

HCS HB 1532 -- VEHICLE EMISSIONS INSPECTION PROGRAM

SPONSOR: St. Onge (Lembke)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 14 to 2.

This substitute revises the state vehicle emissions inspection program by creating a decentralized emissions inspection program in which only motor vehicle safety inspection stations and other entities certified by the Air Conservation Commission will conduct emission inspections. The program will apply consistently throughout the City of St. Louis and the counties of St. Louis, St. Charles, Jefferson, and Franklin.

Prior to September 1, 2007, the commission must develop a program which allows official emissions inspection stations to conduct onboard diagnostic testing on 1996 and newer vehicles. Before issuing a certificate of authorization to a prospective station, the commission must determine if the applicant will be properly equipped, has qualified emission inspectors, and meets other requirements specified by the commission. Official inspection stations which are certified will be allowed to repair motor vehicles to bring them into compliance.

The fee for an emission inspection will be \$24. Vehicle owners will not be charged an additional fee for a reinspection completed within 20 days, excluding Saturdays, Sundays, and holidays. The fee will only be waived if the reinspection is made by the station making the initial inspection. The commission must establish, by rule, a waiver amount not to exceed \$450. The Director of the Department of Revenue may verify a successful inspection electronically.

The substitute exempts from the inspection requirements diesel-powered vehicles except light-duty, diesel-powered vehicles manufactured after 1996 with a gross vehicle weight rating of 8,500 pounds or less; new motor vehicles which have not been previously titled and registered for the two-year period following their model year of manufacture; vehicles which are engaged in interstate commerce and are proportionately registered with the Highway Reciprocity Commission; new motor vehicles of the current calendar year and any calendar year within two years of the current calendar year which have an odometer reading of less than 7,500 miles; school buses; and motor vehicles driven fewer than 12,000 miles between biennial safety inspections. Vehicles which are inspected and approved prior to a sale or transfer will not be subject to another emission inspection for 90 days after the date of sale or transfer.

The procedures for becoming an official emissions inspection station are specified. The commission may suspend a station's certificate of authority to conduct emission inspections if the station is given due process as specified in the substitute.

The commission, in consultation with the Department of Natural Resources, must establish an economic assistance program for compliance with emission standards for persons with household incomes of less than 185% of the federal poverty level. This assistance will be used to offset the cost of repairs to bring vehicles into compliance. Assistance priority will also be given to persons who possess only one vehicle or who do not qualify for a waiver.

The department and the State Highway Patrol will provide oversight of the emissions inspection program. Beginning October 1, 2008, and every October 1 thereafter, the department and the patrol must jointly submit an annual report to the General Assembly detailing the oversight measures implemented for the program, data collected regarding compliance and incidents of fraud, and recommendations for improvements to the program.

The substitute abolishes the Missouri Air Pollution Control Fund and transfers its moneys to the Missouri Air Emission Reduction Fund.

The substitute becomes effective September 1, 2007.

FISCAL NOTE: No impact on General Revenue Fund in FY 2007, FY 2008, and FY 2009. Estimated Cost on Other State Funds of \$0 in FY 2007, \$475,691 in FY 2008, and \$669,959 in FY 2009.

PROPOSERS: Supporters say that the bill reflects views and concerns of many people in the St. Louis region by moving the current centralized emissions testing program to a decentralized testing system using on-board diagnostics for 1996 and newer vehicles only. The same vehicle repair shops that currently do safety tests will be able to do emissions testing as well. The contract for the current emissions testing program ends on September 1, 2007.

Testifying for the bill were Representative Lembke; Department of Natural Resources; Ken Storm; Larry Egley; Missouri Tire Industry Association; SGS Testcom Incorporated; and Worldwide Environmental Products, Incorporated.

OPPOSERS: Those who oppose the bill say they can't support the bill as introduced but are more agreeable with the substitute bill. The \$15 inspection fee is too low, and the state should use a free-market price with a maximum of \$35 with no more than

\$5 in fee deductions. There should not be any type of biannual mileage exemption.

Testifying against the bill was Alliance of Automotive Service Providers.

OTHERS: Others testifying on the bill say that the St. Louis area is currently classified as a moderate ozone non-attainment area. When an area falls out of compliance with a national air quality standard such as the ozone standard, the act requires the state to develop a plan to reduce pollution to bring it into compliance with that standard on a schedule. The Clean Air Act prescribes a minimum level of clean technology that must be achieved in the plan but also allows the state some flexibility to tailor its plan to accommodate the needs and concerns of the state and the affected community. A moderate classification is toward the lower end of classifications, so there are only a few prescriptive requirements that the state must meet for St. Louis. Missouri currently operates a program that goes beyond the minimum performance requirements of a basic I/M program. If a state fails to implement a required program or implements a sub-standard program, the act requires the administrator to apply construction permit restrictions and sanctions to the non-attainment area and to implement a federal program. There are two possible sanctions that would be imposed; emissions offset sanctions and the highway funding sanctions.

Others testifying on the bill were United States Environmental Protection Agency, Air Planning and Development Branch; and ESP Missouri Incorporated.

Robert Triplett, Legislative Analyst