

Volume 25, Number 3
Pages 249–352
February 1, 2000



Rebecca McDowell Cook
Secretary of State

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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Jefferson City, MO 65101

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
P.O. Box 1767
Jefferson City, MO 65102

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RULE

11 CSR 50-2.400 Emission Test Procedures

PURPOSE: This rule enacts the provisions of section 307.366, RSMo by describing the specifications of the inspection and maintenance program in order to reduce vehicle emissions in the St. Louis ozone nonattainment area.

EMERGENCY STATEMENT: Missouri is required by statute, Section 307.366 RSMo, to maintain a motor vehicle emission inspection program. All of the administrative rules that pertained to the previous motor vehicle emission inspection program became obsolete and were rescinded effective December 31, 1999. The rules became obsolete due to the new motor vehicle emission inspection program being implemented by the Department of Natural Resources. Therefore, this rule must be enacted to coincide with the emission inspection program which will be implemented beginning in April 2000. The Patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extend-

ed in the Missouri and United States Constitutions. The Patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule is filed January 3, 2000, effective April 1, 2000 and expires September 27, 2000.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has adopted by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Definitions.

(A) Definitions for key words used in this rule may be found in 11 CSR 50-2.010.

(B) Additional definitions specific to this rule are as follows:

1. Contractor—The State contracted company who shall implement and operate the motor vehicle emissions inspection program;

2. Control chart—Statistical method of showing graphically, determining, forecasting, and maintaining performance conditions and parameters in the pursuit of appropriate quality control;

3. DNR—The Department of Natural Resources;

4. Gross Vehicle Weight Rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle;

5. Initial inspection—An inspection consisting of the test series that occurs the first time a vehicle is inspected in an inspection cycle. The required test fee is collected upon an initial inspection;

6. Light Duty Truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500) GVWR or less which has a vehicle curb weight of six thousand pounds (6,000) or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is: designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or available with special features enabling off-street or off-highway operation and use;

7. Light Duty Vehicle (LDV)—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less;

8. Qualifying repair—Any repair or adjustment performed on a vehicle's emission control system after failing an emissions inspection, that is appropriate to the test failure. Qualifying repairs shall include the repair or adjustment of emission control devices such that the requirements of parts (3)(H)1.B.(III)–(3)(H)1.B.(X) of this rule are satisfied;

9. Qualified repair technician—any person who—

A. Is professionally engaged in vehicle repair or employed by an ongoing business whose purpose is vehicle repair; and

B. Has valid certifications in National Institute for Automotive Service Excellence (ASE) Electrical Systems (A6) and Engine Performance (A8);

10. Steady state emission test—an engine exhaust emissions test in which the engine of a vehicle remains at a relatively uniform number of revolutions per minute; and

11. Unsafe condition—the mechanical and physical condition of a motor vehicle which an emissions inspector believes has the potential to cause harm to persons or property during the course of an emissions inspection.

(2) Applicability.

(A) Except as provided in subsection (2)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area contained in the county of Franklin which are:

1. Registered in the area with the state of Missouri Department of Revenue;
2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated 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. Motor vehicles with a manufacturer's GVWR in excess of eight thousand five hundred pounds (8500 lbs.);
2. Motorcycles and motor tricycles;
3. Model-year vehicles prior to 1971;
4. School buses;
5. Diesel-powered vehicles;
6. New motor vehicles not previously titled or registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law; and
7. Motor vehicles registered in the area covered by this section, but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of the vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area.

(3) General Requirements.

(A) Compliance with emission standards. Motor vehicles subject to this rule shall demonstrate compliance with emission standards in this rule. Such demonstration shall be made through the inspection procedures and be completed on the schedule specified in this rule. Completion of the scheduled demonstration is necessary for vehicle initial registration, registration renewal, or registration transfer. Failure to complete a scheduled vehicle emission inspection before registration shall be a violation of this rule.

(B) Vehicle Emission Inspection Interval. Vehicles subject to this rule, shall have their vehicle emission inspected on an annual basis except for those owners that elect to have their vehicle emission inspected on a biennial basis.

(C) Emission Inspection Period. An emission inspection performed on a subject vehicle is valid, for the purposes of obtaining registration or registration renewal, for a period of sixty (60) days.

(D) Fleets.

1. Fleet test facilities. Vehicle fleets of five hundred (500) vehicles or greater may be officially inspected outside of the centralized emission inspection stations designated for the general public, if the fleet test facilities are approved by the DNR. Vehicle fleets using such fleet testing facilities shall be subject to the same test requirements and quality control standards as nonfleet vehicles. Owners or operators of such vehicle fleets shall use the state contractor to conduct the emission inspection tests. Owners or operators may make repairs to fleet vehicles on site. Fleet test facilities shall be subject to at least as stringent quality assurance evaluations as public inspection stations.

2. Vehicle fleets less than five hundred (500). Vehicle fleets of ten (10) vehicles or greater shall be given special consideration at public test facilities. The DNR shall require operators of emission inspection test facilities to accommodate fleets with special hours, scheduling appointments during hours not open to the public, and providing a voucher payment system.

(E) Emission Inspection Fee.

1. The vehicle owner or driver shall pay ten dollars and fifty cents (\$10.50) to the centralized emission inspection station.

2. This fee shall also include free reinspections, provided the vehicle owner or driver complies with all reinspection requirements as required in subsection (3)(G) of this rule, and the reinspections are conducted within twenty (20) consecutive days of the initial inspection excluding Saturday, Sunday and holidays.

(F) Vehicle Inspection Process. The emission inspection shall consist of emission tests and functional tests, which shall be subject to the following requirements:

1. Annual Inspection Process.

A. If a subject vehicle is targeted for a voluntary or mandatory manufacturer's emission recall notice issued after July 1, 1995, the vehicle owner or operator shall present to the emission inspection station proof of compliance with the recall notice;

B. A vehicle shall not be inspected if all or part of the exhaust system is missing, leaking, or if the vehicle is in an unsafe condition. If a motor vehicle is refused for inspection then the inspector shall give the motorist a form that identifies the reasons for inspection refusal. No fee shall be charged for this inspection;

C. The vehicle owner or driver shall have access to an area in the inspection station that permits observation of the entire official inspection procedure of the vehicle tested. This access may be limited, but it shall not prevent observation;

D. Vehicles shall be inspected in as-received condition. An official inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition, or unsafe conditions;

E. The initial inspection shall be performed without repair or adjustment at the emission inspection station prior to commencement of any tests, except as provided for in the evaporative system pressure and purge tests. Emission inspections performed after the initial inspection in an inspection cycle shall be considered a reinspection and are subject to provisions of subsection (3)(G) of this rule;

F. If a subject vehicle passes all emission inspection requirements within a complete inspection cycle, the emission inspection station shall issue the vehicle owner or driver an emission inspection certificate of compliance certifying that the vehicle has passed the emission inspection, and place an emission inspection sticker on the windshield of the subject vehicle. The positioning of the sticker on the windshield of the vehicle shall take place on the premises of the emission inspection station;

G. If a subject vehicle fails any phase of the emission inspection requirements, the emission inspection station shall provide the vehicle owner or driver with an emission inspection test report indicating which part(s) of the emission inspection that the vehicle failed, a list of repair facilities employing at least one (1) qualified repair technician, a repair data sheet, and a copy of the customer complaint procedure;

H. If a subject vehicle fails any part of the emission inspection, the vehicle owner must have the vehicle repaired and complete a repair data sheet before submitting the vehicle for reinspection; and

I. If the subject vehicle fails a reinspection, the vehicle owner can apply for a compliance waiver. If all waiver requirements as prescribed in subsection (3)(H) of this rule are met, a waiver shall be issued by the DNR approved inspector at the emission inspection station.

2. Biennial Inspection Process.

A. All biennial emission inspections shall be performed in counties that have an emission inspection program pursuant to sections 643.300-350 RSMo.

B. The vehicle owner who have chosen a biennial emission inspection shall take their vehicle to an emission inspection station in any county meeting the criteria set in 643.300-350 RSMo. The vehicle owner shall be subject to the inspection fee and inspection procedures pursuant to 10 CSR 10-5.380.

(G) Reinspection.

1. Reinspection procedure. All vehicles that require a reinspection are required to receive a visual emission control device inspection. Vehicles that fail any part of the initial inspection or a reinspection shall be reinspected after repairs, to determine if the repairs were effective for correcting failures on the previous inspection. To the extent that repairs done to correct a previous failure could lead to failure of another portion of the inspection, that portion shall also be retested. Evaporative system repairs performed as a result of a vehicle failing either the evaporative system purge or pressure test will be cause for a complete reinspection covering all the initial inspection requirements. The reinspection shall be performed without repair or adjustment at the emission inspection station prior to tests, except as provided for in the evaporative system pressure and purge tests.

2. Repair data sheet. For a reinspection, the vehicle owner or driver shall present the previous emission inspection test results report and the completed repair data sheet to the inspection station. Whether repairs were performed by the owner, a qualified repair technician, or someone other than a qualified repair technician, the repair data sheet must be completed and presented to the DNR approved inspector at the emission inspection station.

3. Reinspection fees. To qualify for free reinspections, the vehicle owner or driver shall present the emission inspection test report and the completed repair data sheet to the emission inspection station within twenty (20) consecutive days, excluding Saturday, Sunday and holidays of the initial emission. Reinspections after the twenty (20)-day period shall only be performed upon payment of the full emission inspection test fee to the emission inspection station.

(H) Issuance of a Waiver.

1. The DNR, assistant station manager, or station manager at the emission inspection station shall issue an emission inspection certificate of compliance, with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver, and an emissions inspection sticker shall be affixed to the subject vehicle provided the following waiver requirements are met:

A. The subject vehicle has failed the initial emission inspection, and has failed a reinspection(s) after all qualifying repairs have been completed. As prescribed in paragraph (3)(G)2. of this rule, a completed repair data sheet for the failed initial inspection and for all failed reinspections in the applicable inspection cycle must also be presented to the DNR approved inspector at the emission inspection station when applying for a waiver;

B. The amount spent on qualifying repairs shall—

(I) Exceed seventy-five dollars (\$75) for pre-1981 model year vehicles;

(II) Exceed two hundred dollars (\$200) for 1981 and later model year vehicles;

(III) Include parts costs and labor costs paid for qualifying emission repair services performed on the vehicle if paid by the vehicle owner and if the qualifying repairs were performed or supervised by a qualified repair technician as prescribed in part (3)(H)1.C.(IV) of this rule. For qualifying emission repair services performed by someone other than a qualified repair technician, parts costs, but not labor costs, shall be counted toward the minimum cost to qualify for a waiver;

(IV) Be appropriate to the test failure;

(V) Not include expenses which are incurred for the repair of emission control devices which have been found to be tampered with, rendered inoperative, or removed;

(VI) Not include costs for emissions repairs or adjustments covered by an automobile manufacturer's warranty, 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 waiver cost limitations. 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;

(VII) Not include the fee for an emission inspection;

(VIII) Not include charges for obtaining a written estimate of needed repairs;

(IX) Not include charges for checking for the presence of emission control devices; and

(X) Not include costs for repairs performed on the vehicle before the initial inspection failure;

C. The vehicle owner or driver shall present the original of all repair receipts at the inspection station to demonstrate compliance with the qualifying dollar amount. The DNR, assistant station manager, or station manager issuing a waiver shall verify emission-related repairs by visually inspecting the vehicle and reviewing repair receipts. The receipts shall—

(I) Include the name, address, and phone number of the repair facility;

(II) Describe the repairs that were performed;

(III) State the labor costs (where applicable) and parts costs for each repair; and

(IV) Include the name (printed or typed) and signature of the qualified repair technician that performed or supervised the repair work (where applicable); and

D. The vehicle owner or driver shall present a completed, signed waiver affidavit provided by the contractor to DNR, assistant station manager, or station manager at the emission inspection station indicating the costs of repairs and stating that the repairs were made in an attempt to meet the appropriate emission standards. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45) day comment period.

2. The DNR, assistant station manager, or station manager shall issue an emission inspection certificate of compliance, with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver and an emissions inspection sticker shall be affixed to the subject vehicle provided the vehicle owner or driver presents a completed, signed waiver affidavit to the DNR approved inspector indicating that the vehicle will be operated exclusively in an area outside of the inspection area for a period of at least the next twelve (12) months.

3. The DNR, assistant station manager, or station manager shall issue an emission inspection certificate of compliance with an indicator to show that the vehicle has received a waiver to the vehicle owner or driver and an emissions inspection sticker shall be affixed to the subject vehicle provided the vehicle owner or driver presents proof, acceptable to DNR, assistant station manager, or station manager, that the subject vehicle has successfully passed an emission inspection of another state within the previous twelve (12) months which has been deemed equivalent to Missouri's emission inspection by the DNR.

(I) Vehicle Registration. After a subject vehicle has passed the emission inspection or received a waiver, the emission inspection certificate of compliance issued by the emission inspection station shall be submitted with registration documents by the vehicle owner or representative to the Missouri Department of Revenue at the time of vehicle registration.

(J) Violations and Penalties. Persons violating this rule shall be subject to penalties contained in section 307.366, RSMo.

(4) Emission Standards. Subject vehicles shall fail the steady-state (idle test) if they exceed the following measured emission values:

(A) Idle test standards for light duty vehicles and trucks less than eight thousand five hundred (8,500 lbs.) pounds GVWR.

Model Year	CO%	HC (PPM)
1971-1974	7.0	700
1975-1979	6.0	600
1980	3.0	300
1981 and newer	1.2	220

(B) Maximum exhaust dilution will be measured as no less than six percent (6%) carbon monoxide (CO) plus carbon dioxide (CO₂) by volume on vehicles subject to a steady-state test as described in July 1998, Title 40 CFR part 51, subchapter S, Appendix B, which is adopted by reference;

(C) Vehicles registered by the Department of Revenue as specially constructed vehicles shall be subject to emission standards applicable to the EPA certified engine configuration with which the vehicle is equipped.

(5) Test Procedures.

(A) Idle Test. Idle tests shall be performed on 1971 and newer model year subject vehicles in accordance with the procedures contained in July 1998, Title 40 CFR part 51, subpart S, Appendix B, paragraph (I), which is adopted by reference, except that the appropriate measured emission values shall be as specified in subsection (4)(A).

(B) Visual Emission Control Device Inspection. Visual emission control device inspections shall be performed on 1971 and newer model year subject vehicles. Vehicles that meet the emission standards, and successfully pass the evaporative system purge and pressure test, if applicable, shall be excluded from meeting the requirements of the visual emission control device inspection as part of an initial inspection only. The visual emission control device inspection procedure shall be as follows:

1. Vehicle emission control device inspections shall be performed through direct observation or through indirect observation using a mirror, video camera or other visual aid. Visual inspection shall include the positive crankcase ventilation valve on all 1971 model year vehicles, the exhaust gas recirculation valve on all 1972 and newer model year vehicles, and the catalyst and fuel inlet restrictor on all 1984 and newer model year vehicles;

2. Vehicles shall fail the visual inspections of emission control devices if such devices are part of the original certified configuration of the vehicle and are found to be missing, modified, disconnected, or improperly connected; and

3. Vehicles shall fail visual inspections of emission control devices if these devices are found to be incorrect for the certified vehicle configuration. Aftermarket parts, as well as original equipment manufacturer parts, may be considered correct if they are proper for the certified vehicle configuration. Where EPA aftermarket approval or a self-certification program exists for a particular class of subject parts, vehicles shall fail visual equipment inspections if the part is not from an original equipment manufacturer or from an approved or self-certified aftermarket manufacturer.

(C) Evaporative System Purge Test. The DNR will approve an Evaporative System Purge Test when a nonintrusive procedure becomes available and is approved by the EPA. All 1981 and newer model year subject vehicles will be tested and required to meet these standards when the procedure is approved.

(D) Evaporative System Pressure Test. Until such time as the DNR approves an Evaporative System Pressure Test that is more comprehensive, nonintrusive, and is approved by the EPA, the evaporative system pressure test procedure shall be as follows:

1. A gas cap test, done to the extent practical, shall be performed on all 1981 and newer model year subject vehicles;

2. The gas cap test sequence shall consist of the following steps:

A. The gas cap will be connected to the adapter of the test equipment;

B. The gas cap shall be pressurized with air to 30 ± 0.5 inches of water;

C. The gas cap leak rate shall be compared to an orifice with a flow rate of sixty (60) cubic centimeters per minute at thirty inches (30") of water;

3. Vehicles shall fail the gas cap test if the gas cap exceeds a flow rate of sixty (60) cubic centimeters per minute; and

4. A visual inspection of the evaporative emission system shall also be performed, where practical. Vehicles shall fail the visual inspection of the evaporative emission system if the canister is missing or obviously damaged, if the hoses are missing, damaged or obviously disconnected, or if the gas cap is missing.

(E) On-Board Diagnostic (OBD) Test Procedures.

1. All 1996 and later model year vehicles equipped with OBD systems shall have the OBD system information collected, recorded, and read. Reports shall be generated. The information shall be used to determine if any emission control system faults have been identified. Fault codes shall not be a condition for failure.

2. The DNR shall require vehicle failures tied to readings from the OBD system beginning no later than January 1, 2001. Vehicles shall fail the on-board diagnostic test if they fail to meet the requirements of 40 CFR 85.2207, at a minimum.

(6) Emission Test Equipment.

(A) Performance Features of Emission Test Equipment. Computerized test systems are required for performing any measurement on subject vehicles. The test equipment shall be certified to meet EPA requirements, including those contained in July 1998, Title 40 CFR part 51, subpart S, Appendix D, which is adopted by reference. Newly acquired systems shall be subjected to acceptance test procedures to ensure compliance with program specifications.

1. Emission test equipment shall be capable of testing all subject vehicles and will be updated as needed to accommodate new technology vehicles as well as changes to the program.

2. At a minimum, emission test equipment shall be—

A. Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

B. Secure from tampering and/or abuse;

C. Based upon written specifications; and

D. Capable of simultaneously sampling dual exhaust vehicles.

(B) Functional Characteristics of Computerized Test Systems. The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.

1. The test system shall automatically—

A. Make pass/fail decisions for all measurements;

B. Record test data to an electronic medium;

C. Conduct regular self-testing of recording accuracy;

D. Perform electrical calibration and system integrity checks before each test, as applicable; and

E. Initiate system lockouts for—

(I) Tampering with security aspects of the test system;

(II) Failing to conduct or pass periodic calibration or leak checks;

(III) Failing to conduct or pass the constant volume sampler flow rate check;

(IV) Failing to conduct or pass the pressure monitoring device check;

(V) Failing to conduct or pass the purge flow metering system check; and

(VI) A full data recording medium or one that does not pass a cyclical redundancy check.

2. Test systems shall include a data link to the DNR computer as specified in the contract between the DNR and the contractor(s).

3. The test system will ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

(C) Steady-State Test Equipment. Steady-state test equipment requirements for model years 1971–1980 shall be as specified in July 1998, Title 40 CFR part 51, subpart S, Appendix D, which is adopted by reference.

(7) Documentation.

(A) The contractor shall provide the owners or drivers of vehicles that pass the emission inspection or are issued a waiver an emission inspection certificate of compliance and emission inspection sticker. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45) day comment period.

1. The certificate of compliance shall contain—

A. A vehicle description, including license plate number, vehicle title number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The applicable test standards;

D. The applicable test results, including exhaust quantities, a pass indicator for the evaporative system pressure test(s), a pass indicator for visual inspection of the evaporative system and a pass indicator for the visual emission control device inspection;

E. The results of the recall provisions check, if applicable, including the recall campaign number and the date the recall repairs were completed;

F. A certification that tests were performed in accordance with the regulations;

G. A waiver indicator, if applicable; and

H. The statement: “This inspection is mandated by your United States Congress.”

2. The emission inspection sticker shall—

A. Be affixed by the emission inspector to each vehicle which is subject to and passes the emission inspection, or has been issued a waiver on the inside of the vehicle’s front windshield in the lower left hand corner. An emission inspection sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous emission inspection stickers affixed to the windshield shall be removed. Destroyed, damaged, or lost stickers can only be replaced after a satisfactory explanation of the details of the incident has been furnished to the DNR. Stickers are valid for one (1) calendar year; and

B. Contain the statement: “This inspection is mandated by your United States Congress.”

(B) The contractor shall provide the vehicle owner or driver who fails an inspection with a computer-generated emission inspection test report. Also provided will be a repair facility list, a repair data sheet, and a copy of the consumer complaint procedure. The contractor shall not refer vehicle owners to a particular repair station(s) that may or may not be included on the repair facility list. After the effective date of this rule, any revision to the contractor supplied forms will be presented to the regulated community for a forty-five (45) day comment period.

1. The emission inspection test report shall include:

A. A vehicle description, including license plate number, vehicle title number, vehicle identification number, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of test;

C. The name or identification number of the individual(s) performing the test and the location of the test station and lane number;

D. The type of tests performed, including emission tests, visual checks for the presence of emission control components, and functional evaporative system tests;

E. The applicable test standards;

F. The test results, including exhaust quantities, pass/fail results for the evaporative system pressure test(s), pass/fail results for the visual inspection of the evaporative system and which emission control devices inspected were passed, failed, or not applicable;

G. To the extent possible, a description of the nature of the failure and the components responsible, recommended repair and adjustment procedures, and an estimated cost for those repairs;

H. A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act;

I. The results of the recall provisions check, if applicable, including the recall campaign number and date the recall repairs were completed; and

J. A statement that the emission inspection test report is not valid for vehicle registration purposes.

2. The repair facilities list will list facilities employing at least one (1) qualified repair technician in the area which perform emission related repairs on vehicles and information on the results of emission repairs performed by these facilities. This information will include:

A. Statistics on the number of vehicles submitted for a reinspection after repairs by the repair facility;

B. The percentage of vehicles repaired by the repair facility that required more than one (1) reinspection before passing; and

C. The percentage of vehicles repaired by the repair facility that were granted waivers.

3. A repair data sheet must be completed prior to a reinspection. The repair data sheet shall include:

A. Repairs performed;

B. Cost of repairs;

C. Name of the repair technician; and

D. Name, address, and telephone number of the repair facility and the facility’s state number.

4. The consumer complaint procedure will include the telephone number of the DNR’s quality assurance facility. Any challenge regarding the performance or results of the test must be made in writing within ten (10) business days of the failure of the emission inspection.

(8) Quality Control.

(A) Quality Control Requirements for the Contractor(s).

1. Contractor conduct. The DNR shall appoint only entities under contractual agreement with the DNR to operate official emission inspection stations, which includes conducting emission inspections and issuing certificates of compliance. Conducting the business of the official emission inspection station shall be performed in such a way that it satisfies the intent of the vehicle emission inspection program by effectively identifying vehicles that fail to meet acceptable emission standards. Failure to comply with the provisions of this subsection shall be considered sufficient cause for suspension of emission inspection privileges and authority to issue certificates of compliance. Misconduct of the contractor as established in this rule and in the contract shall be a violation of this rule and may result in dismissal as an emission inspection station operator. The contractor shall pay a monetary penalty to the DNR for a violation of this rule or of the contract by contractor personnel. Violations shall include, but are not limited to, actions which result in improper or fraudulent issuance of a certificate of compliance or a compliance waiver. The penalty shall be determined by a penalty schedule established in the contract.

2. Emission inspectors. All contractor personnel who perform emission inspections at each emission inspection station will be designated by the contractor as an emission inspector. The contractor shall be responsible for the conduct of emission inspectors. The contractor shall maintain for the DNR a registry of designated emission inspectors, that at a minimum includes the inspector’s name, Social Security number, beginning date of inspection duties, ending date of inspection duties and description of inspection per-

formance. Designation as an emission inspector may be suspended by a DNR quality assurance officer immediately at any time due to a violation of this rule or a provision of the contract. The contractor shall provide to the DNR an education and training plan, to be approved by the DNR, for designated emission inspectors.

3. Inspection records. All inspection records, calibration records, and control charts shall be accurately created, recorded, and maintained. The contractor, and all employees of the contractor, shall make available all records and information requested by the DNR and shall fully cooperate with DNR personnel, and other authorized state representatives or agents, who conduct audits and other quality assurance procedures. All contractors subject to this rule shall maintain emissions test records, including repair information from any emissions test as well as all test results. These records shall be kept for at least three (3) years after date of an initial emissions inspection. These records shall be made available immediately upon request for review by DNR personnel. These records shall also be made available to the DNR on a continual basis through the use of an automated communication system approved by the DNR.

(B) General Requirements. General requirements for quality control practices for all test equipment shall be as follows:

1. At a minimum, the practices described in this section, in the contract, and in July 1998, Title 40 CFR part 51, subpart S, Appendix A, which is adopted by reference, shall be followed;

2. Preventive maintenance on all inspection equipment shall be performed on a periodic basis, as provided by the contract between the DNR and the contractor(s) and consistent with EPA and the equipment manufacturer's requirements;

3. 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;

4. To assure test accuracy, equipment shall be maintained according to demonstrated good engineering procedures;

5. Computer control of quality assurance checks and quality control charts shall be used whenever possible; and

6. The emission inspection station shall transmit the emission inspection results to the DNR as prescribed in the contract between the DNR and the contractor(s).

(C) Requirements for Steady-State Emissions Testing Equipment. Calibration and maintenance procedures for steady-state emissions testing equipment shall be described in July 1998, Title 40 CFR part 51, subpart S, Appendix A, paragraph (I), which is adopted by reference.

AUTHORITY: section 307.366, RSMo Supp. 1999. Original rule filed Aug. 4 1983, effective Nov. 11, 1983. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed April 12, 1987, effective June 25, 1987. Rescinded: Filed May 31, 1990, effective Dec. 31, 1990. Emergency rule filed Jan. 3, 2000, effective April 1, 2000, expires Sept. 27, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.