

FIRST REGULAR SESSION

SENATE BILL NO. 156

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0977S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 643.310, RSMo, and to enact in lieu thereof one new section relating to motor vehicle emissions inspections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 643.310, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 643.310, to read as follows:

643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305

19 incorporates and receives all applicable credits allowed by
20 the United States Environmental Protection Agency for
21 emission reduction programs in other nonattainment areas of
22 like designation in other states. The commission shall
23 ensure that emission reduction amounts established pursuant
24 to subsection 2 of section 643.305 shall be consistent with
25 and not exceed the emissions reduction amounts required by
26 the United States Environmental Protection Agency for other
27 nonattainment areas of like designation in other states. No
28 motor vehicle emissions inspection program shall be required
29 to comply with subsection 1 of section 643.305 unless the
30 plan established thereunder takes full advantage of any
31 changes in requirements or any agreements made or entered
32 into by the United States Environmental Protection Agency
33 and any entity or entities on behalf of a nonattainment area
34 concerning compliance with National Ambient Air Quality
35 Standards of the federal Clean Air Act, as amended, 42
36 U.S.C. Section 7401, et seq., and the regulations
37 promulgated thereunder.

38 2. (1) The department, with the cooperation and
39 approval of the commissioner of administration, shall select
40 a person or persons to operate an inspection facility or
41 inspection program pursuant to sections 643.300 to 643.355,
42 under a bid procedure or under a negotiated process or a
43 combination thereof based on criteria and expectations
44 established by the department. This process may use either
45 a licensing arrangement or contractual arrangement with the
46 selected party or parties. The selection of persons to
47 operate inspection facilities or inspection programs shall
48 be exempt from the provisions of all site procurement laws.
49 Each person who is authorized to operate a station pursuant

50 to this section shall be capable of providing adequate and
51 cost-effective service to customers.

52 (2) Service management, coordination and data
53 processing may be provided by the department or by another
54 person, including a contractor or licensee, based upon the
55 most cost-effective proposal for service.

56 (3) A license or contract shall be for a period of up
57 to seven years, consistent with the provisions of Article
58 IV, Section 28 of the Missouri Constitution, and licenses or
59 contracts shall be annually reviewed. A license or contract
60 may be suspended or revoked if the licensee or contractor is
61 not meeting the conditions of sections 643.300 to 643.355,
62 all applicable rules, the license agreement or contract as
63 determined by the department. A licensee or contractor
64 found to have violated sections 643.300 to 643.355,
65 applicable rules or the conditions of the license agreement
66 or contract shall be in violation of section 643.151 and
67 subject to the penalties provided thereunder.

68 3. The commission, the department of economic
69 development and the office of administration shall, in
70 cooperation with the minority business advocacy commission,
71 select the contractor or contractors to provide an
72 inspection program which satisfies the minimum requirements
73 of this section in accordance with the requirements of
74 section 37.014 and chapter 34. The commission, the office
75 of administration and the department of economic
76 development, in cooperation with the minority business
77 advocacy commission, shall ensure adequate minority business
78 participation in the selection of the contractor or
79 contractors to provide an inspection program pursuant to
80 this section. The commission, the office of administration
81 and the department of economic development shall ensure

82 adequate participation of Missouri businesses in the
83 selection of the contractor or contractors to provide an
84 inspection program pursuant to this section.

85 4. With approval of the commission and pursuant to
86 rules adopted by the commission, an organization whose
87 members are motor vehicle dealers or leasing companies may
88 establish one or more additional emissions inspection
89 facilities, which may be either mobile or stationary, to be
90 used solely to inspect motor vehicles owned and held for
91 sale or lease by the members of the organization. With
92 approval of the commission and pursuant to rules adopted by
93 the commission, any person operating a fleet of motor
94 vehicles may establish one or more additional emissions
95 inspection facilities, which may be either mobile or
96 stationary, to be used solely to inspect motor vehicles
97 owned or leased and operated by the person establishing the
98 facility. The inspections performed in facilities
99 established pursuant to this subsection shall be performed
100 by a contractor selected by the commission pursuant to this
101 section and the contractor performing such inspections shall
102 be responsible solely to the department and shall satisfy
103 all applicable requirements of sections 643.300 to 643.355.

104 5. If the governor applies to the administrator of the
105 Environmental Protection Agency to require federal
106 reformulated gasoline in nonattainment areas, nothing in
107 sections 643.300 to 643.355 shall prevent the storage of
108 conventional gasoline in nonattainment areas which is
109 intended for sale to agricultural, commercial or retail
110 customers outside said nonattainment areas subject to
111 reformulated gasoline.

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