

# SENATE AMENDMENT NO. \_\_\_\_\_

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

Amend SS/House Bill No. 661, Page 111, Section 578.120, Line 31,

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 or any  
12 county of the first classification with more than one  
13 hundred one thousand but fewer than one hundred fifteen  
14 thousand inhabitants or any county with a charter form of  
15 government and with more than two hundred thousand but fewer  
16 than three hundred fifty thousand inhabitants. The  
17 decentralized motor vehicle emissions inspection program  
18 shall be implemented and applied in the same manner  
19 throughout every portion of a nonattainment area located  
20 within the area described in subsection 1 of section 643.305  
21 except any county with a charter form of government and with  
22 more than three hundred thousand but fewer than four hundred  
23 fifty thousand inhabitants or any county of the first  
24 classification with more than one hundred one thousand but  
25 fewer than one hundred fifteen thousand inhabitants or any  
26 county with a charter form of government and with more than

27 two hundred thousand but fewer than three hundred fifty  
28 thousand inhabitants. The commission shall ensure that, for  
29 each nonattainment area, the state implementation plan  
30 established pursuant to subsection 1 of section 643.305  
31 incorporates and receives all applicable credits allowed by  
32 the United States Environmental Protection Agency for  
33 emission reduction programs in other nonattainment areas of  
34 like designation in other states. The commission shall  
35 ensure that emission reduction amounts established pursuant  
36 to subsection 2 of section 643.305 shall be consistent with  
37 and not exceed the emissions reduction amounts required by  
38 the United States Environmental Protection Agency for other  
39 nonattainment areas of like designation in other states. No  
40 motor vehicle emissions inspection program shall be required  
41 to comply with subsection 1 of section 643.305 unless the  
42 plan established thereunder takes full advantage of any  
43 changes in requirements or any agreements made or entered  
44 into by the United States Environmental Protection Agency  
45 and any entity or entities on behalf of a nonattainment area  
46 concerning compliance with National Ambient Air Quality  
47 Standards of the federal Clean Air Act, as amended, 42  
48 U.S.C. Section 7401, et seq., and the regulations  
49 promulgated thereunder.

50 2. (1) The department, with the cooperation and  
51 approval of the commissioner of administration, shall select  
52 a person or persons to operate an inspection facility or  
53 inspection program pursuant to sections 643.300 to 643.355,  
54 under a bid procedure or under a negotiated process or a  
55 combination thereof based on criteria and expectations  
56 established by the department. This process may use either  
57 a licensing arrangement or contractual arrangement with the  
58 selected party or parties. The selection of persons to  
59 operate inspection facilities or inspection programs shall

60 be exempt from the provisions of all site procurement laws.  
61 Each person who is authorized to operate a station pursuant  
62 to this section shall be capable of providing adequate and  
63 cost-effective service to customers.

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

68 (3) A license or contract shall be for a period of up  
69 to seven years, consistent with the provisions of Article  
70 IV, Section 28 of the Missouri Constitution, and licenses or  
71 contracts shall be annually reviewed. A license or contract  
72 may be suspended or revoked if the licensee or contractor is  
73 not meeting the conditions of sections 643.300 to 643.355,  
74 all applicable rules, the license agreement or contract as  
75 determined by the department. A licensee or contractor  
76 found to have violated sections 643.300 to 643.355,  
77 applicable rules or the conditions of the license agreement  
78 or contract shall be in violation of section 643.151 and  
79 subject to the penalties provided thereunder.

80 3. The commission, the department of economic  
81 development and the office of administration shall, in  
82 cooperation with the minority business advocacy commission,  
83 select the contractor or contractors to provide an  
84 inspection program which satisfies the minimum requirements  
85 of this section in accordance with the requirements of  
86 section 37.014 and chapter 34. The commission, the office  
87 of administration and the department of economic  
88 development, in cooperation with the minority business  
89 advocacy commission, shall ensure adequate minority business  
90 participation in the selection of the contractor or  
91 contractors to provide an inspection program pursuant to  
92 this section. The commission, the office of administration

93 and the department of economic development shall ensure  
94 adequate participation of Missouri businesses in the  
95 selection of the contractor or contractors to provide an  
96 inspection program pursuant to this section.

97 4. With approval of the commission and pursuant to  
98 rules adopted by the commission, an organization whose  
99 members are motor vehicle dealers or leasing companies may  
100 establish one or more additional emissions inspection  
101 facilities, which may be either mobile or stationary, to be  
102 used solely to inspect motor vehicles owned and held for  
103 sale or lease by the members of the organization. With  
104 approval of the commission and pursuant to rules adopted by  
105 the commission, any person operating a fleet of motor  
106 vehicles may establish one or more additional emissions  
107 inspection facilities, which may be either mobile or  
108 stationary, to be used solely to inspect motor vehicles  
109 owned or leased and operated by the person establishing the  
110 facility. The inspections performed in facilities  
111 established pursuant to this subsection shall be performed  
112 by a contractor selected by the commission pursuant to this  
113 section and the contractor performing such inspections shall  
114 be responsible solely to the department and shall satisfy  
115 all applicable requirements of sections 643.300 to 643.355.

116 5. If the governor applies to the administrator of the  
117 Environmental Protection Agency to require federal  
118 reformulated gasoline in nonattainment areas, nothing in  
119 sections 643.300 to 643.355 shall prevent the storage of  
120 conventional gasoline in nonattainment areas which is  
121 intended for sale to agricultural, commercial or retail  
122 customers outside said nonattainment areas subject to  
123 reformulated gasoline."; and

124 Further amend the title and enacting clause accordingly.