



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 228
[2009 Senate Bill 505]

**Motor Vehicle Emission
Inspections**

CURRENT LAW

Current law requires the Department of Transportation (DOT) to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program.

Current law prohibits DOT from contracting with a person engaged in the business of selling, maintaining, or repairing motor vehicles or of selling motor vehicle replacement or repair parts (vehicle dealer or servicer).

Current law also provides that, if a vehicle fails to pass an emission inspection, any repair or adjustment necessary to bring the vehicle into compliance with applicable emission limitations may be made by the vehicle owner or by any person selected by the owner.

2009 WISCONSIN ACT 228

2009 Wisconsin Act 228:

- Allows DOT to contract with any person to perform vehicle emission inspections under the I/M program, including a vehicle dealer or servicer.
- Specifies that DOT may allow third-party contractors to enter into subcontracts for the performance of the contractor's functions or duties, but the subcontractor must comply with all requirements applicable to the contractor. With DOT's approval, the third-party contractor may also subcontract with a vehicle dealer or servicer.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- Allows vehicle emission inspections to be performed by DOT or by persons who are authorized by DOT to perform the inspections but who are not under contract with DOT.
- Specifies that if an emission inspection is performed by a vehicle dealer or servicer, and the vehicle fails the inspection, the vehicle dealer or servicer must advise the vehicle owner that the owner is not required to have any necessary repair or adjustment made by, or to purchase any necessary service or part from, the vehicle dealer or servicer and has the right to select a vendor of the owner's own choice.
- Specifies that DOT rules must require each vehicle dealer or servicer that performs emission inspections to periodically report to DOT information related to vehicle repairs and reinspections after a failed inspection. DOT must make information gathered from these reports available to the public.
- Allows DOT, with the concurrence of DNR, to grant temporary vehicle emission inspection exemptions during any period in which DOT is unable to operate the I/M program.
- Requires DOT to prescribe procedures for granting temporary vehicle emission inspection exemptions and for authorizing persons other than contractors to perform motor vehicle emission inspections.

Effective date: 2009 Wisconsin Act 228 takes effect on May 20, 2010.

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