

1993 Senate Bill 715

Date of enactment: **April 13, 1994**
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1993 WISCONSIN ACT 288

AN ACT *to repeal* 110.20 (8) (f) and 110.20 (14); *to amend* 13.48 (10), 110.20 (6) (title) and (a), 110.20 (8) (a), (b) and (cm), 110.20 (9) (d), 110.20 (10) (title) and (b), 110.20 (11) and (12), 110.20 (13) (a), 110.21, 341.04 (1) (intro.), 341.04 (3) (a), 341.05 (19), 341.09 (5), 341.10 (10) and 341.63 (1) (e); *to repeal and recreate* 110.20 (1) (c), 110.20 (6) (b) and 144.42 (5) (b); and *to create* 110.20 (6) (a) 4, 110.20 (9) (e) to (j), 110.20 (10) (c) and (d), 110.20 (14g) and 110.20 (15) of the statutes, **relating to:** the motor vehicle emission inspection and maintenance program, enumerating a project in the authorized state building program, granting rule-making authority and providing a penalty.

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

SECTION 1e. 13.48 (10) of the statutes is amended to read:

13.48 (10) APPROVAL BY BUILDING COMMISSION. No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of \$100,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20. This subsection does not apply to contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 144.76 or environmental repair under s. 144.442. This subsection does not apply to projects approved by the governor in response to emer-

gency situations under s. 16.855 (16) (b) or to allocations from the appropriation made under s. 20.867 (2) for special category projects when the building commission has released funds under sub. (3) and has also approved a plan for the expenditure of those funds. "Special category projects" for the purpose of this subsection include but are not limited to projects such as special maintenance, energy conservation, handicapped access and advance property acquisition designated by the building commission.

SECTION 1j. 110.20 (1) (c) of the statutes is repealed and recreated to read:

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

SECTION 2. 110.20 (6) (title) and (a) of the statutes, as affected by 1993 Wisconsin Act 16, are amended to read:

110.20 (6) (title) MANDATORY INSPECTION. (a) The program shall require an emissions ~~test~~ inspection under sub. (11) of any nonexempt vehicle customarily kept in a county identified in sub. (5) as follows:

1. For a nonexempt vehicle required to be registered ~~annually~~ on an annual or other periodic basis in this state, within 90 days prior to renewal of registration in the 2nd, ~~4th and 6th years~~ year after the nonexempt vehicle's

1993 Senate Bill 715

model year and every year 2 years thereafter, except as provided in sub. (9) (j).

2. For a nonexempt vehicle required to be registered annually 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.

3. For a nonexempt vehicle that is registered under s. 341.26 (2m) ~~or is~~ owned by the United States or subject to one-time registration, at any time during the ~~2nd, 4th and 6th years~~ year following the nonexempt vehicle's model year and every year 2 years thereafter.

SECTION 3. 110.20 (6) (a) 4. of the statutes is created to read:

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

SECTION 4. 110.20 (6) (b) of the statutes is repealed and recreated to read:

110.20 (6) (b) The program shall require an air pollution control equipment inspection to determine compliance with s. 144.42 (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).

SECTION 5. 110.20 (8) (a), (b) and (cm) of the statutes are amended to read:

110.20 (8) (a) The emissions test and equipment inspection of ~~nonfleet~~ nonexempt vehicles shall be performed by persons under contract with the department.

The contract shall require the contractor to operate inspection stations for a minimum of ~~5~~ 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 ~~5~~ 3 years after the inspection and maintenance program in the county is begun. No officer, director or employe of the contractor may be an employe 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).

(b) The department may require the contractor to test the fuel efficiency of ~~nonfleet~~ nonexempt vehicles during emission inspections.

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

SECTION 6. 110.20 (8) (f) of the statutes is repealed.

SECTION 7. 110.20 (9) (d) of the statutes is amended to read:

110.20 (9) (d) Specify a period of time during which an emissions test ~~or an air pollution control equipment inspection~~ must be performed for a nonexempt vehicle subject to sub. (6) (a) 2. ~~or (b) 2.~~

SECTION 8. 110.20 (9) (e) to (j) of the statutes are created to read:

110.20 (9) (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.

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

(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.

(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.

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

(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.

SECTION 9. 110.20 (10) (title) and (b) of the statutes are amended to read:

110.20 (10) (title) **RECIPROCITY; TEMPORARY OPERATING PERMIT AND EXEMPTIONS.**

(b) Authorize the issuance of a temporary ~~waiver certificate~~ 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).

SECTION 10. 110.20 (10) (c) and (d) of the statutes are created to read:

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

(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.

SECTION 11. 110.20 (11) and (12) of the statutes are amended to read:

110.20 (11) **INSPECTION TESTS; RESULTS.** (a) The contractor shall perform the tests required under the federal act. The tests shall include one of the approved short tests

1993 Senate Bill 715

required by the federal act to determine compliance with applicable emission limitations for carbon monoxide and hydrocarbons. ~~In addition, the contractor shall perform a loaded test if the approved short test shows that the motor vehicle does not comply with one or more applicable emissions limitations and the motor vehicle is suitable for loaded testing as determined by the department, unless the approved short test is a loaded test or the person presenting the vehicle for inspection refuses the loaded test and oxides of nitrogen.~~ The department may require the contractor to provide information on the fuel efficiency of the motor vehicle ~~as part of a loaded test.~~

(b) The department shall require the contractor to furnish the results of the emissions inspection testing in writing to the person presenting the vehicle for inspection before he or she departs from the testing inspection station. 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, ~~if a loaded test was performed,~~ the adjustments or repairs likely to be needed for compliance.

(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).

SECTION 12. 110.20 (13) (a) of the statutes is amended to read:

110.20 (13) (a) The department shall issue a waiver of compliance valid ~~for one year 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).

SECTION 13. 110.20 (14) of the statutes is repealed.

SECTION 13m. 110.20 (14g) of the statutes is created to read:

110.20 (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.

SECTION 14. 110.20 (15) of the statutes is created to read:

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

SECTION 15. 110.21 of the statutes is amended to read:

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

SECTION 16. 144.42 (5) (b) of the statutes is repealed and recreated to read:

144.42 (5) (b) A motor vehicle with a gross vehicle weight rating exceeding 14,000 pounds, as determined by the manufacturer of the vehicle.

SECTION 17. 341.04 (1) (intro.) of the statutes is amended to read:

341.04 (1) (intro.) It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, mobile home, trailer or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered in this state, or, except for registration under s. 341.30 or 341.305, a complete application for registration, including evidence of any ~~test or~~ inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed with postage prepaid, or is exempt from registration.

SECTION 18. 341.04 (3) (a) of the statutes is amended to read:

341.04 (3) (a) Any person who violates sub. (1) or (2), where the vehicle used is an automobile, station wagon, or any other vehicle having a gross weight vehicle weight rating of 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be required to forfeit not more than \$200.

SECTION 19. 341.05 (19) of the statutes is amended to read:

341.05 (19) Is a motor vehicle last previously registered in another jurisdiction or a repaired salvage vehicle operated to or from a location where it is to be inspected as required by ss. 342.06 (1) (g) and 342.07, or an unregistered vehicle operated to or from a location where it is to be ~~tested or~~ inspected as required by s. 110.20.

SECTION 20. 341.09 (5) of the statutes is amended to read:

341.09 (5) The department may issue a temporary operation permit or plate which is valid for a period of 30 days upon request of the owner of a vehicle which is subject to the ~~test or~~ inspection required by s. 110.20 (6). The department shall charge a fee of \$3 for each temporary operation permit or plate issued under this subsection. The department shall determine the size, color, design, form and specification of the plate.

SECTION 21. 341.10 (10) of the statutes is amended to read:

341.10 (10) ~~The vehicle is required to be tested or inspected~~ requires inspection under s. 110.20 (6) and:

(a) The vehicle has not been ~~tested or~~ inspected;

(b) The most recent ~~test or~~ inspection of the vehicle under s. 110.20 (6) indicates noncompliance unless the department has issued a temporary ~~waiver certificate~~ operating permit under s. 110.20 (10) (b) or a waiver of compliance under s. 110.20 (13).

SECTION 22. 341.63 (1) (e) of the statutes is amended to read:

341.63 (1) (e) The licensee of a vehicle registered ~~under s. 341.26 (2m) (a) in a county identified under s. 110.20 (5)~~ has not complied with the ~~test or~~ inspection requirements of s. 110.20 (6).

SECTION 22m. Nonstatutory provisions; administration. (1) INSPECTION AND MAINTENANCE PROGRAM. The department of administration shall conduct a study of the advisability of using state supported revenue borrowing for the motor vehicle emission inspection and

(a) In paragraph (k) 1., under projects financed by segregated fund supported revenue borrowing:

Motor vehicle inspection program – land,
buildings and equipment acquisition and
facilities construction and renovation \$ 30,000,000

SECTION 24. Nonstatutory provisions; transportation. (1) INSPECTION AND MAINTENANCE PROGRAM. (a) Except as provided in paragraph (b), the department of transportation may administer the inspection and maintenance program under section 110.20 of the statutes, as that law existed immediately prior to the effective date of this subsection, until January 1, 1996.

(b) Before the department of transportation may award a contract under section 110.20 (8) of the statutes, as affected by this act, for any period beginning on or after July 1, 1995, the department must submit to the joint committee on finance and to the legislative audit bureau a list, in rank order, of all bids received by the department for the contract and the department's written justification for the ranking of each bid. Within 30 days after receipt of such list and written justifications from the department, the legislative audit bureau shall submit a report to

maintenance program under section 110.20 of the statutes, as affected by this act. The department shall consider in its study the advisability of leasing existing facilities used for the motor vehicle emission inspection and maintenance program in lieu of state land, buildings and equipment acquisition and facilities construction and renovation for the program. Based on the findings in the study, the department shall make a recommendation on whether state supported revenue borrowing should be used for land, buildings and equipment acquisition and facilities construction and renovation for the motor vehicle emission inspection and maintenance program. The department shall report its findings, conclusions and recommendations on or before July 1, 1994, to the joint committee on finance and the building commission.

SECTION 23. Nonstatutory provisions; building commission. (1) 1993-95 STATE BUILDING PROGRAM ADDITIONS. In 1993 Wisconsin Act 16, section 9108 (1), the following project is added to the 1993-95 state building program and the appropriate totals are increased by the amounts shown:

the joint committee on finance on the effects of awarding the contract on state and local revenues, including property tax revenues and payments for municipal services, and on the availability of federal revenues. The department may not award a contract under section 110.20 (8) of the statutes, as affected by this act, for any period on or after July 1, 1995, unless the legislative audit bureau has submitted its report to the joint committee on finance, and the joint committee on finance has approved the awarding of the contract.

SECTION 25. Effective dates. This act takes effect on July 1, 1995, except as follows:

(1) The treatment of section 110.20 (14g) of the statutes and SECTIONS 22m, 23 (1) and 24. (1) (b) of this act take effect on the day after publication.

(2) The treatment of section 110.20 (15) of the statutes takes effect on January 1, 1996.