

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 354

96TH GENERAL ASSEMBLY

1205L.02T

2011

AN ACT

To repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 643.315, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 643.315, to read as follows:

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of the safety

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 and emission inspection and approval required by this section in issuing the motor vehicle annual
17 registration in conformity with the procedure required by sections 307.350 to 307.390 and
18 sections 643.300 to 643.355. The director of revenue may verify that a successful safety and
19 emissions inspection was completed via electronic means.

20 2. The inspection requirement of subsection 1 of this section shall apply to all motor
21 vehicles except:

22 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight
23 thousand five hundred pounds;

24 (2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle
25 emissions inspection under federal regulation and approved by the commission by rule;

26 (3) Model year vehicles manufactured prior to 1996;

27 (4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels
28 other than gasoline which are exempted from the motor vehicle emissions inspection under
29 federal regulation and approved by the commission by rule;

30 (5) Motor vehicles registered in an area subject to the inspection requirements of sections
31 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not
32 subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of
33 such vehicle presents to the department an affidavit that the vehicle will be operated exclusively
34 in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355
35 for the next twenty-four months, and the owner applies for and receives a waiver which shall be
36 presented at the time of registration or registration renewal;

37 (6) New and unused motor vehicles, of model years of the current calendar year and of
38 any calendar year within two years of such calendar year, which have an odometer reading of less
39 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed
40 motor vehicle dealer to the first user;

41 (7) Historic motor vehicles registered pursuant to section 301.131;

42 (8) School buses;

43 (9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of
44 eight thousand five hundred pounds;

45 (10) New motor vehicles that have not been previously titled and registered, for the
46 four-year period following their model year of manufacture, provided the odometer reading for
47 such motor vehicles are under forty thousand miles at their first required biennial safety
48 inspection conducted under sections 307.350 to 307.390; otherwise such motor vehicles shall
49 be subject to the emissions inspection requirements of subsection 1 of this section during the
50 same period that the biennial safety inspection is conducted; [and]

51 (11) Motor vehicles that are driven fewer than twelve thousand miles between biennial
52 safety inspections; **and**

53 (12) **Qualified plug-in electric drive vehicles. For the purposes of this section,**
54 **"qualified plug-in electric drive vehicle" shall mean a plug-in electric drive vehicle that is**
55 **made by a manufacturer, has not been modified from original manufacturer specifications,**
56 **and can operate solely on electric power and is capable of recharging its battery from an**
57 **on-board generation source and an off-board electricity source.**

58 3. The commission may, by rule, allow inspection reciprocity with other states having
59 equivalent or more stringent testing and waiver requirements than those established pursuant to
60 sections 643.300 to 643.355.

61 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
62 may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300
63 to 643.355 either:

64 (a) With prior inspection and approval as provided in subdivision (2) of this subsection;
65 or

66 (b) Without prior inspection and approval as provided in subdivision (3) of this
67 subsection.

68 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer
69 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the
70 emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver
71 pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor
72 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately
73 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection
74 shall be considered timely.

75 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
76 purchaser may return the vehicle within ten days of the date of purchase, provided that the
77 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,
78 upon inspection, to meet the emissions standards specified by the commission and the dealer
79 shall have the vehicle inspected and approved without the option for a waiver of the emissions
80 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker
81 within five working days or the purchaser and dealer may enter into any other mutually
82 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and
83 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the
84 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no
85 more than one thousand additional miles since the time of sale, to have the dealer repair the
86 vehicle and provide an emissions certificate and sticker within five working days if the vehicle

87 fails, upon inspection, to meet the emissions standards established by the commission, or enter
88 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be
89 an unlawful practice as defined in section 407.020. No emissions inspection shall be required
90 pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold
91 without a certificate of inspection and approval, as provided pursuant to subsection 2 of section
92 307.380.

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