

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 762, Page 20, Section 307.350, Line 74,

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. If the exception of certain
50 counties from provisions of this subsection has the effect
51 of placing the state of Missouri in noncompliance with any
52 federal constitutional, statutory, or regulatory provision
53 that results in the loss of any federal funds to the state,
54 the exception of certain counties shall expire three years
55 from the date the state is deemed to be in noncompliance.

56 2. (1) The department, with the cooperation and
57 approval of the commissioner of administration, shall select
58 a person or persons to operate an inspection facility or
59 inspection program pursuant to sections 643.300 to 643.355,

60 under a bid procedure or under a negotiated process or a
61 combination thereof based on criteria and expectations
62 established by the department. This process may use either
63 a licensing arrangement or contractual arrangement with the
64 selected party or parties. The selection of persons to
65 operate inspection facilities or inspection programs shall
66 be exempt from the provisions of all site procurement laws.
67 Each person who is authorized to operate a station pursuant
68 to this section shall be capable of providing adequate and
69 cost-effective service to customers.

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

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

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

93 of administration and the department of economic
94 development, in cooperation with the minority business
95 advocacy commission, shall ensure adequate minority business
96 participation in the selection of the contractor or
97 contractors to provide an inspection program pursuant to
98 this section. The commission, the office of administration
99 and the department of economic development shall ensure
100 adequate participation of Missouri businesses in the
101 selection of the contractor or contractors to provide an
102 inspection program pursuant to this section.

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

122 5. If the governor applies to the administrator of the
123 Environmental Protection Agency to require federal
124 reformulated gasoline in nonattainment areas, nothing in
125 sections 643.300 to 643.355 shall prevent the storage of

126 conventional gasoline in nonattainment areas which is
127 intended for sale to agricultural, commercial or retail
128 customers outside said nonattainment areas subject to
129 reformulated gasoline."; and

130 Further amend the title and enacting clause accordingly.