



# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 06/17/2009 (Per: ARG)



### Appendix A


 The 2009 drafting file for LRBb0097/P4 (For: DOT)


has been copied/added to the drafting file for

**2009 LRB-2844** (For: DOT)

 Are These “Companion Bills” ?? ... No

If yes, who in the initial requestor’s office authorized the copy/transfer of the drafting history (“guts”) from the original file: \_\_\_\_\_

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB75)**

Received: 02/18/2009

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: EVM

Submit via email: YES

Requester's email: Paul.Nilsen@dot.state.wi.us

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

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Vehicle emission and inspection program; allowing subcontracting of repair and inspection

---

**Instructions:**

Wants contractor to be able to subcontract to repair shops so subcontractor could do both testing and repair; hybrid model, large cost savings; currently can do inspection only, no repair; see last couple sentences of 110.20 (8) (am) 1.

---

**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>
/?							
/P1	agary 03/20/2009	jdyer 03/23/2009	jfrantze 03/23/2009	_____	cduerst 03/23/2009		
/P2	agary 03/24/2009	jdyer 03/25/2009	phenry 03/25/2009	_____	sbasford 03/25/2009		
/P3	agary	jdyer	jfrantze	_____	sbasford		

<u>Ver.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/06/2009	05/06/2009	05/06/2009	_____	05/06/2009		
/P4	agary 05/18/2009	jdye 05/18/2009	phery 05/18/2009	_____	lparisi 05/18/2009		

FE Sent For:

<END>

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/?		<i>PK 5/18 JLD</i>					
/P1	agary 03/20/2009	jdyer 03/23/2009	jfrantze 03/23/2009	_____	cduerst 03/23/2009		
/P2	agary 03/24/2009	jdyer 03/25/2009	phenry 03/25/2009	_____	sbasford 03/25/2009		
/P3	agary	jdyer	jfrantze <i>9/18/09</i>	<i>5/18</i>	sbasford		

**LRBb0097**

05/06/2009 02:56:35 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/06/2009	05/06/2009	05/06/2009	_____	05/06/2009		

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/?		<i>P3 5/6 jL</i>					
/P1	agary 03/20/2009	jdyer 03/23/2009	jfrantze 03/23/2009	_____	cduerst 03/23/2009		
/P2	agary 03/24/2009	jdyer 03/25/2009	phenry 03/25/2009	_____	sbasford 03/25/2009		

*Jb 5/4*      *Jd/Rs 3/6*

**LRBb0097**

03/25/2009 08:01:07 AM

Page 2

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/?							
/P1	agary 03/20/2009	jdyer 03/23/2009	jfrantze 03/23/2009		cduerst 03/23/2009		

1/23/25 jld

3/25 pn  
3/25 PHJG

FE Sent For:

<END>



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1?	agary	PI 3/23 JLD	Jb 3/23	Jb 3/23			

FE Sent For:

<END>

**Gary, Aaron**

---

**From:** Nilsen, Paul - DOT [paul.nilsen@dot.state.wi.us]  
**Sent:** Monday, March 02, 2009 4:24 PM  
**To:** Gary, Aaron  
**Subject:** 110.20 amend?

Hi Aaron,

Please draft an amendment to the budget that would explicitly allow DMV to contract with vehicle repair stations for inspection and maintenance (I/M) program services, and to allow vehicle repair stations to be used as subcontractors to perform I/M program services.

The limiter appears to be in the underscored text:

110.20(8)(am)1.

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

---

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



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0097/P1

ARG: A:...

in  
3/20

JLD

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

1 At the locations indicated, amend the bill<sup>✓</sup> as follows:

2 1. Page 1207, line 2:<sup>✓</sup> after that line insert:

3 <sup>✓</sup>"SECTION 2216g.<sup>✓</sup> 110.20 (8) (am) 1. of the statutes is amended to read:

4 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt  
5 vehicles may be performed by persons under contract with the department. Each  
6 such contract shall require the contractor<sup>✓</sup> to operate inspection stations for a  
7 minimum of 3 years and shall provide for equitable compensation to the contractor  
8 if the operation of an inspection and maintenance program within any county is  
9 terminated within 3 years after the inspection and maintenance program in the  
10 county is begun. No officer, director or employee of the contractor may be an  
11 employee of the department<sup>✓</sup> or a person engaged in the business of selling,  
12 ~~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  
2 number of inspection stations, permanent or mobile, to ensure public convenience in  
3 those counties identified under sub. (5). The department may enter into a contract  
4 under this subdivision that authorizes the contractor or any of its subcontractors to,  
5 in addition to performing the duties required under the contract, engage in the  
6 business of selling, maintaining, or repairing motor vehicles or of selling motor  
7 vehicle replacement or repair parts. ✓

History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 c. 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. 19; 2007 a. 20.

8 ~~SECTION 2216.~~ ✓ 110.20 (8) (am) 7. of the statutes is created to read:

9 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor  
10 to enter into subcontracts ✓ for the performance of any of the ✓ contractor's functions ✓ or  
11 duties under the contract. ✓ In performing any such ✓ function or duty, a ✓ subcontractor  
12 shall comply with all requirements applicable to the contractor." ✓

13 (END)

**Gary, Aaron**

---

**From:** Nilsen, Paul - DOT [Paul.Nilsen@dot.wi.gov]  
**Sent:** Monday, March 23, 2009 2:07 PM  
**To:** Gary, Aaron  
**Subject:** FW: Draft review: LRB 09b0097/P1 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection  
**Attachments:** LRBb0097\_P1.pdf

Hi Aaron,  
THANK YOU!!!!  
I am afraid I have to ask for redraft.

The Department does not authorize repair shops. Rather, we want to be able to contract with persons who already may be engaged in vehicle repair.  
Please redraft to allow the Department to contract with any person who already may be "engaged in the business of selling, maintaining or repairing motor vehicles or of selling motor vehicle replacement or repair parts". Your language on subcontractors is good; please retain that, but also allow our contractor to subcontract with repair shops.

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

---

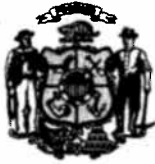
Paul E. Nilsen  
Assistant General Counsel  
Wisconsin Department of Transportation  
Paul.Nilsen@dot.wi.gov  
(608) 261-0126

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

**From:** Duerst, Christina [mailto:Christina.Duerst@legis.wisconsin.gov]  
**Sent:** Monday, March 23, 2009 11:02 AM  
**To:** Nilsen, Paul - DOT  
**Subject:** Draft review: LRB 09b0097/P1 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection

**Following is the PDF version of draft LRB 09b0097/P1.**

03/23/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0097/PZ  
ARG:jld:jf

in  
3/24

RMR

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

↓ The department may contract with any

1 At the locations indicated, amend the bill as follows:

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

3 "SECTION 2216g. 110.20 (8) (am) 1. of the statutes is amended to read:

4 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt  
5 vehicles may be performed by persons under contract with the department. Each  
6 such contract shall require the contractor to operate inspection stations for a  
7 minimum of 3 years and shall provide for equitable compensation to the contractor  
8 if the operation of an inspection and maintenance program within any county is  
9 terminated within 3 years after the inspection and maintenance program in the  
10 county is begun. No officer, director or employee of the contractor may be an

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

12 ~~maintaining or repairing motor vehicles or of selling motor vehicle replacement or~~

→ score comma

plain - ~~Amend~~ strike

plain

NO  
plain - ~~Arizona~~ strike

1 repair parts. The department shall require the contractor to operate a sufficient  
2 number of inspection stations, permanent or mobile, to ensure public convenience in  
3 those counties identified under sub. (5). The department may enter into a contract

4 under this subdivision that authorizes the contractor or any of its subcontractors to,  
5 in addition to performing the functions and duties required under the contract,  
6 engage in the business of selling, maintaining, or repairing motor vehicles or of  
7 selling motor vehicle replacement or repair parts.

8 **SECTION 2216j.** 110.20 (8) (am) 7. of the statutes is created to read:

9 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor  
10 to enter into subcontracts for the performance of any of the contractor's ✓ functions or  
11 duties under the contract. In performing any such function or duty, ✓ a subcontractor  
12 shall comply with all requirements applicable to the contractor". ✓

13 (END)

Keep

insert 2-12 ✓

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0097/P2ins  
ARG:.....

1

2

3

**INSERT 2-12:**

4

(no H)

The contractor may subcontract with any person engaged in the business of

5

selling, maintaining, ✓ or repairing motor vehicles or of selling ✓ motor vehicle

6

replacement or repair parts

7





in 5/6

RMK

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

b-note

✓ , which may be permanent or mobile,

1 At the locations indicated, amend the bill as follows:

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

Insert  
1-2 →

3 SECTION 2216<sup>f</sup>. 110.20 (8) (am) 1. of the statutes is amended to read:

4 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt  
5 vehicles may be performed by persons under contract with the department. Each  
6 such contract shall require the contractor to operate inspection stations for a  
7 minimum of 3 years and shall provide for equitable compensation to the contractor  
8 if the operation of an inspection and maintenance program within any county is  
9 terminated within 3 years after the inspection and maintenance program in the  
10 county is begun. No officer, director or employee of the contractor may be an  
11 employee of the department or a. The department may contract with any person  
12 engaged in the business of selling, maintaining, or repairing motor vehicles or of

including any person

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

~~department may enter into a contract under this subdivision that authorizes the  
contractor or any of its subcontractors to, in addition to performing the functions and  
duties required under the contract, engage in the business of selling, maintaining,  
or repairing motor vehicles or of selling motor vehicle replacement or repair parts.~~

STRIKE  
STRIKE

4  
5  
6  
7

8 SECTION 2216. 110.20 (8) (am) 7. of the statutes is created to read:

9 110.20 (8) (am) 7. Each contract under subd. 1. may authorize the contractor  
10 to enter into subcontracts for the performance of any of the contractor's functions or  
11 duties under the contract. In performing any such function or duty, a subcontractor  
12 shall comply with all requirements applicable to the contractor. The contractor may  
13 subcontract with any person engaged in the business of selling, maintaining, or  
14 repairing motor vehicles or of selling motor vehicle replacement or repair parts.

(END)

Insert  
2-15  
14  
15

D-Note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0097/P3ins  
ARG:.....

1           **INSERT 1-2:**

2           <sup>✓</sup>“**SECTION 2216b.** 110.20 (5) (a) and (b) <sup>✓</sup>of the statutes are amended to read:

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

8           (110.20 (5) (b) Any county whose board of supervisors has adopted a resolution  
9           requesting the department to establish an inspection and maintenance program in  
10           the county for the purpose of improving ambient air quality beyond the standards  
11           mandated by section 7409 of the federal act. The department shall terminate the  
12           program in the county ~~at the end of the contractual period in effect~~ when the county  
13           board adopts a resolution requesting termination of the program. If the program is  
14           being operated under contract, <sup>✓</sup>termination shall occur at the end of the contractual  
15           period in effect. <sup>✓</sup>

16           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.

16

17

18           **INSERT 2-15:**

19           <sup>✓</sup>“**SECTION 2216p.** 110.20 (8) (bm) <sup>✓</sup>of the statutes is amended to read:

20           110.20 (8) (bm) The emissions <sup>✓</sup>test and equipment inspection <sup>✓</sup>of nonexempt  
21           vehicles may be performed by the department <sup>✓</sup>or by persons who are not under  
22           contract with the department <sup>✓</sup>but who are otherwise authorized by the department  
23           to perform such testing and inspection. <sup>✓</sup> The department may establish methods for



INS 2-15  
CONT

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

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.

13

14

**SECTION 2216s.** <sup>✓</sup> 110.20 (8) (c) <sup>✓</sup> of the statutes is created to read:

15

110.20 (8) (c) 1. Notwithstanding subs. (5), <sup>✓</sup> (6), <sup>✓</sup> and (9) (d), <sup>✓</sup> the department may,

16

with concurrence of the <sup>✓</sup> department of natural resources, grant a temporary

17

exemption for nonexempt vehicles <sup>✓</sup> during any period in which the department <sup>✓</sup> is

18

unable to operate an inspection and maintenance program. <sup>✓</sup> An exemption granted

19

under this subdivision <sup>✓</sup> is valid until the next required inspection of the vehicle

20

required under sub. (6), <sup>✓</sup> or until the time given by the department <sup>✓</sup> to complete

21

inspection of the vehicle, whichever occurs first. <sup>✓</sup> Notwithstanding subs. <sup>✓</sup> (7) and

22

(10m), <sup>✓</sup> the department <sup>✓</sup> may deny requests for inspection during any period in which

23

exemptions are granted under this subdivision. <sup>✓</sup>

of transportation



INS 2-15  
cont

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

7           **SECTION 2216w.** 110.20 (9) (e) of the statutes is amended to read:

8           110.20 (9) (e) Prescribe a procedure for conducting all federally required  
 9           performance audits of inspection and maintenance program operations and  
 10          personnel and all enforcement against contractors, and other persons authorized by  
 11          the department to perform testing and inspection, required by 40 CFR 51.364.

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.

12          **SECTION 2216y.** 110.20 (9) (L) and (m) of the statutes are created to read:

13          110.20 (9) (L) Prescribe procedures for authorizing persons other than  
 14          contractors, subcontractors of contractors, or the department to perform emission  
 15          testing and equipment inspection as provided under sub. (8) (bm).

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

17          (c) l. "  $\Delta$  "

(end ins 2-15)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

date

LRBb0097/P3dn

ARG:.....

Jld

ATTN: Paul Nilsen

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

In this draft, I have tried to separate, to some extent, the "contractor" provisions from the provisions that would apply if DOT chooses to operate in a manner that is not "under contract." For this reason, I have placed new text in s. 110.20 (8) (bm). Another reason I placed text in s. 110.20 (8) (bm) is that existing cross-references to s. 110.20 (8) (bm) accomplish corresponding changes in a manner that avoids the necessity of additional statutory treatments. For example, I believe the first sentence of s. 110.20 (11) (a) does not need to be treated because the issue is covered by the cross-reference in the second clause of that sentence.

\* Do ss. 110.20 (1) (c) and (6) (b), stats., continue to work, given the other changes made in this draft?

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:** Nilsen, Paul - DOT [Paul.Nilsen@dot.wi.gov]  
**Sent:** Thursday, April 30, 2009 3:37 PM  
**To:** Gary, Aaron  
**Subject:** DOT emissions inspection 110.20

**Attachments:** redraft b0097.P2.doc

Hi Aaron,  
Here are some notes of the drafting request we discussed. DOT will try to get this enacted as part of the budget, by amendment of joint finance.  
Please let me know if you have any questions. There's a lot of back-story here...



redraft  
0097.P2.doc (55 KB)

---

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

**Redraft instructions for LRBb0097/P2**

1. Please revise 110.20(8)(am)1. as shown below. Because of ongoing litigation over authority to contract with vehicle repair facilities, DOT would like explicit authority to contract with repair facilities, parts sellers, etc., but does not want to be limited to contracting only with repair facilities. The language below is redundant, but is needed to resolve ongoing litigation.
2. The treatment of 110.20(8)(am)7 is good.
3. DOT would like authority to register non-exempt vehicles (e.g. vehicles required to be tested) if the emissions inspection and maintenance ('I/M') program is shut down due to lack of contractors. Currently, states require DOT to run a program and test vehicles, and prohibit DOT from registering vehicles that are not tested. This places a burden on DOT if it cannot contract due to litigation (currently, Envirotest v. DOT, 08-CV-14796, 08-CV-15284 (Milwaukee Co.)), or inability to agree to terms with a contractor. In the event DOT cannot contract, DOT would like to be able to register vehicles without inspection until such time as the program is running again, then DOT would test vehicles previously exempted. Suspension of the program should be permissive, and should require concurrence of DNR, to allow DOT and DNR to determine the effect of any suspension on Wisconsin's compliance with federal law. The draft below attempts to allow vehicle registration of untested vehicles, but please make whatever corrections or changes are necessary to effectuate this intent.
4. DOT currently runs the I/M programs with a contractor. DOT may desire to 'decentralize' the program, by authorizing others to perform tests and report results without a contract and without payment from DOT. For example, DOT might wish to allow a gas station to perform certain tests, such as OBDII tests (which can easily be performed using inexpensive diagnostic tools) without entering into a contract. Instead, DOT would issue some permit or approval, and require the gas station to adhere to administrative rules that comply with federal law. Current law seems to contemplate this, at s. 110.20(8)(bm). The draft below attempts to allow contractors and 'others' without contracts to test vehicles, but please make whatever corrections or changes are necessary to effectuate this intent.
5. DMV worries that the word 'station' as used in s. 110.20 may imply a fixed testing location, as currently used in Wisconsin's centralized I/M program (testing only by contractors at their DOT-approved permanent locations). Consistent with DOT's longer-term goal of decentralizing the I/M program, DMV prefers the term 'facility', to make clear that the testing can occur anywhere DOT approves for tests. I think the term 'station' is elastic enough to include any location at which authorized tests are performed, including tests performed at drive-up self-service kiosks (similar to ATMs), gas stations approved to perform tests, and other similar testing venues. If you agree, please retain 'station'. If you think another term is better used to describe the type of testing locations above, please substitute that better term.
6. Vehicles are now manufactured with on-board diagnostics that monitor and record the functioning of emission control equipment, in conformity with federal law.

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Paul Nilsen  
Department of Transportation  
Office of General Counsel  
April 30, 2009

DOT would like to rely on these on-board diagnostics, in lieu of or in addition to testing actual vehicle tailpipe emissions, consistent with 40 CFR 86.005-17. Please make whatever changes are needed to effectuate this intent.

++++  
110.20

110.20 Motor vehicle emission inspection and maintenance program.

110.20(1)

(1) Definitions. In this section, unless the context requires otherwise:

110.20(1)(ac)

(ac) "Air pollution control equipment" has the meaning given in s. 285.30 (6) (a) 1.

110.20(1)(am)

(am) "Federal act" means the federal clean air act, 42 USC 7401 et seq., and regulations issued by the federal environmental protection agency under that act.

110.20(1)(b)

(b) "Nonexempt vehicle" means any motor vehicle as defined under s. 340.01 (35) which is owned by the United States or which is required to be registered in this state and to which one or more emission limitations adopted under s. 285.30 (2) applies.

110.20(1)(c)

(c) "Nontransient emissions inspection" means an emissions inspection conducted on a vehicle without the use of a chassis dynamometer to vary vehicle engine loads.

110.20(2)

(2) Program established. The department shall establish an inspection and maintenance program as provided in this section.

110.20(3)

(3) Purpose.

110.20(3)(a)

(a) The inspection and maintenance program shall be designed to determine compliance with the emission limitations promulgated under s. 285.30 (2) and compliance with s. 285.30 (6).

110.20(3)(c)

(c) The inspection and maintenance program may be designed to provide information on the fuel efficiency of nonexempt vehicles.

110.20(3)(d)

(d) The inspection and maintenance program shall be designed and operated to comply with the requirements of the federal act.

110.20(4)

(4) Departmental cooperation. The department shall consult and cooperate with the department of natural resources in order to efficiently and fairly establish and administer the program established under this section.

110.20(5)

(5) Counties. The department shall operate the inspection and maintenance program in each of the following counties:

110.20(5)(a)

(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).

110.20(5)(b)

(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 county at the end of the contractual period in effect when the county board adopts a resolution requesting termination of the program.

110.20(6)

(6) Mandatory inspection.

110.20(6)(a)

(a) The program shall require an emissions inspection under sub. (11) of any nonexempt vehicle customarily kept in a county identified in sub. (5) as follows:

110.20(6)(a)1.

1. For a nonexempt vehicle required to be registered on an annual or other periodic basis in this state, within the period of time specified by the department under sub. (9) (d) prior to renewal of registration in the 4th year after the nonexempt vehicle's model year and every 2 years thereafter, except as provided in sub. (9) (j).

110.20(6)(a)2.

2. For a nonexempt vehicle required to be registered on an annual or other periodic basis in this state, within the period of time specified by the department under sub. (9) (d) of registration other than renewal if the year of registration is at least 6 years after the nonexempt vehicle's model year.

110.20(6)(a)3.

3. For a nonexempt vehicle that is registered under s. 341.26 (2m), owned by the United States or subject to one-time registration, at any time during the 4th year following the nonexempt vehicle's model year and every 2 years thereafter.

110.20(6)(a)4.

4. For a nonexempt vehicle, whenever the owner of the vehicle is notified under sub. (9) (g) that an emissions inspection must be performed.

110.20(6)(b)

(b) The program shall require an air pollution control equipment inspection to determine compliance with s. 285.30 (6) of any nonexempt vehicle customarily kept in a county identified in sub. (5) whenever a nontransient emissions inspection is performed or at the time of application for a waiver under sub. (13).

110.20(6m)

(6m) Prohibited inspections. The department may not require an emissions inspection of any vehicle prior to the inspection of the vehicle scheduled under sub. (6) (a) 1. or (9) (d) or (j) if an interest in the vehicle is transferred to a surviving spouse under s. 342.17 (4).

110.20(7)

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

110.20(8)

(8) Contractors and other inspection methods.

110.20(8)(am)

(am)

110.20(8)(am)1.

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

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Deleted:

110.20(8)(am)1m.

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.

110.20(8)(am)2.

2. The department may require the contractor to test the fuel efficiency of nonexempt vehicles during emission inspections.

110.20(8)(am)3.

3. The department may delegate to the contractor specified registration functions of the department under ch. 341. The department may direct the contractor to perform specified registration functions under ch. 341.

110.20(8)(am)4.

4. The department may delegate to the contractor functions associated with the issuance of a temporary operating permit under sub. (10) (b) or the waiver of compliance under sub. (13) (a) or both.

110.20(8)(am)5.

5. No inspection station may be established within 0.5 mile of an air monitoring station which reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard as defined by the department of natural resources.

110.20(8)(am)6.

6. The contractor shall collect, maintain and report data as the department requires. The department shall reserve the right to enter and inspect test station premises, equipment and records at all reasonable times in the discharge of its administrative duties.

110.20(8)(bm)

(bm) The department may establish methods for emissions testing and equipment inspection of nonexempt vehicles by authorized persons, in addition to testing and inspection by contractors. These methods may include the installation and operation by the department, or by persons authorized by the department, 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 under this paragraph.

Deleted: by the department

110.20(9)

(9) Rules. The department shall promulgate rules which:

110.20(9)(a)

(a) Specify procedures for the inspection of vehicles, including the method of measuring emissions, the types of equipment which may be used in performing the measurements and the calibration requirements for the equipment. The procedures and methods shall be capable of being correlated with the federal test procedures established under section 7525 of the federal act.

110.20(9)(b)

(b) Prescribe a procedure for determining whether the cost of necessary repairs and adjustments exceeds the limit under sub. (13).

110.20(9)(c)

(c) Specify procedures under which a vehicle may be refused inspection for safety reasons or for defects which would result in inaccurate measurement of emissions.

110.20(9)(d)

(d) Specify a period of time during which an emissions inspection must be performed for a nonexempt vehicle subject to sub. (6) (a) 1. or 2.

110.20(9)(e)

(e) Prescribe a procedure for conducting all federally required performance audits of inspection and maintenance program operations and personnel and all enforcement against contractors required by 40 CFR 51.364.

110.20(9)(f)

(f) Establish a performance monitoring system to inform the public regarding repair efficacy.

110.20(9)(g)

(g) Prescribe a procedure for remote sensing of not less than 0.5% of nonexempt vehicles and, for such vehicles that grossly exceed applicable emission limitations, as determined by the department, notifying vehicle owners by mail that an emissions inspection must be performed under sub. (6) (a) 4.

110.20(9)(h)

(h) Provide procedures for identifying any nonexempt vehicle subject to a recall by the manufacturer of the vehicle that is related to emissions and ensuring motorist compliance with the recall.

110.20(9)(i)

(i) Provide a procedure for detecting and preventing the fraudulent classification of any nonexempt vehicle as a vehicle that is not a nonexempt vehicle.

110.20(9)(j)

(j) Prescribe an annual frequency for inspection for any model year subset of nonexempt vehicles if the department determines annual inspection to be appropriate after additional program evaluation.

110.20(9)(k)

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

110.20(9)(L)

(L) Notwithstanding subs. (5) and (6), and rules promulgated under par. (d), the department may, with concurrence of the department of natural resources, grant a temporary exemption for non-exempt vehicles during any period in which the department is unable to operate an inspection and maintenance program. An exemption granted under this paragraph is valid until the next required inspection of the vehicle required under sub. (6), or until the time given by the department to complete inspection of the vehicle, whichever occurs first. Notwithstanding subs. (7) and (10m), the department may deny requests for inspection during any period in which exemptions are granted under this paragraph.

110.20(10)

(10) Reciprocity; temporary operating permit and exemptions. The department may promulgate rules which:

110.20(10)(a)

(a) Authorize the acceptance of an inspection performed in another state instead of an inspection required under this section if the inspection in the other state was performed under procedures, requirements and standards comparable to those required under this section and it satisfies the requirements of the federal act.

110.20(10)(b)

(b) Authorize the issuance of a temporary operating permit, valid for not more than 30 days, to allow time for inspection and necessary repairs and adjustments of any motor vehicle subject to inspection under sub. (6).

110.20(10)(c)

(c) Permit a temporary exemption for nonexempt vehicles absent from an emissions inspection area.

110.20(10)(d)

(d) Authorize the issuance of a certificate of compliance for nonexempt vehicles that fail the inspection tests under sub. (11) (a) for applicable emission limitations but complete a comprehensive physical and functional diagnostic inspection which indicates that no

adjustments or repairs will bring the vehicle into compliance with applicable emissions limitations.

110.20(10m)

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

110.20(11)

(11) Inspection tests; results.

110.20(11)(a)

(a) A contractor or person authorized by the department shall perform the tests required under the federal act, and any testing and inspection method established under sub. (8) (bm) shall include the tests required under the federal act. The tests shall include one of the approved short tests required by the federal act to determine compliance with applicable emission limitations for carbon monoxide, hydrocarbons and oxides of nitrogen. The department may require contractors to provide information on the fuel efficiency of the motor vehicle.

110.20(11)(b)

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

110.20(12)

(12) Repairs. Repairs or adjustments necessary to bring a vehicle into compliance with applicable emissions limitations are the responsibility of the vehicle owner and may be made by the owner or any person selected by the owner. For a nonexempt vehicle with a model year of 1981 or later, only repairs performed by automotive repair technicians, as defined by the department by rule, shall be valid for the issuance of a waiver of compliance under sub. (13).

110.20(13)

(13) Repair cost limit.

110.20(13)(a)

(a) The department shall issue a waiver of compliance valid until the next required inspection of the vehicle under sub. (6) if the owner presents satisfactory evidence to the department that the actual costs of repairs performed on a vehicle in accordance with an inspection report under sub. (11) (b) exceeded the repair cost limit established under par. (b).

110.20(13)(b)

(b) The department of natural resources shall, by rule, establish the amount of the repair cost limit to equal the amount required under 42 USC 7511a (b) 4. or (c) (3) (C).

110.20(13)(c)

(c) In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

110.20(13)(c)1.

1. Costs covered by any warranty.

110.20(13)(c)2.

2. Costs necessary to repair or replace any emissions control system or mechanism which has been removed, dismantled or rendered inoperative in violation of s. 285.30 (6) or rules promulgated under that section.

110.20(14g)

(14g) Use of state supported revenue borrowing. The department may not use state supported revenue borrowing for the inspection and maintenance program without the approval of the joint committee on finance.

110.20(15)

(15) Penalty. Any person who violates this section or rules promulgated under this section may be required to forfeit not more than \$500.

110.20 - ANNOT.

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.

110.20 - ANNOT.

Cross Reference: See also ch. Trans 131, Wis. adm. code.



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

LRBb0097/P3dn  
ARG:jld:jf

May 6, 2009

ATTN: Paul Nilsen

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

In this draft, I have tried to separate, to some extent, the "contractor" provisions from the provisions that would apply if DOT chooses to operate in a manner that is not "under contract." For this reason, I have placed new text in s. 110.20 (8) (bm). Another reason I placed text in s. 110.20 (8) (bm) is that existing cross-references to s. 110.20 (8) (bm) accomplish corresponding changes in a manner that avoids the necessity of additional statutory treatments. For example, I believe the first sentence of s. 110.20 (11) (a) does not need to be treated because the issue is covered by the cross-reference in the second clause of that sentence.

Do s. 110.20 (1) (c) and (6) (b), stats., continue to work, given the other changes made in this draft?

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](mailto:aaron.gary@legis.wisconsin.gov)

**Gary, Aaron**

---

**From:** Nilsen, Paul - DOT [Paul.Nilsen@dot.wi.gov]  
**Sent:** Friday, May 15, 2009 4:58 PM  
**To:** Gary, Aaron  
**Subject:** FW: Draft review: LRB 09b0097/P3 Topic: Vehicle emission and inspection program; allowing subcontracting of repair and inspection  
**Attachments:** LRBb0097\_P3.pdf, LRBb0097\_P3 Drafters\_Note.pdf

Hi Aaron,

Would you please redraft LRBb0097/P3 as follows:

Page 2, lines 17 to 21: the stricken text is not in current law and should not appear in the draft. Please delete.

Page 3, line 1: please add requirement that DOT approve the subcontractor. Delete "The contract" and substitute, "With the department's approval, the contractor" or similar language.

Your Drafter's Note asked about 110.20(1)(c) and (6)(b). Our I/M program staff respond that no changes are needed, that the draft is fine as written, for the following reasons:

**Regarding the question at the bottom of Aaron's letter, s. 110.20(1)(c) and the reference to nontransient emissions inspection in (6)(b) are no longer relevant for the program. However, the rule has several subsequent references to equipment inspection -- which we would still use when issuing waivers -- so it probably makes just to leave them alone.**

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.**

05/18/2009



TODAY

in 5/18

RMR

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

1 At the locations indicated, amend the bill as follows:

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

3 "SECTION 2216b. 110.20 (5) (a) and (b) of the statutes are amended to read:

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

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

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 2216f.** 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). ~~The department may enter into a contract~~

18 ~~under this subdivision that authorizes the contractor or any of its subcontractors to,~~  
19 ~~in addition to performing the functions and duties required under the contract,~~  
20 ~~engage in the business of selling, maintaining, or repairing motor vehicles or of~~  
21 ~~selling motor vehicle replacement or repair parts.~~

delete

delete

22 **SECTION 2216k.** 110.20 (8) (am) 7. of the statutes is 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

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

4 **SECTION 2216p.** 110.20 (8) (bm) of the statutes is amended to read:

5 110.20 (8) (bm) The emissions test and equipment inspection of nonexempt  
6 vehicles may be performed by the department or by persons who are not under  
7 contract with the department but who are otherwise authorized by the department  
8 to perform such testing and inspection. The department may establish methods for  
9 emissions testing and equipment inspection by the department or other authorized  
10 persons of nonexempt vehicles, in addition to testing and inspection by contractors.  
11 These methods may include the installation and operation by the department or  
12 other authorized persons of self-service inspection stations and the utilization of any  
13 technology related to emissions or data transmission with which motor vehicles may  
14 be equipped, including reading and reporting diagnostic codes stored in any  
15 on-board diagnostic system capable of monitoring all emission-related engine  
16 systems or components. The department may establish methods for emissions  
17 testing and equipment inspection specifically applicable to self-service inspection  
18 stations, which methods shall apply equally to self-service inspection stations  
19 operated by contractors under par. (am) 1m. and self-service inspection stations  
20 operated ~~by the department~~ under this paragraph.

21 **SECTION 2216s.** 110.20 (8) (c) of the statutes is created to read:

22 110.20 (8) (c) 1. Notwithstanding subs. (5), (6), and (9) (d), the department of  
23 transportation may, with concurrence of the department of natural resources, grant  
24 a temporary exemption for nonexempt vehicles during any period in which the  
25 department of transportation is unable to operate an inspection and maintenance

1 program. An exemption granted under this subdivision is valid until the next  
2 required inspection of the vehicle required under sub. (6), or until the time given by  
3 the department of transportation to complete inspection of the vehicle, whichever  
4 occurs first. Notwithstanding subs. (7) and (10m), the department of transportation  
5 may deny requests for inspection during any period in which exemptions are granted  
6 under this subdivision.

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

13 **SECTION 2216w.** 110.20 (9) (e) of the statutes is amended to read:

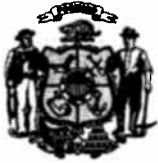
14 110.20 (9) (e) Prescribe a procedure for conducting all federally required  
15 performance audits of inspection and maintenance program operations and  
16 personnel and all enforcement against contractors, and other persons authorized by  
17 the department to perform testing and inspection, required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

18 **SECTION 2216y.** 110.20 (9) (L) and (m) of the statutes are created to read:

19 110.20 (9) (L) Prescribe procedures for authorizing persons other than  
20 contractors, subcontractors of contractors, or the department to perform emission  
21 testing and equipment inspection as provided under sub. (8) (bm).

22 (m) Prescribe procedures for granting temporary exemptions under sub. (8) (c)  
23 1.”.

24 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0097/P4  
ARG:jld:ph

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

1 At the locations indicated, amend the bill as follows:

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

3 "SECTION 2216b. 110.20 (5) (a) and (b) of the statutes are amended to read:

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

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

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 2216f.** 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 2216k.** 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.



1           **SECTION 2216p.** 110.20 (8) (bm) of the statutes is amended to read:

2           110.20 (8) (bm) The emissions test and equipment inspection of nonexempt  
3 vehicles may be performed by the department or by persons who are not under  
4 contract with the department but who are otherwise authorized by the department  
5 to perform such testing and inspection. The department may establish methods for  
6 emissions testing and equipment inspection by the department or other authorized  
7 persons of nonexempt vehicles, in addition to testing and inspection by contractors.  
8 These methods may include the installation and operation by the department or  
9 other authorized persons of self-service inspection stations and the utilization of any  
10 technology related to emissions or data transmission with which motor vehicles may  
11 be equipped, including reading and reporting diagnostic codes stored in any  
12 on-board diagnostic system capable of monitoring all emission-related engine  
13 systems or components. The department may establish methods for emissions  
14 testing and equipment inspection specifically applicable to self-service inspection  
15 stations, which methods shall apply equally to self-service inspection stations  
16 operated by contractors under par. (am) 1m. and self-service inspection stations  
17 operated ~~by the department~~ under this paragraph.

18           **SECTION 2216s.** 110.20 (8) (c) of the statutes is created to read:

19           110.20 (8) (c) 1. Notwithstanding subs. (5), (6), and (9) (d), the department of  
20 transportation may, with concurrence of the department of natural resources, grant  
21 a temporary exemption for nonexempt vehicles during any period in which the  
22 department of transportation is unable to operate an inspection and maintenance  
23 program. An exemption granted under this subdivision is valid until the next  
24 required inspection of the vehicle required under sub. (6), or until the time given by  
25 the department of transportation to complete inspection of the vehicle, whichever

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 2216w.** 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 2216y.** 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.”.

21 (END)