

10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis, and which are—

1. Registered in the area with the state of Missouri Department of Revenue (MDOR);

2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area. A vehicle is primarily operated in the area if at least fifty-one percent (51%) of the vehicle's annual miles are in the area;

3. Owned or leased by federal, state, or local government agencies, and are primarily operated in the geographical area, but are not required to be registered by the state of Missouri; or

4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Heavy duty gasoline-powered and heavy duty diesel-powered vehicles that receive a gross vehicle weight rating (GVWR) exemption described in subsection (4)(I) of this rule;

2. Light duty gasoline-powered vehicles and trucks manufactured prior to the 1996 model year and light duty diesel-powered vehicles and trucks manufactured prior to the 1997 model year;

3. Motorcycles and motortricycles;

4. Vehicles powered exclusively by electric or hydrogen power or by fuels other than gasoline, ethanol (E10 and E85), or diesel;

5. Motor vehicles registered in an area subject to the inspection requirements of 643.300-643.355, RSMo, that are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of 643.300-643.355, RSMo, that receive an out-of-area exemption described in subsection (4)(J) of this rule;

6. New and unused motor vehicles of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, that have an odometer reading of fewer than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

7. New motor vehicles that have not been previously titled and registered for the our (4)-year period following their model year of manufacture that have an odometer reading of fewer than forty thousand (40,000) miles showing at the first required biennial safety inspection. These vehicles qualify for a mileage-based exemption described in subsection (4)(H) of this rule. Otherwise, such motor vehicles shall be subject to the emissions inspection requirements of subsection (3)(B) of this rule during the same period that the biennial safety inspection is conducted;

8. Motor vehicles driven fewer than twelve thousand (12,000) miles between biennial safety inspections that receive a mileage-based exemption described in subsection (4)(H) of this rule.

A. Prior to October 1, 2009, handwritten MVI-2 safety inspection forms or printed safety Vehicle Inspection Reports (VIRs) shall be provided by the owner to the department.

(I) The proof of exemption from the emissions inspection requirement shall consist of two (2) vehicle safety inspection reports issued to the owner of the vehicle being exempted.

(II) The first safety inspection report shall have been issued during the vehicle's previous biennial safety inspection. The second safety inspection report shall have been issued during the current biennial inspection cycle, performed within sixty (60) days of the owner's registration request.

(III) Each vehicle safety inspection report must document the odometer reading at the time of the vehicle's biennial safety inspections, and the difference between these two (2) odometer readings shall be no greater than eleven thousand nine hundred ninety-nine (11,999).

B. Beginning October 1, 2009, this exemption shall be issued automatically by licensed emissions inspection stations using the contractor's Missouri Decentralized Analyzer System (MDAS) equipment and lane software;

9. Historic motor vehicles registered pursuant to 301.131, RSMo;

10. School buses;

11. Tactical military vehicles;

12. Visitor, employee, or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days;

13. Specially constructed vehicles; and

14. Plug-in hybrid electric vehicles (PHEVs).

(2) Definitions.

(A) Plug-in hybrid electric vehicle (PHEV)—A plug-in hybrid electric drive vehicle that is made by a manufacturer, has not been modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

(B) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10- 6.020.

(3) General Provisions.

(A) Subject Vehicle Compliance.

1. Private entity vehicle compliance.

A. Motor vehicles subject to this rule shall demonstrate compliance with emissions standards in this rule. Such demonstration shall be made through the test methods specified in section (5) of this rule and be completed according to the compliance cycle as defined in 10 CSR 10-6.020, the inspection intervals specified in subsection (3)(B) of this rule, and the inspection periods specified in subsection (3)(C) of this rule.

B. Completion of the emissions inspection requirements is necessary for vehicle registration renewal or registration transfer.

C. Failure to complete a vehicle emissions inspection during the compliance cycle or before vehicle registration shall be a violation of this rule. These violations are subject to penalties specified in 643.355.5., RSMo.

2. Public entity vehicle compliance.

A. All subject vehicles owned by federal, state, and local governments shall be emissions inspected according to the compliance cycle as defined in 10 CSR 10-6.020 and the inspection intervals specified in subsection (3)(B) of this rule.

B. All federal agencies shall ensure employee and military personnel vehicles meet the requirements of paragraph (3)(A)2. according to the December 1999 *Interim Guidance for Federal Facility Compliance With Clean Air Act Sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection and Maintenance Programs*. This guidance document is incorporated by reference in this rule, as published by the U.S. Environmental Protection Agency (EPA), Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105. This rule does not incorporate any subsequent amendments or additions to this guidance document.

C. Failure complete a vehicle emissions inspection within the compliance cycle as defined in 10 CSR 10-6.020, shall be a violation of this rule. These violations are subject to penalties specified in 643.355.5., RSMo.

3. Vehicle fleets.

A. Vehicle fleets of any size may be emissions inspected by the fleet operator, provided the owners or operators of such vehicle fleets acquire the state contractor's equipment to conduct the emissions inspections.

B. Vehicle fleets using such equipment shall be subject to the same inspection requirements as non-fleet vehicles.

C. Fleet inspection facilities shall be subject to quality assurance evaluations at least as stringent as those performed at public inspection stations.

D. Fleet owners or operators may make repairs to fleet vehicles on-site.

(B) Emissions Inspection Intervals.

1. Subject vehicles manufactured as odd-numbered model year vehicles are required to be inspected in each odd-numbered calendar year. Subject vehicles manufactured as even-numbered model year vehicles are required to be inspected in each even numbered calendar year.

2. At the of registration transfer, subject vehicles are required by 643.315.1., RSMo, to be inspected regardless of the vehicle model year. At the time of registration transfer, prior to the sale of a vehicle, private sellers of vehicles are required to provide the purchaser with an emissions inspection compliance certificate or compliance waiver that is valid for registering the vehicle according to inspection period requirements of subsection (3)(C) of this rule.

(C) Emissions Inspection Periods.

1. An emissions inspection performed on a subject vehicle via the vehicle inspection process described in subsections (3)(H)-(K) of this rule is valid, for the purposes of obtaining registration or registration renewal, for a duration of sixty (60) days from the date of passing inspection or waiver issuance. An emissions inspection provided by a licensed motor vehicle dealer to the purchaser of a used vehicle being sold by the licensed motor vehicle dealer is valid for registration purposes for one hundred twenty (120) days after the date of inspection. Vehicles being sold shall not be subject to another emissions inspection for ninety (90) days after the date of sale or transfer of such vehicle.

2. Reinspections occurring fewer than ninety (90) days after the initial emissions inspection are subject to subsections (3)(J) and (3)(K) of this rule.

3. Reinspections occurring more than ninety (90) days after the initial emissions inspection shall be considered to be an initial emissions inspection as defined in 10 CSR 10-6.020 and are subject to subsection (3)(H) of this rule.

(D) Emissions Inspection Fees.

1. Initial vehicle emissions inspection fee. At the time of an initial emissions inspection, the vehicle owner or driver shall pay no more than twenty-four dollars (\$24) to the licensed emissions inspection station. The inspection station shall determine the forms of payment accepted. Fleet operators inspecting their own fleet vehicles at their own inspection facility are exempt from initial vehicle emissions inspection fees.

2. Vehicle emissions reinspection fee. Each initial vehicle emissions inspection fee shall include one (1) free reinspection, provided that the reinspection is conducted within twenty (20) business days of the initial emissions inspection at the same inspection station that performed the initial inspection.

A. To qualify for one (1) free reinspection, the vehicle owner or driver shall present the previous VIR and the completed repair data sheet described in subsection (4) (D) of this rule to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection. The emissions inspector shall return the previous VIR to the vehicle owner.

B. At the emissions inspection station's discretion, reinspections occurring more than twenty (20) business days after the initial emissions inspection may be performed upon payment of the initial emissions inspection fee to the emissions inspection station.

C. Fleet operators reinspecting their own fleet vehicles at their own inspection facility are exempt from vehicle emissions reinspection fees.

3. Emissions inspection oversight fee.

A. Licensed emissions inspection stations shall pre-pay the state two dollars and fifty cents (\$2.50) for each passing emissions inspection that they intend to perform. The fee shall be paid to the Director of Revenue and submitted to the Missouri State Highway Patrol (MSHP). The MSHP shall deposit the fee into the "Missouri Air Emissions Reduction Fund" as established by 643.350, RSMo. The MSHP will then use the contractor's vehicle inspection database (VID) to credit the number of pre-paid emissions inspections to the licensed emissions inspection station's MDAS. The MDAS shall deduct one (1) emissions credit authorization for each passing emissions inspection.

B. Licensed inspection stations are required to maintain a sufficient positive quantity of emissions credits on their analyzer(s) to prevent having to turn away motorists who have requested an inspection.

C. At the time that a licensed emissions inspection station discontinues operation or chooses not to renew its emissions inspection license, the department will issue the licensed emissions inspection station a full refund of two dollars and fifty cents (\$2.50) for each paid emissions inspection credit authorization that remains on the licensed emissions inspection station's MDAS. The department shall withdraw the pre-paid fees from the "Missouri Air Emissions Reduction Fund" as established by 643.350, RSMo, and send the existing balance of the pre-paid fees to the licensed inspection station. The MSHP will then delete all pre-paid emissions inspections from the inspection equipment.

4. Vehicle inspection database (VID) service fee. Licensed emissions inspection stations shall pay the contractor three dollars and forty-five cents (\$3.45) for each paid emissions inspection that they perform. The fee shall be made payable to the contractor and submitted monthly according to the terms of the contract between the contractor and the licensed emissions inspection stations. The contractor shall reimburse any VID service fee overcharges to an inspection station within sixty (60) days of the date of notification by the emissions inspection station manager.

(E) Emissions Inspection Equipment.

1. Performance features of emissions inspection equipment. The MDAS is required for performing any emissions inspections on subject vehicles. The MDAS shall meet or exceed all applicable EPA requirements.

A. The MDAS shall be capable of testing all subject vehicles as required by paragraph (3)(E)3. of this rule. The emissions inspection equipment shall be updated as needed to accommodate new technology vehicles. The updates shall be provided by the state's contractor without cost to the state or the licensed emissions inspection stations.

B. At a minimum, the MDAS shall be—

(I) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(II) Secure from tampering and/or abuse; and

(III) Based upon written specifications.

2. Functional characteristics of emissions inspection equipment. The MDAS shall be composed of vehicle inspection equipment controlled by a computer.

A. The MDAS shall automatically—

(I) Make pass/fail decisions for all computer-determined aspects of the emissions inspection as described in paragraphs (5)(B)3. through (5)(B)5. of this rule;

(II) Record test the MDAS hard drive and the contractor's VID;

(III) Conduct regular self-testing of recording accuracy;

(IV) Perform electrical calibration and system integrity checks before each test, as applicable; and

(V) Initiate immediate system lockouts for-

(a) Tampering with security aspects of the MDAS;

(b) Fraudulent inspection activity;

(c) Exceeding the limit of offline emissions inspections established by the department and the MSHP; or

(d) Failing the on-board diagnostics (OBD) verification tool self-check

B. The MDAS shall include a telecommunications data link to the contractor's VID as specified in the contract between the department and the contractor. Emissions inspection information shall be uploaded immediately to the VID via this telecommunications data link according to subparagraphs (3)(F)2.C. and (3)(F)5.D. of this rule so that all inspection information can be electronically verified by the department, the MSHP, and the MDOR using the contractor provided internet solution.

C. The MDAS shall ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

3. OBD test equipment. OBD test equipment shall meet the standards specified in 40 CFR 85.2231, which is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to 40 CFR 85.2231. The OBD test equipment shall be able to communicate with all known OBD protocols and connect to and communicate with a minimum of ninety-eight percent (98%) of all subject vehicles.

4. All emissions inspection equipment shall meet the quality control requirements described in paragraph (3)(L)5. of this rule. Newly acquired emissions inspection equipment and all applicable MDAS software updates shall be subject to the acceptance test procedures administered by the department's contractor to ensure compliance with the emissions inspection program specifications.

(F) Emissions Inspection Station Requirements.

1. Premises.

A. Each emissions inspection station shall have an emissions inspection area within an enclosed building of sufficient length, width, and height to accommodate a full size light duty vehicle or light duty truck.

B. The licensed emissions inspection station shall be in compliance with applicable city, county, and state regulations relating to zoning, merchant licensing, fictitious names, and retail sales tax numbers.

C. The emissions inspection area shall be sufficiently lighted, adequately heated and cooled, and properly ventilated to conduct an emissions inspection.

2. Equipment. Each licensed emissions inspection station shall have the following equipment located at or near the inspection area:

A. Scraper. The scraper may be used to remove old windshield stickers;

B. Emissions inspection equipment, including hardware, software, forms, and windshield stickers. The equipment hardware, as described under the definition for Missouri Decentralized Analyzer System found in 10 CSR 10-6.020, shall be purchased or leased by the inspection station from the state's contractor. All of the equipment must be present and functional. The equipment software shall be provided with the MDAS equipment purchase or lease and updated periodically at no cost to the licensed inspection stations. The forms described in section (4) of this rule shall be provided by the MDAS software. The windshield stickers described in section (4) of this rule shall be provided by the contractor at no cost to licensed emissions inspection stations; and

C. Telecommunications. The station shall provide dedicated data transmission capabilities for the emissions inspection equipment to stay online with the contractor's VID. The telecommunications capabilities may be either high-speed or low-speed. The cost of this telecommunications service, including initial installation and ongoing maintenance, is the responsibility of the licensed emissions inspection station.

3. Personnel.

A. Each licensed emissions inspection station shall have a minimum of one (1) licensed emissions inspector on duty during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

B. Each licensed emissions inspection station will designate, on the station license application, the emissions inspection station manager who will be in charge of emissions inspections. The emissions inspection station manager shall be responsible for the daily operation of the station and will ensure that complete and proper emissions inspections are being performed. The emissions inspection station manager shall be present at the licensed emissions inspection station during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

C. If the station is without at least one (1) emissions inspector or one (1) emissions inspection station manager, then the station shall be prohibited from conducting emissions inspections.

4. Licensing.

A. Any person, firm, corporation, partnership, or governmental entity requesting an emissions inspection station license shall submit a completed emissions inspection station application to the department or to the MSHP.

B. A vehicle emissions inspection station license shall be valid for twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order for one hundred dollars (\$100) made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. Under no circumstances will cash be accepted for the license fee.

C. For the purposes of emissions and safety inspection license synchronization, a vehicle emissions inspection station license may be valid for fewer than twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. The check or money order shall

submit the pro-rated fee of eight dollars and thirty- three cents (\$8.33) times the number of months between the month of the application, including the month of application, for the emissions inspection license and the month that the safety inspection license will be renewed. Under no circumstances will cash be accepted for the license fee.

D. Except as provided by subparagraph (3)(F)4.C. of this rule, station licenses are valid for a period of one (1) year from the date of issuance, unless the license is suspended or revoked by the department or the MSHP. The owners of licensed emissions inspection stations that are renewing their emissions inspection license shall complete the requirements of subparagraph (3)(F)4.B. of this rule.

E. Along with the application fee, applicants shall submit the following information on a form provided by either the department or the MSHP:

(I) Proof of liability insurance;

(II) The business's federal and state taxpayer identification number;

(III) The physical address of the inspection station;

(IV) The mailing address, if different from physical address, of the inspection station;

(V) The phone number and, if available, fax number of the inspection station;

(VI) The last name, first initial, and, if already licensed by the MSHP, the inspector number of the licensed emissions inspector(s) employed by that station; and

(VII) The first and last name of the emissions inspection station manager(s) employed by that station.

F. No license issued to an emissions inspection station may be transferred or used at any other location. Any change in ownership or location shall void the current station license. The department must be notified immediately when a change of ownership or location occurs or when a station discontinues operation. Businesses that change locations will be charged another license fee for the cost of the new license. Businesses that change owners will be treated as new licensees and charged another license fee for the new license.

G. When an emissions inspection station license has been suspended or revoked, or when a station discontinues operation, all emissions inspection supplies including, but not limited to, blank windshield stickers described in section (4) of this rule and the emissions inspection station sign described in subparagraph (3)(F)7.C., shall be released on demand to the department or the MSHP. The failure to account for all emissions inspection supplies will be sufficient cause for the department or the MSHP to not reinstate an emissions inspection station license.

H. No emissions inspection station license will be issued to a spouse, child or children, son/daughter-in-law, employee, or any person having an interest in the business for the privilege to conduct emissions inspections at the same location or in close proximity to the location of an emissions inspection station whose license is under suspension or revocation, unless the applicant can provide reasonable assurance that the licensee under suspension or revocation will not be employed, manage, assist in the station operation, or otherwise benefit financially from the operation of the business in any way.

5. Operations.

A. All emissions must be conducted at the licensed emissions inspection station in the approved emissions inspection area described in paragraph (3)(F)1. of this rule.

B. The inspection of a vehicle shall be made only by an individual who has a current, valid emissions inspector license. No person without a current, valid emissions inspector license shall issue an emissions VIR or a windshield sticker. No owner, operator, or employee of an inspection station shall furnish, loan, give, or sell an emissions VIR or windshield sticker to any person except those entitled to receive it because their vehicle has passed the emissions inspection.

C. If an emissions inspector or an emissions inspection station manager or owner resigns or is dismissed, the emissions inspection station manager or station owner shall report these changes to the department and the MSHP immediately or within two (2) business days. The emissions inspection station manager or station owner shall complete an amendment form to inform the department and the MSHP of these changes in personnel.

D. All current manuals, bulletins, or other rules issued by the department must be read by the station owner or operator and each emissions inspector. These resources must be available, either in printed or electronic form, at all times for ready reference by emissions inspectors, department, and MSHP staff.

E. If the department is asked to settle a difference of opinion between a vehicle owner and an emissions inspection station manager or emissions inspector concerning the inspection standards and procedures, the decisions of the department concerning emissions inspection standards and procedures will be final.

F. Emissions inspection station operators are permitted to advertise as official emissions inspection stations.

6. Hours of operation.

A. The normal business hours and business days of every public inspection station shall be at least eight (8) continuous hours per day, five (5) days per week, excluding all state holidays.

B. Emissions inspectors are obligated to conduct emissions inspections and reinspections of vehicles during normal business hours.

(I) A vehicle shall be emissions inspected within a two (2)-hour period after being presented unless other vehicles are already being emissions inspected.

(II) A reinspection must begin within one (1) hour when a vehicle is presented during the twenty (20) consecutive-day period for reinspections excluding Saturdays, Sundays, and state holidays.

7. Display of inspection station and inspector licenses, sign, and poster.

A. The department or the department's designee shall provide each licensed emissions inspection station with one (1) station license certificate. The station license certificate shall be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

B. The department or the department's designee shall provide each licensed emissions inspector with one (1) inspector license certificate. The emissions inspector licenses must be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

C. The department or the department's designee shall provide each licensed emissions inspection station one (1) official sign, made of metal or other durable material, to designate the station as an official emissions inspection station. The sign designating the station as an emissions inspection station shall be displayed in a location visible to motorists driving past the inspection station. Additional signs may be purchased for a fee equal to the cost to the state for each additional sign.

D. The department or the department's designee shall provide each licensed emissions inspection station with one (1) poster that informs the public that required repairs or corrections need not be made at that inspection station. The poster must be displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections. Additional posters may be purchased for a fee equal to the cost to the state for each additional poster.

(G) Emissions Inspector Requirements.

1. Every person requesting a vehicle emissions inspector license shall submit a completed vehicle emissions inspector application to the department or the department's designee. The emissions inspector application shall include a facial photograph with dimensions of two inches (2") in length and two inches (2") in width.

2. All vehicle emissions inspectors must be at least eighteen (18) years of age and able to read and understand documents written in English. The emissions inspector written exam may include an oral component to evaluate the applicant's ability to read and understand documents written in English.

3. Emissions inspectors must pass a written test that demonstrates their knowledge of the fundamentals of OBD testing and repairs and the procedures of the emissions inspection program. A minimum grade of eighty percent (80%) is required to pass the written examination or reexamination.

A. The contractor shall design the training material and corresponding written exam and have the training material and written exam certified by the department prior to issuing the training material and written exam to potential emissions inspectors.

B. After emissions inspectors have passed the contractor's written exam, if they wish to also be licensed to conduct vehicle safety inspections, they must submit an application to the MSHP to take the safety inspection exam.

C. Currently licensed safety inspectors working at newly-licensed emissions inspection stations will only have to pass the written emissions exam conducted by the contractor.

4. Emissions inspectors must be thoroughly familiar with the emissions inspection equipment and demonstrate competency to either the department or the MSHP while performing an emissions inspection on a vehicle prior to the issuance of the inspector's license. A minimum grade of eighty percent (80%) is required to pass the practical examination or reexamination.

5. If the applicant meets the requirements of paragraphs (3)(G)1.- (3)(G)4. of this rule, an emissions inspector license will be issued without charge. Licenses are valid for a period of three (3) years from the date of issuance, or until suspended or revoked by the department or the MSHP. An emissions inspector whose license has been suspended or revoked shall be required to successfully complete the contractor's training program and pass the written and practical exams described in paragraphs (3)(G)3. And (3)(G)4. of this rule before the emissions license will be reinstated.

6. If the emissions inspector leaves the employment of one licensed emissions inspection station and enters the employment of another licensed emissions inspection station, the emissions inspection station manager of the station that the inspector is transferring to shall follow the procedures described in subparagraph (3)(F)5.K. of this rule. The emissions inspector's license is transferable with the licensed emissions inspector, provided the emissions inspector's license has not expired.

7. An emissions inspector may be reexamined at any time, and if s/he fails the reexamination or refuses to be reexamined, the license issued to him/her shall be suspended. If a vehicle emissions inspector fails a reexamination, s/he cannot again be tested until a period of thirty (30) days has elapsed.

8. An emissions inspector license may be renewed before the expiration date or sixty (60) days after expiration without a reexamination. If the license has expired more than sixty (60) days before the license renewal application is submitted, a reexamination will be required. A vehicle emissions inspector does not have authority to conduct any inspections during the sixty (60)-day grace period unless the license has been properly renewed.

(H) Emissions Inspection Procedures. The emissions inspection procedure shall meet the following requirements:

1. Every emissions inspection must be performed according to the procedures described in this rule. Once an emissions inspection has begun, it shall be completed and shall not be terminated. A vehicle may not be passed or failed based upon a partial inspection;

2. A proper and complete emissions inspection shall consist of the OBD test method described in section (5) of this rule, the immediate printing and subsequent issuance of a VIR to the motorist, and the immediate uploading of the emissions inspection data to the contractor's VID;

3. All emissions inspection records shall be transmitted to the state's contractor as soon as an inspection is complete for the purpose of real time registration verification by the MDOR and program oversight by the department or the MSHP;

4. The emissions inspection fees shall be charged for each inspection performed as described in subsection (3) (D) of this rule;

5. Emissions inspection windshield stickers will be issued to an emissions inspection station by the MSHP and can be printed by only that station. Emissions inspection windshield stickers shall be kept secure to prevent them from being lost, damaged, or stolen. If windshield stickers are lost, damaged, or stolen, the incident shall be reported immediately to the MSHP;

6. The emissions inspector will ensure that all required information is properly and accurately entered into the MDAS. This includes three (3) mandatory photos, a vehicle description including the license plate number at the time of inspection, vehicle identification number (VIN), vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the emissions inspection, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

7. Using the MDAS digital camera, the emissions inspector shall take three (3) readily identifiable digital pictures showing the current license plate, VIN, and odometer reading. The picture of the license plate, VIN, and odometer must match the plate, VIN, and odometer reading that is printed on the VIR. These pictures shall then be immediately uploaded to the VID via the docking station provided with the MDAS.

A. License plate pictures. Pictures of the rear license plate shall be of the entire rear portion of the vehicle from taillight to taillight. If the vehicle license plate is located only on the front of the vehicle, then the license plate picture shall be of the entire front of the vehicle. License plate pictures must be clearly legible.

B. VIN pictures. The camera should be set to the macro picture-taking mode. VIN pictures should be of the dashboard VIN plate. It may be helpful to illuminate the VIN plate with supplemental lighting, block overhead lighting with a solid object, or take the photo at an angle so that the camera flash or overhead lights are not reflected by the windshield glass. VIN pictures must be clearly legible.

C. Odometer pictures. The camera should be set to the macro picture-taking mode. In the case of digital odometers, the ignition switch must be on to illuminate the odometer reading. Trip odometer photos are not permissible. It may be helpful to turn on the dashboard lights to help illuminate the odometer without the use of the camera's flash. Odometer pictures must be clearly legible;

8. Inspection stations shall ensure that the station analyzer universal serial bus (USB) digital camera is mounted on top of the station analyzer monitor and aimed, with a clear line of sight, towards the emissions inspection bay every time a vehicle emissions inspection is performed so that the inspection process can be remotely observed by state agencies throughout the entire vehicle emissions inspection;

9. Vehicles shall be inspected in as-received condition, including vehicles whose malfunction indicator lamp (MIL) is lit or whose readiness monitors are unset. The inspector shall connect the OBD cable or wireless transmitter to the data link connector (DLC) of the actual vehicle submitted for emissions testing. The connection shall remain intact and functioning during the entire test procedure. Clean scanning as defined in 10 CSR 10-6.020 is prohibited. An official inspection, once initiated, should be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition or determination by the emissions inspector;

10. The initial emissions inspection shall be performed according to the test method described in section (5) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests. Emissions inspections performed within ninety (90) days of the initial emissions inspection shall be considered a reinspection and are subject to provisions of subsection (3)(J) of this rule;

11. If a subject vehicle passes the emissions test method described in section (5) of this rule, according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall issue the vehicle owner or driver a passing VIR described in subsection (4)(A) of this rule, certifying that the vehicle has passed the emissions inspection, and provide a windshield sticker for the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emissions inspection station;

12. If a subject vehicle fails the emissions test method described in section (5) of this rule, according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall provide the vehicle owner or driver with a failing VIR described in subsection (4)(B) of this rule that indicates what parts of the OBD test method the vehicle failed, a repair facility performance report described in subsection (4)(H) of this rule that lists the ten (10) nearest Missouri Recognized Repair Technicians (MRRTs) to the licensed emissions inspection station, and a repair data sheet described in subsection (4)(D) of this rule that is used to collect emissions repair data for the repair facility performance report;

13. If a subject vehicle fails the emissions test method described in section (5) of this rule, the vehicle owner shall have the vehicle repaired. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and (3)(C)3. of this rule and the reinspection procedures described in subsection (3)(J) of this rule; and

14. If the emissions inspection is aborted by the MDAS software or the emissions inspector, the emissions inspection station shall provide the vehicle owner or driver with the emissions VIR described in subsection (4)(K) of this rule that indicates that the OBD test was aborted.

(I) Emissions Inspection Standards. Subject vehicles shall fail the emissions inspection if the vehicle does not meet the OBD test standards specified in 40 CFR 85.2207, which is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to 40 CFR 85.2207.

(J) Emissions Reinspection Procedures.

1. Vehicles that fail the emissions inspection described in section (5) of this rule shall be reinspected according to the test method described in section (5) of this rule to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in present and future tailpipe or evaporative emissions.

A. The inspector shall enter the data from the repair data sheet described in subsection (4)(D) of this rule in the MDAS prior to initiating the reinspection, even if the vehicle receives multiple reinspections.

B. The inspector shall ensure that the VIN of the reinspected vehicle matches the VIN of the originally inspected vehicle.

C. The inspector shall enter the current odometer reading of the vehicle at the time of the reinspection into the MDAS.

D. The inspector shall take three (3) new photographs following the procedure described in paragraph (3)(H)7. of this rule.

E. The inspector shall connect the OBD cable or wireless transmitter to the data link connector of the actual vehicle submitted for emissions testing. The connection shall remain intact and functioning during the entire test procedure. Clean scanning as defined in 10 CSR 10-6.020 is prohibited.

2. If the subject vehicle passes a reinspection, then the procedures in paragraph (3)(H)11. of this rule shall be followed.

3. If the subject vehicle fails a reinspection, the vehicle owner may either:

A. Have more repairs performed on the vehicle and have the vehicle reinspected; or

B. Apply for a cost-based waiver according to the requirements in paragraphs (3)(K)1.- (3)(K)5. of this rule.

(K) Emissions Inspection Waivers and Exemptions.

1. Cost-based waivers. Vehicle owners or purchasers shall be issued a cost-based waiver for their vehicle under the following conditions:

A. The subject vehicle has failed the initial emissions inspection, has had qualifying repairs, and has failed an emissions reinspection;

B. The vehicle has passed the bulb check test described in subparagraph (5)(B)2.A. of this rule, the data link connector test described in subparagraph (5)(B)3.A. of this rule, the communications test described in subparagraph (5)(B)3.B. of this rule, and the readiness monitor test described in paragraph (5)(B)4. of this rule.

C. The subject vehicle has all of its emissions control components correctly installed and operating as designed by the vehicle manufacturer.

(I) To the extent practical, the department representative shall use the MSHP air pollution control device inspection method described in 11 CSR 50-2.280 to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the visual inspection described in 11 CSR 50-2.280, then the vehicle will be denied a cost-based waiver;

D. The vehicle operator has submitted to the department the appropriate waiver application with all required information and necessary signatures completed, along with all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(K)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(K)3. of this rule;

E. At the discretion of the department, the vehicle owner or operator may be required to make arrangements to bring the vehicle to the department or the department's designee for visual verification of the vehicle's repairs or estimated repairs in the case of a cost-based estimate waiver application; and

F. To the extent practical, the department representative has verified that the repairs indicated on the itemized receipts for qualifying repairs were made and that the parts were repaired/replaced as claimed.

2. The minimum amount spent on qualifying repairs for cost-based waivers shall-

A. Exceed four hundred fifty dollars (\$450) for vehicles not fully repaired solely by the owner of the failed vehicle;

B. Exceed four hundred dollars (\$400) for all vehicles repaired solely by the owner of the failed vehicle. Only qualified repairs that include the part costs for the purchase and installation of the following parts listed in 40 CFR 51.360(a)(5) will be accepted:

- (I) Oxygen sensors;
- (II) Catalytic converters;
- (III) Exhaust gas recirculation (EGR) valves;
- (IV) Evaporative canisters;
- (V) Positive crankcase ventilation (PCV) valves;
- (VI) Air pumps;
- (VII) Distributors;
- (VIII) Ignition wires;
- (IX) Coils;
- (X) Spark plugs; and

(XI) Any hoses, gaskets, belts, clamps, brackets, or other accessories directly associated with these parts. If the emissions failure is not related to the parts listed in this subparagraph, the cost of replacing such parts will not count towards the waiver minimum;

C. Exceed two hundred dollars (\$200) for all motorists who provide the department representative with reasonable and reliable proof that the owner is financially dependent on state and federal disability benefits and other public assistance programs. The proof shall consist of government issued documentation providing explanation of the motorist's disability and financial assistance with regard to personal income. The motorist must also submit the appropriate cost-based waiver application with their "Financial Eligibility Waiver Request";

D. Be inclusive of part costs paid by motorists performing qualified vehicle repairs by themselves or for qualified emissions repair services performed by any repair technician. Labor costs shall only be applied toward a cost-based waiver if the qualified repair work was performed by a Recognized Repair Technician;

E. Not include the fee for an emissions inspection or reinspection;

F. Not include the fee for a safety inspection or reinspection;

G. Not include charges for obtaining a written estimate of needed repairs;

H. Not include the charges for repairs necessary for the vehicle to pass a safety inspection;

I. Not include costs for repairs performed on the vehicle before the initial emissions inspection failure or more than ninety (90) days after the initial emissions inspection failure;

J. Not include expenses that are incurred for the repair of-

(I) Emissions control devices or data link connectors that have been found during either a safety or an emissions inspection to be tampered with, rendered inoperative, or removed;

(II) The MIL; or

(III) For OBD communications failures;

K. Not include the state sales tax for the following motor vehicle parts that are air pollution control devices:

(I) Air injection parts, air pumps, check valves, and smog pumps;

(II) Catalytic converters (universal converters, direct fit converters, converter kits);

(III) EGR valves;

(IV) Evaporative canisters and canister purge valves;

(V) PCV valves; and

(VI) Any vehicle parts that serve the equivalent functions of the parts listed in parts (3)(K)2.K.(I)-(3)(K)2.K.(V) of this rule;

L. Not include costs and expenses associated with aftermarket catalytic converter replacements that do not conform to the EPA's Aftermarket Catalytic Converter (AMCC) enforcement policy. The EPA's AMCC enforcement policy, which includes the following three (3) documents, is hereby incorporated by reference in this rule:

(I) The Notice of Proposed Enforcement Policy regarding the "Sale and Use of Aftermarket Catalytic Converters," published on August 5, 1986, by 51 FR 28114 as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408;

(II) The publication "What You Should Know About Using, Installing Or Buying Aftermarket Catalytic Converters" published in September 2000 by the U.S. Environmental Protection Agency (EPA), Office of Air and Radiation, Office of Transportation and Air Quality, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and

(III) The letter "Sale and Use of Aftermarket Catalytic Converters for Vehicles Equipped with On-Board Diagnostic (OBD-II) Systems" sent on September 30, 2004, by the U.S. Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance, 1200 Pennsylvania Avenue NW, Washington, DC 20460 to the Manufacturers of Emission Control Association. This rule does not incorporate any subsequent amendments or additions to the EPA's AMCC enforcement policy;

M. Not include expenses that are incurred for the restoration of the vehicle manufacturer's emissions control system due to the installation of sensor simulators, engine control module upgrades, or other aftermarket components that disable readiness monitors or in any way bypass or compromise the vehicle manufacturer's emissions control system; and

N. Not include costs for emissions repairs or adjustments covered by a vehicle manufacturer's warranty, including the minimum federal catalytic converter warranty period of eight (8) years or eighty thousand (80,000) miles, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the cost-based waiver minimum amount. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived.

3. The vehicle operator shall present the original of all itemized repair receipts to the department representative to demonstrate compliance with paragraph (3)(K)2. of this rule. The itemized repair receipt(s) shall-

A. Include the name, physical address, and phone number of the repair facility and the model year, make, model, and VIN of the vehicle being repaired;

B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emissions inspection;

C. Describe the emissions repair(s) that were indicated by the diagnostic test(s);

D. Document the emissions repairs performed were authorized by the vehicle owner or operator;

E. Describe the emissions repairs that were performed by the repair technician or vehicle owner;

F. For catalytic converter replacements, include, as a separate attachment, the documentation that the EPA's AMCC enforcement policy requires of the catalytic converter retail seller, vehicle owner, and/or installer. Catalytic converter replacements will only be accepted towards a cost-based waiver if they are installed on gasoline-powered vehicles that have failed the most recent OBD test with at least one (1) catalytic converter Diagnostic Trouble Code (DTC) (P0420-P0439) as recorded on a failing VIR described in subsection (4)(B) of this rule;

G. Describe the vehicle part(s) and the quantity or each type of part(s) that were serviced or replaced;

H. Describe the readiness monitors that were either set to ready or left unset;

I. Describe the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions control system is now operating as it was designed to operate by the manufacturer;

J. Clearly list the labor costs, if the vehicle was repaired by a repair technician, and the part(s) costs separately for each repair item;

K. Include the repair technician's name (printed or typed), signature and, if applicable, the unique identification number of the Recognized Repair Technician that performed the repair work; and

L. Confirm that payment was collected or financed for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

4. Cost-based estimate waivers. Vehicles shall be issued a cost-based estimate waiver under the following conditions:

A. The subject vehicle has failed the initial emissions inspection or reinspection after repair(s) with a single DTC;

B. The vehicle has passed the bulb check test described in subparagraph (5) (B)2.A. of this rule, the data link connector test described in subparagraph (5) (B)3.A. of this rule, the communications test described in subparagraph (5) (B)3.B. of this rule, and the readiness monitor test described in paragraph (5) (B)4. of this rule;

C. The subject vehicle cannot have received either a cost-based waiver or a costbased estimate waiver during a previous biennial inspection cycle for the same single DTC;

D. The vehicle owner has paid for a diagnostic test of that DTC by a Recognized Repair Technician or a vehicle repair business that specializes in a particular make of vehicle or type of repair (e.g., transmission repairs), with the items tested and the results described on the repair estimate; and

E. The diagnostic test results and parts required for the repair of the single DTC are documented by the shop to exceed four hundred fifty dollars (\$450).

5. The department reserves the right to investigate all cost-based waiver requests and submitted receipts. Cost-based waiver requests with incomplete information and/or receipts that do not identify the vehicle that was repaired, do not itemize the actual cost of the parts that were serviced, do not list the labor costs separately from the part costs, indicate that state sales tax was charged on air pollution control parts exempted from state sales tax as defined in paragraph (3) (K)2. of this rule, or contain fraudulent information or part costs as determined by department representatives will not be accepted by the department. If the conditions of paragraphs (3) (K)1.- (3) (K)4. of this rule have been met, the

department representative shall issue a cost-based waiver and provide the windshield sticker to be affixed to the vehicle by the vehicle owner. The windshield sticker shall meet the requirements of paragraph (4)(F)2. of this rule.

6. The contractor shall provide the means to issue cost-based waivers, VIRs, and windshield stickers from either the department's offices or from a portable solution as required by the contract.

7. Out-of-area exemptions. Provided the vehicle owner or driver submits a completed, signed out-of-area affidavit to the department indicating that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of 643.300-643.355, RSMo, for the next twenty-four (24) months, the department shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received an out-of-area exemption to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

8. Reciprocity waivers. Provided the vehicle owner or driver presents proof, acceptable to the department, that the subject vehicle has successfully passed an OBD emissions inspection in another state within the previous sixty (60) calendar days, the department shall issue an emissions inspection VIR with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

A. Reciprocity waivers shall be issued if the motorist submits proof of a passing OBD emissions inspection from one (1) of the following states: Alaska, Arizona, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee unless tested in Shelby County (Memphis), Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

B. Should any of these states discontinue the use of pass/fail OBD inspections, the reciprocity waiver shall not be granted.

9. Mileage exemptions. Provided the vehicle owner or driver submits the required information described in subsection (4)(H) of this rule, the department or the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a mileage-based exemption to the vehicle owner or driver.

10. GVWR exemptions. Provided the emissions inspector verifies that the vehicle is over eight thousand five hundred pounds (8,500 lbs.) GVWR, the MDAS shall issue an emissions inspection VIR, with an indicator to show that the vehicle has received a GVWR exemption to the vehicle owner or driver.

11. The contractor shall provide the means to issue out-of-area, reciprocity, mileage, and GVWR waivers, exemptions, and VIRs, from either the department's offices or from a portable solution as required by the contract.

(L) Quality Control Requirements.

1. Quality control for the contractor(s). The department shall appoint entities under contractual agreement with the department to facilitate the operating of decentralized emissions inspection stations that will conduct vehicle emissions for the purpose of reducing or preventing vehicle pollution that contributes to ground-level ozone formation.

2. Quality control for emissions inspection stations.

A. Licensed emissions inspection stations shall conduct their business in such a way that it satisfies the intent of the vehicle emissions inspection program, which is to accurately identify the vehicles that fail to meet the OBD emissions test standards so that these vehicles may be effectively repaired.

B. Failure to comply with the provisions of this rule and the purposes stated in subparagraph (3)(L)2.A. of this rule shall be considered a violation of this rule and will result in the penalties described in paragraphs (3)(N)2.- (3)(N)5. of this rule.

C. Licensed emissions inspection stations shall be financially responsible for all vehicles that are being inspected.

3. Quality control for emissions inspectors.

A. The contractor shall provide to the department an education and training plan, to be approved by the department prior to implementation, for licensed emissions inspectors. Inspectors shall not be licensed unless they have passed all training requirements.

B. Failure to comply with the provisions of this rule and the contract shall be considered a violation of this rule and will result in the penalties described in paragraphs (3)(N)2.- (3)(N)5. of this rule.

C. As specified in the contract, the contractor shall maintain for the department an electronic database of licensed emissions inspector information that, at a minimum, includes the inspector's name, unique identification number, date of license issuance, stations of employment, date of any license suspensions or revocations, and a list of inspection results by date and by model year, make, model, and VIN.

4. Quality control for emissions inspection records.

A. All inspection records, calibration records, and control charts shall be accurately created, recorded, maintained, and secured by the contractor.

B. The contractor shall make available all records and information requested by the department and shall fully cooperate with the department, MSHP, and other state agency representatives who are authorized to conduct audits and other quality assurance procedures.

C. The contractor shall maintain emissions inspection records, including all inspection results and repair information.

(I) These records shall be kept readily available to the department and the MSHP for at least three (3) years after the date of an initial emissions inspection.

(II) These records shall be made available to the department and the MSHP on a real time continual basis through the use of the contractor's VID as specified in the contract.

(III) These records shall also be made available immediately upon request for review by department and MSHP personnel.

5. Quality control for all emissions inspection equipment.

A. At a minimum, the practices described in this section and in the contract shall be followed.

B. Preventive maintenance on all emissions inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor and consistent with the EPA's and the equipment manufacturer's requirements.

C. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering, and any circumstances which require a service representative to work on the equipment.

D. To assure test accuracy, equipment shall be maintained by the contractor according to demonstrated good engineering procedures.

E. Computer control of quality assurance checks shall be used whenever possible. The emissions inspection equipment shall transmit the quality control results to the department's contractor as prescribed in the contract between the department and the contractor.

(M) Vehicle Registration. After a subject vehicle has passed the emissions inspection according to either paragraphs (3)(H)11. Or (3)(J)2. of this rule, or received a waiver according to subsection (3)(K) of this rule, the contractor shall make electronically available to the MDOR on a real time basis the emissions and any associated safety inspection compliance records to enable vehicle registration and compliance enforcement. Paper VIRs may not be used for registration purposes, unless the contractor's real time vehicle inspection database is not providing inspection information to the MDOR on a real time basis. The department shall expressly authorize, either in writing or by voice authorization, the use of the paper VIRs by the MDOR and/or its contract offices.

(N) Violations and Penalties.

1. Criminal penalties. Persons violating this rule shall be subject to the criminal penalties contained in 643.355, RSMo.

2. Procedural penalties. Fraudulent emissions inspections or repairs are a violation of this rule. All emissions inspection station operators and emissions inspectors shall comply with the emissions inspection law, 643.300-643.355, RSMo, and this emissions inspection rule. All emissions inspections and repairs shall be conducted in accordance with this emissions inspection rule. The department shall cause unannounced tests of facilities that inspect, repair, service, or maintain motor vehicle emissions components and equipment, including submitting known high emission vehicles with known defects for inspection and repair without prior disclosure to the repair facility. Failure to comply with the emissions inspection law or the emissions inspection rule will subject the emissions inspection station manager and emissions inspector(s) to one (1) or more of the following procedural penalties:

A. Warning;

B. Lockouts as described in paragraph (3)(N)3. of this rule;

C. Fines as described in paragraph (3)(N)4. of this rule;

D. Suspension or revocation of emissions inspection station and/or inspector licenses as described in paragraph (3)(N)5. of this rule;

E. The department's refusal to accept repair receipts from an inspection station or repair facility for the purpose of issuing cost-based waivers;

F. The department's revocation of Recognized Repair Technician status if the repair technician is reported by the department to the attorney general for unlawful merchandising practices according to 643.330.4., RSMo;

G. Reporting of unlawful merchandising practices as defined in Chapter 407, RSMo, by the department to the attorney general for appropriate legal proceedings under 407.095 and 407.100, RSMo; and

H. Department or MSHP requests for investigation and/or criminal and civil penalties by the U.S. Environmental Protection Agency.

3. Lockouts. The department or MSHP may electronically lockout any emissions inspector, station, MRRT, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations, or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for the lockout. Irregularities include, but are not limited to:

A. Failure to enter all required information properly and accurately as described in paragraph (3)(H)6. of this rule;

B. Uploading unclear pictures, uploading license plate pictures that do not match the license plate recorded on the VIR, or failing to upload pictures as described in paragraph (3)(H)7. of this rule;

C. Disconnecting or misdirecting the view of the USB lane camera described in paragraph (3)(H)8. of this rule;

D. Clean scanning as described in paragraph (3)(H)9. of this rule and defined in 10 CSR 10-6.020;

E. Performing more inspections than are physically possible for a given time duration;

F. Performing emissions inspections using another emissions inspector's fingerprint or password;

G. Conducting off-line inspections while the MDAS is not connected to the VID, unless the VID is off-line;

H. Conducting improper safety inspection of the air pollution control devices described in 11 CSR 50-2.280;

I. Bad faith or fraudulent repairs performed at the emissions inspection station or MRRT repair facility where-

(I) Vehicles repeatedly fail reinspections for the same reasons that they initially failed the OBD test;

(II) Vehicle repairs are not qualifying repairs as defined in 10 CSR 10-6.020; or

(III) Physical visual inspection of the repaired vehicles determines that the repairs were not performed as described on the submitted repair receipts;

J. Installing or assisting motorists with the installation of aftermarket catalytic converters that do not conform to EPA's AMCC enforcement policy, which is incorporated by reference in subparagraph (3)(K)2.L. of this rule;

K. Installing or assisting motorists with the installation of aftermarket components that disable or compromise the capabilities of the vehicle manufacturer's EPA-certified emissions control system;;

L. Failure to maintain positive balance of emissions inspection credit authorizations described in subparagraph (3)(D)3.B. of this rule;

M. Failure to upload the emissions inspection results to the VID immediately upon completion of the inspection per paragraph (3)(H)2. of this rule;

N. Failure to properly reinspect vehicles that failed an initial emissions test per paragraph (3)(J)1. of this rule;

O. Failure to pay the VID Service Fees according to the terms of the contract between the contractor and licensed emissions inspection stations as described in paragraph (3)(D)4. of this rule;

P. Failure to download and install the latest version of lane software to the MDAS; and

Q. Failure to maintain dedicated data transmission capabilities for the emissions inspection equipment to stay online with the contractor's VID.

4. Fines. If anyone is found to have committed an intentional procedural violation of this rule or that anyone's procedural violation involved gross negligence of this rule, they are subject to a fine, and such fine shall be not less than five (5) times the amount of the fee described in paragraph (3)(D)1. of this rule

5. Emissions inspection license suspension and revocation. Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department or the MSHP, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by 643.320.3., RSMo.

A. Suspension of emissions inspection station and/or inspector licenses shall be for a period no less than thirty (30) days and not more than one (1) year.

B. Revocation of emissions inspection station and/or inspector licenses shall be for a period no less than one (1) year and not more than three (3) years

6. Civil penalties. Installing catalytic converters that do not conform to EPA's AMCC enforcement policy, which is incorporated by reference in subparagraph (3)(K)2.L. of this rule, or installing aftermarket components that in any way bypass or compromise the vehicle manufacturer's emissions control system on a vehicle operated in the ozone nonattainment area is a violation of this rule and the federal Clean Air Act section 203(a)(3) (42 U.S.C. 7522 (a)(3)) and may result in the penalties described in the federal Clean Air Act section 205(a) (42 U.S.C. 7524 (a)).

A. Any manufacturer or new vehicle dealer who violates section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) of the federal Clean Air Act shall be subject to a civil penalty of not more than thirty-seven thousand five hundred dollars (\$37,500), as promulgated on December 11, 2008, by 73 FR 75340 by the Office of the Federal

Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, which is hereby incorporated by reference in this rule. This rule does not incorporate any subsequent amendments or additions to the *Federal Register*. Any violation of section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

B. Any person other than a manufacturer or new vehicle dealer who violates section 203(a)(3)(A) of the federal Clean Air Act (42 U.S.C. 7522 (a)(3)(A)) or any person who violates section 203(a)(3)(B) of the federal Clean Air Act (42 U.S.C. 7522 (a)(3)(B)) shall be subject to a civil penalty of not more than three thousand seven hundred fifty dollars (\$3,750), as promulgated on December 11, 2008 by 73 FR 75340, which is incorporated by reference in paragraph (3)(N)6.A. of this rule. Any violation of section 203(a)(3)(A) (42 U.S.C. 7522 (a)(3)(A)) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any violation of section 203(a)(3)(B) (42 U.S.C. 7522 (a)(3)(B)) shall constitute a separate offense with respect to each part or component.

(4) Reporting and Record Keeping.

(A) Passing Vehicles.

1. The VIR for the passing vehicle shall include:

A. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the vehicle's passing the OBD test, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

B. The date and time of inspection;

C. The unique identification number of the licensed emissions inspector performing the inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

D. The applicable inspection standards;

E. The passing OBD test results;

F. The results of the recall provisions check, if applicable, including the recall campaign;

G. A statement that the emissions inspection was performed in accordance with this state regulation;

H. A waiver indicator, if applicable;

I. An off-line test indicator if the MDAS was not connected to the VID when the inspection was performed;

J. The statement: "This inspection is mandated by your United States Congress"; and

K. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes.

2. The windshield sticker for the passing vehicle shall-

A. Be affixed on the inside of the vehicle's front windshield in the lower left hand corner by the emissions inspector for each vehicle that passes the emissions inspection, or by the department representative for each vehicle that has been issued a waiver. A windshield sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(B) Failing Vehicles. The VIR for the failing vehicle shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the vehicle's OBD test, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner.

2. The date and time of inspection;

3. The unique identification number of the licensed emissions inspector performing the test, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The applicable inspection standards;

5. The passing and failing OBD test results according to 40 CFR 85.2223, which is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to 40 CFR 85.2223;

6. The results of the recall provisions check, if applicable, including the recall campaign;

7. A statement that the emissions inspection was performed in accordance with this state regulation;

8. The statement: "This inspection is mandated by your United States Congress";

9. A statement that the vehicle may be reinspected for free according to paragraph (3)(D)2. of this rule;

10. An off-line test indicator if the MDAS was not connected to the VID when the inspection was performed;

11. If the vehicle fails the DLC test described in subparagraph (5)(B)3.A. of this rule, the DLC failure reason as determined by the emissions inspector; and

12. If the vehicle fails the communications test described in subparagraph (5)(B)3.B. of this rule, the non-communications reason as determined by the MDAS.

(C) Repair Facility Performance Report. The repair facility performance report shall be printed by the MDAS for each failing vehicle and provided by the inspection station to the motorist with the VIR described in subsection (4)(B) of this rule. The repair facility performance report shall, at a minimum, list the ten (10) facilities employing at least one (1) Recognized Repair Technician that are nearest to the inspection station that conducted the failing emissions inspection. If the inspection station employs at least one (1) Recognized Repair Technician, the repair facility performance report shall include the inspection station in the list of ten (10) facilities. The report shall include, but not be limited to, the following:

1. The name of each facility, address, and phone number;
2. The percentage of vehicles repaired by the repair facility that passed the first reinspection;
3. Other information as required by the contract between the department and the contractor; and
4. How motorists may obtain the full or customized list of facilities employing Recognized Repair Technicians from the contractor at no cost to the motorist. The list shall be viewable on a publicly available website maintained by the contractor.

(D) Repair Data Sheet. The repair data sheet shall be printed by the MDAS for each failing vehicle and provided by the inspection station to the motorist. The information on repair data sheets shall be collected and entered by emissions inspectors into the MDAS as described in subparagraph (3)(J)1.A. of this rule and used to generate the repair facility performance report described in subsection (4)(C) of this rule. The information to be collected shall include, but not be limited to, the following:

1. The total cost of repairs, divided into parts and labor;
2. The name of the person who performed the repairs and, if applicable, their Recognized Repair Technician's identification number;
3. The name of the repair facility and, if applicable, the repair business's inspection station number and/or the MRRT facility's identification number; and
4. The inspection failure the vehicle was being repaired for and the emissions-related repairs performed.

(E) Motorist Comment Form. Inspection stations may print motorist comment forms from the MDAS to give to motorists for providing feedback on emissions inspections. The motorist comment form shall include the telephone numbers of the department and the MSHP and the complete mailing address (street address, city, and zip code), phone number, fax number, and website of the contractor.

1. Any challenge regarding the performance or results of the emissions inspection must be made within twenty (20) business days of the failing emissions inspection.

2. Any challenge regarding the results or effectiveness of the repairs made by either licensed emissions inspection stations or Missouri Recognized Repair Technicians must be made within twenty (20) business days of the date of vehicle repair.

(F) Cost-Based Waivers.

1. The cost-based waiver VIR shall include:

A. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent emissions inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

B. The amount of money accepted by the department toward the cost-based waiver and the date and time that the cost-based waiver is issued;

C. The unique identification number of the department staff issuing the cost-based waiver, the location of the department staff person issuing the cost-based waiver, and the unique identification number of the inspection equipment used to issue the cost-based waiver;

D. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

E. The statement: "This inspection is mandated by your United States Congress."

2. The front of the cost-based waiver windshield sticker shall-

A. Be affixed on the inside of the vehicle's front windshield in the lower left-hand corner by the motorist. A waiver indicator shall be clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(G) Reciprocity Waivers.

1. The reciprocity waiver VIR shall include:

A. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the vehicle's passing the OBD test, county of registration, and the complete name and address of the vehicle owner;

B. The reciprocity waiver determination;

C. The date and time that the reciprocity waiver is issued;

D. The unique identification number of the department staff person issuing the reciprocity waiver, the location of the department staff person, and the unique identification number of the inspection equipment used to issue the reciprocity waiver;

E. The state where the vehicle passed its OBD test;

F. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

G. The statement: "This inspection is mandated by your United States Congress."

2. The reciprocity waiver windshield sticker shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left-hand corner by the motorist. A waiver indicator shall be clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(H) Mileage-Based Emissions-Exempt Vehicles. The VIR for the mileage-based emissions-exempt vehicle shall include:

1. A vehicle description, , including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;
2. The date that the exemption is applied for and/or the date and time that the exemption was issued;
3. The unique identification number of the licensed emissions inspector performing the safety inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;
4. The type of mileage exemption, as described in paragraphs (1) (B)7. and (1) (B)8. of this rule;
5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and
6. The statement: "This inspection is mandated by your United States Congress."

(I) GVWR-Based Emissions-Exempt Vehicles. The VIR for the GVWR-based emissions-exempt vehicle shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;
2. The date and time of the vehicle's safety inspection during which the licensed inspector verified that the vehicle had a GVWR in excess of eight thousand five hundred pounds (8,500 lbs.);
3. The unique identification number of the licensed emissions inspector performing the safety inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;
4. The GVWR exemption determination;

5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

6. The statement: "This inspection is mandated by your United States Congress."

(J) Out-of-Area Emissions-Exempt Vehicles. The out-of-area waiver VIR shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, county of registration, and the complete name and address of the vehicle owner;

2. The date and time that the out-of-area exemption is issued;

3. The unique identification number of the department staff person issuing the out-of-area waiver, the location of the department staff person, and the unique identification number of the inspection equipment used to issue the out-of-area waiver;

4. The county where the vehicle is being operated;

5. A statement that the results have been transmitted directly to the MDOR, and that the paper VIR may not be used for vehicle registration purposes; and

6. The statement: "This inspection is mandated by your United States Congress."

(K) Aborted Emissions Inspections. The aborted emissions VIR shall include:

1. A vehicle description, including the license plate number at the time of inspection, VIN, vehicle make, vehicle model, vehicle model year, fuel type, GVWR range, odometer reading at the time of the most recent safety inspection, county of registration, and the complete mailing address (street address, city, and zip code) of the vehicle owner;

2. The date and time that the vehicle's emissions inspection was aborted;

3. The unique identification number of the licensed emissions inspector performing the emissions inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The aborted test result; and

5. The statement: "This inspection is mandated by your United States Congress."

(L) Beginning January 1, 2008, using a method provided by the contractor, federal, state, and local government agencies shall submit a list of vehicles, by VIN, that are operated by the government agencies and that are required to be inspected during each calendar year. Submittals are due by February 1 of each calendar year. If the first is not a business day or is a state holiday, the list shall be submitted to the contractor by the following business day. The contractor will audit these submittals by comparing the list of submitted vehicles to the database of inspected vehicles to track government fleet compliance. The contractor shall provide the department with the results of this audit by April 1 of each calendar year.

(5) Test Methods.

(A) To the extent possible, an OBD test as defined in 10 CSR 10-6.020 and the contract, shall be performed on all 1996 and later model year light duty vehicles and light duty trucks powered by gasoline and all 1997 and later model year light duty vehicles and light duty trucks powered by diesel.

(B) The OBD test shall follow the procedures described in 40 CFR 85.2222, which is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to 40 CFR 85.2222.

1. If the subject vehicle cannot be tested with the OBD test due to manufacturer design, then the subject vehicle shall be tested with only a bulb check test described in paragraph (5)(B)2. of this rule.

2. Bulb check test.

A. Vehicles will fail the bulb check portion of the OBD test if the MIL is not illuminated while the key is in the on position and the engine is off (KOEO).

B. Vehicles will fail the bulb check portion of the OBD test if the MIL is illuminated while the key is in the on position and the engine is running (KOER).

C. Vehicles with keyless ignitions shall be subject to a bulb check test.

D. Vehicles that fail the KOEO bulb check portion of the OBD test described in subparagraph (5)(B)2.A. of this rule shall fail the OBD test. Repairs made to correct bulb check failures shall not be eligible for cost-based or estimate-based waivers

3. Data link connector and communications tests.

A. Data link connector test. Vehicles will fail the data link connector portion of the OBD test if the DLC is inaccessible due to manufacturer design, tampered with, blocked, or not located where the manufacturer located the DLC. The emissions inspector shall determine and record the reason for this failure in the MDAS for printing on the emissions VIR.

B. Communications test. Vehicles will fail the communications portion of the OBD test if the vehicle does not maintain sufficient voltage to the DLC during OBD communication or transmit the necessary information to the inspection equipment after three (3) thirty (30)-second attempts.

(I) If the vehicle does not communicate after two (2) thirty (30)-second communication attempts, inspectors shall verify that a valid communications failure exists by using the MDAS OBD verification tool to verify the communication failure according to the lane software procedures.

(II) If the OBD verification tool determines that the equipment is not capable of communicating with the vehicle, the MDAS shall automatically abort the OBD test and generate the emissions VIR described in subsection (4)(K) of this rule.

(III) If the verification tool determines that the equipment is capable of communicating with the vehicle, inspectors shall make one (1) additional thirty (30)-second communication attempt. If the vehicle does not communicate with the MDAS, the MDAS shall determine and record the reason for this failure and print this reason on the emissions VIR.

C. Vehicles that fail the DLC or communications portion of the OBD test shall fail the OBD test.

D. Repairs made to correct failures for DLCs that have been tampered with, rendered inoperative, or removed, or failures for OBD communications as described in subparagraphs (5)(B)3.A. and (5)(B)3.B. of this rule, shall not be eligible for cost-based or estimate-based waivers.

4. Readiness monitor test.

A. 1996-2000 model year gasoline-powered vehicles may pass the readiness monitor portion of the OBD test if they have no more than two (2) unset non-continuous readiness monitors.

B. 2001 and newer model year gasoline-powered vehicles may pass the readiness monitor portion of the test if they have no more than one (1) unset non-continuous readiness monitor.

C. Gasoline-powered vehicles that fail the OBD test with a catalytic converter DTC (P0420-P0439) present must have the catalyst monitor reset to pass the readiness monitor portion of the OBD retest.

D. Gasoline-powered vehicles will fail the readiness monitor portion of the OBD test if the following non-continuous monitors are not supported:

(I) Oxygen sensor; and

(II) Catalyst.

E. Vehicles that are on the readiness exemption table maintained by the contractor and authorized by the department shall be exempt from the readiness monitor portion of the OBD test.

F. Vehicles that fail the readiness monitor portion of the OBD test shall fail the OBD test. Vehicles must pass the readiness monitor portion of the OBD test to be eligible for a cost-based or estimate-based waiver.

G. Repairs made to correct failures for readiness monitor tampering caused by the installation of aftermarket components shall not be eligible for cost-based or estimate-based waivers.

5. Diagnostic trouble code test.

A. Vehicles will fail the diagnostic trouble code test if the OBD system has stored at least one (1) mature (non-pending, non-historic) DTC that commands the MIL to be illuminated.

B. Vehicles will fail the diagnostic trouble code test if the vehicle commands the MIL to be illuminated but the OBD system has no mature (non-pending, non-historic) DTCs stored in the system.

C. The contractor shall ensure that their inspection equipment's request for DTCs does not cause the MIL to be illuminated.

D. Vehicles that fail the DTC portion of the OBD test shall fail the OBD test.

(C) If the subject vehicle passes the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule and all of the OBD test procedures described in section (5) of this rule, then the procedures in paragraph (3)(H)3. of this rule shall be followed.

(D) If the subject vehicle fails the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule or any of the OBD test procedures described in section (5) of this rule, then the procedures in paragraphs (3)(H)6., (3)(H)7., and (3)(J)2. of this rule shall be followed.

EPA Rulemakings

CFR: 40 CFR part 52 52.1320 (c)
FRM: 80 FR 11323 (3/3/15)
PRM: 79 FR 77996, (12/29/14)
State Submission: 12/10/12, 6/10/09
State Final: section 643.050, RSMo Supp. 2012.* Original rule filed Dec. 16, 2008, effective
Sept. 30, 2009. Amended: Filed March 13, 2013, effective Oct. 30, 2013.
APDB File: MO-258, 324, 349; EPA-R07-OAR-2014-0399
Description: This rule, Federally effective on April 2, 2015, approves revisions to the St.
Louis Vehicle I/M program that rescinds Missouri rule 10 CSR 10-5.380 "On-Board Diagnostics Motor
Vehicle Emissions Inspection".

Difference Between the State and EPA-Approved Regulation

None.