

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/Senate Bill No. 40, Page 22, Section 643.079, Line 203,

2 by inserting after all of said line the following:

3 "643.310. 1. The commission may, by rule, establish a  
 4 decentralized motor vehicle emissions inspection program  
 5 pursuant to sections 643.300 to 643.355 for any portion of a  
 6 nonattainment area located within the area described in  
 7 subsection 1 of section 643.305, except that no  
 8 decentralized motor vehicle emissions inspection program  
 9 shall be established in any county with a charter form of  
 10 government and with more than three hundred thousand but  
 11 fewer than four hundred fifty thousand inhabitants. The  
 12 decentralized motor vehicle emissions inspection program  
 13 shall be implemented and applied in the same manner  
 14 throughout every portion of a nonattainment area located  
 15 within the area described in subsection 1 of section 643.305  
 16 except any county with a charter form of government and with  
 17 more than three hundred thousand but fewer than four hundred  
 18 fifty thousand inhabitants. The commission shall ensure  
 19 that, for each nonattainment area, the state implementation  
 20 plan established pursuant to subsection 1 of section 643.305  
 21 incorporates and receives all applicable credits allowed by  
 22 the United States Environmental Protection Agency for  
 23 emission reduction programs in other nonattainment areas of  
 24 like designation in other states. The commission shall  
 25 ensure that emission reduction amounts established pursuant  
 26 to subsection 2 of section 643.305 shall be consistent with

27 and not exceed the emissions reduction amounts required by  
28 the United States Environmental Protection Agency for other  
29 nonattainment areas of like designation in other states. No  
30 motor vehicle emissions inspection program shall be required  
31 to comply with subsection 1 of section 643.305 unless the  
32 plan established thereunder takes full advantage of any  
33 changes in requirements or any agreements made or entered  
34 into by the United States Environmental Protection Agency  
35 and any entity or entities on behalf of a nonattainment area  
36 concerning compliance with National Ambient Air Quality  
37 Standards of the federal Clean Air Act, as amended, 42  
38 U.S.C. Section 7401, et seq., and the regulations  
39 promulgated thereunder.

40       2. (1) The department, with the cooperation and  
41 approval of the commissioner of administration, shall select  
42 a person or persons to operate an inspection facility or  
43 inspection program pursuant to sections 643.300 to 643.355,  
44 under a bid procedure or under a negotiated process or a  
45 combination thereof based on criteria and expectations  
46 established by the department. This process may use either  
47 a licensing arrangement or contractual arrangement with the  
48 selected party or parties. The selection of persons to  
49 operate inspection facilities or inspection programs shall  
50 be exempt from the provisions of all site procurement laws.  
51 Each person who is authorized to operate a station pursuant  
52 to this section shall be capable of providing adequate and  
53 cost-effective service to customers.

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

58       (3) A license or contract shall be for a period of up  
59 to seven years, consistent with the provisions of Article

60 IV, Section 28 of the Missouri Constitution, and licenses or  
61 contracts shall be annually reviewed. A license or contract  
62 may be suspended or revoked if the licensee or contractor is  
63 not meeting the conditions of sections 643.300 to 643.355,  
64 all applicable rules, the license agreement or contract as  
65 determined by the department. A licensee or contractor  
66 found to have violated sections 643.300 to 643.355,  
67 applicable rules or the conditions of the license agreement  
68 or contract shall be in violation of section 643.151 and  
69 subject to the penalties provided thereunder.

70 3. The commission, the department of economic  
71 development and the office of administration shall, in  
72 cooperation with the minority business advocacy commission,  
73 select the contractor or contractors to provide an  
74 inspection program which satisfies the minimum requirements  
75 of this section in accordance with the requirements of  
76 section 37.014 and chapter 34. The commission, the office  
77 of administration and the department of economic  
78 development, in cooperation with the minority business  
79 advocacy commission, shall ensure adequate minority business  
80 participation in the selection of the contractor or  
81 contractors to provide an inspection program pursuant to  
82 this section. The commission, the office of administration  
83 and the department of economic development shall ensure  
84 adequate participation of Missouri businesses in the  
85 selection of the contractor or contractors to provide an  
86 inspection program pursuant to this section.

87 4. With approval of the commission and pursuant to  
88 rules adopted by the commission, an organization whose  
89 members are motor vehicle dealers or leasing companies may  
90 establish one or more additional emissions inspection  
91 facilities, which may be either mobile or stationary, to be  
92 used solely to inspect motor vehicles owned and held for

93 sale or lease by the members of the organization. With  
94 approval of the commission and pursuant to rules adopted by  
95 the commission, any person operating a fleet of motor  
96 vehicles may establish one or more additional emissions  
97 inspection facilities, which may be either mobile or  
98 stationary, to be used solely to inspect motor vehicles  
99 owned or leased and operated by the person establishing the  
100 facility. The inspections performed in facilities  
101 established pursuant to this subsection shall be performed  
102 by a contractor selected by the commission pursuant to this  
103 section and the contractor performing such inspections shall  
104 be responsible solely to the department and shall satisfy  
105 all applicable requirements of sections 643.300 to 643.355.

106 5. If the governor applies to the administrator of the  
107 Environmental Protection Agency to require federal  
108 reformulated gasoline in nonattainment areas, nothing in  
109 sections 643.300 to 643.355 shall prevent the storage of  
110 conventional gasoline in nonattainment areas which is  
111 intended for sale to agricultural, commercial or retail  
112 customers outside said nonattainment areas subject to  
113 reformulated gasoline."; and

114 Further amend the title and enacting clause accordingly.