

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

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

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

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

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

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

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be 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.