

2009 DRAFTING REQUEST

Bill

Received: **05/06/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Transportation**

By/Representing: **Paul Nilsen**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Submit via email: **YES**

Requester's email: **Paul.Nilsen@dot.wi.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**
Sen.Wirch@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes to emission and inspection program

Instructions:

Wants bill that is same as LRBb0097; transfer drafting file

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 06/17/2009	jdye 06/18/2009	rschluet 06/18/2009	_____	sbasford 06/18/2009	mbarman 01/13/2010	State
/2	agary 01/15/2010	jdye 01/15/2010	jfrantze 01/15/2010	_____	mbarman 01/15/2010 mbarman 01/15/2010	mbarman 01/15/2010	State

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/3	agary 01/20/2010	jdyer 01/20/2010	mduchek 01/20/2010	_____	lparisi 01/20/2010	lparisi 01/20/2010	

FE Sent For: .

*at
intro*

<END>

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sent to
sen. Wirch

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Added

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FE Sent For: 01/13/2010

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sent to senator Wirch (see attached)

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/?							State
/1	agary 06/17/2009	jdye 06/18/2009	rschluet 06/18/2009		sbasford 06/18/2009		

FE Sent For:

<END>

e-mailed copy
to Carl Hampton
from governor's
office 11-30-09
ok'd by Cathlene
JP

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/?	agary	1 6/18 jld		_____			
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FE Sent For:

<END>

Gary, Aaron

To: Nilsen, Paul - DOT

Subject: RE: Draft review: LRB 09b0097/P3 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection

From: Nilsen, Paul - DOT [mailto:Paul.Nilsen@dot.wi.gov]

Sent: Tuesday, June 02, 2009 12:55 PM

To: Gary, Aaron

Subject: FW: Draft review: LRB 09b0097/P3 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection

Hi Aaron,

Would you please draft b0097/P3 into an introducible bill? Please transfer the file contents and drafting request for the budget amendment to the bill file, to preserve the legislative history of the request. Thanks.

Paul E. Nilsen

Assistant General Counsel

Wisconsin Department of Transportation

Paul.Nilsen@dot.wi.gov

(608) 261-0126

-----Original Message-----

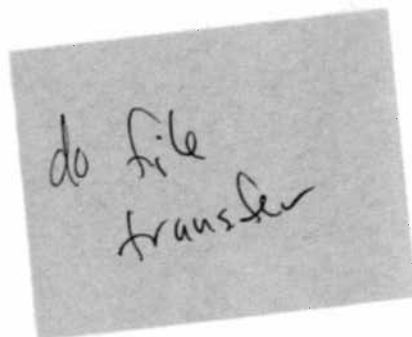
From: Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]

Sent: Wednesday, May 06, 2009 2:57 PM

To: Nilsen, Paul - DOT

Subject: Draft review: LRB 09b0097/P3 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection

Following is the PDF version of draft LRB 09b0097/P3 and drafter's note.



do file transfer



State of Wisconsin
2009 - 2010 LEGISLATURE

in
6/17

LRB-2844/1

ARG: ^:...

jld

2009 BILL

X

Gen

1 AN ACT ...; relating to: motor vehicle emission inspections and requiring the
2 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Transportation (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 the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program. Current law prohibits DOT from contracting with a person engaged in the business of selling, maintaining, or repairing motor vehicles or of selling motor vehicle replacement or repair parts (vehicle dealer or servicer).

This bill allows DOT to contract with any person to perform vehicle emission inspections under the I/M program, including a vehicle dealer or servicer. The bill also specifies that DOT may allow third-party contractors to enter into subcontracts for the performance of the contractor's functions or duties, but the subcontractor must comply with all requirements applicable to the contractor. With DOT's approval, the third-party contractor may also subcontract with a vehicle dealer or servicer. The bill also allows vehicle emission inspections to be performed by DOT or by persons who are authorized by DOT to perform the inspections but who are not under contract with DOT.

BILL

The bill allows DOT, with the concurrence of DNR, to grant temporary vehicle emission inspection exemptions during any period in which DOT is unable to operate the I/M program. The bill requires DOT to prescribe procedures for granting temporary vehicle emission inspection exemptions and for authorizing persons other than contractors to perform motor vehicle emission inspections.

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:

(END)

1 →
INSERT ✓

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: ALG) (Date: 6, 17, 09)

Note: Both drafts must have the same "requestor"
(exception: companion bills).



Please transfer the drafting file for
2007 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2009 LRB _____ (For: Rep. / Sen. _____)

----- **OR** -----

Please copy the drafting file for
2009 LRB B 0097 / P4 (include the version) (For: Rep. / Sen. DOT)

and place it in the drafting file for
2009 LRB -2844 (For: Rep. / Sen. DOT)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history
("guts") from the original file: _____



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 75

INSERT

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At the locations indicated, amend the bill as follows:

1. Page 1207, line 2: after that line insert:

SECTION ~~7409~~ 110.20 (5) (a) and (b) of the statutes are amended to read:

110.20 (5) (a) Any county identified in a certification under s. 285.30 (3). The department shall terminate the program in the county ~~at the end of the contractual period in effect~~ when the county is withdrawn under s. 285.30 (4). If the program is being operated under contract, termination shall occur at the end of the contractual period in effect.

(b) Any county whose board of supervisors has adopted a resolution requesting the department to establish an inspection and maintenance program in the county for the purpose of improving ambient air quality beyond the standards mandated by section 7409 of the federal act. The department shall terminate the program in the



INSERT
CONT

1 county at the end of the contractual period in effect when the county board adopts
2 a resolution requesting termination of the program. If the program is being operated
3 under contract, termination shall occur at the end of the contractual period in effect.

4 SECTION ~~216~~ 110.20 (8) (am) 1. of the statutes is amended to read:

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

18 SECTION ~~216~~ 110.20 (8) (am) 7. of the statutes is created to read:

19 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor
20 to enter into subcontracts for the performance of any of the contractor's functions or
21 duties under the contract. In performing any such function or duty, a subcontractor
22 shall comply with all requirements applicable to the contractor. With the
23 department's approval, the contractor may subcontract with any person engaged in
24 the business of selling, maintaining, or repairing motor vehicles or of selling motor
25 vehicle replacement or repair parts.



INSERT
CONT

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~~SECTION 2216b~~ SECTION 110.20 (8) (bm) of the statutes is amended to read:

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

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~~SECTION 2216b~~ SECTION 110.20 (8) (c) of the statutes is created to read:

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



INSERT
CONT

1 occurs first. Notwithstanding subs. (7) and (10m), the department of transportation
2 may deny requests for inspection during any period in which exemptions are granted
3 under this subdivision.

4 2. For purposes of ss. 341.04 (1), 341.09 (2m) (a) 1. b. and 2. and (9), and 341.65
5 (2) (e) 2m., an inspection under this section is not required during any period in which
6 a temporary exemption is granted under subd. 1. For purposes of ss. 341.09 (5),
7 341.10 (10) (intro.), 341.26 (2m) (am), and 341.63 (1) (e), a vehicle does not require
8 inspection under sub. (6) during any period in which a temporary exemption is
9 granted under subd. 1.

10 SECTION ~~110.20~~ 110.20 (9) (e) of the statutes is amended to read:

11 110.20 (9) (e) Prescribe a procedure for conducting all federally required
12 performance audits of inspection and maintenance program operations and
13 personnel and all enforcement against contractors, and other persons authorized by
14 the department to perform testing and inspection, required by 40 CFR 51.364.

15 SECTION ~~110.20~~ 110.20 (9) (L) and (m) of the statutes are created to read:

16 110.20 (9) (L) Prescribe procedures for authorizing persons other than
17 contractors, subcontractors of contractors, or the department to perform emission
18 testing and equipment inspection as provided under sub. (8) (bm).

19 (m) Prescribe procedures for granting temporary exemptions under sub. (8) (c)

20 1. *[Handwritten mark]*

(END)

(end ins)

21

Barman, Mike

From: Nilsen, Paul - DOT [Paul.Nilsen@dot.wi.gov]
Sent: Wednesday, January 13, 2010 9:29 AM
To: Barman, Mike
Cc: Wirch, Bob; Klein, Christopher - DOT; Gary, Aaron
Subject: FW: DOT I/M bill

Attachments: NB 0911-39.pdf

Hi Mike,

Will you please release LRB-2844/1 to Senator Wirch's office for introduction (copy attached)? The bill relates to: motor vehicle emission inspections and requiring the exercise of rule-making authority.

Thanks!



NB 0911-39.pdf (27
KB)

Paul E. Nilsen
Assistant General Counsel
Wisconsin Department of Transportation
Paul.Nilsen@dot.wi.gov
(608) 261-0126

Barman, Mike

From: Gary, Aaron
Sent: Wednesday, January 13, 2010 9:39 AM
To: Barman, Mike
Subject: RE: DOT I/M bill

Mike,

I just got a phone call from Renee in Sen. Wirch's office asking to have this bill jacketed for Sen. Wirch.

Thanks. Aaron

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

From: Nilsen, Paul - DOT [mailto:Paul.Nilsen@dot.wi.gov]
Sent: Wednesday, January 13, 2010 9:29 AM
To: Barman, Mike
Cc: Wirch, Bob; Klein, Christopher - DOT; Gary, Aaron
Subject: FW: DOT I/M bill

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<< File: NB 0911-39.pdf >>

Paul E. Nilsen
Assistant General Counsel
Wisconsin Department of Transportation
Paul.Nilsen@dot.wi.gov
(608) 261-0126

Gary, Aaron

From: Olsen, Renee
Sent: Thursday, January 14, 2010 5:07 PM
To: Gary, Aaron
Subject: Senator Wirch - LRB 2844/1

Aaron,

I am currently working with Representative Steinbrink's Office (Geoff Gaston) to make some revisions to LRB 2844/1: relating to motor vehicle emission inspections and requiring rule-making authority. We would like to add language similar to Illinois:

(c) Nothing in this Chapter shall be construed as a suggestion or direction to any owner to require him to have any repairs made or any work done by any official testing station, but all tests must be made at an official testing station to secure the issuance of a certificate of safety, and no certificate of safety issued by any other than an official testing station shall be deemed a compliance with this Chapter.

Language similar to this nature will assure motorists they are not required to have any repairs made at the location in which their vehicle was inspected. We are waiting for guidance on language from Christ Klein that would provide the DOT with rule-making authority which would provide a Emission Repair Facility Report to motorists. We are hoping to have a response by tomorrow morning from Chris Klein. If you have any questions you can contact me or Geoff in Rep. Steinbrink's office, or Chris Klein at the DOT.

Thank you Aaron. *1/15 H/c w/ Renee & Geoff Gaston*

Renee Olsen
Office of Senator Wirch
(608)267-8979
renee.olsen@legis.wi.gov

to Just want to make clear that owner doesn't have to get the repair from the tester

2. rule-making: Emission Repair Facility Reports

→ require testers to make info. available

→ req'd in the contracts

- quality of effectiveness of repair facilities

- see info. forwarded by separate e-mail

- available to public - don't say if it is printed or can be internet/electronic only



[Home](#) [Motorists](#) [Technicians](#) [Site Map](#)

January 15, 2010

RE-TEST INFORMATION | [My Vehicle Failed... Now What? >](#)

[Failed Vehicle Info](#) | [VIR Explanation](#) | [Test Limits](#) | [Emission Repair Facility Report](#) | [TSB Link](#) | [Technical Assistance](#) | [Why Emission Readings Vary](#)

Please Enter Your Zip Code To Find

No more than 1 miles away.

The Repair Facility Nearest You. [Find Repair Facility](#)

Emission Repair Facility Report January 2009 - June 2009 (PDF File)

This guide may help you locate emission repair facilities in your area. The information is listed by city, and identifies each repair facility by **Name, Address, and Phone Number**. It also indicates whether the facility is **recognized**. In order for a repair facility to be recognized, it must employ at least one technician with advanced emission training and certification, such as ASE L1, WISETECH, or other equivalent training. Only repairs performed by a recognized technician or by a recognized repair facility are eligible for waiver cost consideration. Additionally, this report tells you how individual repair facilities are doing in terms of getting cars to pass reinspection on the first trip back to the test station.

The column titled "**Retests After First Repair**" tells you the total number of vehicles retested after the first repair; "**Pass After First Repair**" tells you the number of vehicles which passed on reinspection after first repair; "**% Pass After 1st Repair**" indicates the percentage of vehicles that passed reinspection after first repair. The higher the percentage of vehicles passing after first repair, the more success a facility has had in repairing emission failures. In judging the repair facility's success rate, owners should take into account how many vehicles have been repaired by the facility. A minimum number of vehicles repaired and submitted for retest is required.

Details on each facility are based on information provided by the facility itself. The repair information is generated from the completed Repair Data Section located on the back of the Vehicle Inspection Report. It is important that this form is filled out properly by the repair technician and returned with the vehicle at the time of a retest. Please verify that your repair technician has filled out the vehicle repair form before you submit your vehicle for a retest.

You may choose your own repair technician to perform the necessary repairs.

Consider these questions before selecting a repair technician:

- How much will you charge me for diagnostic time . . . to evaluate my car and tell me what is wrong?
- How will you respond if my car fails the test a second time?

The Repair Facilities Report is a valuable tool that will aid you in selecting a facility that suits your needs. **This listing is not a recommendation from the WVIP, it is simply a consumer guide in locating a repair facility. You need to screen the repair facility to ensure they repair your particular vehicle. Remember, it is your responsibility to evaluate each facility as you have in the past.** Effective and efficiently performed repairs are vital to the complete success of the Wisconsin Vehicle Inspection Program. While effective inspections are necessary to identify high emitting vehicles, it is only through the repairs that actual air quality benefits are achieved.

Questions?

If you have questions regarding inspection facility locations, times of operations or about the inspection, for example, please call the WVIP Hotline at:

414-266-1080 (Milwaukee Metropolitan Area) or 1-800-242-7510 (Toll Free)

If your vehicle has failed two or more inspections, and you have questions about your vehicle's test results, please contact any WVIP Inspection Station Manager, or call:

414-358-3905 (Milwaukee Metropolitan Area) or 1-800-335-5088 (Toll Free)

Gary, Aaron

From: Olsen, Renee
Sent: Friday, January 15, 2010 9:45 AM
To: Gary, Aaron
Subject: Emission Repair Facility Report

Emission Repair Facility Report

http://www.wivip.com/fs_tech.html?t_bluebook.html

Renee Olsen
Office of Senator Wirch
(608)267-8979
renee.olsen@legis.wi.gov

Repair Facility Report – RECOGNIZED FACILITIES

January 2009 – June 2009

Recognized Repair Facility	Address	State	ZIP	Phone	% Pass After 1st Repair	Retest After 1st Repair	Pass After 1st Repair
ADELL							
K.A.R.S.	W6467 S CTYA	WI	53001	(920) 994-8408	100.0%	2	2
ALLENTON							
ALLENTON SERVICE	5908 HILLCREST DR	WI	53002	(262) 629-9560	100.0%	14	14
JAKES AUTO SERVICE INC	6585 MIDLAND CT	WI	53002	(262) 629-9336	100.0%	9	9
BASSETT							
PYATT AUTOMOTIVE	34430 HWY F	WI	53101	(262) 877-2967	100.0%	4	4
BIG BEND							
MARTINS AUTOMOTIVE SERVICE	W230 S8750 WYNN DR	WI	53103	(262) 662-5080	91.7%	12	11
BRISTOL							
HWY 50 AUTO REPAIR	18624 75TH ST	WI	53104	(262) 857-8080	100.0%	4	4
BROOKFIELD							
BROOKSIDE CHEVROLET	20805 W CAPITOL DR	WI	53008	(262) 783-7000	100.0%	2	2
CAR-X AUTO SERVICE	12455 W CAPITOL DR	WI	53005	(262) 783-4226	100.0%	7	7
DENNIS SERVICE	13990 W LISBON ROAD	WI	53005	(262) 751-4005	100.0%	5	5
FIRESTONE BROOKFIELD	95 N MOORLAND RD	WI	53005	(262) 784-1740	100.0%	6	6
GOODYEAR AUTO SERVICE CENTER	12555 W NORTH AVENUE	WI	53005	(262) 782-5252	100.0%	10	10
GORDONS #1 SERVICE & TIRE	3595 N 124TH ST	WI	53005	(262) 781-6680	100.0%	6	6
GRISWOLD AUTOMOTIVE INC	18780 W BURLEIGH RD	WI	53045	(262) 781-3140	95.0%	20	19
HALL VOLKSWAGON MAZDA	19809 W BLUEMOUND RD	WI	53045	(262) 782-5300	100.0%	6	6
LANDRYS BROOKFIELD BP	2005 W CALHOUN RD	WI	53005	(262) 782-4300	100.0%	4	4
REINA INTERNATIONAL AUTO	4050 N 128TH ST	WI	53005	(262) 781-4077	75.0%	4	3
REINA INTERNATIONAL AUTO	12730 W CAPITOL DRIVE	WI	53005	(262) 781-3336	100.0%	1	1
SOERNS FORD	18900 W CAPITOL DR	WI	53045	(262) 781-9800	100.0%	1	1
BROWN DEER							
BADGER AUTOMOTIVE	4730 W BRADLEY RD	WI	53223	(414) 354-9105	100.0%	8	8
BROWN DEER GARAGE	8806 N DEERWOOD DR	WI	53209	(414) 354-9900	100.0%	7	7
TOM BUTLER SALES & SERVICE INC	7636 N TEUTONIA AVE	WI	53209	(414) 228-8470	91.7%	24	22
BURLINGTON							
AMERICAN MUFFLER & AUTOMOTIVE	5933 S PINE ST	WI	53105	(262) 763-5674	100.0%	10	10
BURLINGTON AUTO CLINIC	541 MCHENRY ST	WI	53105	(262) 763-6963	90.9%	11	10
DOUGS AUTO SERVICE	173 COMMERCE ST	WI	53105	(262) 763-2725	100.0%	8	8
LOIS TIRE SHOP	916 MILWAUKEE AVENUE	WI	53105	(262) 763-6288	100.0%	2	2
MERTENS AUTO SERVICE CENTER	389 MILWAUKEE AVE	WI	53105	(262) 763-5155	100.0%	4	4
MIKES QUALITY AUTO SERVICE INC	457 FALCON RIDGE DR	WI	53105	(262) 767-9007	100.0%	9	9
PERFORMANCE TIRE & AUTO SERVICE	1051 MILWAUKEE AVE	WI	53105	(262) 763-7606	100.0%	18	18
BUTLER							
AUTO ACCURACY LTD	12401 W CUSTER AVE	WI	53077	(262) 781-7777	100.0%	1	1
DONS TIRE & AUTO	13180 W HAMPTON AVE	WI	53077	(262) 781-0606	100.0%	4	4
CASCADE							
MAYER AUTOMOTIVE LLC	W6082 HWY W	WI	53011	(920) 528-8506	100.0%	2	2
CEDAR GROVE							
M & R SERVICE CENTER INC	N188 HWY LL	WI	53013	(920) 668-6232	81.8%	11	9

The repair shops listed on this page are
RECOGNIZED REPAIR FACILITIES
that employ at least 1 technician with ASE L1, WISETECH or other equivalent training.
Only emission related repairs performed at a RECOGNIZED repair facility may be
used to meet the waiver cost criteria.



State of Wisconsin
2009 - 2010 LEGISLATURE

Soon

LRB-2844/4 Z
ARG:jld:rs

in 1/15

RMR

2009 BILL

X Regen

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

Analysis by the Legislative Reference Bureau

Current law requires the Department of Transportation (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 the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program. Current law prohibits DOT from contracting with a person engaged in the business of selling, maintaining, or repairing motor vehicles or of selling motor vehicle replacement or repair parts (vehicle dealer or servicer).

This bill allows DOT to contract with any person to perform vehicle emission inspections under the I/M program, including a vehicle dealer or servicer. The bill also specifies that DOT may allow third-party contractors to enter into subcontracts for the performance of the contractor's functions or duties, but the subcontractor must comply with all requirements applicable to the contractor. With DOT's approval, the third-party contractor may also subcontract with a vehicle dealer or

✓
Insert
MURL-A

BILL

✓
Insert
ANAL-B

servicer. The bill also allows vehicle emission inspections to be performed by DOT or by ~~persons who are authorized by DOT to perform the inspections but who are not~~ under contract with DOT.

The bill allows DOT, with the concurrence of DNR, to grant temporary vehicle emission inspection exemptions during any period in which DOT is unable to operate the I/M program. The bill requires DOT to prescribe procedures for granting temporary vehicle emission inspection exemptions and for authorizing persons other than contractors to perform motor vehicle emission inspections.

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 (5) (a) and (b) of the statutes are amended to read:

2 110.20 (5) (a) Any county identified in a certification under s. 285.30 (3). The
3 department shall terminate the program in the county ~~at the end of the contractual~~
4 ~~period in effect~~ when the county is withdrawn under s. 285.30 (4). If the program is
5 being operated under contract, termination shall occur at the end of the contractual
6 period in effect.

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

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

15 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
16 vehicles may be performed by persons under contract with the department. Each
17 such contract shall require the contractor to operate inspection stations, which may

BILL

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

and 8. are ✓
 ✓ of the statutes ✓

11

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

12 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor
 13 to enter into subcontracts for the performance of any of the contractor's functions or
 14 duties under the contract. In performing any such function or duty, a subcontractor
 15 shall comply with all requirements applicable to the contractor. With the
 16 department's approval, the contractor may subcontract with any person engaged in
 17 the business of selling, maintaining, or repairing motor vehicles or of selling motor
 18 vehicle replacement or repair parts.

Insert
3-18

19

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

20 110.20 (8) (bm) The emissions test and equipment inspection of nonexempt
 21 vehicles may be performed by the department or by persons who are not under
 22 contract with the department but who are otherwise authorized by the department
 23 to perform such testing and inspection. The department may establish methods for
 24 emissions testing and equipment inspection by the department or other authorized
 25 persons of nonexempt vehicles, in addition to testing and inspection by contractors.

BILL**SECTION 4**

1 These methods may include the installation and operation by the department or
2 other authorized persons of self-service inspection stations and the utilization of any
3 technology related to emissions or data transmission with which motor vehicles may
4 be equipped, including reading and reporting diagnostic codes stored in any
5 on-board diagnostic system capable of monitoring all emission-related engine
6 systems or components. The department may establish methods for emissions
7 testing and equipment inspection specifically applicable to self-service inspection
8 stations, which methods shall apply equally to self-service inspection stations
9 operated by contractors under par. (am) 1m. and self-service inspection stations
10 operated by ~~the department~~ under this paragraph.

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

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

22 2. For purposes of ss. 341.04 (1), 341.09 (2m) (a) 1. b. and 2. and (9), and 341.65
23 (2) (e) 2m., an inspection under this section is not required during any period in which
24 a temporary exemption is granted under subd. 1. For purposes of ss. 341.09 (5),
25 341.10 (10) (intro.), 341.26 (2m) (am), and 341.63 (1) (e), a vehicle does not require

BILL

1 inspection under sub. (6) during any period in which a temporary exemption is
2 granted under subd. 1.

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

4 110.20 (9) (e) Prescribe a procedure for conducting all federally required
5 performance audits of inspection and maintenance program operations and
6 personnel and all enforcement against contractors, and other persons authorized by
7 the department to perform testing and inspection, required by 40 CFR 51.364.

8 **SECTION 7.** 110.20 (9) (L) [✓] ~~and~~ ^{and (n) ✓} (m) of the statutes are created to read:

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

12 ~~(n)~~ ^{1.} Prescribe procedures for granting temporary exemptions under sub. (8) (c)

13

14

(END)

✓
Insert 5-11
Insert 5-12
Insert 5-14

✓ ↓ and (n) ✓
1. ✓

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2844/2ins
ARG:.....

1 **INSERT ANAL-A:**

(no P) Current law also provides that, if a vehicle fails to pass an emission inspection, any repair or adjustment necessary to bring the vehicle into compliance with applicable emission limitations may be made by the vehicle owner or by any person selected by the owner.

2 **INSERT ANAL-B:**

(no P) If an emission inspection is performed by a vehicle dealer or servicer, regardless of whether the vehicle dealer or servicer is acting as a DOT contractor, a subcontractor, or under other authorization by DOT, and the vehicle fails to pass the inspection, the vehicle dealer or servicer must advise the vehicle owner that the owner is not required to have any necessary repair or adjustment made by, or to purchase any necessary service or part from, the vehicle dealer or servicer and has the right to select a vendor of the owner's own choice. DOT rules must require each vehicle dealer or servicer that performs emission inspections to periodically report to DOT information related to repair services on vehicles that initially failed inspection, including the success rate on retesting after the repair services have been performed. DOT must make the report information available to the public.

3

4 **INSERT 3-18:**

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

12 **INSERT 5-11:**

13 (no P) These rules shall also require that, if an emissions inspection is performed by
14 a person engaged in the business of selling, maintaining, or repairing motor vehicles



1 or of selling motor vehicle replacement or repair parts[✓] and the inspection shows that
2 the vehicle does not comply with applicable emission limitations[✓], the person shall
3 advise the vehicle owner as specified in sub. (12)[✓].

(end ins 5-11)

5 **INSERT 5-12:**

6 (m) Require each person engaged in the business of[✓] selling, maintaining, or
7 repairing motor vehicles or of[✓] selling motor vehicle replacement or repair parts that
8 performs emissions inspections[✓], whether as a contractor of the department, as a
9 subcontractor of a contractor[✓], or under other authorization by the department, to
10 periodically report to the department[✓] information related to repairs and adjustments
11 made by the person for the purpose of bringing vehicles into compliance with
12 applicable emissions limitations[✓]. At a minimum, these reports shall include data
13 identifying the total number of reinspected vehicles on which the person made
14 repairs or adjustments[✓] and, of this total number, the number and percentage of
15 vehicles that were found to comply with applicable vehicle emission limitations upon
16 reinspection[✓]. The department shall make the report information available to the
17 public.[✓]

19 **INSERT 5-14:**

20 **SECTION 1.** 110.20 (12)^x 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 by a person engaged in the business of[✓] selling,
25 maintaining, or repairing motor vehicles or of selling motor vehicle[✓] replacement or



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

(end ins 5-14)

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; 2007 a. 20.

8

9

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2844
Mtg. w/ Paul Nilse

1/20

- limit to counties where tests is req'd under 285.30
- limit reports to post-fail tests

p. 4, 3-8

p. 6,

rule
put into statute -

· only after a fail

· reports from counties where tests is required

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

nonexempt vehicle that has passed its last emission reinspection under s. Trans 131.03 (11), and fails the remote sensing test by exceeding the remote emission standards under sub. (4), shall have an emission inspection under s. 110.20 (9) (g), Stats. Penalty for failure to comply with this section consists of suspension of vehicle registration as set forth in s. 341.63 (1) (e), Stats.

(2) WHEN INSPECTION REQUIRED. (a) The owner or lessee of a nonexempt vehicle that fails the remote sensing test shall have an emission inspection within 45 days of notification of a remote sensing test failure.

(b) Vehicles that fail the remote sensing test, but are scheduled to receive an emission inspection required under s. 110.20 (6), Stats., within 90 days of remote sensing test failure, or for which temporary exemptions will expire within 30 days of remote sensing test failure, shall receive notification of the remote sensing test failure but are exempt from the inspection requirements of s. 110.20 (9) (g), Stats.

(c) Vehicles that have a valid emission inspection waiver at the time of remote sensing test failure are exempt from the inspection requirements of s. 110.20 (9) (g), Stats.

(3) SCOPE AND NATURE OF TEST. The test shall consist of using an open-path infrared sensor to measure the concentration of one or more of the following pollutants present in the vehicle's exhaust:

- (a) Hydrocarbons.
- (b) Carbon monoxide.
- (c) Carbon dioxide.
- (d) Oxides of nitrogen.

(4) EMISSION STANDARDS. Vehicles that exceed the standards shown in Table 1 shall fail the remote sensing test:

TABLE 1

MODEL YEAR	GVWR	REMOTE SENSING STANDARD		
		HC(ppm)	CO(%)	NO _x (%)
1996 and newer	All	400	2.0	Reserved

Note: Changes to these standards may occur either if the USEPA establishes remote sensing standards or if the department's program evaluation indicates that modifications should occur to identify more accurately gross polluting vehicles.

(5) VEHICLE INSPECTION NOTICE. The contractor shall mail a vehicle inspection notice to the owner or lessee of vehicles that fail a remote sensing test conducted under this section. The vehicle inspection notice shall be mailed to the owner's or lessee's address indicated on the department's registration database. The vehicle inspection notice shall include all of the following:

- (a) Test serial number.
- (b) Date, location and time of the test.
- (c) License plate number.
- (d) VIN.
- (e) Emission test results and standards for the vehicle.
- (f) Instructions indicating that the report, together with the vehicle, shall be brought to any inspection station or other authorized inspection facility to receive an inspection as required under s. Trans 131.14 (2), if required.
- (g) Information describing the remote sensing test.
- (h) Explanation of both the legal requirements and registration penalties for failure to comply with an inspection notice.
- (i) Other information that the department may decide to include to improve understanding of the remote sensing test.

(6) REMOTE SENSING EQUIPMENT SPECIFICATIONS AND MAINTENANCE. (a) All equipment utilized for remote sensing emission measurement shall be calibrated and maintained according to the manufacturer's specifications or as superseded by contract.

(b) Remote sensing equipment, personnel and procedures shall be subject to periodic audits by the department under s. Trans 131.11.

History: Cr. Register, June, 1993, No. 450, eff. 7-1-93; r. and recr. Register, April, 1996, No. 484, eff. 5-1-96; CR 07-114: am. (1), (2) (a), (4) and (5) (f) Register June 2008 No. 630, eff. 7-1-08.

Trans 131.15 Performance monitoring of repair facilities. (1) GENERAL. The department, through its emission testing contractor, shall both collect emission repair data and inform the public and automotive repair industry regarding repair efficacy.

(2) DATA COLLECTION. Whenever a nonexempt vehicle receives a reinspection, the contractor shall collect the following emission repair information from the vehicle inspection report as required by s. Trans 131.03 (11):

- (a) The repairs performed.
- (b) Any technician recommended repairs not performed, per owner's request.
- (c) The name and address of the facility that performed the repairs.
- (d) The name of the person who performed the repairs.
- (e) The identification number, if available, of the recognized repair facility or recognized automotive emission repair technician, or both.

(3) REPORTING. (a) The contractor shall compile a report which includes the emission repair facility name, address, telephone number, number of vehicles submitted for reinspection, and percentages indicating the number of vehicles that have passed, failed, and received waivers after repair.

(b) Beginning in the third month of the vehicle emission inspection program, the contractor shall produce a summary report of the performance of local repair facilities that have repaired vehicles for reinspection. The report shall be provided to the motorist at the time of initial vehicle emission inspection failure. The report shall be updated on a quarterly basis.

(c) Repair facilities shall receive summary reports at least quarterly. Reports to the repair facility shall include all information made available to the public and may include reports on individual technicians if so requested by the employing repair facility.

(d) The department may include additional statistics that convey information on the relative ability of repair facilities in providing effective emission repair.

History: Emerg. cr., eff. 12-4-95; cr. Register, April, 1996, No. 484, eff. 5-1-96.

Trans 131.16 Automotive emission repair technician training. (1) GENERAL. The department, in cooperation with community and technical colleges located in counties certified under s. 110.20 (5) (a), Stats., shall establish guidelines for assessing programs for automotive emission repair technician education and training available at both public and private facilities. The department shall designate programs that meet these guidelines as Wisconsin emission technician training, or WISETECH, programs. Any public or private facility offering automotive emission repair technician training may request WISETECH designation from the department.

(2) CRITERIA. To meet WISETECH standards, training courses shall, at a minimum, include instruction in:

- (a) Diagnosis and repair of malfunctions in computer controlled close-loop vehicles.
- (b) Application of emission control theory and diagnostic data to the diagnosis and repair of vehicles failing OBD inspection.
- (c) Utilization of diagnostic information on systematic or repeated failures observed in OBD inspection.
- (d) General training on the various subsystems related to engine emission control.

(3) EQUIPMENT. Both private and public facilities offering WISETECH designated automotive emission repair training courses



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2009 BILL

X

Regen

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

Current law requires the Department of Transportation (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 the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program. Current law prohibits DOT from contracting with a person engaged in the business of selling, maintaining, or repairing motor vehicles or of selling motor vehicle replacement or repair parts (vehicle dealer or servicer). Current law also provides that, if a vehicle fails to pass an emission inspection, any repair or adjustment necessary to bring the vehicle into compliance with applicable emission limitations may be made by the vehicle owner or by any person selected by the owner.

This bill allows DOT to contract with any person to perform vehicle emission inspections under the I/M program, including a vehicle dealer or servicer. The bill also specifies that DOT may allow third-party contractors to enter into subcontracts

BILL

✓ vehicle repairs and reinspections after a failed inspection

for the performance of the contractor's functions or duties, but the subcontractor must comply with all requirements applicable to the contractor. With DOT's approval, the third-party contractor may also subcontract with a vehicle dealer or servicer. The bill also allows vehicle emission inspections to be performed by DOT or by persons who are authorized by DOT to perform the inspections but who are not under contract with DOT. If an emission inspection is performed by a vehicle dealer or servicer, ~~regardless of whether the vehicle dealer or servicer is acting as a DOT contractor, a subcontractor, or under other authorization by DOT,~~ and the vehicle fails ~~to pass~~ the inspection, the vehicle dealer or servicer must advise the vehicle owner that the owner is not required to have any necessary repair or adjustment made by, or to purchase any necessary service or part from, the vehicle dealer or servicer and has the right to select a vendor of the owner's own choice. DOT rules must require each vehicle dealer or servicer that performs emission inspections to ~~periodically report to DOT information related to repair services on vehicles that initially failed inspection, including the success rate on retesting after the repair services have been performed.~~ DOT must make ~~the report~~ information available to the public. ✓ *collect and gathered from these reports*

The bill allows DOT, with the concurrence of DNR, to grant temporary vehicle emission inspection exemptions during any period in which DOT is unable to operate the I/M program. The bill requires DOT to prescribe procedures for granting temporary vehicle emission inspection exemptions and for authorizing persons other than contractors to perform motor vehicle emission inspections.

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 (5) (a) and (b) of the statutes are amended to read:

2 110.20 (5) (a) Any county identified in a certification under s. 285.30 (3). The
 3 department shall terminate the program in the county at the end of the contractual
 4 period in effect when the county is withdrawn under s. 285.30 (4). If the program is
 5 being operated under contract, termination shall occur at the end of the contractual
 6 period in effect.

7 (b) Any county whose board of supervisors has adopted a resolution requesting
 8 the department to establish an inspection and maintenance program in the county
 9 for the purpose of improving ambient air quality beyond the standards mandated by

BILL

1 section 7409 of the federal act. The department shall terminate the program in the
2 county ~~at the end of the contractual period in effect~~ when the county board adopts
3 a resolution requesting termination of the program. If the program is being operated
4 under contract, termination shall occur at the end of the contractual period in effect.

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

6 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
7 vehicles may be performed by persons under contract with the department. Each
8 such contract shall require the contractor to operate inspection stations, which may
9 be permanent or mobile, for a minimum of 3 years and shall provide for equitable
10 compensation to the contractor if the operation of an inspection and maintenance
11 program within any county is terminated within 3 years after the inspection and
12 maintenance program in the county is begun. No officer, director or employee of the
13 contractor may be an employee of the department ~~or a~~. The department may
14 contract with any person, including any person engaged in the business of selling,
15 maintaining, or repairing motor vehicles or of selling motor vehicle replacement or
16 repair parts. The department shall require the contractor to operate a sufficient
17 number of inspection stations, permanent or mobile, to ensure public convenience in
18 those counties identified under sub. (5).

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

20 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor
21 to enter into subcontracts for the performance of any of the contractor's functions or
22 duties under the contract. In performing any such function or duty, a subcontractor
23 shall comply with all requirements applicable to the contractor. With the
24 department's approval, the contractor may subcontract with any person engaged in

BILL

1 the business of selling, maintaining, or repairing motor vehicles or of selling motor
2 vehicle replacement or repair parts.

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

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

10 110.20 (8) (bm) The emissions test and equipment inspection of nonexempt
11 vehicles may be performed by the department or by persons who are not under
12 contract with the department but who are otherwise authorized by the department
13 to perform such testing and inspection. The department may establish methods for
14 emissions testing and equipment inspection by the department or other authorized
15 persons of nonexempt vehicles, in addition to testing and inspection by contractors.
16 These methods may include the installation and operation by the department or
17 other authorized persons of self-service inspection stations and the utilization of any
18 technology related to emissions or data transmission with which motor vehicles may
19 be equipped, including reading and reporting diagnostic codes stored in any
20 on-board diagnostic system capable of monitoring all emission-related engine
21 systems or components. The department may establish methods for emissions
22 testing and equipment inspection specifically applicable to self-service inspection
23 stations, which methods shall apply equally to self-service inspection stations
24 operated by contractors under par. (am) 1m. and self-service inspection stations
25 operated ~~by the department~~ under this paragraph.

BILL

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

2 110.20 (8) (c) 1. Notwithstanding subs. (5), (6), and (9) (d), the department of
3 transportation may, with concurrence of the department of natural resources, grant
4 a temporary exemption for nonexempt vehicles during any period in which the
5 department of transportation is unable to operate an inspection and maintenance
6 program. An exemption granted under this subdivision is valid until the next
7 required inspection of the vehicle required under sub. (6), or until the time given by
8 the department of transportation to complete inspection of the vehicle, whichever
9 occurs first. Notwithstanding subs. (7) and (10m), the department of transportation
10 may deny requests for inspection during any period in which exemptions are granted
11 under this subdivision.

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

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

19 110.20 (9) (e) Prescribe a procedure for conducting all federally required
20 performance audits of inspection and maintenance program operations and
21 personnel and all enforcement against contractors, and other persons authorized by
22 the department to perform testing and inspection, required by 40 CFR 51.364.

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

24 110.20 (9) (L) Prescribe procedures for authorizing persons other than
25 contractors, subcontractors of contractors, or the department to perform emission

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SECTION 7

1 testing and equipment inspection as provided under sub. (8) (bm). These rules shall
 2 also require that, if an emissions inspection is performed by a person engaged in the
 3 business of selling, maintaining, or repairing motor vehicles or of selling motor
 4 vehicle replacement or repair parts and the inspection shows that the vehicle does
 5 not comply with applicable emission limitations, the person shall advise the vehicle
 6 owner as specified in sub. (12).

7 (m) Require each person engaged in the business of selling, maintaining, or
 8 repairing motor vehicles or of selling motor vehicle replacement or repair parts that
 9 performs emissions inspections, in a county identified in sub. (5),
 10 whether as a contractor of the department, as a
 11 subcontractor of a contractor, or under other authorization by the department to
 12 collect and periodically report to the department information related to repairs and adjustments
 13 vehicle made by the person for the purpose of bringing vehicles into compliance with

14 applicable emissions limitations. At a minimum, these reports shall include data
 15 identifying the total number of reinspected vehicles on which the person made
 16 repairs or adjustments and, of this total number, the number and percentage of
 17 vehicles that were found to comply with applicable vehicle emission limitations upon
 18 reinspection. The department shall make the report information available to the
 19 public. *gathered from these reports*

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

20 1.

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

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

in a county identified in sub. (5)

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*and the vehicle fails the inspection test, ← score
then after the failed test*

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

(END)

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and reinspections after the vehicle has failed an inspection test, including the repairs performed, any technician recommended repairs not performed at the owner's request, the name and address of the facility that performed the repairs, the name of the individual who performed the repairs, and, if applicable, the identification number of the recognized repair facility or recognized automotive emission repair technician, or both, that performed the repairs. The reports shall also include compiled information containing the number of vehicles submitted for reinspection and percentages indicating the number of vehicles that passed, failed, and received waivers after repair following a failed inspection test.