

ATTACHMENT 2A

State of Missouri

I/M Rules



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**10 CSR 10-5.381 On-Board Diagnostics
Motor Vehicle Emissions Inspection**

PURPOSE: This rule enacts the provisions of sections 643.300-643.355, RSMo and meets the 1990 Federal Clean Air Act Amendments requirement that the ozone state implementation plan contains necessary enforceable measures to maintain the mandatory vehicle emissions inspection and maintenance program. The purpose of the inspection and maintenance program is to reduce and prevent ground-level ozone forming vehicle emissions in the St. Louis nonattainment area.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis, and which are—

1. Registered in the area with the state of Missouri Department of Revenue;
2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area. A vehicle is primarily operated in the area if at least fifty-one percent (51%) of the vehicle's annual miles are in the area;
3. Owned or leased by federal, state, or local government agencies, and are primarily

operated in the geographical area, but are not required to be registered by the state of Missouri; or

4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Heavy duty gasoline-powered and heavy duty diesel-powered vehicles;
2. Light duty gasoline-powered vehicles and trucks manufactured prior to the 1996 model year and light duty diesel-powered vehicles and trucks manufactured prior to the 1997 model year;
3. Motorcycles and motortricycles;
4. Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline, ethanol (E10 and E85), or diesel;
5. Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355, RSMo, that are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, if the vehicle is granted an Out of Area waiver described in paragraph (3)(K)6. of this rule;
6. New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, that have an odometer reading of less than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;
7. New motor vehicles that have not been previously titled and registered, for the four (4)-year period following their model year of manufacture, provided that the odometer for such motor vehicles has fewer than forty thousand (40,000) miles showing at the first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo. Otherwise, such motor vehicles shall be subject to the emissions inspection requirements of subsection (3)(B) of this rule during the same period that the biennial safety inspection is conducted;
8. Motor vehicles that are driven fewer than twelve thousand (12,000) miles between biennial safety inspections. Written or printed proof of this exemption shall be provided by the owner to the Department of Revenue.

A. The proof of exemption from the emissions inspection requirement shall consist of two (2) vehicle safety inspection reports issued to the owner of the vehicle being exempted.

B. The first safety inspection report shall have been issued during the vehicle's previous safety inspection. The second safety inspection report shall have been issued within the sixty (60) days of the owner's registration request.

C. Both vehicle safety inspection reports must document the odometer reading at the time of the vehicle's safety inspections, and the difference between these two (2) odometer readings shall be no greater than eleven thousand nine hundred and ninety-nine (11,999);

9. Historic motor vehicles registered pursuant to section 301.131, RSMo;
10. School buses;
11. Tactical military vehicles; and
12. Visitor, employee or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days.

(2) Definitions.

(A) Business day—All days, excluding Saturdays, Sundays, and holidays, that an inspection station is open to the public.

(B) Compliance cycle—The two (2)-year duration during which a subject vehicle in the enhanced emissions inspection program area is required to comply with sections 643.300-643.355, RSMo.

1. For private entity vehicles, the compliance cycle begins sixty (60) days prior to the subject vehicle's registration expiration.
2. For public entity vehicles, the compliance cycle begins on January 1 of each even-numbered calendar year. The compliance cycle ends on December 31 of each odd-numbered calendar year.

(C) Contractor—The state contracted company who shall implement the decentralized motor vehicle emissions inspection program as specified in sections 643.300-643.355, RSMo, and the state contracted company who shall implement the acceptance test procedure.

(D) Department—The Missouri Department of Natural Resources, the state agency responsible for oversight of the vehicle emissions inspection and maintenance program that is required by the 1990 Federal Clean Air Act Amendments.



(E) Data Link Connector (DLC)—The terminal required to be installed on all On-Board Diagnostics (OBD) equipped vehicles that allows communication with a vehicle's OBD system.

(F) Diagnostic Trouble Code (DTC)—An alphanumeric code consisting of five (5) characters which is stored by a vehicle's On-Board Diagnostics system if a vehicle malfunctions or deteriorates in such a way as to potentially raise the vehicle's tailpipe or evaporative emissions more than 1.5 times the federal test procedure certification limits. The code indicates the system or component that is in need of diagnosis and repair to prevent the vehicle's emissions from increasing further.

(G) Emissions inspection—Tests performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

(H) Gross Vehicle Weight Rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(I) Ground-level ozone—A colorless, odorless gas formed by the mixing of volatile organic compounds and oxides of nitrogen from stationary and mobile pollution sources in the presence of heat and sunlight. Ground-level ozone is a strong oxidizer that negatively affects human health by causing diminished lung function in both healthy individuals and those with pre-existing respiratory problems.

(J) Heavy Duty Vehicle (HDV)—Any motor vehicle rated at eight thousand five hundred one (8,501) pounds GVWR or more.

(K) Initial emissions inspection—An emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

(L) Licensed emissions inspection station—Any business that has met the licensing requirements and been licensed to offer vehicle emissions inspection services on behalf of the department.

(M) Licensed emissions inspector—Any individual that has met the licensing requirements and been licensed to conduct vehicle emissions inspections on behalf of the department.

(N) Light Duty Truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500) GVWR or less which has a vehicle curb weight of six thousand (6,000) pounds or less and which has a basic vehicle

frontal area of forty-five (45) square feet or less, which is—

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

3. Available with special features enabling off-street or off-highway operation and use.

(O) Light Duty Vehicle (LDV)—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand (6,000) pounds GVWR or less.

(P) Malfunction Indicator Lamp (MIL)—An amber-colored warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle's tailpipe or evaporative emissions.

(Q) Missouri State Highway Patrol (MSHP)—The state agency responsible for the oversight of the vehicle safety inspection program and joint oversight with the department of the vehicle emissions inspection and maintenance program.

(R) On-Board Diagnostics (OBD)—A vehicle emissions early-warning system required by federal law to be installed on all light-duty 1996 and newer model year vehicles for sale in the United States. The OBD system monitors sensors attached to all emissions-control related components on a vehicle to ensure that the emissions control system operates properly throughout a vehicle's lifetime. If the emissions control system malfunctions or deteriorates, the OBD system will illuminate the Malfunction Indicator Lamp and store one (1) or more Diagnostic Trouble Codes.

(S) On-Board Diagnostics (OBD) test—A test in which a vehicle's OBD system is connected to a hand-held tool or computer capable of determining—

1. Vehicle signature information, including, but not limited to, the electronic vehicle identification number (VIN) and other unique parameter identifiers;

2. If the OBD system's readiness monitors have been set;

3. If the MIL is functioning correctly; and

4. If the OBD system has stored any DTCs that are commanding the MIL to be illuminated.

(T) Qualifying repair—Any repair or adjustment performed on a vehicle's emissions control system after failing an initial emissions inspection, that is reasonable to the test method failure. Repairs performed by a repair technician that were not authorized by the vehicle owner's signature on a repair receipt will not be considered a qualifying repair. The qualifying repair must be performed within ninety (90) days of the date of initial emissions inspection. The qualifying repair may consist of either—

1. The parts costs, spent by a vehicle owner or charged to a vehicle owner by a repair technician, that are appropriate for the type of emissions inspection failure; or

2. The parts and recognized labor costs, charged to a vehicle owner by a Recognized Repair Technician, that are appropriate for the type of emissions inspection failure.

(U) Readiness monitor—A design feature of On-Board Diagnostics systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

(V) Recognized labor costs—The labor costs that a Recognized Repair Technician charges for emissions repair services rendered to a vehicle that fails its emissions inspection.

(W) Recognized Repair Technician—Any person who—

1. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

2. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

3. Has not been reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.5, RSMo.

(X) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Subject Vehicle Compliance.

1. Private entity vehicle compliance.



A. Motor vehicles subject to this rule shall demonstrate compliance with emissions standards in this rule. Such demonstration shall be made through the test methods specified in section (5) of this rule and be completed according to the compliance cycle specified in paragraph (2)(B)1. of this rule, the inspection intervals specified in subsection (3)(B) of this rule, and the inspection periods specified in subsection (3)(C) of this rule.

B. Completion of the emissions inspection requirements is necessary for vehicle registration renewal, or registration transfer.

C. Failure to complete a vehicle emissions inspection during the compliance cycle or before vehicle registration shall be a violation of this rule. These violations are subject to penalties specified in subsection 643.355.5, RSMo.

2. Public entity vehicle compliance.

A. All subject vehicles owned by federal, state and local governments shall be emissions inspected according to the compliance cycle specified in paragraph (2)(B)2. of this rule and the inspection intervals specified in subsection (3)(B) of this rule.

B. All federal agencies shall ensure employee and military personnel vehicles meet the requirements of this subsection according to the December 1999 *Interim Guidance for Federal Facility Compliance With Clean Air Act Sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection and Maintenance Programs*. This guidance document is incorporated by reference in this rule, as published by the U.S. Environmental Protection Agency (EPA), Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105. This rule does not incorporate any subsequent amendments or additions to this guidance document.

C. Failure to complete a vehicle emissions inspection within the compliance cycle specified in paragraph (2)(B)2. of this rule shall be a violation of this rule. These violations are subject to penalties specified in subsection 643.355.5, RSMo.

3. Vehicle fleets.

A. Vehicle fleets of any size may be emissions inspected by the fleet operator, provided the owners or operators of such vehicle fleets acquire the state contractor's equipment to conduct the emissions inspections.

B. Vehicle fleets using such equipment shall be subject to the same inspection requirements as non-fleet vehicles.

C. Fleet inspection facilities shall be subject to quality assurance evaluations at least as stringent as those performed at public inspection stations.

D. Fleet owners or operators may make repairs to fleet vehicles on-site.

(B) Emissions Inspection Intervals.

1. Subject vehicles, manufactured as odd-numbered model year vehicles are required to be inspected in each odd-numbered calendar year. Subject vehicles manufactured as even-numbered model year vehicles are required to be inspected in each even-numbered calendar year.

2. At the time of registration transfer, subject vehicles are required by subsection 643.315.1, RSMo to be inspected regardless of the vehicle model year. At the time of registration transfer, prior to the sale of a vehicle, sellers of vehicles are required to provide the purchaser with an emissions inspection compliance certificate or compliance waiver that is valid for registering the vehicle according to inspection period requirements of subsection (3)(C) of this rule. Vehicles being sold shall not be subject to another emissions inspection for ninety (90) days after the date of sale or transfer of such vehicle.

(C) Emissions Inspection Periods.

1. An emissions inspection performed on a subject vehicle via the vehicle inspection process described in subsections (3)(H)–(K) of this rule is valid, for the purposes of obtaining registration or registration renewal, for a duration of sixty (60) days from the date of passing inspection or waiver issuance.

2. Reinspections occurring fewer than ninety (90) days after the initial emissions inspection are subject to subsections (3)(J) and (3)(K) of this rule.

3. Reinspections occurring more than ninety (90) days after the initial emissions inspection shall be considered to be an initial emissions inspection as defined in subsection (2)(K) of this rule and are subject to subsection (3)(H) of this rule.

(D) Emissions Inspection Fee.

1. At the time of an initial emissions inspection, the vehicle owner or driver shall pay no more than twenty-four dollars (\$24) to the licensed emissions inspection station. The inspection station shall determine the forms of payment accepted.

2. This inspection fee shall include one (1) free reinspection, provided that the rein-

spection is conducted within twenty (20) business days of the initial emissions inspection at the same inspection station that performed the initial inspection.

3. Licensed emissions inspection stations shall pre-pay the state two dollars and fifty cents (\$2.50) for each paid emissions inspection that they intend to perform. The fee shall be paid to the Director of Revenue and submitted to the MSHP. The MSHP shall deposit the fee into the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo. The MSHP will then notify the contractor, who will authorize the inspection equipment to release the number of paid emissions inspections pre-paid by each licensed emissions inspection station.

(E) Emissions Inspection Equipment.

1. Performance features of emissions inspection equipment. Computerized inspection equipment is required for performing any measurement on subject vehicles. The inspection equipment shall meet or exceed all applicable EPA requirements. Newly acquired emissions inspection equipment shall be subject to the acceptance test procedures administered by the department's contractor to ensure compliance with the emissions inspection program specifications.

A. Emissions inspection equipment shall be capable of testing all subject vehicles as required by paragraph (3)(E)3. of this rule. The emissions inspection equipment shall be updated as needed to accommodate new technology vehicles. The updates shall be provided by the state's contractor without cost to the state or the licensed emissions inspection stations.

B. At a minimum, emissions inspection equipment shall be:

(I) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(II) Secure from tampering and/or abuse; and

(III) Based upon written specifications.

2. Functional characteristics of computerized test systems. The test system shall be composed of motor vehicle test equipment controlled by a computer.

A. The test system shall automatically:

(I) Make pass/fail decisions for all measurements;



(II) Record test data to an electronic medium;

(III) Conduct regular self-testing of recording accuracy;

(IV) Perform electrical calibration and system integrity checks before each test, as applicable; and

(V) Initiate immediate system lock-outs for—

(a) Tampering with security aspects of the test system;

(b) Fraudulent testing activity;

(c) For a full data recording medium.

B. Test systems shall include a telecommunications data link to the contractor's Vehicle Inspection Database (VID) as specified in the contract between the department and the contractor. Emissions inspection information shall be uploaded to the VID via this telecommunications data link according to subparagraphs (3)(F)2.C. and (3)(F)5.D. of this rule.

C. The test system shall ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

3. OBD test equipment. OBD test equipment shall meet the standards specified in 40 CFR part 85, subpart W, section 2231. Section 2231 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2231. The OBD test equipment shall be able to communicate with all known OBD protocols and connect to and communicate with a minimum of ninety-eight percent (98%) of all subject vehicles.

4. All emissions inspection equipment shall meet the quality control requirements described in paragraph (3)(L)5. of this rule.

(F) Emissions Inspection Station Requirements.

1. Premises.

A. Each licensed emissions inspection station shall have an inspection area within an enclosed building of sufficient length, width and height to accommodate a full size light duty vehicle or light duty truck.

B. The licensed emissions inspection station shall be in compliance with applicable city, county and state regulations relating to zoning, merchant licensing, fictitious names and retail sales tax numbers.

C. The emissions inspection area

shall be sufficiently lighted, adequately heated and cooled and properly ventilated to conduct an emissions inspection.

2. Equipment. Each licensed emissions inspection station shall have the following equipment located at or near the inspection area:

A. Scraper. The scraper may be used to remove old windshield stickers;

B. Emissions inspection equipment, including hardware, software, forms, and windshield stickers. The equipment shall be purchased or leased by the inspection station from the state's contractor; and

C. Telecommunications. The station shall provide data transmission capabilities for the emissions inspection equipment. The telecommunications capabilities may be either high-speed or low-speed. The cost of this telecommunications service is the responsibility of the licensed emissions inspection station.

3. Personnel.

A. Each licensed emissions inspection station shall have a minimum of one (1) licensed emissions inspector on duty during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

B. Each licensed emissions inspection station will designate, on the station license application, the emissions inspection station manager who will be in charge of emissions inspections. The emissions inspection station manager shall be responsible for the daily operation of the station and will ensure that complete and proper emissions inspections are being performed. The emissions inspection station manager shall be present at the licensed emissions inspection station during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

C. If the station is without at least one (1) emissions inspector or one (1) emissions inspection station manager, then the station shall be prohibited from conducting emissions inspections.

4. Licensing.

A. Any person, firm, corporation, partnership or governmental entity requesting an emissions inspection station license shall submit a completed emissions inspection station application to the department or to the MSHP.

B. A vehicle emissions inspection station license shall be valid for twelve (12) months from the date of issuance. A com-

pleted emissions inspection station license application shall be accompanied by a check or money order for one hundred dollars (\$100) made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. Under no circumstances will cash be accepted for the license fee.

C. For the purposes of emissions and safety inspection license synchronization, a vehicle emissions inspection station license may be valid for fewer than twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. The check or money order shall submit the pro-rated fee of eight dollars and thirty-three cents (\$8.33) times the number of months between the month of the application, including the month of application, for the emissions inspection license and the month that the safety inspection license will be renewed. Under no circumstances will cash be accepted for the license fee.

D. Except as provided by subparagraph (3)(F)4.C. of this rule, station licenses are valid for a period of one (1) year from the date of issuance, unless the license is suspended or revoked by the department or the MSHP. The owners of licensed emissions inspection stations that are renewing their emissions inspection license shall complete the requirements of subparagraph (3)(F)4.B. of this rule.

E. Along with the application fee, applicants shall submit the following information on a form provided by either the department or the MSHP:

(I) Proof of liability insurance;

(II) The business's federal and state taxpayer identification number;

(III) The physical address of the inspection station;

(IV) The mailing address, if different from physical address, of the inspection station;



(V) The phone number and, if available, fax number of the inspection station;

(VI) The last name, first initial, and, if already licensed by the MSHP, the inspector number of the licensed emissions inspector(s) employed by that station; and

(VII) The first and last name of the emissions inspection station manager(s) employed by that station.

F. No license issued to an emissions inspection station may be transferred or used at any other location. Any change in ownership or location shall void the current station license. The department must be notified immediately when a change of ownership or location occurs or when a station discontinues operation. Businesses that change locations will be charged another license fee for the cost of the new license. Businesses that change owners will be treated as new licensees and charged another license fee for the new license.

G. When an emissions inspection station license has been suspended or revoked, or when a station discontinues operation, all emissions inspection supplies including, but not limited to, blank vehicle inspection reports and windshield stickers, shall be released on demand to the department or the MSHP. The failure to account for all inspection supplies will be sufficient cause for the department to not reinstate an emissions inspection station license. The department will refund the station for the number of prepaid emissions inspections remaining on the inspection equipment at the time the station discontinues operation or chooses not to renew its emissions inspection license.

H. No emissions inspection station license will be issued to a spouse, child or children, son/daughter-in-law, employee or any person having an interest in the business for the privilege to conduct emissions inspections at the same location or in close proximity to the location of an emissions inspection station whose license is under suspension or revocation, unless the applicant can provide reasonable assurance that the licensee under suspension or revocation will not be employed, manage, assist in the station operation or otherwise benefit financially from the operation of the business in any way.

5. Operations.

A. Every emissions inspection must be performed according to the procedures described in this rule. Once an emissions inspection has begun, it shall be completed

and shall not be terminated. A vehicle may not be passed or failed based upon a partial inspection.

B. A proper and complete emissions inspection shall consist of the OBD test method described in section (5) of this rule, the immediate printing and subsequent issuance of a vehicle inspection report to the motorist, and the immediate uploading of the emissions inspection data to the contractor's VID.

C. For each completed emissions inspection, the emissions inspection equipment shall print a vehicle inspection report that meets the requirements of subsections (4)(A) and (4)(B) of this rule.

D. All emissions inspection records shall be transmitted to the state's contractor as soon as an inspection is complete for the purpose of real time registration verification by the Department of Revenue and program oversight by the department or the MSHP.

E. The emissions inspection fee described in subsection (3)(D) of this rule shall be charged for each inspection performed, except at locations where the fleet operator is inspecting fleet vehicles at their own inspection facility.

F. Emissions inspection windshield stickers will be issued to an emissions inspection station by the MSHP, and can be printed by only that station. Emissions inspection windshield stickers shall be kept secure to prevent them from being lost, damaged or stolen. If windshield stickers are lost, damaged or stolen, the incident shall be reported immediately to the MSHP.

G. All emissions inspections must be conducted at the licensed emissions inspection station in the approved inspection area.

H. The inspection of a vehicle shall be made only by an individual who has a current, valid emissions inspector license.

I. No person without a current, valid emissions inspector license shall issue a vehicle inspection report or a windshield sticker.

J. No owner, operator or employee of an inspection station shall furnish, loan, give or sell a vehicle inspection report or windshield sticker to any person except those entitled to receive it.

K. If an emissions inspector or an emissions inspection station manager resigns or is dismissed, the emissions inspection station manager or station owner shall report these changes to the department immediately or within two (2) business days. The emissions inspection station manager or station

owner shall complete an amendment form to inform the department of these changes in personnel.

L. All current manuals, bulletins or other rules issued by the department must be read and initialed by the station owner or operator and each emissions inspector. These resources must be available, either in printed or electronic form, at all times for ready reference by inspectors, department and MSHP staff.

M. If the department is asked to settle a difference of opinion between a vehicle owner and an emissions inspection station manager or emissions inspector concerning the inspection standards and procedures, the decisions of the department concerning emissions inspection standards and procedures will be final.

N. Emissions inspection station operators are permitted to advertise as official emissions inspection stations.

6. Hours of operation.

A. The normal business hours of every public inspection station shall be at least eight (8) continuous hours per day, five (5) days per week.

B. Both inspection station managers and emissions inspectors are obligated to conduct emissions inspections and reinspections of vehicles during normal business hours.

(I) A vehicle shall be emissions inspected within a two (2)-hour period after being presented unless other vehicles are already being emissions inspected.

(II) A reinspection must begin within one (1) hour when a vehicle is presented during the twenty (20) consecutive-day period allowed by law for reinspections excluding Saturdays, Sundays and state holidays.

7. Display of inspection station and inspector licenses, sign and poster.

A. The department or the department's designee shall provide each licensed emissions inspection station with one (1) station license certificate. The station license certificate shall be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

B. The department or the department's designee shall provide each licensed emissions inspector with one (1) inspector license certificate. The emissions inspector licenses must be framed under clean glass or



plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

C. The department or the department's designee shall provide each licensed emissions inspection station one (1) official sign, made of metal or other durable material, to designate the station as an official emissions inspection station. The sign designating the station as an emissions inspection station shall be displayed in a location visible to motorists driving past the inspection station. Additional signs may be purchased for a fee equal to the cost to the state for each additional sign.

D. The department or the department's designee shall provide each licensed emissions inspection station with one (1) poster that informs the public that required repairs or corrections need not be made at that inspection station. The poster must be displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections. Additional posters may be purchased for a fee equal to the cost to the state for each additional poster.

(G) Emissions Inspector Requirements.

1. Every person requesting a vehicle emissions inspector license shall submit a completed vehicle emissions inspector application to the department or the department's designee. The emissions inspector application shall include a facial photograph with dimensions of two inches (2") in length and two inches (2") in width.

2. All vehicle emissions inspectors must be at least eighteen (18) years of age and able to read and understand documents written in English. The emissions inspector written exam may include an oral component to evaluate the applicant's ability to read and understand documents written in English.

3. Emissions inspectors must pass a written test that demonstrates their knowledge of the fundamentals of OBD testing and repairs and the procedures of the emissions inspection program. A minimum grade of eighty percent (80%) is required to pass the written examination or reexamination.

A. The contractor shall design the training material and corresponding written exam and have the training material and written exam certified by the department prior to issuing the training material and written exam to potential emissions inspectors.

B. After emissions inspectors have passed the contractor's written exam, if they wish to also be licensed to conduct vehicle

safety inspections, they must submit an application to the MSHP to take the safety inspection exam.

C. Currently licensed safety inspectors working at newly-licensed emissions inspection stations will only have to pass the written emissions exam conducted by the contractor.

4. Emissions inspectors must be thoroughly familiar with the emissions inspection equipment and demonstrate competency to either the department or the MSHP while performing an emissions inspection on a vehicle prior to the issuance of the inspector's license. A minimum grade of eighty percent (80%) is required to pass the practical examination or reexamination.

5. If the applicant meets the requirements of paragraphs (3)(G)1.–(3)(G)4. of this rule, an emissions inspector license will be issued without charge. Licenses are valid for a period of three (3) years from the date of issuance, or until suspended or revoked by the department or the MSHP. An emissions inspector whose license has been suspended or revoked shall be required to successfully complete the contractor's training program and pass the written and practical exams described in paragraphs (3)(G)3. and (3)(G)4. of this rule before the emissions license will be reinstated.

6. If the emissions inspector leaves the employment of one licensed emissions inspection station and enters the employment of another licensed emissions inspection station, the emissions inspection station manager of the station that the inspector is transferring to shall follow the procedures described in subparagraph (3)(F)5.K. of this rule. The emissions inspector's license is transferable with the licensed emissions inspector, provided the emissions inspector's license has not expired.

7. An emissions inspector may be reexamined at any time, and if s/he fails the reexamination or refuses to be reexamined, the license issued to him/her shall be suspended. If a vehicle emissions inspector fails a reexamination, s/he cannot again be tested until a period of thirty (30) days has elapsed.

8. An emissions inspector license may be renewed before the expiration date or sixty (60) days after expiration without a reexamination. If the license has expired more than sixty (60) days before the license renewal application is submitted, a reexamination will be required. A vehicle emissions inspector does not have authority to conduct any

inspections during the sixty (60)-day grace period unless the license has been properly renewed.

(H) Emissions Inspection Procedures. The emissions inspection procedure shall meet the following requirements:

1. Vehicles shall be inspected in as-received condition. An official inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition;

2. The initial emissions inspection shall be performed according to the test method described in section (5) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests. Emissions inspections performed within ninety (90) days of the initial emissions inspection shall be considered a reinspection and are subject to provisions of subsection (3)(J) of this rule;

3. If a subject vehicle passes the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall issue the vehicle owner or driver a vehicle inspection report certifying that the vehicle has passed the emissions inspection, and provide a windshield sticker for the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emissions inspection station;

4. If a subject vehicle fails the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall provide the vehicle owner or driver with a vehicle inspection report indicating what parts of the test method of the emissions inspection that the vehicle failed, a repair facility performance report, and a copy of the customer complaint procedure according to subsection (4)(B) of this rule; and

5. If a subject vehicle fails the emissions test method described in section (5) of this rule, the vehicle owner shall have the vehicle repaired. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and (3)(C)3. of this rule and the reinspection procedures described in subsection (3)(J) of this rule.

(I) Emissions Inspection Standards. Subject vehicles shall fail the emissions



inspection if the vehicle does not meet the OBD test standards specified in 40 CFR part 85, subpart W, section 2207. Section 2207 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2207.

(J) Emissions Reinspection Procedures.

1. Emissions reinspection fee.

A. To qualify for one free reinspection, the vehicle owner or driver shall present the previous vehicle inspection report and the completed repair data sheet to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection.

B. Reinspections occurring more than twenty (20) business days after the initial emissions inspection shall only be performed upon payment of the emissions inspection fee to the emissions inspection station, except at locations where the fleet operator is inspecting fleet vehicles at their own facility.

2. Reinspection procedure. Vehicles that fail the emissions inspection described in section (5) of this rule shall be reinspected according to the test method described in section (5) of this rule to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in present and future tailpipe or evaporative emissions.

3. If the subject vehicle passes a reinspection, then the procedures in paragraph (3)(H)3. of this rule shall be followed.

4. If the subject vehicle fails a reinspection, the vehicle owner may either:

A. Have more repairs performed on the vehicle and have the vehicle reinspected; or

B. Apply for a cost-based waiver according to the requirements in paragraphs (3)(K)1.-(3)(K)4. of this rule.

(K) Emissions Inspection Waivers.

1. Cost-based waivers. Vehicles shall be issued a cost-based waiver under the following conditions:

A. The subject vehicle has failed the initial emissions inspection, has had qualifying repairs, and has failed an emissions reinspection;

B. The vehicle owner or operator has taken the vehicle to the department or has made an appointment for the department representative to travel to the location of the

vehicle and presented to the department representative the vehicle inspection reports, stating that the vehicle presented has failed the initial emissions inspection and all subsequent emissions reinspections;

C. The subject vehicle has all of its emissions control components correctly installed and operating as designed by the vehicle manufacturer.

(I) To the extent practical, the department representative shall use the MSHP air pollution control device inspection method described in 11 CSR 50-2.280 to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the visual inspection described in 11 CSR 50-2.280, then the vehicle will be denied a cost-based waiver;

D. The vehicle operator has presented to the department representative all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(K)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(K)3. of this rule; and

E. To the extent practical, the department representative has verified that the repairs indicated on the itemized receipts for qualifying repairs were made and that the parts were repaired/replaced as claimed.

2. The minimum amount spent on qualifying repairs for cost-based waivers shall—

A. Exceed four hundred fifty dollars (\$450) for vehicles not repaired by the owner of the failed vehicle;

B. Exceed four hundred dollars (\$400) for all vehicles repaired by the owner of the failed vehicle. Only the parts costs for the following parts listed in 40 CFR 51.360(a)(5) will be accepted:

- (I) Oxygen sensors;
- (II) Catalytic converters;
- (III) EGR valves;
- (IV) Evaporative canisters;
- (V) PCV valves;
- (VI) Air pumps;
- (VII) Distributors;
- (VIII) Ignition wires;
- (IX) Coils;
- (X) Spark plugs; and
- (XI) Any hoses, gaskets, belts,

clamps, brackets, or other accessories directly associated with these parts;

C. Exceed two hundred dollars (\$200) for all motorists who provide the department representative with reasonable and reliable proof that the owner is financially dependent on state and federal disability benefits and

other public assistance programs. The proof must be provided thirty (30) calendar days prior to each emissions inspection. The proof shall consist of government issued documentation providing explanation of the motorist's disability and financial assistance with regard to personal income:

D. Be inclusive of parts costs paid for emissions repair services. Recognized labor costs shall be applied toward a cost-based waiver. For qualifying repairs performed by someone other than a Recognized Repair Technician, parts costs, but not labor costs, shall be applied toward a cost-based waiver;

E. Not include the fee for an emissions inspection or reinspection;

F. Not include the fee for a safety inspection or reinspection;

G. Not include charges for obtaining a written estimate of needed repairs;

H. Not include the charges for repairs necessary for the vehicle to pass a safety inspection;

I. Not include costs for repairs performed on the vehicle before the initial emissions inspection failure or more than ninety (90) days after the initial emissions inspection failure;

J. Not include expenses that are incurred for the repair of emissions control devices or data link connectors that have been found during either a safety or an emissions inspection to be tampered with, rendered inoperative, or removed; and

K. Not include costs for emissions repairs or adjustments covered by a vehicle manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the cost-based waiver minimum amount. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived.

3. The vehicle operator shall present the original of all itemized repair receipts to the department representative to demonstrate compliance with paragraph (3)(K)2. of this rule. The itemized repair receipt(s) shall—

A. Include the name, physical address and phone number of the repair facility and



the model year, make, model and VIN of the vehicle being repaired;

B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emissions inspection;

C. Describe the emissions repair(s) that were indicated by the diagnostic test(s);

D. Describe the emissions repairs that were authorized by the vehicle owner or driver and performed by the repair technician;

E. Describe the vehicle part(s) that were serviced or replaced;

F. Describe the readiness monitors that were either set to ready or left unset;

G. Describe the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions control system is now operating as it was designed to operate by the manufacturer;

H. Clearly list the labor costs, if the vehicle was repaired by a repair technician, and parts costs separately for each repair. Unclear repair receipts that do not identify the actual cost of the parts that were serviced, do not list the labor costs separately from the parts costs, do charge state sales tax on parts exempted from state sales as defined in 10 CSR 10-6.320, or contain fraudulent information or parts costs as determined by department representative may not be accepted for the purpose of obtaining a cost-based waiver;

I. Include the repair technician's name (printed or typed), signature and, if applicable, the unique identification number of the Recognized Repair Technician that performed the repair work; and

J. Confirm that payment was collected or financed for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

4. If the conditions of paragraphs (3)(K)1.-3(K)3. of this rule have been met, the department representative shall issue a cost-based waiver and affix the windshield sticker to the vehicle. The windshield sticker shall meet the requirements of paragraph (4)(A)2. of this rule.

5. The contractor shall provide the means to issue cost-based waivers from either the department's offices or from a portable solution as required by the contract.

6. Out of area waivers. Provided the vehicle owner or driver submits a completed, signed waiver affidavit to the department indicating that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections

643.300 to 643.355, RSMo, for the next twenty-four (24) months, the department shall issue an emissions inspection vehicle inspection report, with an indicator to show that the vehicle has received an out of area waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

7. Reciprocity waivers. Provided the vehicle owner or driver presents proof, acceptable to the department, that the subject vehicle has successfully passed an OBD emissions inspection in another state within the previous sixty (60) calendar days, the department shall issue an emissions inspection vehicle inspection report with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

A. Reciprocity waivers shall be issued if the motorist submits proof of a passing OBD emissions inspection from one (1) of the following states: Alaska, Arizona, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee unless tested in Shelby County (Memphis), Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

B. Should any of these states discontinue the use of pass/fail OBD inspections, the reciprocity waiver shall not be granted.

8. The contractor shall provide the means to issue out of area and reciprocity waivers from either the department's offices or from a portable solution as required by the contract.

(L) Quality Control Requirements.

1. Quality control for the contractor(s). The department shall appoint entities under contractual agreement with the department to facilitate the operating of decentralized emissions inspection stations that will conduct vehicle emissions for the purpose of reducing or preventing vehicle pollution that contributes to ground-level ozone formation.

2. Quality control for emissions inspection stations.

A. Licensed emissions inspection stations shall conduct their business in such a way that it satisfies the intent of the vehicle emissions inspection program, which is to accurately identify the vehicles that fail to meet the OBD emissions test standards so

that these vehicles may be effectively repaired.

B. Failure to comply with the provisions of this rule and the purposes stated in subparagraph (3)(L)2.A. of this rule shall be considered a violation of this rule and shall be sufficient cause for the department or MSHP to immediately suspend emissions and/or safety inspection station licenses and the ability to conduct emissions and/or safety inspections.

C. Licensed emissions inspection stations shall be financially responsible for all vehicles that are being inspected.

3. Quality control for emissions inspectors.

A. The contractor shall provide to the department an education and training plan, to be approved by the department prior to implementation, for licensed emissions inspectors. Inspectors shall not be licensed unless they have passed all training requirements.

B. Failure to comply with the provisions of this rule and the contract shall be considered a violation of this rule and shall be sufficient cause for the department or MSHP to immediately suspend safety and/or emissions inspector licenses and the ability to conduct safety and/or emissions inspections.

C. As specified in the contract, the contractor shall maintain for the department an electronic database of licensed emissions inspector information, that at a minimum includes the inspector's name, unique identification number, date of license issuance, stations of employment, date of any license suspensions or revocations, and a list of inspection results by date and by model year, make, model, and VIN.

4. Quality control for emissions inspection records.

A. All inspection records, calibration records, and control charts shall be accurately created, recorded, maintained and secured by the contractor.

B. The contractor shall make available all records and information requested by the department and shall fully cooperate with the department, MSHP, and other state agency representatives who are authorized to conduct audits and other quality assurance procedures.

C. The contractor shall maintain emissions inspection records, including all inspection results and repair information.

(I) These records shall be kept readily available to the department and the



MSHP for at least three (3) years after the date of an initial emissions inspection.

(II) These records shall be made available to the department and the MSHP on a real time continual basis through the use of an automated data communication system as specified in the contract.

(III) These records shall also be made available immediately upon request for review by department and MSHP personnel.

5. Quality control for all emissions inspection equipment.

A. At a minimum, the practices described in this section and in the contract shall be followed.

B. Preventive maintenance on all emissions inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor and consistent with the EPA's and the equipment manufacturer's requirements.

C. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering and any circumstances which require a service representative to work on the equipment.

D. To assure test accuracy, equipment shall be maintained by the contractor according to demonstrated good engineering procedures.

E. Computer control of quality assurance checks shall be used whenever possible. The emissions inspection equipment shall transmit the quality control results to the department's contractor as prescribed in the contract between the department and the contractor.

(M) Vehicle Registration. After a subject vehicle has passed the emissions inspection according to either paragraphs (3)(H)3. or (3)(J)3. of this rule, or received a waiver according to subsection (3)(K) of this rule, the contractor shall make electronically available to the Department of Revenue on a real time basis the emissions and any associated safety inspection compliance records to enable vehicle registration and compliance enforcement. Paper vehicle inspection reports may not be used for registration purposes, unless the contractor's real time vehicle inspection database is not providing inspection information to the Department of Revenue on a real time basis. The department shall expressly authorize, either in writing or by voice authorization, the use of the paper vehicle inspection reports by the Department of Revenue and/or its contract offices.

(N) Violations and Penalties.

1. Persons violating this rule shall be subject to penalties contained in section 643.355, RSMo. Any person who knowingly misrepresents himself or herself as an official emissions inspection station or an inspector or a Recognized Repair Technician is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this paragraph shall be considered to have committed an offense for the purposes of this paragraph.

2. All emissions inspection station operators and emissions inspectors shall comply with the emissions inspection law, 643.300-643.355, RSMo, and this emissions inspection rule. All emissions inspections shall be conducted in accordance with this emissions inspection rule. Failure to comply with the emissions inspection law or the emissions inspection rule will subject the emissions inspection station manager and emissions inspectors to one (1) or more of the following enforcement actions:

- A. Warning;
- B. Suspension of inspection licenses;
- C. Revocation of inspection licenses;

and

- D. Arrest by the MSHP.

3. Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by 643.320.3, RSMo.

4. Lockouts. The department or MSHP may electronically lockout any emissions inspector, station, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations, or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for a lockout.

(4) Reporting and Record Keeping.

(A) The contractor shall provide all licensed emissions inspection stations with vehicle inspection report forms and windshield stickers for vehicles that pass an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.

1. The vehicle inspection report shall include:

A. A vehicle description, including license plate number, VIN, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The unique identification number of the licensed emissions inspector performing the inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

D. The applicable inspection standards;

E. The passing OBD test results;

F. The results of the recall provisions check, if applicable, including the recall campaign;

G. A statement that the emissions inspection was performed in accordance with this state regulation;

H. A waiver indicator, if applicable;

I. The statement: "This inspection is mandated by your United States Congress"; and

J. A statement that the results have been transmitted directly to the Department of Revenue, and that the paper vehicle inspection report may not be used for vehicle registration purposes.

2. The windshield sticker shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left hand corner by the emissions inspector for each vehicle that passes the emissions inspection, or by the department representative for each vehicle that has been issued a waiver. A windshield sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and



D. Contain the statement: "This inspection is mandated by your United States Congress."

(B) The contractor shall provide all licensed emissions inspection stations with vehicle inspection reports for vehicles that fail an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period. The vehicle inspection report shall include:

1. A vehicle description, including license plate number, VIN, vehicle make, vehicle model, vehicle model year, and odometer reading;

2. The date and time of inspection;

3. The unique identification number of the licensed emissions inspector performing the test, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The applicable inspection standards;

5. The passing and failing OBD test results according to 40 CFR part 85, subpart W, section 2223. Section 2223 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2223;

6. The results of the recall provisions check, if applicable, including the recall campaign;

7. A statement that the emissions inspection was performed in accordance with this state regulation;

8. The statement: "This inspection is mandated by your United States Congress"; and

9. A statement that the vehicle may be reinspected for free according to subparagraph (3)(J)1.A. of this rule.

(C) The contractor shall provide all licensed emissions inspection stations with a repair facility performance report for each failing vehicle. The repair facility performance report may be included on the vehicle inspection report described in subsection (4)(B) of this rule. The repair facility performance report shall list the ten (10) facilities employing at least one (1) Recognized Repair Technician that are nearest to the inspection station that conducted the failing emissions inspection. If the inspection station employs at least one (1) Recognized Repair

Technician, the repair facility performance report shall include the inspection station in the list of ten (10) facilities. The report shall include, but not be limited to, the following:

1. The name of each facility, address, and phone number;

2. The percentage of vehicles repaired by the repair facility that passed a reinspection after one (1) reinspection;

3. Other information as required by the contract between the department and the contractor; and

4. How motorists may obtain the full or customized list of facilities employing Recognized Repair Technicians from the contractor at no cost to the motorist. The list shall be viewable on a publicly available website maintained by the contractor.

(D) The contractor shall provide a mechanism for collecting vehicle repair information from all Recognized Repair Technicians. This information may be collected through the emissions inspection equipment or through an Internet solution. The information shall be used to generate the repair facility performance report described in subsection (4)(C) of this rule. The information to be collected shall include, but not be limited to, the following:

1. The total cost of repairs, divided into parts and labor;

2. The name of the person who performed the repairs and their Recognized Repair Technician's identification number;

3. The name of the repair facility and the repair facility's identification number; and

4. The inspection failure the vehicle was being repaired for and the emissions-related repairs performed.

(E) The contractor shall provide all licensed emissions inspection stations and businesses employing Recognized Repair Technicians with customer complaint forms. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period. The customer complaint form shall include the telephone numbers of the department and the MSHP.

1. Any challenge regarding the performance or results of the emissions inspection must be made within ten (10) business days of the failing emissions inspection.

2. Any challenge regarding the results or effectiveness of the repairs made by either licensed emissions inspection stations or

Missouri Recognized Repair Technicians must be made within twenty (20) business days of the date of vehicle repair.

(F) Beginning January 1, 2008, using a method provided by the contractor, federal, state, and local government agencies shall submit a list of vehicles, by VIN, that are operated by the government agencies and that are required to be inspected during each calendar year. Submittals are due by February 1 of each calendar year. If the first is not a business day or state holiday, the list shall be submitted to the contractor by the following business day. The contractor will audit these submittals by comparing the list of submitted vehicles to the database of inspected vehicles to track government fleet compliance. The contractor shall provide the department with the results of this audit by April 1 of each calendar year.

(5) Test Methods.

(A) To the extent possible, an OBD test as defined in subsection (2)(S) of this rule and the contract shall be performed on all 1996 and later model year light duty vehicles and light duty trucks powered by gasoline and all 1997 and later model year light duty vehicles and light duty trucks powered by diesel.

(B) The OBD test shall follow the procedures described in 40 CFR part 85, subpart W, section 2222. Section 2222 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2222.

1. If the subject vehicle cannot be tested with the OBD test due to manufacturer design, then the subject vehicle shall be tested with only a bulb check test described in subparagraph (5)(B)2. of this rule.

2. Bulb check test.

- A. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is not illuminated while the key is in the on position and the engine is off (KOEO).

- B. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is illuminated while the key is in the on position and the engine is running (KOER).

- C. Vehicles with keyless ignitions shall be subject to a bulb check test.



D. Vehicles that fail the bulb check portion of the OBD test shall fail the OBD test.

3. Data link connector and communications test.

A. Vehicles will fail the data link connector portion of the OBD test if the DLC is tampered with, blocked, or not located where the manufacturer located the DLC.

B. Vehicles will fail the communications portion of the OBD test if the vehicle does not transmit the necessary information to the inspection equipment after a ten (10)-second attempt, followed by two (2) additional thirty (30)-second attempts.

C. Vehicles that fail the DLC or communications portion of the OBD test shall fail the OBD test.

D. Repairs made to correct failures for DLC tampering as described in part (5)(B)3.A. of this rule shall not be eligible for cost-based waivers.

4. Readiness monitor test.

A. 1996–2000 model year gasoline-powered vehicles may pass the readiness monitor portion of the OBD test if they have no more than two (2) unset non-continuous readiness monitors.

B. 2001 and newer model year gasoline-powered vehicles may pass the readiness monitor portion of the test if they have no more than one (1) unset non-continuous readiness monitor.

C. Gasoline-powered vehicles that fail the OBD test with a catalytic converter DTC (P0420-P0439) present must have the catalyst monitor reset to pass the readiness monitor portion of the OBD retest.

D. Gasoline-powered vehicles will fail the readiness monitor portion of the OBD test if the following non-continuous monitors are not supported:

- (I) Oxygen sensor; and
- (II) Catalyst.

E. Vehicles that are on the readiness exemption table maintained by the contractor and authorized by the department shall be exempt from the readiness monitor portion of the OBD test.

F. Vehicles that fail the readiness monitor portion of the OBD test shall fail the OBD test.

5. Diagnostic trouble code test.

A. Vehicles will fail the diagnostic trouble code test if the OBD system has stored at least one (1) mature (non-pending, non-historic) DTC that commands the malfunction indicator light to be illuminated.

B. Vehicles will fail the diagnostic trouble code test if the vehicle commands the MIL to be illuminated but the OBD system has no mature (non-pending, non-historic) DTCs stored in the system.

C. The contractor shall ensure that their inspection equipment's request for DTCs does not cause the MIL to be illuminated.

D. Vehicles that fail the DTC portion of the OBD test shall fail the OBD test.

(C) If the subject vehicle passes the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule and all of the OBD test procedures described in section (5) of this rule, then the procedures in paragraph (3)(H)3. of this rule shall be followed.

(D) If the subject vehicle fails the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule or any of the OBD test procedures described in section (5) of this rule, then the procedures in paragraphs (3)(H)4., (3)(H)5. and (3)(J)2. of this rule shall be followed.

AUTHORITY: section 643.310.1, RSMo Supp. 2006. Original rule filed Jan. 16, 2007, effective Aug. 30, 2007.*

**Original authority: 643.310, RSMo 1994, amended 1998, 1999, 2003.*

10 CSR 10-5.390 Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products

PURPOSE: This rule specifies operating equipment requirements and operating procedures for the reduction of volatile organic compounds from the manufacture of paints, varnishes, lacquers, enamels and other allied surface coating products in the St. Louis metropolitan area.

(1) Application.

(A) This rule shall apply throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis Counties.

(B) This rule applies to all installations which have the uncontrolled potential to emit more than two hundred fifty kilograms (250 kg) per day or one hundred (100) tons per year of volatile organic compounds (VOCs) from the manufacture of paints, varnishes, lacquers, enamels and other allied surface coating products.

(2) Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General. No owner or operator of a manufacturing installation subject to this rule and producing the products listed in section (1) shall cause or allow the manufacture of these products unless the operating equipment meets the requirements contained in this rule and without adhering to operating procedures specified in this rule and operating procedures recommended by the equipment manufacturer and approved by the director.

(4) Operating Equipment and Operating Procedure Requirements.

(A) Tanks storing VOC with a vapor pressure greater than or equal to 10 kilopascals (kPa) (1.5 psi) at twenty degrees Celsius (20° C), shall be equipped with pressure/vacuum conservation vents set at ± 0.2 kPa (.029 psi), except where more effective air pollution control is used and has been approved by the director. Stationary VOC storage containers with a capacity greater than two hundred fifty (250) gallons shall be equipped with a submerged-fill pipe or bottom fill, except where more effective air pollution control is used and has been approved by the director.

(B) Covers shall be installed on all open-top tanks used for the production of non-waterbase coating products. These covers shall remain closed except when production, sampling, maintenance or inspection procedures require operator access.

(C) Covers shall be installed on all tanks containing VOC used for cleaning equipment. These covers shall remain closed except when operator access is required.

(D) All vapors from varnish cooking operations shall be collected and passed through a control device which removes at least eighty-five percent (85%) on a daily basis of the VOC from the vapors before they are discharged to the atmosphere.

(E) All grinding mills shall be operated and maintained in accordance with manufacturers' specifications. The manufacturers' specifications shall be kept on file and made available to the director upon his/her request.

(F) The polymerization of synthetic varnish or resin shall be done in a completely enclosed operation with the VOC emissions controlled by the use of surface condensers or equivalent controls.

1. If surface condensers are used, they must be maintained to ensure a ninety-five percent (95%) overall removal efficiency for total VOC emissions when condensing total