

SECOND REGULAR SESSION

# SENATE BILL NO. 743

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3846S.011

## AN ACT

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

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

Section A. Section 643.310, RSMo, is repealed and one new section  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

643.310. 1. The commission may, by rule, establish a decentralized motor  
2 vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for  
3 any portion of a nonattainment area located within the area described in  
4 subsection 1 of section 643.305, **except that no decentralized motor vehicle**  
5 **emissions inspection program shall be established in any county with**  
6 **a charter form of government and with more than three hundred**  
7 **thousand but fewer than four hundred fifty thousand inhabitants.** The  
8 decentralized motor vehicle emissions inspection program shall be implemented  
9 and applied in the same manner throughout every portion of a nonattainment  
10 area located within the area described in subsection 1 of section 643.305 **except**  
11 **any county with a charter form of government and with more than**  
12 **three hundred thousand but fewer than four hundred fifty thousand**  
13 **inhabitants.** The commission shall ensure that, for each nonattainment area,  
14 the state implementation plan established pursuant to subsection 1 of section  
15 643.305 incorporates and receives all applicable credits allowed by the United  
16 States Environmental Protection Agency for emission reduction programs in other  
17 nonattainment areas of like designation in other states. The commission shall  
18 ensure that emission reduction amounts established pursuant to subsection 2 of  
19 section 643.305 shall be consistent with and not exceed the emissions reduction  
20 amounts required by the United States Environmental Protection Agency for

21 other nonattainment areas of like designation in other states. No motor vehicle  
22 emissions inspection program shall be required to comply with subsection 1 of  
23 section 643.305 unless the plan established thereunder takes full advantage of  
24 any changes in requirements or any agreements made or entered into by the  
25 United States Environmental Protection Agency and any entity or entities on  
26 behalf of a nonattainment area concerning compliance with National Ambient Air  
27 Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section  
28 7401, et seq., and the regulations promulgated thereunder.

29         2. (1) The department, with the cooperation and approval of the  
30 commissioner of administration, shall select a person or persons to operate an  
31 inspection facility or inspection program pursuant to sections 643.300 to 643.355,  
32 under a bid procedure or under a negotiated process or a combination thereof  
33 based on criteria and expectations established by the department. This process  
34 may use either a licensing arrangement or contractual arrangement with the  
35 selected party or parties. The selection of persons to operate inspection facilities  
36 or inspection programs shall be exempt from the provisions of all site  
37 procurement laws. Each person who is authorized to operate a station pursuant  
38 to this section shall be capable of providing adequate and cost-effective service to  
39 customers.

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

43         (3) A license or contract shall be for a period of up to seven years,  
44 consistent with the provisions of Article IV, Section 28 of the Missouri  
45 Constitution, and licenses or contracts shall be annually reviewed. A license or  
46 contract may be suspended or revoked if the licensee or contractor is not meeting  
47 the conditions of sections 643.300 to 643.355, all applicable rules, the license  
48 agreement or contract as determined by the department. A licensee or contractor  
49 found to have violated sections 643.300 to 643.355, applicable rules or the  
50 conditions of the license agreement or contract shall be in violation of section  
51 643.151 and subject to the penalties provided thereunder.

52         3. The commission, the department of economic development and the  
53 office of administration shall, in cooperation with the minority business advocacy  
54 commission, select the contractor or contractors to provide an inspection program  
55 which satisfies the minimum requirements of this section in accordance with the  
56 requirements of section 37.014 and chapter 34. The commission, the office of

57 administration and the department of economic development, in cooperation with  
58 the minority business advocacy commission, shall ensure adequate minority  
59 business participation in the selection of the contractor or contractors to provide  
60 an inspection program pursuant to this section. The commission, the office of  
61 administration and the department of economic development shall ensure  
62 adequate participation of Missouri businesses in the selection of the contractor  
63 or contractors to provide an inspection program pursuant to this section.

64 4. With approval of the commission and pursuant to rules adopted by the  
65 commission, an organization whose members are motor vehicle dealers or leasing  
66 companies may establish one or more additional emissions inspection facilities,  
67 which may be either mobile or stationary, to be used solely to inspect motor  
68 vehicles owned and held for sale or lease by the members of the  
69 organization. With approval of the commission and pursuant to rules adopted by  
70 the commission, any person operating a fleet of motor vehicles may establish one  
71 or more additional emissions inspection facilities, which may be either mobile or  
72 stationary, to be used solely to inspect motor vehicles owned or leased and  
73 operated by the person establishing the facility. The inspections performed in  
74 facilities established pursuant to this subsection shall be performed by a  
75 contractor selected by the commission pursuant to this section and the contractor  
76 performing such inspections shall be responsible solely to the department and  
77 shall satisfy all applicable requirements of sections 643.300 to 643.355.

78 5. If the governor applies to the administrator of the Environmental  
79 Protection Agency to require federal reformulated gasoline in nonattainment  
80 areas, nothing in sections 643.300 to 643.355 shall prevent the storage of  
81 conventional gasoline in nonattainment areas which is intended for sale to  
82 agricultural, commercial or retail customers outside said nonattainment areas  
83 subject to reformulated gasoline.

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