

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.