

FIRST REGULAR SESSION

HOUSE BILL NO. 437

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

Read 1st time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1263L.021

AN ACT

To repeal sections 643.310 and 643.315, RSMo 2000, and section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to emissions inspections, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 643.310 and 643.315, RSMo 2000, and section 307.366 as enacted
2 by conference committee substitute for senate committee substitute for house committee
3 substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session,
4 and section 307.366 as enacted by conference committee substitute for house substitute for
5 senate substitute for senate committee substitute for senate bill no. 19, ninetieth general
6 assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to be
7 known as sections 307.366, 643.310 and 643.315, to read as follows:

307.366. 1. This enactment of the emissions inspection program is a mandate of the
2 United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et
3 seq. In any [city not within a county, any county of the first classification having a population
4 of over nine hundred thousand inhabitants according to the most recent decennial census, any
5 county of the first classification with a charter form of government and a population of not more
6 than two hundred twenty thousand inhabitants and not less than two hundred thousand

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 inhabitants according to the most recent decennial census, any county of the first classification
8 without a charter form of government with a population of not more than one hundred eighty
9 thousand inhabitants and not less than one hundred seventy thousand inhabitants according to
10 the most recent decennial census and any county of the first classification without a charter form
11 of government with a population of not more than eighty-two thousand inhabitants and not less
12 than eighty thousand inhabitants according to the most recent decennial census] **portion of an**
13 **area designated by the governor as a nonattainment area, as defined in the federal Clean**
14 **Air Act, 42 U.S.C. Section 7501, as amended, and located within the area described in**
15 **subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested [annually] and**
16 **approved prior to sale or transfer and biennially thereafter** to determine that the emissions
17 system is functioning within the emission standards as specified by the Missouri air conservation
18 commission and as required to attain the national health standards for air quality. **For such**
19 **biennial testing, any such vehicle manufactured as an even-numbered model year shall be**
20 **tested and approved in each even-numbered calendar year and any such vehicle**
21 **manufactured as an odd-numbered model year vehicle shall be tested and approved in each**
22 **odd-numbered calendar year.** The motor vehicles to be tested shall be all motor vehicles
23 except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section
24 307.350 and those exempted pursuant to this section.

25 2. The provisions of this section shall not apply to:

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

28 (2) Motorcycles and motortricycles;

29 (3) Model year vehicles prior to 1971;

30 (4) School buses;

31 (5) Diesel-powered vehicles;

32 (6) **Limited production vehicles. For purposes of this subdivision, limited**
33 **production vehicles means any motor vehicle for which less than ten thousand of a specific**
34 **model were produced, regardless of model year;**

35 (7) Motor vehicles registered in the area covered by this section but which are based and
36 operated exclusively in an area of this state not subject to the provisions of this section if the
37 owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and
38 operated outside the covered area;

39 [(7)] (8) **New and unused** motor vehicles [not previously titled or registered prior to
40 the initial motor vehicle registration or the next succeeding registration which is required by
41 law], **of model years of the current calendar year and of any calendar year within two years**
42 **of such calendar year, which have an odometer reading of less than six thousand miles at**

43 **the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer**
44 **to the first user; and**

45 ~~[(8)]~~ **(9)** Motor vehicles owned by a person who resides in a county of the first
46 classification without a charter form of government with a population of less than one hundred
47 thousand inhabitants according to the most recent decennial census [who has chosen to have a
48 biennial motor vehicle registration pursuant to section 301.147, RSMo, and] who has completed
49 an emission inspection pursuant to section 643.315, RSMo.

50

51 Each official inspection station which conducts [safety or] emissions inspections [in a city or
52 county] **within the area** referred to in subsection 1 of this section shall indicate the gross vehicle
53 weight rating of the motor vehicle on the [safety] inspection certificate if the vehicle is exempt
54 from the emissions inspection pursuant to subdivision (1) of this subsection.

55 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
56 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section
57 either:

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

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

62 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer
63 shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the
64 emissions standards established pursuant to this section or by obtaining a waiver pursuant to
65 subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor
66 vehicle dealer shall be inspected and approved within the one hundred twenty days immediately
67 preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection
68 shall be considered timely.

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

79 more than one thousand additional miles since the time of sale, to have the dealer repair the
80 vehicle and provide an emissions certificate and sticker within five working days if the vehicle
81 fails, upon inspection, to meet the emissions standards established by the commission, or enter
82 into any mutually acceptable agreement with the dealer. A violation of this [subdivisions]
83 **subsection** shall be an unlawful practice as defined in section 407.020, RSMo. No emissions
84 inspection shall be required pursuant to this section for the sale of any motor vehicle which may
85 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of
86 section 307.380.

87 4. [In addition to the fee authorized by subsection 5 of section 307.365,] A fee, not to
88 exceed [eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not
89 to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each
90 official emissions inspection station located in any city or county described in subsection 1 of
91 this section,] **twenty-four dollars** may be charged for an automobile emissions and air pollution
92 control inspection in order to attain the national health standards for air quality. Such fee shall
93 be conspicuously posted on the premises of each such inspection station. The official emissions
94 inspection station shall issue a certificate of inspection and an approval sticker or seal certifying
95 the emissions system is functioning properly. The certificate or approval issued shall bear the
96 legend: "This cost is mandated by your United States Congress.". No owner shall be charged
97 an additional fee after having corrected defects or unsafe conditions in the automobile's
98 emissions and air pollution control system if the reinspection is completed within twenty
99 consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection
100 is made by the station making the initial inspection.

101 5. The air conservation commission shall establish, by rule, a waiver amount which may
102 be lower for older model vehicles and which shall be no greater than seventy-five dollars for
103 model year vehicles prior to 1981 and no greater than two hundred dollars for model year
104 vehicles of 1981 and all subsequent model years.

105 6. An owner whose vehicle fails upon reinspection to meet the emission standards
106 specified by the Missouri air conservation commission shall be issued a certificate of inspection
107 and an approval sticker or seal by the official emissions inspection station that provided the
108 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements
109 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than
110 the waiver amount established by the air conservation commission pursuant to this section. The
111 air conservation commission shall establish, by rule, a form and a procedure for verifying that
112 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and
113 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

114 (1) A statement signed by the repairer that the specified work was done and stating the

115 itemized charges for the work; and

116 (2) A statement signed by the inspector that an inspection of the vehicle verified, to the
117 extent practical, that the specified work was done.

118 7. The department of revenue shall require evidence of the inspection and approval
119 required by this section in issuing the motor vehicle annual registration in conformity with the
120 procedure required by sections 307.350 to 307.370.

121 8. Each emissions inspection station located in [any city or county] **the area** described
122 in subsection 1 of this section shall purchase from the highway patrol sufficient forms and
123 stickers or other devices to evidence approval of the motor vehicle's emissions control system.
124 In addition, emissions inspection stations may be required to purchase forms for use in
125 automated analyzers from outside vendors of the inspection station's choice. The forms must
126 comply with state regulations.

127 9. In addition to the fee collected by the superintendent pursuant to subsection 5 of
128 section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile
129 emissions certificate issued to the applicable official emissions inspection stations, except that
130 no charge shall be made for certificates of inspection issued to official emissions inspection
131 stations operated by governmental entities. All fees collected by the superintendent pursuant to
132 this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution
133 Control Fund", which is hereby created.

134 10. The moneys collected and deposited in the Missouri air pollution control fund
135 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol
136 and the Missouri department of natural resources, air pollution control program, and shall be
137 expended subject to appropriation by the general assembly for the administration and
138 enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of
139 each appropriation period shall not be transferred to the general revenue fund, except as directed
140 by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating
141 to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply
142 to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and
143 the interest shall be credited to the fund.

144 11. The superintendent of the Missouri state highway patrol shall issue such rules and
145 regulations as are necessary to determine whether a motor vehicle's emissions control system is
146 operating as required by subsection 1 of this section, and the superintendent and the state
147 highways and transportation commission shall use their best efforts to seek federal funds from
148 which reimbursement grants may be made to those official inspection stations which acquire and
149 use the necessary testing equipment which will be required to perform the tests required by the
150 provisions of this section.

151 12. The provisions of this section shall not apply in any county for any time period
152 during which the air conservation commission has established a motor vehicle emissions
153 inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except
154 where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo.
155 In counties where such option is available, the emissions inspection may be conducted in stations
156 conducting only an emissions inspection under contract to the state.

157 13. Notwithstanding the provisions of section 307.390, violation of this section shall be
158 deemed a class C misdemeanor.

2 [307.366. 1. This enactment of the emissions inspection program is a
3 mandate of the United States Congress pursuant to the federal Clean Air Act, as
4 amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the
5 first classification having a population of over nine hundred thousand inhabitants
6 according to the most recent decennial census, any county of the first classification
7 with a charter form of government and a population of not more than two hundred
8 twenty thousand inhabitants and not less than two hundred thousand inhabitants
9 according to the most recent decennial census, any county of the first classification
10 without a charter form of government with a population of not more than one
11 hundred eighty thousand inhabitants and not less than one hundred seventy thousand
12 inhabitants according to the most recent decennial census and any county of the first
13 classification without a charter form of government with a population of not more
14 than eighty-two thousand inhabitants and not less than eighty thousand inhabitants
15 according to the most recent decennial census certain motor vehicles shall be tested
16 annually to determine that the emissions system is functioning within the emission
17 standards as specified by the Missouri air conservation commission and as required
18 to attain the national health standards for air quality. The motor vehicles to be tested
19 shall be all motor vehicles except those specifically exempted pursuant to
20 subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted
21 pursuant to this section.

22 2. The provisions of this section shall not apply to:

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

25 (2) Motorcycles and motortricycles;

26 (3) Model year vehicles prior to 1971;

27 (4) School buses;

28 (5) Diesel-powered vehicles;

29 (6) Motor vehicles registered in the area covered by this section but which
30 are based and operated exclusively in an area of this state not subject to the
31 provisions of this section if the owner of such vehicle presents to the director a sworn
32 affidavit that the vehicle will be based and operated outside the covered area; and

33 (7) New motor vehicles not previously titled or registered prior to the initial
34 motor vehicle registration or the next succeeding registration which is required by
law. Each official inspection station which conducts safety or emissions inspections

in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

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

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

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivisions shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station

located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official

emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund.

The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.]

643.310. 1. The commission may, by rule, establish a motor vehicle emissions

inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to [have a biennial motor vehicle registration pursuant to section 301.147, RSMo, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the

11 requirements of subsection 1 of section 643.305] **participate in such a program in lieu of the**
12 **provisions of section 307.366, RSMo.** The commission shall ensure that, for each
13 nonattainment area, the state implementation plan established pursuant to subsection 1 of section
14 643.305 incorporates and receives all applicable credits allowed by the United States
15 Environmental Protection Agency for emission reduction programs in other nonattainment areas
16 of like designation in other states. The commission shall ensure that emission reduction amounts
17 established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed
18 the emissions reduction amounts required by the United States Environmental Protection Agency
19 for other nonattainment areas of like designation in other states. No motor vehicle emissions
20 inspection program shall be required to comply with subsection 1 of section 643.305 unless the
21 plan established thereunder takes full advantage of any changes in requirements or any
22 agreements made or entered into by the United States Environmental Protection Agency and any
23 entity or entities on behalf of a nonattainment area concerning compliance with National
24 Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.,
25 and the regulations promulgated thereunder. The air conservation commission shall request and
26 it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action
27 challenging the authority of the United States Environmental Protection Agency to impose
28 sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for
29 required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et
30 seq. The action shall seek to define the required emission reductions and the credits allowed for
31 current and planned emission reductions measures. The air conservation commission shall
32 request and it shall be the duty of the attorney general to bring an action to obtain injunctive
33 relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal
34 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated pursuant to this
35 section have been decided. Provisions of section 307.366, RSMo, to the contrary
36 notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas
37 designated by the commission pursuant to this section in lieu of the provisions of section
38 307.366, RSMo.

39 2. No later than the effective date of this section, the department of natural resources and
40 the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the
41 administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

42 3. (1) The department, with the cooperation and approval of the commissioner of
43 administration, shall select a person or persons to operate an inspection facility or inspection
44 program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated
45 process or a combination thereof based on criteria and expectations established by the
46 department. This process may use either a licensing arrangement or contractual arrangement

47 with the selected party or parties. The selection of persons to operate inspection facilities or
48 inspection programs shall be exempt from the provisions of all site procurement laws. The
49 number of locations shall be no less than the number needed to provide adequate service to
50 customers and establish an emissions inspection program which satisfies the requirements of this
51 section. Each person who is authorized to operate a station pursuant to this section shall be
52 capable of providing adequate and cost-effective service to customers.

53 (2) Service management, coordination and data processing may be provided by the
54 department or by another person, including a contractor or licensee, based upon the most
55 cost-effective proposal for service.

56 (3) A license or contract shall be for a period of up to seven years, consistent with the
57 provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall
58 be annually reviewed. A license or contract may be suspended or revoked if the licensee or
59 contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the
60 license agreement or contract as determined by the department. A licensee or contractor found
61 to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license
62 agreement or contract shall be in violation of section 643.151 and subject to the penalties
63 provided thereunder.

64 4. The inspection program shall satisfy the following criteria:

65 (1) There shall be an adequate number of stations to ensure that no more than twenty
66 percent of all persons residing in an affected nonattainment area reside farther than five miles
67 from the nearest inspection station, and consideration shall be given to employment, locations
68 and commuting patterns when selecting the locations of the stations;

69 (2) There shall be an adequate number of inspection lanes at each facility so that no more
70 than five percent of all persons having an inspection are required to wait more than fifteen
71 minutes before the inspection begins;

72 (3) The days and daily hours of operation shall include at least those hours specified by
73 the department, which shall include, at a minimum, twelve continuous hours of operation on all
74 weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays
75 excepting federal holidays;

76 (4) The emissions inspection program shall include a simulated on-road emissions
77 inspection component, including pressure and purge tests, which satisfies the requirements
78 established by regulation of the United States Environmental Protection Agency and may include
79 a visual inspection component;

80 (5) The inspection stations shall be test-only stations and shall not offer motor vehicle
81 emissions repairs, parts or services of any kind;

82 (6) No person operating or employed by an emissions inspection station shall repair or

83 maintain motor vehicle emission systems or pollution control devices for compensation of any
84 kind.

85 5. The commission, the department of economic development and the office of
86 administration shall, in cooperation with the minority business advocacy commission, select the
87 contractor or contractors to provide an inspection program which satisfies the minimum
88 requirements of this section in accordance with the requirements of section 33.752, RSMo, and
89 chapter 34, RSMo. The commission, the office of administration and the department of
90 economic development, in cooperation with the minority business advocacy commission shall
91 ensure adequate minority business participation in the selection of the contractor or contractors
92 to provide an inspection program pursuant to this section. The commission, the office of
93 administration and the department of economic development shall ensure adequate participation
94 of Missouri businesses in the selection of the contractor or contractors to provide an inspection
95 program pursuant to this section.

96 6. With approval of the commission and pursuant to rules adopted by the commission,
97 an organization whose members are motor vehicle dealers or leasing companies may establish
98 one or more additional emissions inspection facilities, which may be either mobile or stationary,
99 to be used solely to inspect motor vehicles owned and held for sale or lease by the members of
100 the organization. With approval of the commission and pursuant to rules adopted by the
101 commission, any person operating a fleet of five hundred or more motor vehicles may establish
102 one or more additional emissions inspection facilities, which may be either mobile or stationary,
103 to be used solely to inspect motor vehicles owned or leased and operated by the person
104 establishing the facility.

105

106 The inspections performed in facilities established pursuant to this subsection shall be performed
107 by a contractor selected by the commission pursuant to this section and the contractor performing
108 such inspections shall be responsible solely to the department and shall satisfy all applicable
109 requirements of sections 643.300 to 643.355.

110 7. Any person who owns Missouri analyzer system emission inspection equipment as
111 defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at a
112 facility located in an area in which an emissions inspection program has been established
113 pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an
114 emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment, to
115 the department of natural resources at current market value as established by an independent
116 appraisal provided that the equipment is fully functional and has been maintained according to
117 all applicable manufacturer's specifications and procedures. The department shall purchase such
118 equipment using funds appropriated for that purpose from the Missouri air emission reduction

119 fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or
120 purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer
121 system emission inspection equipment used to provide emissions inspections pursuant to section
122 307.366, RSMo, at a facility located in an area in which an emissions inspection program has
123 been established pursuant to sections 643.300 to 643.355, and has made all payments required
124 under the contract, may, within twelve months of the implementation of an emissions inspection
125 program pursuant to sections 643.300 to 643.355, request the department of natural resources to
126 take possession of such equipment and assume all payment obligations owed on such equipment
127 which obligations are not in excess of one hundred and twenty-five percent of the current market
128 value as established by an independent appraisal, provided that the equipment is fully functional
129 and has been maintained according to all applicable manufacturer's specifications and
130 procedures. The department shall take possession of such equipment and pay such obligations
131 using funds appropriated for that purpose from the Missouri air emission reduction fund.

132 8. If the governor applies to the administrator of the Environmental Protection Agency
133 to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to
134 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is
135 intended for sale to agricultural, commercial or retail customers outside said nonattainment areas
136 subject to reformulated gasoline.

137 9. The governor, the department of natural resources, and the commission shall work to
138 ensure an orderly transition period in the nonattainment area for the introduction of reformulated
139 gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize,
140 structure, and implement both the production and the delivery of reformulated gasoline to the
141 nonattainment area, so that consumers will see an orderly, seamless market substitution.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which
2 are domiciled, registered or primarily operated in an area for which the commission has
3 established a motor vehicle emissions inspection program pursuant to sections 643.300 to
4 643.355, which may include all motor vehicles owned by residents of a county of the first
5 classification without a charter form of government with a population of less than one hundred
6 thousand inhabitants according to the most recent decennial census who have chosen to [have
7 a biennial motor vehicle registration pursuant to section 301.147, RSMo,] **participate in such**
8 **a program in lieu of the provisions of section 307.366, RSMo,** shall be inspected and approved
9 prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model
10 year vehicle shall be inspected and approved under the emissions inspection program established
11 pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such
12 vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved
13 under the emissions inspection program established pursuant to sections 643.300 to 643.355 in

14 each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of
15 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when
16 applicable, a valid emissions inspection certificate shall be presented at the time of registration
17 or registration renewal of such motor vehicle.

18 2. No emission standard established by the commission for a given make and model year
19 shall exceed the lesser of the following:

20 (1) The emission standard for that vehicle model year as established by the United States
21 Environmental Protection Agency; or

22 (2) The emission standard for that vehicle make and model year as established by the
23 vehicle manufacturer.

24 3. The inspection requirement of subsection 1 of this section shall apply to all motor
25 vehicles except:

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

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

30 (3) Model year vehicles prior to [1971] **1981**;

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

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

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

45 4. The commission may, by rule, allow inspection reciprocity with other states having
46 equivalent or more stringent testing and waiver requirements than those established pursuant to
47 sections 643.300 to 643.355.

48 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
49 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections

50 643.300 to 643.355 either:

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

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

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

62 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
63 purchaser may return the vehicle within ten days of the date of purchase, provided that the
64 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,
65 upon inspection, to meet the emissions standards specified by the commission and the dealer
66 shall have the vehicle inspected and approved without the option for a waiver of the emissions
67 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker
68 within five working days or the purchaser and dealer may enter into any other mutually
69 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and
70 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the
71 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no
72 more than one thousand additional miles since the time of sale, to have the dealer repair the
73 vehicle and provide an emissions certificate and sticker within five working days if the vehicle
74 fails, upon inspection, to meet the emissions standards established by the commission, or enter
75 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be
76 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be
77 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may
78 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of
79 section 307.380, RSMo.