

FIRST REGULAR SESSION

HOUSE BILL NO. 727

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LeVOTA.

1591L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, and to enact in lieu thereof two new sections relating to repeal of the state safety inspection program, with penalty provisions and an effective date.

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

Section A. Sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 307.375 and 307.390, to read as follows:

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an [official] inspection [station] **conducted by the state highway patrol**, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

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.

14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
15 cannot occur;

16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;

18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;

20 (8) The lettering and signing on the front, side and rear of the bus;

21 (9) The service door;

22 (10) The step treads;

23 (11) The aisle mats or aisle runners;

24 (12) The emergency equipment which shall include as a minimum a first aid kit, flares
25 or fuses, and a fire extinguisher;

26 (13) The seats, including a determination that they are securely fastened to the floor;

27 (14) The emergency door buzzer;

28 (15) All hand hold grips;

29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

36 (1) The driver seat belts;

37 (2) The heating and defrosting systems;

38 (3) The reflectors;

39 (4) The bus steps;

40 (5) The aisles;

41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

 307.390. 1. Any person who violates any provision of [sections 307.350 to 307.390]
2 **section 307.375** is guilty of a misdemeanor and upon conviction shall be punished as provided
3 by law.

 2. The superintendent of the Missouri state highway patrol may assign qualified persons
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection
6 laws and regulations pursuant to [sections 307.350 to 307.390] **section 307.375** and sections
7 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority
8 granted by this subsection shall be designated a motor vehicle inspector and shall have limited
9 powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection
10 laws and regulations. A motor vehicle inspector shall not have authority to exercise the power
11 granted in this subsection until such inspector successfully completes training provided by, and
12 to the satisfaction of, the superintendent.

 [307.350. 1. The owner of every motor vehicle as defined in section
2 301.010, RSMo, which is required to be registered in this state, except:

3 (1) New motor vehicles which have not been previously titled and
4 registered, for the two-year period following their model year of manufacture;

5 (2) Those motor vehicles which are engaged in interstate commerce and
6 are proportionately registered in this state with the Missouri highway reciprocity
7 commission, although the owner may request that such vehicle be inspected by
8 an official inspection station, and a peace officer may stop and inspect such
9 vehicles to determine whether the mechanical condition is in compliance with the
10 safety regulations established by the United States Department of Transportation;
11 and

12 (3) Historic motor vehicles registered pursuant to section 301.131,
13 RSMo; shall submit such vehicles to a biennial inspection of their mechanism
14 and equipment in accordance with the provisions of sections 307.350 to 307.390
15 and obtain a certificate of inspection and approval and a sticker, seal, or other
16 device from a duly authorized official inspection station. The inspection, except
17 the inspection of school buses which shall be made at the time provided in
18 section 307.375, shall be made at the time prescribed in the rules and regulations
19 issued by the superintendent of the Missouri state highway patrol; but the
20 inspection of a vehicle shall not be made more than sixty days prior to the date
21 of application for registration or within sixty days of when a vehicle's registration
22 is transferred. Any vehicle manufactured as an even-numbered model year
23 vehicle shall be inspected and approved pursuant to the safety inspection program
24 established pursuant to sections 307.350 to 307.390 in each even-numbered
25 calendar year and any such vehicle manufactured as an odd-numbered model year

26 vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390
27 in each odd-numbered year. The certificate of inspection and approval shall be
28 a sticker, seal, or other device or combination thereof, as the superintendent of
29 the Missouri state highway patrol prescribes by regulation and shall be displayed
30 upon the motor vehicle or trailer as prescribed by the regulations established by
31 him. The replacement of certificates of inspection and approval which are lost
32 or destroyed shall be made by the superintendent of the Missouri state highway
33 patrol under regulations prescribed by him.

34 2. For the purpose of obtaining an inspection only, it shall be lawful to
35 operate a vehicle over the most direct route between the owner's usual place of
36 residence and an inspection station of such owner's choice, notwithstanding the
37 fact that the vehicle does not have a current state registration license. It shall also
38 be lawful to operate such a vehicle from an inspection station to another place
39 where repairs may be made and to return the vehicle to the inspection station
40 notwithstanding the absence of a current state registration license.

41 3. No person whose motor vehicle was duly inspected and approved as
42 provided in this section shall be required to have the same motor vehicle again
43 inspected and approved for the sole reason that such person wishes to obtain a set
44 of any special personalized license plates available pursuant to section 301.144,
45 RSMo, or a set of any license plates available pursuant to section 301.142,
46 RSMo, prior to the expiration date of such motor vehicle's current registration.

47 4. Notwithstanding the provisions of section 307.390, violation of this
48 section shall be deemed an infraction.]
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2 [307.353. Other provisions of law notwithstanding, no person shall be
3 required to have a biennial vehicle inspection during a registration period which
4 exceeds two years. The inspection required at the beginning of the registration
5 period shall be valid for the entire registration period.]

2 [307.355. 1. No state registration license to operate the type of vehicle
3 required to be inspected by section 307.350 may be transferred or issued during
4 a biennial registration year in which the vehicle is required to be inspected unless
5 the application is accompanied by a certificate of inspection and approval issued
6 no more than sixty days prior to the date of application, or in the case of school
7 buses, which will be required to be inspected annually as provided in section
8 307.375, except:

9 (1) The director of revenue may transfer or issue a state registration
10 license to the type of vehicle required to be inspected by section 307.350 without
11 a certificate of inspection and approval accompanying the application if the
12 director has satisfactory evidence that the vehicle was not in the state of Missouri
13 at any time during the sixty days prior to the date of application; however, the
owner of every such vehicle must submit the vehicle for inspection and obtain a

certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.】

【307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure.

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections 307.350 to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue

22 and shall be deposited by him in the state treasury to the credit of the state
23 highway fund.

24 (2) The application shall set forth the name under which applicant
25 transacts or intends to transact business, the location of the applicant's place of
26 business and such other information as the superintendent of the Missouri state
27 highway patrol may require. If the applicant has or intends to have more than one
28 place of business within the state, a separate application shall be made for each
29 place of business. If the applicant is a partnership, the application shall set forth
30 the names of the partners; if a corporation, the names of the officers shall be
31 shown. The application shall be signed and verified by oath or affirmation of the
32 owner or an authorized officer or partner.

33 (3) Each location which fulfills the superintendent of the Missouri state
34 highway patrol's requirements and whose owners, proprietors and employees
35 comply with the superintendent's regulations and qualifications shall be
36 designated as an official inspection station and the applicant issued a certificate.
37 The superintendent of the Missouri state highway patrol shall investigate all
38 applicants for inspection station permits to determine whether or not the
39 premises, equipment and personnel meet the requirements prescribed by him.

40 (4) Any automobile mechanic who has had at least one year of practical
41 experience as an automotive mechanic or any person who has successfully
42 completed a course of vocational instruction in automotive mechanics from a
43 generally recognized educational institution, either public or private, and who has
44 demonstrated the knowledge and ability to conduct an inspection in compliance
45 with the regulations established by the superintendent of the Missouri state
46 highway patrol may be issued a permit to conduct inspections at any official
47 inspection station. No person without a valid permit shall conduct any part of an
48 inspection, except a person without a valid permit may assist in the inspection of
49 a vehicle by operating the vehicle's lighting equipment and signaling devices.
50 The superintendent of the Missouri state highway patrol may require a mechanic
51 to be reexamined at any time to determine the mechanic's knowledge and ability
52 to conduct an inspection. If the mechanic fails the reexamination or refuses to
53 be reexamined, the permit issued to the mechanic shall be suspended until the
54 mechanic passes the examination but under no circumstances can the mechanic
55 again be tested until a period of thirty days has elapsed. No fee shall be charged
56 for the permit and the permit shall remain valid for a period of three years from
57 the date of issue or until suspended or revoked by the superintendent of the
58 Missouri state highway patrol.

59 (5) The superintendent of the Missouri state highway patrol may issue a
60 private official inspection station permit to any association, person, partnership,
61 corporation and/or subsidiary corporation, and governmental entity having
62 registered or titled in his, her or its name in this state one or more vehicles of the
63 type required to be inspected by section 307.350, or who maintains such vehicles
64 under a written maintenance agreement of at least one year's duration and who

maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have

the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the

83 end of each biennium exceeding the amount of the appropriations from the fund
84 for the first two fiscal years shall be transferred to the state road fund, and the
85 provisions of section 33.080, RSMo, relating to the transfer of funds to the
86 general revenue fund at the end of the biennium, shall not apply to the fund.

87 7. The owner or operator of any inspection station who discontinues
88 operation during the period that a station permit is valid or whose station permit
89 is suspended or revoked shall return all official signs and posters and any current
90 unused inspection stickers, seals or other devices to the superintendent of the
91 Missouri state highway patrol and shall receive a full refund on request except for
92 official signs and posters, provided the request is made during the calendar year
93 or within sixty days thereafter in the manner prescribed by the superintendent of
94 the Missouri state highway patrol. Stations which have a valid permit shall
95 exchange unused previous year issue inspection stickers and/or decals for an
96 identical number of current year issue, provided the unused stickers and/or decals
97 are submitted for exchange not later than April thirtieth of the current calendar
98 year, in the manner prescribed by the superintendent of the Missouri state
99 highway patrol.]

100 [307.370. 1. No person shall represent in any manner any place as an
2 official inspection station unless the station is operated under a valid permit
3 issued by the superintendent of the Missouri state highway patrol.

4 2. No person unless then holding a valid permit shall issue a certificate
5 of inspection and approval, sticker, seal or other device.

6 3. No person shall make, issue or knowingly use any imitation or
7 counterfeit of an official certificate of inspection, sticker, seal or other device.

8 4. No person shall display or cause or permit to be displayed upon any
9 vehicle any certificate of inspection and approval, sticker, seal or other device
10 knowing the same to be fictitious or issued for another vehicle or issued without
11 an inspection having been made.]

12 [307.380. 1. Every vehicle of the type required to be inspected upon
2 having been involved in an accident and when so directed by a police officer
3 must be inspected and an official certificate of inspection and approval, sticker,
4 seal or other device be obtained for such vehicle before it is again operated on the
5 highways of this state. At the seller's expense every vehicle of the type required
6 to be inspected by section 307.350, whether new or used, shall immediately prior
7 to sale be fully inspected regardless of any current certificate of inspection and
8 approval, and an appropriate new certificate of inspection and approval, sticker,
9 seal or other device shall be obtained.

10 2. Nothing contained in the provisions of this section shall be construed
11 to prohibit a dealer or any other person from selling a vehicle without a certificate
12 of inspection and approval if the vehicle is sold for junk, salvage, or for
13 rebuilding, or for vehicles sold at public auction or from dealer to dealer. The

14 purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding,
15 shall give to the seller an affidavit, on a form prescribed by the superintendent of
16 the Missouri state highway patrol, stating that the vehicle is being purchased for
17 one of the reasons stated herein. No vehicle of the type required to be inspected
18 by section 307.350 which is purchased as junk, salvage, or for rebuilding shall
19 again be registered in this state until the owner has submitted the vehicle for
20 inspection and obtained an official certificate of inspection and approval, sticker,
21 seal or other device for such vehicle.

22 3. Notwithstanding the provisions of section 307.390, violation of this
23 section shall be deemed an infraction.]
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2 [307.385. The superintendent of the Missouri state highway patrol may
3 notify the director of revenue and the director of revenue shall suspend the
4 registration of any vehicle which the superintendent of the Missouri state
5 highway patrol determines, after a written notice, is not equipped as required by
6 law or for which a certificate required by sections 307.350 to 307.390 has not
7 been obtained.]

Section B. Section A of this act shall become effective January 1, 2010.

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