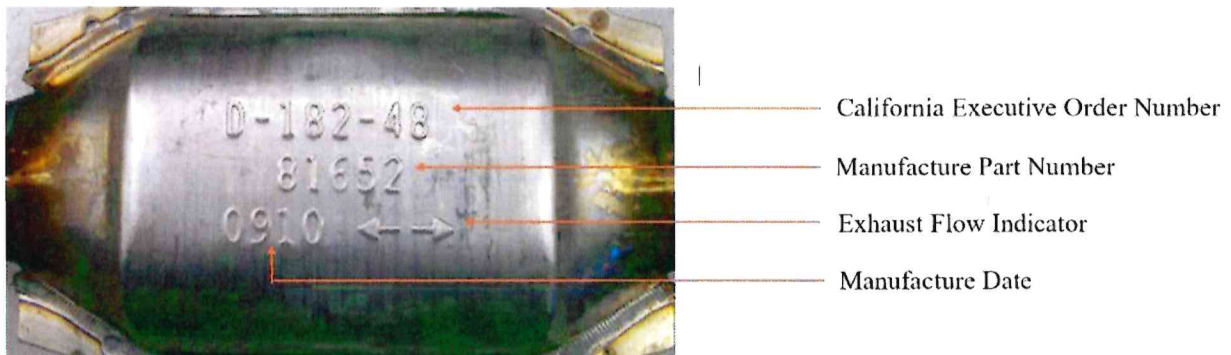
If the catalytic converters appear to be newly installed but are used parts they fail the inspection. Colorado regulations prohibit installation of used catalytic converters. Including re-installing a part that may have been removed from the same vehicle.

Are the converters OEM replacement parts?

If the catalytic converters appear to be recently installed new OEM parts, verify that the part number on the converter is the correct part for the vehicle. If they are aftermarket parts proceed to the next step.

Do the converters have CARB Identification Markings?

All aftermarket catalytic converters that are allowable for installation in Colorado since January 1, 2021 must have the CARB required markings in the format specified by CARB. See the illustration below. The markings must be permanent and readable from at least 5 feet away. Markings in the format N/xx/nnnnn are not CARB exempt.



CARB EO applies to vehicle by EFN/Test Group?

Keep in mind that just because a particular catalytic converter has a CARB EO number does not mean that it can be installed on just any vehicle. It is only allowable on the vehicles for which the EO applies.

Look up the CARB EO number from the catalytic converter on the CARB aftermarket parts database at: <https://ww2.arb.ca.gov/applications/aftermarket-parts-database>. Open the pdf of the executive order and go to the applications list at the end of the approval letter. Find the EFN from the vehicle's VECI in the applications list. (You can use your browser's search function with these pdf files for quicker access.) If the vehicle's year, make, model, and EFN are not listed, the catalytic converter is not correct for this vehicle. If the EFN is listed, verify that the part number on the EO matches the part number on the catalytic converter. If it matches, the catalytic converter is allowable on that vehicle.



Colorado Catalytic Converter Regulations Automobile Dealers

In recent years Colorado has seen counterfeit and extremely low quality, foreign produced aftermarket catalytic converters become a statewide problem. A large proportion of these parts have been found to have little to no effective function. As a result, Colorado citizens have endured monetary losses and worsened air quality.

To help combat this problem, the Air Quality Control Commission (AQCC) adopted California's aftermarket catalytic converter requirements as specified in [Title 13, California Code of Regulations, Section 2222](#), effective January 1, 2021 for all *spark-ignition vehicles under 14,001 lbs in CO*, even in areas with no emissions testing requirement. Colorado has separate requirements for catalytic converters for diesel fueled vehicles

5 CCR 1001-24 - AQCC Regulation #20, Part C contains the full text of the regulation. You can also find more information at: cdphe.colorado.gov/motor-vehicle-emissions/aftermarket-catalytic-converters

In simple terms Regulation 20 states:

- No one in Colorado may install, sell, or advertise for sale an aftermarket catalytic converter unless the part has a California Air Resources Board (CARB) Executive Order exempting it from the prohibition.
- It is no longer allowed to sell or install a used or remanufactured catalytic converter on any motor vehicle anywhere in Colorado.
- If a vehicle is within the California or Federal Emissions Performance Warranty period¹ the only allowed replacement part is the OEM converter.
- Vehicles that have non-compliant catalytic converters installed after January 1, 2021 may be deemed to have been Tampered under the definitions in CRS 25-7-144 and must be repaired to return them to compliance prior to offering for sale or transferring title.
- Do not purchase or take in trade a vehicle with a tampered emissions control system unless you will return the vehicle to emissions compliance as originally certified prior to offering for retail sale.
 - You must not offer for sale or sell a motor vehicle with a tampered emissions control system. In Colorado the seller is responsible for providing a Certificate of Emissions Compliance.

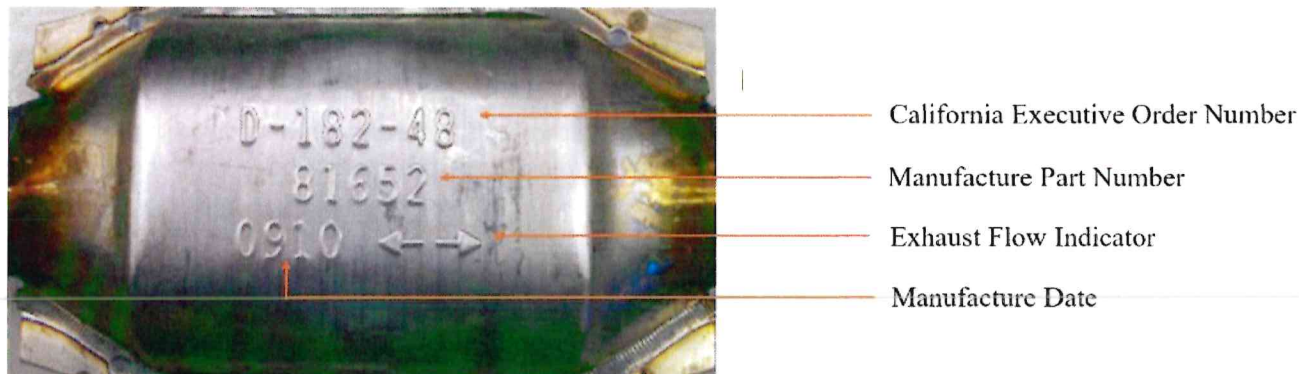
Assistance

A list of compliant catalytic converters is maintained by the California Air Resources Board at <https://ssl.arb.ca.gov/AftermarketParts/catalysts>. Most domestic suppliers of catalytic converters have Colorado compliant parts identified in their catalogs.

A CARB compliant aftermarket catalytic converter can be identified by the required permanent markings on the part itself. The CARB Executive Order number must be shown along with the manufacturer's part number,

¹ Catalytic Converter warranty coverage is between 5 years/50,000 miles and 15 years/150,000 miles. Check the VIN with the dealer for the exact coverage on each vehicle. Failure to do so may result in a violation of the law.

the manufacture date, and the exhaust flow direction. These catalytic converters must be mounted with the identification visible.



If you have questions about the law, or questions about the catalytic converters on a specific vehicle, the Air Pollution Control Division has Technical Centers that can help. You can reach us at (888) 861-2646.

Penalties

While it is our priority to bring non-compliant vehicles back into compliance, please be aware that, pursuant to Colorado Revised Statutes §25-7-122(1)(b), CDPHE has the authority to assess monetary penalties to any person who violates any requirements of an emissions control regulation of the Air Quality Control Commission. Any person who violates Regulation 20, is subject to a civil penalty of up to forty-seven thousand three hundred fifty-seven dollars (\$47,357) per day for each day of each violation.

In addition to the prohibition of installing non-compliant catalytic converters, vehicles with non-complying catalytic converters installed after January 1, 2021 may be deemed to be in violation of CRS 25-7-144 which states that it is unlawful to sell, lease, or rent or to offer to sell, lease, rent or transfer title to a motor vehicle with an emissions control system that has been tampered with.

Additionally, section 8 of the anti-tampering bill (SB22-179), makes the sale of a vehicle without a properly functioning emissions system an unlawful act under Colorado's franchise law.

CRS 44-20-121 Licenses - Grounds for denial, suspension, or revocation.

CRS 44-20-121(3)(S): Selling to a retail customer a motor vehicle that is not equipped with a properly functioning emission control system, as determined based on an enforcement action taken pursuant to sections 25-7-122 (1)(j) and 25-7-144, *unless the ownership document associated with the motor vehicle is a salvage certificate of title, a non repairable title, or, if issued by another state, a similar document.*

This violation is punishable by the Dealer Board and subject to a Colorado Consumer Protection Act violation Notification of violations may be provided to the Colorado Department of Revenue.





Colorado Emissions Tampering Prohibitions Automobile Dealers

Colorado Statute §25-7-144, which went into effect January 1, 2024, prohibits tampering with motor vehicle¹ emissions control systems. The new statute expands on the previous Colorado laws against tampering with an emissions system and provides penalties in addition to the Federal Clean Air Act §203(a)(3).

Under the statute, tampering means to deactivate, dismantle, defeat, bypass, alter, modify, remove, or otherwise render inoperable, in whole or in part, mechanical or electrical parts or components of an emission control system.

Colorado Revised Statutes §25-7-144 applies to all motor vehicle dealers, vehicle owners, operators, automotive/diesel technicians, repair facilities, fleet owners, and auto/truck parts retail and wholesale sellers anywhere in the state of Colorado. **The statute applies to all vehicles that were originally sold with a certification of Federal or California emissions compliance, regardless of fuel type or where they are registered or operated.**

Under the Colorado statute it is illegal to:

- **Sell, lease, rent, offer for sale, or transfer title of a tampered vehicle.***
- Remove (“delete”), disconnect, or disable any emissions control component or system, including the Check Engine Light.
- Modify or “reflash” engine control software, especially when doing so alters or deactivates the OBD monitoring systems.
- Sell, manufacture, install, or possess for sale any part that would bypass, defeat, or render inoperative any part of the emissions control system on a motor vehicle.**
- Knowingly operate a tampered vehicle in Colorado.

Key points for motor vehicle sales:

In contrast to emissions test requirements which apply to vehicles registered or operated within the AIR and DOIP program areas, the provisions of the anti-tampering statute are applicable statewide, apply to all vehicles and fuel types, and apply to all model years.

Any vehicle with a tampered emissions control system cannot be sold at retail or offered for retail sale or lease. If you choose to purchase or accept a tampered vehicle in trade you must repair the vehicle to bring it back into emissions compliance before offering it for retail sale, although you may make wholesale transfers to another licensed dealer².

This law will be enforceable by the Colorado Department of Public Health and Environment (CDPHE), Air Pollution Control Division (APCD).

Additionally, section 8 of the anti-tampering bill (SB22-179), makes the sale of a vehicle without a properly functioning emissions system an unlawful act under Colorado’s franchise law, violations of which are punishable by the Dealer Board and subject to a Colorado Consumer Protection Act violation.

CRS 44-20-121 Licenses - grounds for denial, suspension, or revocation.

¹ Motor vehicle as defined in CRS §42-1-102(58)

² Per CRS §25-7-144(1)(c) as defined in CRS §42-4-310(1)(a)(I)



CRS 44-20-121(3)(S): Selling to a retail customer a motor vehicle that is not equipped with a properly functioning emission control system, as determined based on an enforcement action taken pursuant to sections 25-7-122 (1)(j) and 25-7-144, *unless the ownership document associated with the motor vehicle is a salvage certificate of title, a non repairable title, or, if issued by another state, a similar document.*

Motor vehicle dealers with parts and service operations should be aware of the prohibitions to installing unauthorized aftermarket emissions related parts or software on vehicles.

Be aware that there is no exemption for “off road” or “off highway” use. APCD will allow modifications for vehicles converted solely for competition motorsports and which are not registered for on-road use. However, there is no exemption for “street-strip” vehicles.

If you advertise or make sales of parts or services that would be a violation of the tamper prohibitions you may be held liable. A simple statement similar to, “for off road use only.” does not shield you from liability.

You may perform repairs on a vehicle that has been tampered provided they are unrelated to the tampered element(s). If you would need to remove, replace, or repair the tampered parts or components you are required either to replace such parts with conforming parts or otherwise return that element of the emissions control system to compliance, or refuse to perform the particular service.

If you become aware of a business that is not complying with the provisions of §25-7-144 and is thereby competing unfairly or defrauding the public, you may report what you know by contacting the APCD at the phone number at the bottom of the page or by filling out the complaint form using the link at the bottom corner of this document.

Penalties

APCD’s priority is to restore tampered vehicle emissions control systems to full normal function and to prevent future emissions tampering. Motor vehicle dealers, including service departments should be aware, however, that violations of §25-7-144 can carry penalties for those who perform tampering for profit. Pursuant to Colorado Revised Statutes Section 25-7-122(1)(b), CDPHE has the authority to assess monetary penalties to any person who violates any requirements of an emissions control regulation of the Air Quality Control Commission. Any person who violates the provisions of CRS 25-7-144 for profit is subject to a civil penalty of up to \$1,000 for a first violation, \$7,500 for a second violation, and \$15,000 for a third and subsequent violations. Violations of the Colorado statutes may also constitute separate violations of the Federal Clean Air Act with penalties of up to \$25,000 per violation³.

* Licensed dealers may engage in wholesale transactions with other licensed dealers but must bring a tampered vehicle back into compliance prior to listing it for retail transaction.

** Per state inspection procedures, if a vehicle modification carries a California Air Resources Board (CARB) Executive Order (EO) number for the specific vehicle -**AND**- a manufacturer-provided sticker showing the correct EO# is affixed near the Vehicle Emissions Control Information sticker, the modification may be allowed.