

FIRST REGULAR SESSION

# HOUSE BILL NO. 438

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

Read 1<sup>st</sup> time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1262L.021

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### AN ACT

To repeal sections 643.315 and 643.335, 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.

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

Section A. Sections 643.315 and 643.335, 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6 assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to be  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, 643.315 and 643.335, 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 to  
16 determine that the emissions system is functioning within the emission standards as specified by  
17 the Missouri air conservation commission and as required to attain the national health standards  
18 for air quality. The motor vehicles to be tested shall be all motor vehicles except those  
19 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and  
20 those exempted pursuant to this section.

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

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

24 (2) Motorcycles and motortricycles;

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

26 (4) School buses;

27 (5) Diesel-powered vehicles;

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

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

35 [(7)] (8) New motor vehicles not previously titled or registered prior to the initial motor  
36 vehicle registration or the next succeeding registration which is required by law; and

37 [(8)] (9) Motor vehicles owned by a person who resides in a county of the first  
38 classification without a charter form of government with a population of less than one hundred  
39 thousand inhabitants according to the most recent decennial census who has chosen to have a  
40 biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed  
41 an emission inspection pursuant to section 643.315, RSMo.

42

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

47 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
48 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section  
49 either:

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

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

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

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

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

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

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

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

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

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

113           8. Each emissions inspection station located in [any city or county] **the area** described  
114 in subsection 1 of this section shall purchase from the highway patrol sufficient forms and

115 stickers or other devices to evidence approval of the motor vehicle's emissions control system.  
116 In addition, emissions inspection stations may be required to purchase forms for use in  
117 automated analyzers from outside vendors of the inspection station's choice. The forms must  
118 comply with state regulations.

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

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

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

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

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

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

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

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

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

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

(7) New motor vehicles not previously titled or registered prior to the initial 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.]

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which

are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, which may include all motor vehicles owned by residents of 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 who have chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year 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 prior to [1971] **1981**;

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

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

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

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

47 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,  
48 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections  
49 643.300 to 643.355 either:

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

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

54 (2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer

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

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

643.335. 1. The commission shall establish, by rule, a waiver amount which may be  
2 lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than  
3 [seventy-five dollars for model year vehicles prior to 1981, no greater than] two hundred dollars  
4 for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for  
5 model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the  
6 commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed  
7 the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.,  
8 and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

9 2. The commission shall establish, by rule, a form and a procedure for verifying that  
10 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and  
11 approval.

12 3. The waiver form established pursuant to subsection 2 of this section shall be an

13 affidavit requiring:

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

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

18       4. A vehicle which fails upon reinspection to meet the emissions standards specified by  
19 the commission shall have the emissions standards waived and receive approval only if the  
20 owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this  
21 section and the cost of the parts, repairs and adjustment work performed is equal to or greater  
22 than the waiver amount established by the commission. Costs for repair work may only be  
23 included toward reaching the waiver amount if the repairs are performed by a recognized repair  
24 technician as defined by rule.

25       5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver  
26 amount if such costs are covered by an emission control performance warranty provided by the  
27 manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with  
28 the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer  
29 or other person providing the warranty.

30       6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver  
31 amount if such costs are required to correct the effects of tampering with emissions systems or  
32 air pollution control devices.