

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.