

FIRST REGULAR SESSION

SENATE BILL NO. 243

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0541S.011

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Section A. Section 643.310, RSMo, is repealed and one new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

643.310. 1. The commission may, by rule, establish a
2 decentralized motor vehicle emissions inspection program
3 pursuant to sections 643.300 to 643.355 for any portion of a
4 nonattainment area located within the area described in
5 subsection 1 of section 643.305, **except that no**
6 **decentralized motor vehicle emissions inspection program**
7 **shall be established in any county with more than four**
8 **hundred thousand but fewer than five hundred thousand**
9 **inhabitants, or any county with more than one hundred**
10 **thousand but fewer than one hundred twenty thousand**
11 **inhabitants and with a county seat with more than twelve**
12 **thousand but fewer than fourteen thousand inhabitants, or**
13 **any county with more than two hundred thousand but fewer**
14 **than two hundred thirty thousand inhabitants.** The
15 decentralized motor vehicle emissions inspection program
16 shall be implemented and applied in the same manner
17 throughout every portion of a nonattainment area located
18 within the area described in subsection 1 of section 643.305

19 **except any county with more than four hundred thousand but**
20 **fewer than five hundred thousand inhabitants, or any county**
21 **with more than one hundred thousand but fewer than one**
22 **hundred twenty thousand inhabitants and with a county seat**
23 **with more than twelve thousand but fewer than fourteen**
24 **thousand inhabitants, or any county with more than two**
25 **hundred thousand but fewer than two hundred thirty thousand**
26 **inhabitants.** The commission shall ensure that, for each
27 nonattainment area, the state implementation plan
28 established pursuant to subsection 1 of section 643.305
29 incorporates and receives all applicable credits allowed by
30 the United States Environmental Protection Agency for
31 emission reduction programs in other nonattainment areas of
32 like designation in other states. The commission shall
33 ensure that emission reduction amounts established pursuant
34 to subsection 2 of section 643.305 shall be consistent with
35 and not exceed the emissions reduction amounts required by
36 the United States Environmental Protection Agency for other
37 nonattainment areas of like designation in other states. No
38 motor vehicle emissions inspection program shall be required
39 to comply with subsection 1 of section 643.305 unless the
40 plan established thereunder takes full advantage of any
41 changes in requirements or any agreements made or entered
42 into by the United States Environmental Protection Agency
43 and any entity or entities on behalf of a nonattainment area
44 concerning compliance with National Ambient Air Quality
45 Standards of the federal Clean Air Act, as amended, 42
46 U.S.C. Section 7401, et seq., and the regulations
47 promulgated thereunder. **If the exception of certain**
48 **counties from provisions of this subsection has the effect**
49 **of placing the state of Missouri in noncompliance with any**
50 **federal constitutional, statutory, or regulatory provision,**

51 **the exception of certain counties shall expire eighteen**
52 **months from the date the state is deemed to be in**
53 **noncompliance.**

54 2. (1) The department, with the cooperation and
55 approval of the commissioner of administration, shall select
56 a person or persons to operate an inspection facility or
57 inspection program pursuant to sections 643.300 to 643.355,
58 under a bid procedure or under a negotiated process or a
59 combination thereof based on criteria and expectations
60 established by the department. This process may use either
61 a licensing arrangement or contractual arrangement with the
62 selected party or parties. The selection of persons to
63 operate inspection facilities or inspection programs shall
64 be exempt from the provisions of all site procurement laws.
65 Each person who is authorized to operate a station pursuant
66 to this section shall be capable of providing adequate and
67 cost-effective service to customers.

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

72 (3) A license or contract shall be for a period of up
73 to seven years, consistent with the provisions of Article
74 IV, Section 28 of the Missouri Constitution, and licenses or
75 contracts shall be annually reviewed. A license or contract
76 may be suspended or revoked if the licensee or contractor is
77 not meeting the conditions of sections 643.300 to 643.355,
78 all applicable rules, the license agreement or contract as
79 determined by the department. A licensee or contractor
80 found to have violated sections 643.300 to 643.355,
81 applicable rules or the conditions of the license agreement

82 or contract shall be in violation of section 643.151 and
83 subject to the penalties provided thereunder.

84 3. The commission, the department of economic
85 development and the office of administration shall, in
86 cooperation with the minority business advocacy commission,
87 select the contractor or contractors to provide an
88 inspection program which satisfies the minimum requirements
89 of this section in accordance with the requirements of
90 section 37.014 and chapter 34. The commission, the office
91 of administration and the department of economic
92 development, in cooperation with the minority business
93 advocacy commission, shall ensure adequate minority business
94 participation in the selection of the contractor or
95 contractors to provide an inspection program pursuant to
96 this section. The commission, the office of administration
97 and the department of economic development shall ensure
98 adequate participation of Missouri businesses in the
99 selection of the contractor or contractors to provide an
100 inspection program pursuant to this section.

101 4. With approval of the commission and pursuant to
102 rules adopted by the commission, an organization whose
103 members are motor vehicle dealers or leasing companies may
104 establish one or more additional emissions inspection
105 facilities, which may be either mobile or stationary, to be
106 used solely to inspect motor vehicles owned and held for
107 sale or lease by the members of the organization. With
108 approval of the commission and pursuant to rules adopted by
109 the commission, any person operating a fleet of motor
110 vehicles may establish one or more additional emissions
111 inspection facilities, which may be either mobile or
112 stationary, to be used solely to inspect motor vehicles
113 owned or leased and operated by the person establishing the

114 facility. The inspections performed in facilities
115 established pursuant to this subsection shall be performed
116 by a contractor selected by the commission pursuant to this
117 section and the contractor performing such inspections shall
118 be responsible solely to the department and shall satisfy
119 all applicable requirements of sections 643.300 to 643.355.

120 5. If the governor applies to the administrator of the
121 Environmental Protection Agency to require federal
122 reformulated gasoline in nonattainment areas, nothing in
123 sections 643.300 to 643.355 shall prevent the storage of
124 conventional gasoline in nonattainment areas which is
125 intended for sale to agricultural, commercial or retail
126 customers outside said nonattainment areas subject to
127 reformulated gasoline.

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