

FIRST REGULAR SESSION

HOUSE BILL NO. 985

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ABEL, SELBY, GREEN (15), JOHNSON (90),
HOLLINGSWORTH, McKENNA, WAGNER (Co-sponsors), HOLT, SCHEVE, HICKEY AND FOLEY.

Read 1st time March 14, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

228 IL 011

AN ACT

To repeal section 643.350, RSMo 2000, and to enact in lieu thereof two new sections relating to emission inspections.

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

Section A. Section 643.350, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 643.350 and 643.352, to read as follows:

643.350. 1. **Except as otherwise provided in subsection 2 of this section**, a fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and

(2) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

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The waiting time shall begin at the time when the customer's vehicle is on the premises of the inspection station and available for inspection.

[2.] The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

2. **The fee shall not exceed twelve dollars for a required emissions inspection of a**

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

17 **vehicle that will require another emissions inspection within a period of twelve months or**
18 **less as a result of the odd or even year in which such vehicle was sold and the year in which**
19 **such vehicle was manufactured.**

20 3. The fee shall be conspicuously posted on the premises of each emissions inspection
21 station.

22 4. The commission shall establish, by rule, the portion of the fee amount to be remitted
23 by the contractor to the director of revenue and the number of days allowed for remitting fees.

24 5. The contractor shall remit the portion of fees collected, as established by the
25 commission pursuant to this section, to the director of revenue within the time period established
26 by the commission. The director of revenue shall deposit the fees received in the state treasury
27 to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys
28 in the fund shall, subject to appropriation, be expended for the administration and enforcement
29 of sections 643.300 to 643.355 by the department of natural resources, the Missouri highway
30 patrol, and other appropriate agencies. Any balance in the fund at the end of the biennium shall
31 remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All
32 interest earned by moneys in the fund shall accrue to the fund.

33 6. In addition to funds from the Missouri air emission reduction fund, costs of capital
34 or operations may be supplemented, upon appropriation, from the general revenue fund, the state
35 highway department fund, federal funds or other funds available for that purpose.

643.352. 1. At each inspection station, the contractor shall provide a customer
2 **service representative and complaint forms approved by the department. The contractor**
3 **shall post information about complaint procedures prominently in each inspection station.**
4 **Persons with complaints may send completed complaint forms to the department directly**
5 **or to the contractor. The contractor shall report any complaint to the department within**
6 **ten days after receipt, and shall maintain and make available to the department upon**
7 **request a file containing all complaints, responses and actions taken.**

8 **2. The contractor shall be solely responsible for the resolution of all damage claims.**
9 **The contractor shall authorize employees to immediately satisfy any damage claims with**
10 **a payment by cash or check of up to two hundred dollars. At each inspection station, the**
11 **contractor shall also provide forms approved by the department for vehicle damage claims**
12 **that cannot be resolved immediately and shall post information about damage claim**
13 **procedures prominently. The contractor shall maintain and make available to the**
14 **department upon request records pertaining to vehicle damage claims and shall provide**
15 **the department with a monthly report summarizing vehicle damage claims by number,**
16 **type, time of occurrence and status. The department shall monitor damage claim**
17 **resolution.**

18 **3. Any person aggrieved by the contractor in the course of an emissions inspection**
19 **may apply to the department within fifteen days after such inspection for assistance in**
20 **resolving the matter. The department shall investigate and notify the aggrieved person and**
21 **the contractor of the department's decision within thirty days after receipt of the request**
22 **for assistance. Such notification shall include a statement of facts, technical issues and**
23 **legal issues used to make the decision, and may include an order directing the contractor**
24 **to take any action deemed appropriate by the department.**

25 **4. If a vehicle is damaged by or because of a willful or negligent action by the**
26 **contractor, the owner of such vehicle may bring a civil action in the circuit court of the**
27 **county in which the inspection occurred and may recover from the contractor double**
28 **damages, court costs and attorney's fees.**