

# SENATE BILL NO. 813

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4115S.01H

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Section A. Section 643.310, RSMo, is repealed and one new  
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 a charter form of**  
8 **government and with more than three hundred thousand but**  
9 **fewer than four hundred fifty thousand inhabitants or any**  
10 **county of the first classification with more than one**  
11 **hundred one thousand but fewer than one hundred fifteen**  
12 **thousand inhabitants or any county with a charter form of**  
13 **government and with more than two hundred thousand but fewer**  
14 **than three hundred fifty 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

19 643.305, **except any county with a charter form of government**  
20 **and with more than three hundred thousand but fewer than**  
21 **four hundred fifty thousand inhabitants or any county of the**  
22 **first classification with more than one hundred one thousand**  
23 **but fewer than one hundred fifteen thousand inhabitants or**  
24 **any county with a charter form of government and with more**  
25 **than two hundred thousand but fewer than three hundred fifty**  
26 **thousand inhabitants.** The commission shall ensure that, for  
27 each 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 **that results in the loss of any federal funds to the state,**  
52 **the exception of certain counties shall expire three years**  
53 **from the date the state is deemed to be in 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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