

FIRST REGULAR SESSION

HOUSE BILL NO. 241

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JACKSON.

Read 1st time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1027L.011

AN ACT

To repeal sections 303.026, 307.366, and 643.315, RSMo, and to enact in lieu thereof three new sections relating to motor vehicle registration information, with penalty provisions.

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

Section A. Sections 303.026, 307.366, and 643.315, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 303.026, 307.366, and 643.315, to read as follows:

303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state must maintain his **or her** financial responsibility;

(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;

(3) The penalties which apply to violations of the requirement to maintain financial responsibility;

(4) The benefits of maintaining coverages in excess of those which are required;

(5) The director's authority to conduct samples of Missouri motor vehicle owners to ensure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his **or her** authorized agent, signs an affidavit provided by the director of revenue at the time

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 of registration of the vehicle certifying that such owner has and will maintain, during the period
17 of registration, financial responsibility with respect to each motor vehicle that is owned, licensed
18 or operated on the streets or highways. The affidavit need not be notarized, but it shall be
19 acknowledged by the person processing the form. The affidavit shall state clearly and in bold
20 print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In
21 addition, every motor vehicle owner shall show proof of such financial responsibility by
22 presenting his or her insurance identification card, as described in section 303.024, or a copy
23 thereof, or some other proof of financial responsibility in the form prescribed by the director of
24 revenue at the time of registration unless such owner registers his **or her** vehicle in conjunction
25 with a reciprocity agreement entered into by the Missouri highway reciprocity commission
26 pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle
27 according to the requirements of the division of motor carrier and railroad safety pursuant to
28 section 390.126, RSMo. **If the motor vehicle owner does not possess his or her insurance
29 identification card or other proof of financial responsibility as prescribed by the director,
30 the director may access insurance information submitted by insurance companies under
31 subsection 3 of this section to determine the owner's financial responsibility compliance.**

32 3. To ensure compliance with this chapter, the director may utilize a variety of sampling
33 techniques including but not limited to random samples of registrations subject to this section,
34 uniform traffic tickets, insurance information provided to the director at the time of motor
35 vehicle registration, and persons who during the preceding year have received a disposition of
36 court-ordered supervision or suspension. The director may verify the financial responsibility of
37 any person sampled or reported.

38 (1) Beginning January 1, 2001, the director may require such information, as in his or
39 her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this
40 section, to be submitted from the person's insurer or insurance company. When requested by the
41 director of revenue, all licensed insurance companies in this state which sell private passenger
42 (noncommercial) motor vehicle insurance policies shall report information regarding the
43 issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued
44 to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a
45 commercial line policy. Such information shall be reported electronically in a format as
46 prescribed by the director of the department of revenue by rule except that such rule shall provide
47 for an exemption from electronic reporting for insurers with a statistically insignificant number
48 of policies in force.

49 (2) The director may require the data described in subsection 2 of section 303.412 to be
50 reported by insurance companies and require reporting periods of at least once per month. When
51 required by the director of revenue, each insurance company shall provide to the department a

52 record of each policy issued, canceled, terminated or revoked during the period since the
53 previous report. Nothing in this section shall prohibit insurance companies from reporting more
54 frequently than once per month.

55 (3) The director may use reports described in subdivision (1) of this subsection for
56 sampling purposes as provided in this section.

57 4. Information provided to the department by an insurance company for use in
58 accordance with this section is the property of the insurer and is not subject to disclosure
59 pursuant to chapter 610, RSMo. Such information may be utilized by the department for
60 enforcement of this chapter but may not be disclosed except that the department shall disclose
61 whether an individual is maintaining the required insurance coverage upon request of the
62 following individuals and agencies only:

63 (1) The individual;

64 (2) The parent or legal guardian of an individual if the individual is an unemancipated
65 minor;

66 (3) The legal guardian of the individual if the individual is legally incapacitated;

67 (4) Any person who has power of attorney from the individual;

68 (5) Any person who submits a notarized release from the individual that is dated no more
69 than ninety days before the request is made;

70 (6) Any person claiming loss or injury in a motor vehicle accident in which the
71 individual is involved;

72 (7) The office of the state auditor, for the purpose of conducting any audit authorized by
73 law.

74 5. The director, after consultation with the working group as provided for in section
75 303.406, may adopt any rules and regulations necessary to carry out the provisions of
76 subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that
77 term is defined in section 536.010, RSMo, that is created under the authority delegated in this
78 section shall become effective only if it complies with and is subject to all of the provisions of
79 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
80 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to
81 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are
82 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
83 or adopted after August 28, 2000, shall be invalid and void.

84 6. Any person or agency who knowingly discloses information received from insurance
85 companies pursuant to this section for any purpose, or to a person, other than those authorized
86 in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for
87 performing its duties pursuant to this section unless and to the extent the insurer commits a

88 willful and wanton act of omission.

89 7. The department of revenue shall notify the department of insurance of any insurer who
90 violates any provisions of this section. The department of insurance may, against any insurer
91 who knowingly fails to comply with this section, assess an administrative penalty up to five
92 hundred dollars per day of noncompliance. The department of insurance may excuse the
93 administrative penalty if an assessed insurer provides acceptable proof that such insurer's
94 noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty
95 provisions of this section shall become effective six months after the rule issued pursuant to
96 subsections 3 and 5 of this section is published in the code of state regulations.

97 8. To verify that financial responsibility is being maintained, the director shall notify the
98 owner or operator of the need to provide, within fifteen days, proof of the existence of the
99 required financial responsibility. The request shall require the owner or the operator to state
100 whether or not the motor vehicle was insured on the verification date stated in the director's
101 request. The request may include but not be limited to a statement of the names and addresses
102 of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such
103 information shall result in the suspension of the registration of the owner's motor vehicle, and
104 where applicable, the owner's or the operator's driving privilege, for failing to meet such
105 requirements, as is provided in this chapter.

 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 portion of an area designated by the governor as a nonattainment area, as defined in
4 the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area
5 described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and
6 approved prior to sale or transfer and biennially thereafter to determine that the emissions system
7 is functioning within the emission standards as specified by the Missouri air conservation
8 commission and as required to attain the national health standards for air quality. For such
9 biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall
10 be tested and approved in each even-numbered calendar year and any such vehicle manufactured
11 as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered
12 calendar year. The motor vehicles to be tested shall be all motor vehicles except those
13 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and
14 those exempted pursuant to this section.

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

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

18 (2) Motorcycles and motortricycles;

19 (3) Model year vehicles manufactured twenty-six years or more prior to the current
20 model year;

21 (4) School buses;

22 (5) Diesel-powered vehicles;

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

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

31 (8) Motor vehicles owned by a person who resides in a county of the first classification
32 without a charter form of government with a population of less than one hundred thousand
33 inhabitants according to the most recent decennial census who has completed an emission
34 inspection pursuant to section 643.315, RSMo.

35

36 Each official inspection station which conducts emissions inspections within the area referred
37 to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor
38 vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection
39 pursuant to subdivision (1) of this subsection.

40 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
41 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section
42 either:

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

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

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

54 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the

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

71 4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions
72 and air pollution control inspection in order to attain the national health standards for air quality.
73 Such fee shall be conspicuously posted on the premises of each such inspection station. The
74 official emissions inspection station shall issue a certificate of inspection and an approval sticker
75 or seal certifying the emissions system is functioning properly. The certificate or approval issued
76 shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall
77 be charged an additional fee after having corrected defects or unsafe conditions in the
78 automobile's emissions and air pollution control system if the reinspection is completed within
79 twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up
80 inspection is made by the station making the initial inspection.

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

85 6. An owner whose vehicle fails upon reinspection to meet the emission standards
86 specified by the Missouri air conservation commission shall be issued a certificate of inspection
87 and an approval sticker or seal by the official emissions inspection station that provided the
88 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements
89 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than
90 the waiver amount established by the air conservation commission pursuant to this section. The

91 air conservation commission shall establish, by rule, a form and a procedure for verifying that
92 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and
93 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

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

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

98 7. The department of revenue shall require evidence of the inspection and approval
99 required by this section in issuing the motor vehicle annual registration in conformity with the
100 procedure required by sections 307.350 to 307.370. **If the motor vehicle owner does not**
101 **possess his or her certificate of emissions inspection when applying for a vehicle**
102 **registration with the department of revenue, the director of revenue may verify that a**
103 **successful emissions inspection was completed via electronic means.**

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

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

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

126 11. The superintendent of the Missouri state highway patrol shall issue such rules and

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

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

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

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
7 participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be
8 inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as
9 an even-numbered model year vehicle shall be inspected and approved under the emissions
10 inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered
11 calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall
12 be inspected and approved under the emissions inspection program established pursuant to
13 sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to
14 the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions
15 inspection sticker, and when applicable, a valid emissions inspection certificate shall be
16 presented at the time of registration or registration renewal of such motor vehicle. **If the motor
17 vehicle owner does not possess his or her certificate of emissions inspection when applying
18 for a vehicle registration with the department of revenue, the director of revenue may
19 verify that a successful emissions inspection was completed via electronic means.**

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

22 (1) The emission standard for that vehicle model year as established by the United States

23 Environmental Protection Agency; or

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

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

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

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

32 (3) Model year vehicles manufactured twenty-six years or more prior to the current
33 model year;

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

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

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

48 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo.

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

52 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
53 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections
54 643.300 to 643.355 either:

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

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

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

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