

FIRST REGULAR SESSION

HOUSE BILL NO. 856

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOLLER.

Read 1st time February 21, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1900L.011

AN ACT

To repeal section 643.315, RSMo 2000, relating to emissions requirements for historic vehicles, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 643.315, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 643.315, to read as follows:

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.

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

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 prior to 1971;

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; **and**

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

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

48 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
49 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections
50 643.300 to 643.355 either:

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

52 or

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

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

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