



2009 SENATE BILL 505

1 **AN ACT** *to amend* 110.20 (5) (a) and (b), 110.20 (8) (am) 1., 110.20 (8) (bm), 110.20
2 (9) (e) and 110.20 (12); and *to create* 110.20 (8) (am) 7. and 8., 110.20 (8) (c) and
3 110.20 (9) (L), (m) and (n) of the statutes; **relating to:** motor vehicle emission
4 inspections and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 110.20 (5) (a) and (b) of the statutes are amended to read:
6 110.20 (5) (a) Any county identified in a certification under s. 285.30 (3). The
7 department shall terminate the program in the county ~~at the end of the contractual~~
8 ~~period in effect~~ when the county is withdrawn under s. 285.30 (4). If the program is
9 being operated under contract, termination shall occur at the end of the contractual
10 period in effect.

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1 (b) Any county whose board of supervisors has adopted a resolution requesting
2 the department to establish an inspection and maintenance program in the county
3 for the purpose of improving ambient air quality beyond the standards mandated by
4 section 7409 of the federal act. The department shall terminate the program in the
5 county ~~at the end of the contractual period in effect~~ when the county board adopts
6 a resolution requesting termination of the program. If the program is being operated
7 under contract, termination shall occur at the end of the contractual period in effect.

8 **SECTION 2.** 110.20 (8) (am) 1. of the statutes is amended to read:

9 110.20 **(8)** (am) 1. The emissions test and equipment inspection of nonexempt
10 vehicles may be performed by persons under contract with the department. Each
11 such contract shall require the contractor to operate inspection stations, which may
12 be permanent or mobile, for a minimum of 3 years and shall provide for equitable
13 compensation to the contractor if the operation of an inspection and maintenance
14 program within any county is terminated within 3 years after the inspection and
15 maintenance program in the county is begun. No officer, director or employee of the
16 contractor may be an employee of the department ~~or a~~. The department may
17 contract with any person, including any person engaged in the business of selling,
18 maintaining, or repairing motor vehicles or of selling motor vehicle replacement or
19 repair parts. The department shall require the contractor to operate a sufficient
20 number of inspection stations, permanent or mobile, to ensure public convenience in
21 those counties identified under sub. (5).

22 **SECTION 3.** 110.20 (8) (am) 7. and 8. of the statutes are created to read:

23 110.20 **(8)** (am) 7. Each contract under subd. 1. may authorize the contractor
24 to enter into subcontracts for the performance of any of the contractor's functions or
25 duties under the contract. In performing any such function or duty, a subcontractor

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1 shall comply with all requirements applicable to the contractor. With the
2 department's approval, the contractor may subcontract with any person engaged in
3 the business of selling, maintaining, or repairing motor vehicles or of selling motor
4 vehicle replacement or repair parts.

5 8. Each contract under subd. 1. shall require that, if an emissions inspection
6 is performed by a contractor or subcontractor engaged in the business of selling,
7 maintaining, or repairing motor vehicles or of selling motor vehicle replacement or
8 repair parts and the inspection shows that the vehicle does not comply with
9 applicable emission limitations, the contractor or subcontractor shall advise the
10 vehicle owner as specified in sub. (12).

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

12 110.20 (8) (bm) The emissions test and equipment inspection of nonexempt
13 vehicles may be performed by the department or by persons who are not under
14 contract with the department but who are otherwise authorized by the department
15 to perform such testing and inspection. The department may establish methods for
16 emissions testing and equipment inspection by the department or other authorized
17 persons of nonexempt vehicles, in addition to testing and inspection by contractors.
18 These methods may include the installation and operation by the department or
19 other authorized persons of self-service inspection stations and the utilization of any
20 technology related to emissions or data transmission with which motor vehicles may
21 be equipped, including reading and reporting diagnostic codes stored in any
22 on-board diagnostic system capable of monitoring all emission-related engine
23 systems or components. The department may establish methods for emissions
24 testing and equipment inspection specifically applicable to self-service inspection
25 stations, which methods shall apply equally to self-service inspection stations

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1 operated by contractors under par. (am) 1m. and self-service inspection stations
2 operated by the department under this paragraph.

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

4 110.20 **(8)** (c) 1. Notwithstanding subs. (5), (6), and (9) (d), the department of
5 transportation may, with concurrence of the department of natural resources, grant
6 a temporary exemption for nonexempt vehicles during any period in which the
7 department of transportation is unable to operate an inspection and maintenance
8 program. An exemption granted under this subdivision is valid until the next
9 required inspection of the vehicle required under sub. (6), or until the time given by
10 the department of transportation to complete inspection of the vehicle, whichever
11 occurs first. Notwithstanding subs. (7) and (10m), the department of transportation
12 may deny requests for inspection during any period in which exemptions are granted
13 under this subdivision.

14 2. For purposes of ss. 341.04 (1), 341.09 (2m) (a) 1. b. and 2. and (9), and 341.65
15 (2) (e) 2m., an inspection under this section is not required during any period in which
16 a temporary exemption is granted under subd. 1. For purposes of ss. 341.09 (5),
17 341.10 (10) (intro.), 341.26 (2m) (am), and 341.63 (1) (e), a vehicle does not require
18 inspection under sub. (6) during any period in which a temporary exemption is
19 granted under subd. 1.

20 **SECTION 6.** 110.20 (9) (e) of the statutes is amended to read:

21 110.20 **(9)** (e) Prescribe a procedure for conducting all federally required
22 performance audits of inspection and maintenance program operations and
23 personnel and all enforcement against contractors, and other persons authorized by
24 the department to perform testing and inspection, required by 40 CFR 51.364.

25 **SECTION 7.** 110.20 (9) (L), (m) and (n) of the statutes are created to read:

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1 110.20 **(9)** (L) Prescribe procedures for authorizing persons other than
2 contractors, subcontractors of contractors, or the department to perform emission
3 testing and equipment inspection as provided under sub. (8) (bm).

4 (m) Require each person engaged in the business of selling, maintaining, or
5 repairing motor vehicles or of selling motor vehicle replacement or repair parts, in
6 a county identified in sub. (5), that performs emissions inspections to collect and
7 periodically report to the department information related to vehicle repairs and
8 reinspections after the vehicle has failed an inspection test, including the repairs
9 performed, any technician recommended repairs not performed at the owner's
10 request, the name and address of the facility that performed the repairs, the name
11 of the individual who performed the repairs, and, if applicable, the identification
12 number of the recognized repair facility or recognized automotive emission repair
13 technician, or both, that performed the repairs. The reports shall also include
14 compiled information containing the number of vehicles submitted for reinspection
15 and percentages indicating the number of vehicles that passed, failed, and received
16 waivers after repair following a failed inspection test. The department shall make
17 information gathered from these reports available to the public.

18 (n) Prescribe procedures for granting temporary exemptions under sub. (8) (c)
19 1.

20 **SECTION 8.** 110.20 (12) of the statutes is amended to read:

21 110.20 **(12)** REPAIRS. Repairs or adjustments necessary to bring a vehicle into
22 compliance with applicable emissions limitations are the responsibility of the vehicle
23 owner and may be made by the owner or any person selected by the owner. If the
24 emissions inspection is performed in a county identified in sub. (5) by a person
25 engaged in the business of selling, maintaining, or repairing motor vehicles or of

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1 selling motor vehicle replacement or repair parts and the vehicle fails the inspection
2 test, then after the failed test the person shall advise the vehicle owner that the
3 owner is not required to have any repair or adjustment necessary to bring the vehicle
4 into compliance made by, or to purchase any necessary service or part from, the
5 person and has the right to select a vendor of the owner's own choice. For a
6 nonexempt vehicle with a model year of 1981 or later, only repairs performed by
7 automotive repair technicians, as defined by the department by rule, shall be valid
8 for the issuance of a waiver of compliance under sub. (13).

9

(END)