

83 station. Additional signs may be obtained by an official inspection
84 station for a fee equal to the cost to the state. Each official emissions
85 inspection station shall also be supplied with one or more posters
86 which must be displayed in a conspicuous location at the place of
87 inspection and which informs the public that required repairs or
88 corrections need not be made at the inspection station.

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the
2 emissions standards specified by the commission may have the vehicle
3 reinspected after making repairs or adjustments to the vehicle to reduce
4 emissions.

5 2. No motor vehicle owner shall be charged an additional emissions
6 inspection fee for **one additional emissions [reinspections] reinspection**
7 **completed within [thirty calendar days] twenty consecutive days, excluding**
8 **Saturdays, Sundays, and holidays**, of the initial emissions inspection. **Such**
9 **fee only shall be waived or not charged if the reinspection is made by**
10 **the station making the initial inspection.**

11 3. [The department shall publish a list of emissions repair and
12 adjustment procedures based on the ratio of potential emissions reductions to
13 cost, and the list shall be distributed and made available at all emissions
14 inspection stations. The list shall indicate the most cost-effective measures that
15 a vehicle owner can take to reduce emissions.

16 4.] The inspector shall provide in writing to the owner of a vehicle which
17 fails, upon inspection, to meet the emissions standards, the nature of the vehicle's
18 failure, the components or equipment responsible for the failure and the
19 estimated cost of repair to the extent practical pursuant to rules promulgated by
20 the commission.

21 [5.] 4. The department shall cause unannounced tests of facilities which
22 repair, service or maintain motor vehicle emissions components and equipments,
23 including submitting known high emission vehicles with known defects for repair
24 without prior disclosure to the repair facility. Any suspected violations of chapter
25 407, RSMo, shall be reported by the department to the attorney general who shall
26 institute appropriate proceedings under sections 407.095 and 407.100, RSMo,
27 regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount
2 which [may be lower for older model vehicles and which, prior to January 1, 2001,
3 shall be no greater than seventy-five dollars for model year vehicles prior to 1981,

4 no greater than two hundred dollars for model year vehicles of 1981 to 1996 and]
5 **shall be** no greater than four hundred and fifty dollars[for model year vehicles
6 of 1997 and all subsequent model years. On and after January 1, 2001, the
7 commission may, by rule, set the waiver amount, except that the waiver amount
8 shall not exceed the waiver amount provided in the federal Clean Air Act, as
9 amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for
10 the enhanced motor vehicle emissions inspection].

11 2. The commission shall establish, by rule, a form and a procedure for
12 verifying that repair and adjustment was performed on a failing vehicle prior to
13 the granting of a waiver and approval.

14 3. The waiver form established pursuant to subsection 2 of this section
15 shall be an affidavit requiring:

16 (1) A statement signed by the repairer that the specified work was done
17 and stating the itemized charges for the work; and

18 (2) A statement signed by the [emissions inspection contractor]
19 **commission or designee** that an inspection of the vehicle verified, to the extent
20 practical, that the specified work was done. **An inspection to verify whether**
21 **repair work was performed or not shall not be conducted by the same**
22 **inspection station, inspector, or affiliate that performed the repair**
23 **work.**

24 4. A vehicle which fails upon reinspection to meet the emissions standards
25 specified by the commission shall have the emissions standards waived and
26 receive approval only if the owner furnishes a complete, signed affidavit
27 satisfying the requirements of subsection 3 of this section and the cost of the
28 parts, repairs and adjustment work performed is equal to or greater than the
29 waiver amount established by the commission. Costs for repair work may only
30 be included toward reaching the waiver amount if the repairs are performed by
31 a recognized repair technician [as defined by rule]. **As used in this section,**
32 **a "recognized repair technician" means a repair technician who has**
33 **obtained and possess valid A6, A8, and L1 certifications from the**
34 **National Institute for Automotive Service Excellence.**

35 5. No cost for parts, repairs or adjustments shall be included toward
36 reaching the waiver amount if such costs are covered by an emission control
37 performance warranty provided by the manufacturer at no additional cost to the
38 vehicle owner unless the vehicle owner provides, with the affidavit, a written
39 denial of warranty remedy from the motor vehicle manufacturer, dealer or other

40 person providing the warranty.

41 6. No cost for parts, repairs or adjustments shall be included toward
42 reaching the waiver amount if such costs are required to correct the effects of
43 tampering with emissions systems or air pollution control devices.

44 7. Notwithstanding subsection 1 of this section, the waiver
45 amount for an owner that performs repair work on his or her own
46 vehicle shall be four hundred dollars, provided that the cost of the
47 parts utilized by the owner to perform the repair is equal to or greater
48 than four hundred dollars. The types of parts that shall account toward
49 the waiver amount described in this subsection shall include only
50 emission control components described in 40 CFR Section 51.360, as
51 amended. The cost for labor performed by the owner shall not count
52 toward the waiver limit. The commission shall establish, by rule, a
53 waiver form for repair work performed by a vehicle owner. Such form
54 shall include, but not be limited to:

55 (1) A statement signed by the owner that the owner expended a
56 minimum of four hundred dollars on qualified emission control
57 components and that the owner installed such components; and

58 (2) A statement signed by the commission or its designee that an
59 inspection of the vehicle verified, to the extent practical, that the
60 qualified components were installed.

61 The owner also shall submit all original receipts for emission-related
62 parts.

63 8. The commission may establish, by rule, a waiver amount which
64 may be lower for owners who provide reasonable and reliable proof to
65 the commission that the owner is financially dependant solely on state
66 and federal disability benefits and other public assistance
67 programs. Such proof shall be submitted to the commission thirty
68 calendar days prior to each subsequent emissions inspection before the
69 lowered waiver amount is allowed. For the purposes of this section,
70 "reasonable and reliable proof" shall mean government issued
71 documentation providing explanation of said customer's disability and
72 financial assistance with regard to personal income.

643.337. 1. The department of natural resources and the state
2 highway patrol shall provide oversight for the vehicle emissions
3 inspection program, including oversight of the repair services provided
4 by recognized repair technicians for such vehicles. The department

5 and highway patrol may promulgate joint rules for the implementation
6 of this subsection.

7 2. Beginning October 1, 2008, and every October first thereafter,
8 the department and the highway patrol shall jointly submit an annual
9 report to the general assembly detailing the oversight measures
10 implemented for the program and data collected regarding compliance
11 and incidents of fraud, and any recommendations for improvements to
12 the program, including but not limited to statutory and regulatory
13 changes.

14 3. Any rule or portion of a rule, as that term is defined in section
15 536.010, RSMo, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to
17 all of the provisions of chapter 536, RSMo, and, if applicable, section
18 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
19 and if any of the powers vested with the general assembly pursuant to
20 chapter 536, RSMo, to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held unconstitutional,
22 then the grant of rulemaking authority and any rule proposed or
23 adopted after August 28, 2006, shall be invalid and void.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for
2 an emissions inspection conducted under the emissions inspection program
3 established pursuant to sections 643.300 to 643.355[, except that on days of
4 operation, other than the last three days of operation in each calendar month, the
5 fee shall be reduced by:

6 (1) Ten dollars for any person who is required to wait more than thirty
7 minutes before the inspection begins; and

8 (2) Twenty dollars for any person who is required to wait more than sixty
9 minutes before the inspection begins.

10 The waiting time shall begin at the time when the customer's vehicle is on the
11 premises of the inspection station and available for inspection.

12 2. The commission shall establish, by rule, a time-stamping system to
13 ensure that the time of arrival and the time inspection begins is accurately
14 recorded for each vehicle at each emissions inspection facility.

15 3.] 2. The fee shall be conspicuously posted on the premises of each
16 emissions inspection station.

17 [4.] 3. The commission shall establish, by rule, the portion of the fee

111 vehicles prior to 1981 and no greater than two hundred dollars for
112 model year vehicles of 1981 and all subsequent model years.

113 6. An owner whose vehicle fails upon reinspection to meet
114 the emission standards specified by the Missouri air conservation
115 commission shall be issued a certificate of inspection and an
116 approval sticker or seal by the official emissions inspection station
117 that provided the inspection if the vehicle owner furnishes a
118 complete, signed affidavit satisfying the requirements of this
119 subsection and the cost of emissions repairs and adjustments is
120 equal to or greater than the waiver amount established by the air
121 conservation commission pursuant to this section. The air
122 conservation commission shall establish, by rule, a form and a
123 procedure for verifying that repair and adjustment was performed
124 on a failing vehicle prior to the granting of a waiver and
125 approval. The waiver form established pursuant to this subsection
126 shall be an affidavit requiring:

127 (1) A statement signed by the repairer that the specified
128 work was done and stating the itemized charges for the work; and

129 (2) A statement signed by the inspector that an inspection
130 of the vehicle verified, to the extent practical, that the specified
131 work was done.

132 7. The department of revenue shall require evidence of the
133 inspection and approval required by this section in issuing the
134 motor vehicle annual registration in conformity with the procedure
135 required by sections 307.350 to 307.370.

136 8. Each emissions inspection station located in the area
137 described in subsection 1 of this section shall purchase from the
138 highway patrol sufficient forms and stickers or other devices to
139 evidence approval of the motor vehicle's emissions control system.
140 In addition, emissions inspection stations may be required to
141 purchase forms for use in automated analyzers from outside
142 vendors of the inspection station's choice. The forms must comply
143 with state regulations.

144 9. In addition to the fee collected by the superintendent
145 pursuant to subsection 5 of section 307.365, the highway patrol
146 shall collect a fee of seventy-five cents for each automobile

147 emissions certificate issued to the applicable official emissions
148 inspection stations, except that no charge shall be made for
149 certificates of inspection issued to official emissions inspection
150 stations operated by governmental entities. All fees collected by
151 the superintendent pursuant to this section shall be deposited in
152 the state treasury to the credit of the "Missouri Air Pollution
153 Control Fund", which is hereby created.

154 10. The moneys collected and deposited in the Missouri air
155 pollution control fund pursuant to this section shall be allocated on
156 an equal basis to the Missouri state highway patrol and the
157 Missouri department of natural resources, air pollution control
158 program, and shall be expended subject to appropriation by the
159 general assembly for the administration and enforcement of
160 sections 307.350 to 307.390. The unexpended balance in the fund
161 at the end of each appropriation period shall not be transferred to
162 the general revenue fund, except as directed by the general
163 assembly by appropriation, and the provisions of section 33.080,
164 RSMo, relating to the transfer of funds to the general revenue fund
165 at the end of the biennium, shall not apply to this fund. The
166 moneys in the fund shall be invested by the treasurer as provided
167 by law, and the interest shall be credited to the fund.

168 11. The superintendent of the Missouri state highway
169 patrol shall issue such rules and regulations as are necessary to
170 determine whether a motor vehicle's emissions control system is
171 operating as required by subsection 1 of this section, and the
172 superintendent and the state highways and transportation
173 commission shall use their best efforts to seek federal funds from
174 which reimbursement grants may be made to those official
175 inspection stations which acquire and use the necessary testing
176 equipment which will be required to perform the tests required by
177 the provisions of this section.

178 12. The provisions of this section shall not apply in any
179 county for any time period during which the air conservation
180 commission has established a motor vehicle emissions inspection
181 program pursuant to sections 643.300 to 643.355, RSMo, for such
182 county, except where motor vehicle owners have the option of

183 biennial testing pursuant to chapter 643, RSMo. In counties where
184 such option is available, the emissions inspection may be conducted
185 in stations conducting only an emissions inspection under contract
186 to the state.

187 13. Notwithstanding the provisions of section 307.390,
188 violation of this section shall be deemed a class C misdemeanor.]

Section B. The repeal of section 307.366 and the repeal and reenactment
2 of sections 33.080, 301.190, 301.800, 643.300, 643.305, 643.310, 643.315, 643.320,
3 643.330, 643.335, and 643.350 shall become effective September 1, 2007.

Unofficial

Bill

Copy

SB 583	Establishes a decentralized emission inspection program which utilizes on-board diagnostic testing on certain motor vehicles
---------------	--

Sponsor:	<i>Griesheimer</i>	Co-Sponsor(s)	
LR Number:	3160L.18T	Fiscal Note:	3160-1.
Committee:	Transportation		
Last Action:	6/30/2006 - Signed by Governor	Journal Page:	
Title:	HCS SS#2 SCS SB 583	Calendar Position:	
Effective Date:	Varies		
House Handler:	<i>Lembke</i>		

[Full Bill Text](#) | [All Actions](#) | [Available Summaries](#) | [Senate Home Page](#) | [List of 2006 Senate Bills](#)

Current Bill Summary

HCS/SS#2/SCS/SB 583 - This act proposes to revise the state emissions inspection program. The act creates a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities will conduct emissions inspection if certified by the air conservation commission. The decentralized system will not go into effect until September 1, 2007. Prior to that date, the commission shall develop a decentralized emissions inspection program that allows official emissions inspection stations to conduct on-board diagnostic testing on 1996 and newer vehicles. The act provides that motor vehicle safety inspection stations and other entities may apply to the commission to become official emissions inspection stations. Before issuing a certificate of authorization to a prospective station, the commission must determine if the applicant will be properly equipped, has qualified emission inspectors, and meets other requirements set forth by the commission (Section 643.303).

The act applies the new decentralized emissions program consistently throughout the city of St. Louis, St. Louis County, St. Charles County, Jefferson County, and Franklin County. The act updates the county descriptions (Section 643.305).

The act provides that the Director of Revenue may verify a successful safety and emissions inspection result electronically. This provision is similar to one contained in HB 241 (2005).

If a motor vehicle is inspected and approved prior to sale or transfer, it is not subject to another emissions inspection for 90 days after the date of sale or transfer of the vehicle.

The act specifically exempts motor vehicles manufactured prior to 1996 from the emission inspection process. Motor vehicles manufactured prior to that date will be subject to a gas cap pressure test as part of the motor vehicle safety inspection test. This requirement will be implemented by rules. The act exempts heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of 8,500 pounds. The act also exempts new motor vehicles which have not been previously titled and registered, for the four-year period following their model year of manufacture provided the odometer reading for such motor vehicles are less than 40,000 miles at their first required biennial safety inspection; otherwise such motor vehicles shall be subject to the emissions inspection. Motor vehicles driven less than 12,000 miles between biennial safety inspections are exempt from the emissions inspection (Section 643.315).

The act sets forth the procedures that one must follow in order to become an official emissions inspection station. The act also provides that the commission may suspend a station's certificate of authority to conduct emissions inspections provided the station is given due process as outlined in the act (Section 643.320).

The act provides that the commission shall establish a waiver amount which shall be no greater than \$450. The act provides that the waiver amount for repairs conducted by an owner shall be \$400 provided the owner expends at least \$400 on emissions parts. Labor costs do not count toward the waiver amount for owner repairs. The subsection requires the commission to create a waiver form and requires owners to submit all original receipts for parts. Under the act, the commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed (Section 643.335).

The act requires certified repair technicians to obtain and possess valid A6, A8, and L1 certifications from the National Institute for Automotive Service Excellence (Section 643.335).

The act requires the Department of Natural Resources and the Highway Patrol to provide oversight for the emissions inspection

program, including oversight of the repair services by recognized repair technicians. Both agencies shall submit an annual report to the legislature detailing the oversight measures implemented for the program and the data collected regarding compliance and incidents of fraud (section 643.337). The act also requires the Department of Natural Resources to submit annual reports to the General Assembly describing the overall effectiveness of the new decentralized emissions inspection program (section 643.353).

Beginning September 1, 2007, the inspection fee shall not exceed \$24 (Section 643.350).

The act abolishes the Missouri Air Pollution Control Fund established under Section 307.366 and transfers its funds to the Missouri Air Emission Reduction Fund (Section 307.367).

The act requires the Department of Natural Resources to promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station.

Many of the provisions of the act have an effective date of September 1, 2007.

STEPHEN WITTE

SB 583	Establishes a decentralized emission inspection program which utilizes on-board diagnostic testing on certain motor vehicles
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12/1/2005	Prefiled	
1/4/2006	S First Read	S6
1/9/2006	Second Read and Referred S Transportation Committee	S67
1/31/2006	SCS Voted Do Pass S Transportation Committee (3160S.09C)	
2/2/2006	Reported from S Transportation Committee to Floor w/SCS	S160
2/14/2006	Bill Placed on Informal Calendar	S239
2/20/2006	SS for SCS S offered (Griesheimer)--(3160S.14F)	S269
2/20/2006	SA 1 to SS for SCS S offered (Bray)--(3160S09.05S)	S269
2/20/2006	Bill Placed on Informal Calendar	S269
2/21/2006	SA 1 to SA 1 to SS for SCS S offered & adopted (Griesheimer)--(3160S14.05S)	S275
2/21/2006	SA 1 to SS for SCS, as amended, S adopted	S275
2/21/2006	SA 2 to SS for SCS S offered & adopted (Days)--(3160S09.03S)	S275-276
2/21/2006	SA 3 to SS for SCS S offered & withdrawn (Gross)--(3160S14.03S)	S276
2/21/2006	SA 4 to SS for SCS S offered & withdrawn (Gross)--(3160S14.02S)	S276
2/21/2006	SA 5 to SS for SCS S offered & adopted (Gross)--(3160S14.09S)	S276
2/21/2006	SA 6 to SS for SCS S offered & adopted (Shields)--(3160S14.01F)	S276
2/21/2006	Bill Placed on Informal Calendar	S276-277
2/22/2006	SA 7 to SS for SCS S offered & adopted (Gross)--(3160S14.01S)	S284
2/22/2006	Bill Placed on Informal Calendar	S284
2/23/2006	SA 8 to SS for SCS S offered & adopted (Days)--(3160S14.10S)	S302-303
2/23/2006	SA 9 to SS for SCS S offered & adopted (Bray)--(3160S14.11S)	S303
2/23/2006	SA 10 to SS for SCS S offered & adopted(Days)--(3160S14.12S)	S303
2/23/2006	SA 11 to SS for SCS S offered & adopted (Bray)--(3160S14.08S)	S303-304
2/23/2006	SS for SCS, as amended, S adopted--(3160S.14F)	S304
2/23/2006	Perfected	S304
2/27/2006	Reported Truly Perfected S Rules Committee	S315
2/28/2006	Motion to Reconsider Perfection Vote - Adopted	S327-328
2/28/2006	Motion to reconsider adoption of SS for SCS, as amended - Adopted	S328
2/28/2006	SS for SCS, as amended, S withdrawn	S328
2/28/2006	SS#2 for SCS S offered (Griesheimer)--(3160S.16F)	S328
2/28/2006	SA 1 to SS#2 for SCS S offered (Klindt)--(3160S16.01S)	S328-336
2/28/2006	SSA 1 for SA 1 to SS#2 for SCS S offered (Bartle)--(3160S16.02S)	S336-337
2/28/2006	SA 1 to SSA 1 for SA 1 to SS#2 for SCS S offered & defeated (Callahan)--(3160S16.01F)	S337-338
2/28/2006	SSA 1 for SA 1 to SS#2 for SCS S defeated	S338
2/28/2006	SA 1 to SS#2 for SCS S adopted	S338
2/28/2006	SS#2 for SCS, as amended, S adopted--(3160S.16F)	S338
2/28/2006	Perfected	S338
3/1/2006	Reported Truly Perfected S Rules Committee	S354
3/1/2006	Referred S Governmental Accountability and Fiscal Oversight Committee	S369
3/2/2006	Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
3/2/2006	Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor	S380
3/2/2006	S Third Read and Passed	S382 / H389
3/2/2006	H First Read	H389

3/6/2006	H Second Read	H400
4/10/2006	Referred H Transportation Committee	H956
4/19/2006	Hearing Conducted H Transportation Committee	
4/19/2006	HCS Voted Do Pass H Transportation Committee	
4/19/2006	HCS Reported Do Pass H Transportation Committee	H1144
4/19/2006	Referred to Rules Committee pursuant to Rule 25(26)(f)	H1144
4/24/2006	Hearing Conducted H Rules Committee	
4/24/2006	Voted Do Pass H Rules Committee	
4/25/2006	Reported Do Pass H Rules Committee	H1254
5/1/2006	HCS H adopted	H1337
5/1/2006	H Third Read and Passed	H1337-1338
5/4/2006	S concurs in HCS	S1030
5/4/2006	S Third Read and Passed	S1030-1031 / H1542
5/4/2006	Truly Agreed To and Finally Passed	S1031 / H1542
5/17/2006	Reported Duly Enrolled S Rules Committee	S1432
5/17/2006	Signed by Senate President	S1432
5/26/2006	Signed by House Speaker	H1976
5/26/2006	Delivered to Governor	S1438
6/30/2006	Signed by Governor	

RETURN TO MAIN BILL PAGE

COMMITTEE ON LEGISLATIVE RESEARCH

OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3160-18

Bill No.: Truly Agreed To And Finally Passed HCS for SS#2 for SCS for SB 583

Subject: Motor Vehieles; Highway Patrol; Revenue Dept.; Natural Resources Dept.; Licenses - Motor Vehicles; Environmental Protection

Type: Original

Date: May 23, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated			
Net Effect on			
General Revenue			
Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
MO Air Emission Reduction Fund*	\$0	\$0	\$0
MO Air Pollution Control Fund	\$0	\$0	\$0
Highway Fund	\$0	\$0	\$0
Total Estimated			
Net Effect on Other			
State Funds	\$0	\$0	\$0

*The oversight inspection fee would be set by rule.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 11 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated			
Net Effect on All			
Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue (DOR)** assume they will need to revise policies and procedures (electronically) and include a flier with the renewal notices to explain the new emissions exemptions since they won't know at the time of printing the renewal if the vehicle has traveled less than 12,000 miles since the last safety inspection.

The cost of the fliers will be:

\$16,250, \$20,085 and \$20,688 in the three fiscal years.

Information Technology Bureau

240 Contract Programming Hours

x\$104 Hourly Rate

\$24,960

This proposal will require one contract programmer CIS I to complete 240 hours of programming

changes at an average rate of \$104 per hour to the MORE (Missouri Online Registration Exchange) system to verify the emissions

inspection prior to renewing an online

registration. It will also require verification of mileage, safety inspection and emission inspection through a private vendor, MSHP or DNR.

ASSUMPTION (continued)

Programming Changes will be required to several legacy programs for renewals and renewal messages for the counties that require emissions and the cost for those changes will be absorbed internally.

REVENUE IMPACT

There are currently 1,141 inspection stations and for the purpose of this proposal the department assumes that approximately 50% would operate as an official emissions inspection station; therefore the following is based on that assumption

571 Emission Inspection Stations

x\$100 Authorization Fee

\$57,100

Oversight assumes since the contract for emission inspection continues until 2007 the above costs incurred can be absorbed by the Department of Revenue. Oversight also assumes the revenue impact is included in the Department of Natural Resources assumptions for this proposal.

Officials from the **Missouri Highway Patrol - Motor Vehicle Inspection Division** assume a total of nine FTE would be required if the proposal is passed. These would replace the nine FTE that were eliminated from the Troop C MVI Unit in 2000 when the Patrol was written out of the emission inspection program.

Nine Motor Vehicle Inspectors: Responsibilities include performing routine audits and oversight and enforcement of the safety and emission inspection programs. One of the Motor Vehicle Inspectors would serve as a liaison to the Department of Natural Resources and facilitate the additional administrative responsibilities of the emission inspection program.

ASSUMPTION (continued)Salaries

9 Motor Vehicle Inspectors @ \$25,068 per year = \$225,612 (recurring)

*** Fringe benefit calculations are provided on the fiscal worksheet at a rate of 61.64%.

Total salaries per year recurring = \$225,612

Equipment

9 Hat Badges @ \$50.30 each = \$453 (one-time)

9 Catalog cases @ \$58 each = \$522 (one-time)

9 Clipboards @ \$30 each = \$270 (one-time)

9 Tape Measures @ \$13 each = \$117 (one-time)

Total equipment per year one-time = \$1,362

Expenses

9 Uniform allowance @ 1,200 *first year only* = \$10,800 (one-time)

9 Uniform allowance @ 600 *second year and beyond* = \$ 5,400 (recurring)

9 Mileage costs @ 800 miles x .41 a mile = \$35,424 (recurring)

9 Pager lease and usage @ \$7 a month = \$ 756 (recurring)

Total expenses per year one-time = \$10,800

total expenses per year recurring = \$41,580

Oversight assumes this would occur over a period of time. We are assuming this will be phased in beginning in FY 2008 with 2 FTE, and continuing with 4 FTE in 2009. The remaining FTE could be phased in through the appropriations process, with additional FTE determined on the amount of stations participating in the contract.

Officials from the **Department of Transportation (MoDOT)** assume this proposal establishes a decentralized emission inspection program which utilizes on board diagnostic testing on certain vehicles. MoDOT does not anticipate a fiscal impact.

Officials from the **Secretary of State's Office** assume this proposal establishes a decentralized emission program which utilizes on-board diagnostic testing on certain motor vehicles. This proposal would result in the Department of Revenue, Missouri Highway Patrol, and Department of Natural Resources promulgating rules. These rules would be published in the Missouri Register and the Code of State Regulations. Based on experience with other divisions, the rules,

ASSUMPTION (continued)

regulations and forms issued by the Department of Revenue, Missouri Highway Patrol, and Department of Natural Resources could require as many as 32 pages in the Code of State

Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes and the like are not repeated in the code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23. The estimated cost of a page in the Code of State Regulations is \$27. The actual cost would be more or less than the numbers given. The impact of this proposal in future years is unknown and depends upon the frequency and length of the rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing packets and section of the State Manual related to this proposal. If multiple bills pass which require the printing and distribution of packets at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Natural Resources (DNR)** assume this proposal would revise the state emissions inspection program. It would create a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities would conduct emissions inspection if certified by the Air Conservation Commission.

The department would have to draft and obtain a contract with one or more vendors to supply vehicle emissions testing equipment, electronic data collection computers, data analysis and training to entities licensed to perform vehicle emissions testing. This change would involve a substantial redesign from the current I/M program design, which could change the department's staffing needs and responsibilities from their current level.

Businesses interested in participating in the proposed decentralized I/M program would have to choose to invest in training to become licensed to provide emissions testing and/or repair services. Provided the number of business making this decision is high, motorists would have a larger number of choices regarding who could perform their vehicle's emissions tests.

It is unknown how many businesses would apply for the license; therefore, the estimated revenue from this proposal is unknown. For purposes of this fiscal note, the department assumed the amount of revenue generated would be offset by the ongoing program costs to process these applications and permits.

The department assumes the training and certification program would be included as part of the contract to provide a decentralized I/M and would be defined by the request for proposal bidders. ASSUMPTION (continued)

It is assumed the cost for training/certification would be paid by the businesses who make the decision to participate; therefore this has not been shown as a direct cost to the state. The company awarded the bid for this contract would receive the revenue directly from the

businesses, so there is no estimate provided for the cost of this program to the state.

of 1981-1995 vehicles State Oversight Fee Total Revenue Lost

St. Louis City 44,292 \$2.50 \$110,730.00

St. Louis County 74,571 \$2.50 \$186,427.50

St. Charles County 26,618 \$2.50 \$ 66,545.00

Jefferson County 26,795 \$2.50 \$ 66,987.50

RapidScreen Vehicles 11,484 \$2.50 \$ 28,710.00

Franklin County 14,150 \$0.75 \$ 10,612.50

of 2001-2002 vehicles State Oversight Fee Total Revenue Lost

St. Louis City 9,988 \$2.50 \$ 24,970.00

St. Louis County 33,367 \$2.50 \$ 83,970.00

St. Charles County 11,888 \$2.50 \$ 29,720.00

Jefferson County 9,215 \$2.50 \$ 23,037.50

RapidScreen Vehicles 28,835 \$2.50 \$ 72,087.50

Franklin County 3,961 \$0.75 \$ 2,970.75

Net Fiscal Impact 295,164 \$706,215.75

It is unknown at this time what impact the development of a decentralized emissions inspection program would have on ongoing program costs. However, the department assumes any changes to ongoing program costs would occur outside the fiscal note period.

Officials from the Department of Agriculture assume this proposal will not impact their agency.

Oversight assumes that the oversight fee portion of the inspection fee would be set to provide enough revenue to recover program expenses and lost revenue.

This proposal will reduce total state revenue.

FISCAL IMPACT - State Government	FY 2007 (10 Mo.)	FY 2008	FY 2009
MO AIR EMISSION REDUCTION FUND			
Revenue - Department of Natural Resources			
Increase in Oversight Inspection Fee *	\$0	Unknown	Unknown
Transfer In - Department of Natural Resources			
Transfer In MO Air Emission Reduction Fund	\$0	\$19,584	\$0
Transfer Out - Missouri Highway Patrol			
Fund Balance Transferred to Missouri Highway Patrol		(\$88,907)	(\$182,321)
Loss - Department of Natural Resources			
Vehicle Inspection Fee & Remaining Basic I/M Fee	\$0	(\$590,998)	(\$732,699)
ESTIMATED NET EFFECT ON MO AIR EMISSION REDUCTION FUND	\$0	\$0	\$0
*The Oversight Inspection Fee would be set by rule.			
MO AIR POLLUTION CONTROL FUND			
Transfer Out - Department of Natural Resources			
Fund Balance Transferred to MO Air Emission Reduction Fund	\$0	(\$19,584)	\$0
ESTIMATED NET EFFECT ON MO AIR POLLUTION CONTROL FUND	\$0	(\$19,584)	\$0
HIGHWAY FUND			

<u>Transfer In - Missouri Highway Patrol</u>		\$0	\$88,907	\$182,321
<u>Cost - Missouri Highway Patrol</u>				
Salaries		\$0	(\$52,674)	(\$107,982)
Fringes		\$0	(\$32,468)	(\$66,650)
Equipment & Expense		\$0	(\$3,765)	(\$7,689)
Total Cost		\$0	(\$88,907)	(\$182,321)
ESTIMATED NET EFFECT ON HIGHWAY FUND		\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009	
	(10 Mo.)			
	\$0	\$0	\$0	

FISCAL IMPACT - Small Business

Yes, for those businesses whose vehicles are not required to complete the emissions inspection.

Under the current emissions testing program vehicles 25 years and newer are required to be emissions tested. This bill proposes to exempt vehicles of model years 1995 and older from emissions testing. By decreasing the number of tested vehicles, this proposal could potentially reduce the number of failing vehicles that will be repaired by small businesses (non-dealer repair shops). However, by allowing vehicle repair shops, official safety inspection stations and other certified entities to conduct vehicle emissions testing, small businesses will have a potential new revenue source.

These same small businesses will have increased costs if they participate. There is a \$10 permit fee to operate an official emission inspection station. costs may also include purchases of testing equipment, hardware or software upgrades, maintenance costs, and employee training costs.

DESCRIPTION

This act proposes to revise the state emissions inspection program. The act creates a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities will conduct emissions inspection if certified by the air conservation commission. The decentralized system will not go into effect until September 1, 2007. Prior to that date, the

DESCRIPTION (continued)

commission shall develop a decentralized emissions inspection program that allows official emissions inspection stations to conduct on-board diagnostic testing on 1996 and newer vehicles. The act provides that motor vehicle safety inspection stations and other entities may apply to the commission to become official emissions inspection stations. Before issuing a certificate of authorization to a prospective station, the commission must determine if the applicant will be properly equipped, has qualified emission inspectors, and meets other requirements set forth by the commission (Section 643.303). The act applies the new decentralized emissions program consistently

throughout the city of St. Louis, St. Louis County, St. Charles County, Jefferson County, and Franklin County. The act updates the county descriptions (Section 643.305).

The act provides that the Director of Revenue may verify a successful safety and emissions inspection result electronically. This provision is similar to one contained in HB 241 (2005).

If a motor vehicle is inspected and approved prior to sale or transfer, it is not subject to another emissions inspection for 90 days after the date of sale or transfer of the vehicle.

The act specifically exempts motor vehicles manufactured prior to 1996 from the emission inspection process. Motor vehicles manufactured prior to that date will be subject to a gas cap pressure test as part of the motor vehicle safety inspection test. This requirement will be implemented by rules. The act exempts heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of 8,500 pounds. The act also exempts new motor vehicles which have not been previously titled and registered, for the four-year period following their model year of manufacture provided the odometer reading for such motor vehicles are less than 40,000 miles at their first required biennial safety inspection; otherwise such motor vehicles shall be subject to the emissions inspection. Motor vehicles driven less than 12,000 miles between biennial safety inspections are exempt from the emissions inspection (Section 643.315).

The act sets forth the procedures that one must follow in order to become an official emissions inspection station. The act also provides that the commission may suspend a station's certificate of authority to conduct emissions inspections provided the station is given due process as outlined in the act (Section 643.320).

The act provides that the commission shall establish a waiver amount which shall be no greater than \$450. The act provides that the waiver amount for repairs conducted by an owner shall be \$400 provided the owner expends at least \$400 on emissions parts. Labor costs do not count toward the waiver amount for owner repairs. The subsection requires the commission to create a waiver form and requires owners to submit all original receipts for parts. Under the act, the commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant

DESCRIPTION (continued)

solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed (Section 643.335).

The act requires certified repair technicians to obtain and possess valid A6, A8, and L1 certifications from the National Institute for Automotive Service Excellence (Section 643.335).

The act requires the Department of Natural Resources and the Highway Patrol to provide oversight for the emissions inspection program, including oversight of the repair services by recognized repair technicians. Both agencies shall submit an annual report to the legislature detailing the oversight measures implemented for the program and the data collected regarding compliance and incidents of fraud (section 643.337). The act also requires the Department of Natural Resources to submit annual reports to the General Assembly describing the overall effectiveness of the new decentralized emissions inspection program (section 643.353).

Beginning September 1, 2007, the inspection fee shall not exceed \$24 (Section 643.350).

The act abolishes the Missouri Air Pollution Control Fund established under Section 307.366 and transfers its funds to the Missouri Air Emission Reduction Fund (Section 307.367).

The act requires the Department of Natural Resources to promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station.

Many of the provisions of the act have an effective date of September 1, 2007.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture

Department of Natural Resources

Missouri Highway Patrol

Department of Transportation

Department of Revenue

Secretary of State's Office

Mickey Wilson, CPA

Director

May 23, 2006

Missouri Revised Statutes

**Chapter 643
Air Conservation
Section 643.300**

August 28, 2006

Citation of law--mandate of Congress.

643.300. Sections 643.300 to 643.355 shall be known as the "Air Quality Attainment Act". The enactment of the air quality attainment act and any subsequent amendments to such act are a mandate of the United States Congress under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

(L. 1994 S.B. 590, A.L. 2006 S.B. 583)

*Provisional effective date--see § 643.360

*Effective 9-1-07

Citation of law--mandate of Congress.

643.300. Sections 643.300 to 643.355 shall be known as the "Air Quality Attainment Act". The enactment of the air quality attainment act is a mandate of the United States Congress under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.303August 28, 2006

Decentralized emissions program for inspections, when, program for inspecting certain motor vehicles, requirements--application for authorization to conduct emission inspections--repairs--certification to begin, when, report--remote sensing devices and gas cap tests authorized--program requirements, interagency agreements--rulemaking authority--promotion of program.

643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

- (1) The periodic inspection of certain motor vehicles as required under section 643.315;
- (2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;
- (3) The testing of motor vehicles through on-board diagnostic testing technologies;
- (4) The training, certification, and supervision of emission inspectors and other personnel; and
- (5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any official inspection station located in an area described in subsection 1 of section 643.305 otherwise qualified by the Missouri state highway patrol to conduct motor vehicle safety inspections under section 307.360, RSMo, to conduct on-board diagnostic emission inspections. Any motor vehicle safety inspection station that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. Other individuals, corporations, or entities that do not conduct motor vehicle safety inspections may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and the rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term "clean screen program" shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.

6. The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350, RSMo.

7. As used in sections 643.300 to 643.355, "decentralized emissions inspection program" means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

8. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

9. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, RSMo, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298, RSMo.

10. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

11. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

12. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

(L. 2006 S.B. 583)

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Missouri General Assembly

