

2007 DRAFTING REQUEST

Bill

Received: **01/10/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Kornely**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**
becky.tradewell@legis.wisconsin.gov

Pre Topic:

DOA:.....Kornely, BB0328 -

Topic:

Motor vehicle emission and inspection program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	agary 01/10/2007	csicilia 01/11/2007	rschluet 01/11/2007	_____	sbasford 01/11/2007		State
/2	agary 01/16/2007	csicilia 01/19/2007	jfrantze 01/19/2007	_____	sbasford 01/19/2007		

FE Sent For:

<END>

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/2	agary 01/16/2007	csicilia 01/19/2007	lrb_lps	_____			

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Addl. Drafters: btradewe

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Requester's email:

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov
becky.tradewell@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program

Instructions:

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/?							State
/1	agary 01/10/2007	csicilia 01/11/2007	rschluet 01/11/2007		sbasford 01/11/2007		

FE Sent For:

1/2 cjs 1/19/07
Jo 1/19
Jo/WW
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Drafter: **agary**

May Contact:

Addl. Drafters: **btradewe**

Subject: **Transportation - motor vehicles**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**
becky.tradewell@legis.wisconsin.gov

Pre Topic:

DOA:.....Kornely, BB -0328

Topic:

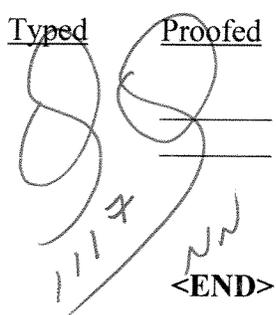
Motor vehicle emission and inspection program

Instructions:

See Attached

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/?	agary	1 gis 1/11 07					State
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FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Emissions Inspection Program
- Tracking Code: BB032P
- SBO team: ECR
- SBO analyst: Sara Kornely
 - Phone: 6-1039
 - Email: sara.kornely@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395

Please prepare a statutory language draft based on the changes detailed on the attached.

Priority - High

Appendix D – Statutory Language Changes

Changes to Wisconsin statutes are required to adopt these modifications to Wisconsin's emission inspection maintenance program:

- √ Test only vehicles of model year 1996 and newer.
- √ Begin testing heavy vehicles up to 14,000 pounds, beginning with model year 2007.
- √ Begin testing diesel vehicles, beginning with model year 2007.
- √ Only the OBDII test will be utilized, all tailpipe tests and the gas cap test will no longer be conducted. This change must be adopted through Administrative Code changes.

The effective date of these changes is July 1, 2008.

- OBDII- Only Testing; Conduct only OBDII testing on vehicles MY 1996 or newer.

Amend s. 285.30(5)(a) Wis. Stats., to exempt from testing vehicles of a model year of 1995 or earlier.

- Expand OBDII testing of heavy trucks up to 14,000 pounds gross vehicle weight rating, beginning with model year 2007.

Amend s. 285.30(5)(b) Wis. Stats., to exempt from testing vehicles exceeding 14,000 pounds and to require testing of vehicles between 10,001 through 14,000 pounds starting with model year 2007.

- Expand OBDII testing to include diesel fuel powered vehicles starting with model year 2007.

Amend s. 285.30(5)(d) Wis. Stats., to exempt from testing vehicles powered by diesel fuel of a model year of 2006 or earlier.

- Allow for alternate types of emissions testing delivery methods, beyond the current single contractor. Testing potentially could be performed at self-service kiosks or emissions data electronically uploaded by services such as OnStar by GM.

Amend s. 110.20(8) Wis. Stats., to allow for new methods of conducting emission tests and for transmitting emissions data.

on 1/10

cjs

DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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X-refers

Do NOT Gen Cat

D-Note

and granting
rule-making
authority

1

AN ACT...; relating to: motor vehicle emission inspections.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by DNR must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including vehicles of model year 1967 or earlier, vehicles weighing more than 10,000 pounds, and vehicles powered by diesel fuel. Most nonexempt motor vehicles must undergo an initial emission inspection in the fourth year after the vehicle's model year and additional emission inspections every two years thereafter. DOT is required to contract with third parties to perform vehicle emission inspections under the I/M program.

This bill modifies certain criteria for determining whether a motor vehicle is exempt from emission inspections. The bill exempts vehicles of model year 1967 to model year 1995. The bill also eliminates the exemption for vehicles of model year 2007 or later that weigh between 10,001 pounds and 14,000 pounds and for vehicles of model year 2007 or later that are powered by diesel fuel.

The bill also allows DOT to establish methods for emissions inspections of nonexempt vehicles in addition to inspections by third-party contractors. These

methods may include the installation and operation by DOT of self-service inspection stations and the utilization of any technology related to emissions or data transmission with which vehicles may be equipped. DOT must prescribe by rule the procedure for these emissions inspection methods.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 110.20 (7) of the statutes is amended to read:

2 110.20 (7) VOLUNTARY INSPECTIONS. The inspection and maintenance program
3 shall require inspection of any nonexempt vehicle which a person presents for
4 inspection at an inspection station or at any other location where, as established
5 under sub. (8) (bm), the vehicle may be inspected.

6 ^{49.} History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a.

SECTION 2. 110.20 (8) (title) of the statutes is amended to read:

7 110.20 (8) (title) CONTRACTORS AND OTHER INSPECTION METHODS.

8 ^{49.} History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a.

SECTION 3. 110.20 (8) of the statutes is renumbered 110.20 (8) (am) and 110.20
9 (8) (am) 1., as renumbered, is amended to read:

10 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
11 vehicles shall may be performed by persons under contract with the department. The

12 ~~If the department enters into a contract for the performance of emissions testing and~~

13 ~~equipment inspection, the~~ ^{Each such} contract shall require the contractor to operate inspection

14 stations for a minimum of 3 years and shall provide for equitable compensation to
15 the contractor if the operation of an inspection and maintenance program within any

16 county is terminated within 3 years after the inspection and maintenance program
17 in the county is begun. No officer, director or employee of the contractor may be an

18 employee of the department or a person engaged in the business of selling,

1 maintaining or repairing motor vehicles or of selling motor vehicle replacement or
2 repair parts. The department shall require the contractor to operate a sufficient
3 number of inspection stations, permanent or mobile, to ensure public convenience in
4 those counties identified under sub. (5).

History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a. 49.

5 **SECTION 4.** 110.20 (8) (bm) of the statutes is created to read:

6 110.20 (8) (bm) The department may establish methods for emissions testing
7 and equipment inspection of nonexempt vehicles in addition to testing and
8 inspection by contractors under par. (am). These methods may include the
9 installation and operation by the department of self-service inspection stations and
10 the utilization of any technology related to emissions or data transmission with
11 which motor vehicles may be equipped.

12 **SECTION 5.** 110.20 (9) (k) of the statutes is created to read:

13 110.20 (9) (k) Prescribe a procedure for any method for emissions testing and
14 equipment inspection established under sub. (8) (bm).

15 **SECTION 6.** 110.20 (10m) of the statutes is amended to read:

16 110.20 (10m) REINSPECTION. The owner of a nonexempt vehicle inspected under
17 this section is entitled, if the inspection determines that any applicable emission
18 limitation is exceeded, to one reinspection of the same vehicle at any inspection
19 station within this state, or at any other location where, as established under sub.
20 (8) (bm), the vehicle was initially inspected, if the reinspection takes place within 30
21 days after the initial inspection or the owner presents satisfactory evidence that the
22 repairs and adjustments which were performed on the vehicle could not have been
23 made within 30 days of the initial inspection.

History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a. 49.

1 **SECTION 7.** 110.20 (11) of the statutes is amended to read:

2 **110.20 (11) INSPECTION TESTS; RESULTS.** (a) ~~The A~~ contractor under sub. (8) (am)
3 shall perform the tests required under the federal act, and any testing and inspection
4 method established under sub. (8) (bm) shall include the tests required under the
5 federal act. The tests shall include one of the approved short tests required by the
6 federal act to determine compliance with applicable emission limitations for carbon
7 monoxide, hydrocarbons and oxides of nitrogen. The department may require ~~the~~
8 contractor contractors to provide information on the fuel efficiency of the motor
9 vehicle.

10 (b) The department shall require ~~the~~ each contractor to furnish the results of
11 the emissions inspection in writing to the person presenting the vehicle for
12 inspection before he or she departs from the inspection station. The department
13 shall require any testing and inspection method established under sub. (8) (bm) to
14 include the contemporaneous furnishing of the results of the emissions inspection in
15 writing to the person having the vehicle inspected. If the inspection shows that the
16 vehicle does not comply with one or more applicable emissions limitations, the
17 results shall include, to the extent possible, a description of the noncompliance and
18 the adjustments or repairs likely to be needed for compliance.

History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a.
49.

19 **SECTION 8.** 110.21 of the statutes is amended to read:

20 **110.21 Education and training related to motor vehicle emissions.** The
21 department and its contractors under s. 110.20 (8) (am) shall conduct a program of
22 public education related to the motor vehicle emission and equipment inspection and
23 maintenance program established under s. 110.20 (6). The program under s. 110.20

1 (6) may include a pilot project of motor vehicle emissions inspections for those owners
2 who elect to present their motor vehicles for inspection.

3 History: 1979 c. 274; 1987 a. 27; 1991 a. 39; 1993 a. 288.

SECTION 9. 285.30 (5) (a) of the statutes is amended to read:

4 285.30 (5) (a) A motor vehicle of a model year of 1967 1995 or earlier.

History: 1971 c. 164 s. 81; 1977 c. 29 s. 1654 (7) (b); 1979 c. 34 s. 2102 (39) (g); 1979 c. 274; 1981 c. 390; 1983 a. 243; 1987 a. 27; 1991 a. 39; 1993 a. 288; 1995 a. 137; 1995 a. 227 s. 507; Stats. 1995 s. 285.30; 1997 a. 27; 2003 a. 192.

5 **SECTION 10.** 285.30 (5) (b) of the statutes is amended to read:

6 285.30 (5) (b) A motor vehicle with of a model year of 2006 or earlier that has
7 a gross vehicle weight rating exceeding 10,000 pounds, as determined by the
8 manufacturer of the vehicle, and a motor vehicle of a model year of 2007 or later that
9 has a gross vehicle weight rating exceeding 14,000 pounds, as determined by the
10 manufacturer of the vehicle.

History: 1971 c. 164 s. 81; 1977 c. 29 s. 1654 (7) (b); 1979 c. 34 s. 2102 (39) (g); 1979 c. 274; 1981 c. 390; 1983 a. 243; 1987 a. 27; 1991 a. 39; 1993 a. 288; 1995 a. 137; 1995 a. 227 s. 507; Stats. 1995 s. 285.30; 1997 a. 27; 2003 a. 192.

11 **SECTION 11.** 285.30 (5) (d) of the statutes is amended to read:

12 285.30 (5) (d) A motor vehicle of a model year of 2006 or earlier that is powered
13 by diesel fuel.

History: 1971 c. 164 s. 81; 1977 c. 29 s. 1654 (7) (b); 1979 c. 34 s. 2102 (39) (g); 1979 c. 274; 1981 c. 390; 1983 a. 243; 1987 a. 27; 1991 a. 39; 1993 a. 288; 1995 a. 137; 1995 a. 227 s. 507; Stats. 1995 s. 285.30; 1997 a. 27; 2003 a. 192.

14 **SECTION 9448. Effective dates; Transportation.**

15 (1) EMISSION INSPECTIONS. The treatment of sections 110.20 (7), (8) (title), (10m),
16 and (11), 110.21, and 285.30 (5) (a), (b), and (d) of the statutes, the renumbering and
17 amendment of section 110.20 (8) of the statutes, and the creation of section 110.20
18 (8) (bm) and (9) (k) of the statutes takes effect on July 1, 2008.

19 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1372/1dn
ARG&RCT:/:....

gjs

ATTN: Sara Kornely

Please review the attached draft carefully to ensure that it is consistent with your intent.

I note that the attached draft does not treat s. 285.30 (5) (e). I believe s. 285.30 (5) (e) is very confusing. It specifies that a "new motor vehicle not previously registered in any state" is exempt from emissions testing. One could read this to mean that all new motor vehicles are permanently exempt. One could also read this to mean that a new motor vehicle is exempt in its first registration year. When this provision is read together with the testing requirements under s. 110.20 (6), which only apply to *nonexempt* vehicles, the confusion is only augmented. The first interpretation above seems inconsistent with the intent of the drafting instructions here. The second interpretation would render the provision inartful and unnecessary, as it would not really be an "exempt vehicle" and s. 110.20 (6) generally requires testing beginning in the fourth year after the vehicle's model year anyway. I recommend conferring with DOT as to whether s. 110.20 (5) (e) should be repealed. ✓

I also note that the attached draft does not treat s. 110.20 (12). It seems to me that, given the changes in the attached draft, the phrase "For a nonexempt vehicle with a model year of 1981 or later" could be eliminated, since only vehicles of model year 1996 or later will be tested. However, out of caution, I do not want to eliminate this phrase without conferring with DOT. ✓

It is my understanding that any additional funding related to created s. 110.20 (8) (bm) ✓
will be provided under s. 20.395 (5) (cq) and that no amendment to s. 20.395 (5) (hq) ✓
is necessary.

Please let me know if you would like any changes made to the attached draft or if you have any questions. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1372/1dn
ARG:cjs:rs

January 11, 2007

ATTN: Sara Kornely

Please review the attached draft carefully to ensure that it is consistent with your intent.

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I also note that the attached draft does not treat s. 110.20 (12). It seems to me that, given the changes in the attached draft, the phrase "For a nonexempt vehicle with a model year of 1981 or later" could be eliminated, since only vehicles of model year 1996 or later will be tested. However, out of caution, I do not want to eliminate this phrase without conferring with DOT.

It is my understanding that any additional funding related to created s. 110.20 (8) (bm) will be provided under s. 20.395 (5) (cq) and that no amendment to s. 20.395 (5) (hq) is necessary.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Kornely, Sara - DOA
Sent: Tuesday, January 16, 2007 1:19 PM
To: Gary, Aaron
Subject: RE: LRB Draft: 07-1372/1 DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program

Thanks Aaron,

Can we work the draft so that the kiosks/self-service stations would be owned and operated either by the DOT or by a contractor (so, either DOT or a contractor would have the ability to use alternative testing methods)? DOT's request does not ask for any \$\$ to purchase equipment, and I'm not sure we would want them to own such equipment anyway, but leaving the door open might not be a bad idea at this point depending on how the RFP process goes (which wouldn't happen until next biennium). I believe the s. 110.20(8) sections you reference would apply to both contractor inspection stations as well as any kiosk-type stations that may be owned/operated under the contractor's agreement with DOT.

Thanks – let me know if this doesn't answer your questions!

Sara Kornely
Dept. of Administration
608-266-1039

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, January 16, 2007 11:41 AM
To: Kornely, Sara - DOA
Subject: RE: LRB Draft: 07-1372/1 DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program

Hi Sara,

This scenario is not encompassed in the draft. Do you want me to redraft to clarify that contractors might own/operate self-service kiosks? Also, do you want me to eliminate language allowing option for DOT to install/operate the self-service kiosks? Also, would s. 110.20 (8) (b), (c), (cm), and (d) apply to contractor inspection stations but not contractor self-service kiosks?

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Kornely, Sara - DOA
Sent: Sunday, January 14, 2007 4:01 PM
To: Gary, Aaron

01/16/2007

Subject: FW: LRB Draft: 07-1372/1 DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program

Hi Aaron -

On the emissions inspection draft - I'm reading the section on alternative methods of testing as though only DOT may purchase/install/operate the self-service kiosks. However, I think that depending on how DOT structures the RFP when the time comes, the kiosks (in addition to traditional testing stations) would be owned and maintained by a contractor. Do you have any thoughts on whether this scenario is encompassed in the draft?

Thanks,

Sara

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]

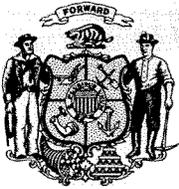
Sent: Thu 1/11/2007 3:13 PM

To: Kornely, Sara - DOA

Cc: Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA

Subject: LRB Draft: 07-1372/1 DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program

Following is the PDF version of draft 07-1372/1.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1372/4 2
ARG&RCT:cjs:rs

in 1/14 stays RMR

DOA:.....Kornely, BB -0328 Motor vehicle emission and inspection program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

Do NOT Gen Cat.

1 AN ACT ...; relating to: motor vehicle emission inspections and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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insert ANAL

The bill also allows DOT to establish methods for emissions inspections of nonexempt vehicles in addition to inspections by third-party contractors. These methods may include the installation and operation by DOT of self-service inspection stations and the utilization of any technology related to emissions or data transmission with which vehicles may be equipped. DOT must prescribe by rule the procedure for these emissions inspection methods.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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2 110.20 (7) VOLUNTARY INSPECTIONS. The inspection and maintenance program
3 shall require inspection of any nonexempt vehicle which a person presents for
4 inspection at an inspection station or at any other location where, as established
5 under sub. (8) (bm), the vehicle may be inspected.

6 **SECTION 2.** 110.20 (8) (title) of the statutes is amended to read:

7 110.20 (8) (title) CONTRACTORS AND OTHER INSPECTION METHODS.

8 **SECTION 3.** 110.20 (8) of the statutes is renumbered 110.20 (8) (am), and 110.20
9 (8) (am) 1., as renumbered, is amended to read:

10 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
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12 Each such contract shall require the contractor to operate inspection stations for a
13 minimum of 3 years and shall provide for equitable compensation to the contractor
14 if the operation of an inspection and maintenance program within any county is
15 terminated within 3 years after the inspection and maintenance program in the
16 county is begun. No officer, director or employee of the contractor may be an
17 employee of the department or a person engaged in the business of selling,
18 maintaining or repairing motor vehicles or of selling motor vehicle replacement or

1 repair parts. The department shall require the contractor to operate a sufficient
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3 those counties identified under sub. (5).

4 **SECTION 4.** 110.20 (8) (bm) of the statutes is created to read:

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12 110.20 (9) (k) Prescribe a procedure for any method for emissions testing and
13 equipment inspection established under sub. (8) (bm).

14 **SECTION 6.** 110.20 (10m) of the statutes is amended to read:

15 110.20 (10m) REINSPECTION. The owner of a nonexempt vehicle inspected under
16 this section is entitled, if the inspection determines that any applicable emission
17 limitation is exceeded, to one reinspection of the same vehicle at any inspection
18 station within this state, operated by a contractor under sub. (8) (am) or at any other location where, as established under sub.
19 (8) (bm), the vehicle was initially inspected, if the reinspection takes place within 30
20 days after the initial inspection or the owner presents satisfactory evidence that the
21 repairs and adjustments which were performed on the vehicle could not have been
22 made within 30 days of the initial inspection.

23 **SECTION 7.** 110.20 (11) of the statutes is amended to read:

24 110.20 (11) INSPECTION TESTS; RESULTS. (a) The A contractor under sub. (8) (am)
25 shall perform the tests required under the federal act, and any testing and inspection

1 method established under sub. (8) (bm) shall include the tests required under the
2 federal act. The tests shall include one of the approved short tests required by the
3 federal act to determine compliance with applicable emission limitations for carbon
4 monoxide, hydrocarbons and oxides of nitrogen. The department may require the
5 ~~contractor~~ contractors to provide information on the fuel efficiency of the motor
6 vehicle.

7 (b) The department shall require the each contractor to furnish the results of
8 the emissions inspection in writing to the person presenting the vehicle for
9 inspection before he or she departs from the inspection station. The department
10 shall require any testing and inspection method established under sub. (8) (bm) to
11 include the contemporaneous furnishing of the results of the emissions inspection in
12 writing to the person having the vehicle inspected. If the inspection shows that the
13 vehicle does not comply with one or more applicable emissions limitations, the
14 results shall include, to the extent possible, a description of the noncompliance and
15 the adjustments or repairs likely to be needed for compliance.

16 **SECTION 8.** 110.21 of the statutes is amended to read:

17 **110.21 Education and training related to motor vehicle emissions.** The
18 department and its contractors under s. 110.20 (8) (am) shall conduct a program of
19 public education related to the motor vehicle emission and equipment inspection and
20 maintenance program established under s. 110.20 (6). The program under s. 110.20
21 (6) may include a pilot project of motor vehicle emissions inspections for those owners
22 who elect to present their motor vehicles for inspection.

23 **SECTION 9.** 285.30 (5) (a) of the statutes is amended to read:

24 285.30 (5) (a) A motor vehicle of a model year of ~~1967~~ 1995 or earlier.

25 **SECTION 10.** 285.30 (5) (b) of the statutes is amended to read:

*For emissions inspections
not conducted by a
Contractor,
the*

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1372/2ins
ARG:.....

INSERT ANAL:

The bill allows DOT to authorize or require third-party contractors to install and operate self-service inspection stations, at which the contractor may use different methods for emissions testing and equipment inspection than those used at inspection stations that are not self-service. The bill also allows DOT to establish methods for emissions inspections in addition to inspections by third-party contractors, which may include the installation and operation by DOT of self-service inspection stations and the utilization of any technology related to emissions or data transmission with which vehicles may be equipped. Any methods for emissions testing and equipment inspection applicable to self-service inspection stations must apply equally to self-service inspection stations operated by contractors and to those operated by DOT. DOT must prescribe by rule the procedure for any additional emissions inspection methods.

INSERT 3-3:

SECTION 1. 110.20 (8) (am) 1m. of the statutes is created to read:

110.20 (8) (am) 1m. Each contract under subd. 1. may authorize or require the contractor to install and operate self-service inspection stations and may allow the use of different methods for emissions testing and equipment inspection, consistent with methods established under par. (bm), than those used at inspection stations that are not self-service.

INSERT 3-10:

(no ff) The department may establish methods for emissions testing and equipment inspection specifically applicable to self-service inspection stations, which methods shall apply equally to self-service inspection stations operated by contractors under par. (am) 1m. and self-service inspection stations operated by the department under this paragraph.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1372/2dn

ARG:.....

↙
cjs

ATTN: Sara Kornely

Hopefully this draft will be closer to your intentions. I have assumed that any contractor-operated self-service kiosk would be subject to the requirement under s. 110.20 (6) (b). If not, please let me know and I will add a treatment to address this provision with respect to contractor-operated self-service kiosks.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1372/2dn
ARG:cjs:jf

January 19, 2007

ATTN: Sara Kornely

Hopefully this draft will be closer to your intentions. I have assumed that any contractor-operated self-service kiosk would be subject to the requirement under s. 110.20 (6) (b). If not, please let me know and I will add a treatment to address this provision with respect to contractor-operated self-service kiosks.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1372/2
ARG&RCT:cjs:jf

DOA:.....Kornely, BB0328 - Motor vehicle emission and inspection program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: motor vehicle emission inspections and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by DNR must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including vehicles of model year 1967 or earlier, vehicles weighing more than 10,000 pounds, and vehicles powered by diesel fuel. Most nonexempt motor vehicles must undergo an initial emission inspection in the fourth year after the vehicle's model year and additional emission inspections every two years thereafter. DOT is required to contract with third parties to perform vehicle emission inspections under the I/M program.

This bill modifies certain criteria for determining whether a motor vehicle is exempt from emission inspections. The bill exempts vehicles of model year 1967 to model year 1995. The bill also eliminates the exemption for vehicles of model year 2007 or later that weigh between 10,001 pounds and 14,000 pounds and for vehicles of model year 2007 or later that are powered by diesel fuel.

The bill allows DOT to authorize or require third-party contractors to install and operate self-service inspection stations, at which the contractor may use different methods for emissions testing and equipment inspection than those used at inspection stations that are not self-service. The bill also allows DOT to establish methods for emissions inspections in addition to inspections by third-party contractors, which may include the installation and operation by DOT of self-service inspection stations and the utilization of any technology related to emissions or data transmission with which vehicles may be equipped. Any methods for emissions testing and equipment inspection applicable to self-service inspection stations must apply equally to self-service inspection stations operated by contractors and to those operated by DOT. DOT must prescribe by rule the procedure for any additional emissions inspection methods.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 110.20 (7) of the statutes is amended to read:

2 110.20 (7) VOLUNTARY INSPECTIONS. The inspection and maintenance program
3 shall require inspection of any nonexempt vehicle which a person presents for
4 inspection at an inspection station or at any other location where, as established
5 under sub. (8) (bm), the vehicle may be inspected.

6 **SECTION 2.** 110.20 (8) (title) of the statutes is amended to read:

7 110.20 (8) (title) CONTRACTORS AND OTHER INSPECTION METHODS.

8 **SECTION 3.** 110.20 (8) of the statutes is renumbered 110.20 (8) (am), and 110.20
9 (8) (am) 1., as renumbered, is amended to read:

10 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
11 vehicles shall may be performed by persons under contract with the department. The
12 Each such contract shall require the contractor to operate inspection stations for a
13 minimum of 3 years and shall provide for equitable compensation to the contractor
14 if the operation of an inspection and maintenance program within any county is

1 terminated within 3 years after the inspection and maintenance program in the
2 county is begun. No officer, director or employee of the contractor may be an
3 employee of the department or a person engaged in the business of selling,
4 maintaining or repairing motor vehicles or of selling motor vehicle replacement or
5 repair parts. The department shall require the contractor to operate a sufficient
6 number of inspection stations, permanent or mobile, to ensure public convenience in
7 those counties identified under sub. (5).

8 **SECTION 4.** 110.20 (8) (am) 1m. of the statutes is created to read:

9 110.20 (8) (am) 1m. Each contract under subd. 1. may authorize or require the
10 contractor to install and operate self-service inspection stations and may allow the
11 use of different methods for emissions testing and equipment inspection, consistent
12 with methods established under par. (bm), than those used at inspection stations
13 that are not self-service.

14 **SECTION 5.** 110.20 (8) (bm) of the statutes is created to read:

15 110.20 (8) (bm) The department may establish methods for emissions testing
16 and equipment inspection of nonexempt vehicles in addition to testing and
17 inspection by contractors. These methods may include the installation and operation
18 by the department of self-service inspection stations and the utilization of any
19 technology related to emissions or data transmission with which motor vehicles may
20 be equipped. The department may establish methods for emissions testing and
21 equipment inspection specifically applicable to self-service inspection stations,
22 which methods shall apply equally to self-service inspection stations operated by
23 contractors under par. (am) 1m. and self-service inspection stations operated by the
24 department under this paragraph.

25 **SECTION 6.** 110.20 (9) (k) of the statutes is created to read:

1 110.20 (9) (k) Prescribe a procedure for any method for emissions testing and
2 equipment inspection established under sub. (8) (bm).

3 **SECTION 7.** 110.20 (10m) of the statutes is amended to read:

4 110.20 (10m) REINSPECTION. The owner of a nonexempt vehicle inspected under
5 this section is entitled, if the inspection determines that any applicable emission
6 limitation is exceeded, to one reinspection of the same vehicle at any inspection
7 station within this state operated by a contractor under sub. (8) (am), or at any other
8 location where, as established under sub. (8) (bm), the vehicle was initially inspected,
9 if the reinspection takes place within 30 days after the initial inspection or the owner
10 presents satisfactory evidence that the repairs and adjustments which were
11 performed on the vehicle could not have been made within 30 days of the initial
12 inspection.

13 **SECTION 8.** 110.20 (11) of the statutes is amended to read:

14 110.20 (11) INSPECTION TESTS; RESULTS. (a) The A contractor shall perform the
15 tests required under the federal act, and any testing and inspection method
16 established under sub. (8) (bm) shall include the tests required under the federal act.
17 The tests shall include one of the approved short tests required by the federal act to
18 determine compliance with applicable emission limitations for carbon monoxide,
19 hydrocarbons and oxides of nitrogen. The department may require ~~the contractor~~
20 contractors to provide information on the fuel efficiency of the motor vehicle.

21 (b) The department shall require ~~the~~ each contractor to furnish the results of
22 the emissions inspection in writing to the person presenting the vehicle for
23 inspection before he or she departs from the inspection station. For emissions
24 inspections not conducted by a contractor, the department shall require any testing
25 and inspection method established under sub. (8) (bm) to include the

1 contemporaneous furnishing of the results of the emissions inspection in writing to
2 the person having the vehicle inspected. If the inspection shows that the vehicle does
3 not comply with one or more applicable emissions limitations, the results shall
4 include, to the extent possible, a description of the noncompliance and the
5 adjustments or repairs likely to be needed for compliance.

6 **SECTION 9.** 110.21 of the statutes is amended to read:

7 **110.21 Education and training related to motor vehicle emissions.** The
8 department and its contractors under s. 110.20 (8) (am) shall conduct a program of
9 public education related to the motor vehicle emission and equipment inspection and
10 maintenance program established under s. 110.20 (6). The program under s. 110.20
11 (6) may include a pilot project of motor vehicle emissions inspections for those owners
12 who elect to present their motor vehicles for inspection.

13 **SECTION 10.** 285.30 (5) (a) of the statutes is amended to read:

14 285.30 (5) (a) A motor vehicle of a model year of ~~1967~~ 1995 or earlier.

15 **SECTION 11.** 285.30 (5) (b) of the statutes is amended to read:

16 285.30 (5) (b) A motor vehicle ~~with~~ of a model year of 2006 or earlier that has
17 a gross vehicle weight rating exceeding 10,000 pounds, as determined by the
18 manufacturer of the vehicle, and a motor vehicle of a model year of 2007 or later that
19 has a gross vehicle weight rating exceeding 14,000 pounds, as determined by the
20 manufacturer of the vehicle.

21 **SECTION 12.** 285.30 (5) (d) of the statutes is amended to read:

22 285.30 (5) (d) A motor vehicle of a model year of 2006 or earlier that is powered
23 by diesel fuel.

24 **SECTION 9448. Effective dates; Transportation.**

