



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 220 [2003 Senate Bill 436]	Motor Vehicle Emission Inspections
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

Current law requires the Department of Transportation (DOT) to conduct a motor vehicle emission inspection program in counties in which the air quality does not meet certain federal standards. Under the program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must undergo emission inspections during the second year following the vehicle's model year and every two years thereafter.

2003 Wisconsin Act 220 changes the time period before a qualifying vehicle must undergo an initial emission inspection, extending it from the second year after the vehicle's model year to the *fourth year* after the vehicle's model year. The Act:

1. Provides that from the appropriation under s. 20.395 (5) (hq), Stats., the DOT must, in consultation with the DNR, develop and administer a program to provide grants for the purchase and installation of **oxidation catalyst mufflers on school buses** customarily kept in counties identified in s. 110.20 (5), Stats. The DOT is required to **adopt rules** to implement and administer this program, including procedures, standards, and criteria for awarding and distributing the grants.

2. Specifies that the current provision [s. 20.395 (5), Stats.], relating to the appropriation to provide for contracts for the operation of inspection stations under the motor vehicle emission inspection and maintenance program under s. 110.20, Stats., also applies to the *motor vehicle emission control equipment program* created in the Act.

3. Creates nonstatutory provisions relating to the rule-making process that provides that:

- a. The DOT must submit in proposed form the rules required under the Act to the Legislative Council staff no later than the first day of the fourth month beginning after the effective date of the Act.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

- b. Using the **emergency rules** procedure under s. 227.24, Stats., DOT must promulgate the rules required under the Act for purposes of implementing the new law for the period before the effective date of the rules submitted under item a., above. The DOT must promulgate these emergency rules no later than the first day of the fourth month beginning after the effective date of the new law. These emergency rules may remain in effect until June 30, 2005, or the date on which permanent rules take effect, whichever is sooner. The DOT is not required to provide evidence that promulgating a rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for such a rule.

Effective Date: The **effective date** of the program created in the Act is the first day of the **fourth month** beginning after publication of the new law creating the program. The remainder of the Act takes effect on April 23, 2004.

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