

SECOND REGULAR SESSION

HOUSE BILL NO. 2011

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CASEY (Sponsor), WAGNER, MEADOWS, FRAME,
JOHNSON (90) AND ROORDA (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

5528L.011

AN ACT

To repeal sections 307.366 and 643.315, and to enact in lieu thereof two new sections relating to motor vehicle emissions testing, with penalty provisions.

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

Section A. Sections 307.366 and 643.315, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 307.366 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 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.

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.

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] **four** years of such calendar year, which have an odometer reading
29 of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or
30 licensed 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.

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

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

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

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

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

136 13. Notwithstanding the provisions of section 307.390, violation of this section shall be
137 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.

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

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

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

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

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

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

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

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;

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

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

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

49 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
50 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections
51 643.300 to 643.355 either:

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

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

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

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

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