

FIRST REGULAR SESSION

HOUSE BILL NO. 433

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PORTWOOD, SELBY, DAVIS (19), SMITH (14), JONES,
STEFANICK (Co-sponsors), AVERY, ST. ONGE AND BEARDEN.

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STEPHEN S. DAVIS, Chief Clerk

0501L.011

AN ACT

To repeal 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, and to enact in lieu thereof one new section 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. 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for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 307.366, to read as follows:

[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

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

8 according to the most recent decennial census, any county of the first classification
9 without a charter form of government with a population of not more than one
10 hundred eighty thousand inhabitants and not less than one hundred seventy thousand
11 inhabitants according to the most recent decennial census and any county of the first
12 classification without a charter form of government with a population of not more
13 than eighty-two thousand inhabitants and not less than eighty thousand inhabitants
14 according to the most recent decennial census certain motor vehicles shall be tested
15 annually to determine that the emissions system is functioning within the emission
16 standards as specified by the Missouri air conservation commission and as required
17 to attain the national health standards for air quality. The motor vehicles to be tested
18 shall be all motor vehicles except those specifically exempted pursuant to
19 subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted
20 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
23 excess of eight thousand five hundred pounds;

24 (2) Motorcycles and motortricycles;

25 (3) Model year vehicles prior to 1971;

26 (4) School buses;

27 (5) Diesel-powered vehicles;

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

32 (7) New motor vehicles not previously titled or registered prior to the initial
33 motor vehicle registration or the next succeeding registration which is required by
34 law. Each official inspection station which conducts safety or emissions inspections
35 in a city or county referred to in subsection 1 of this section shall indicate the gross
36 vehicle weight rating of the motor vehicle on the safety inspection certificate if the
37 vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this
38 subsection.

39 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in
40 section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection
41 requirements of this section either:

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

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

46 (2) If the dealer chooses to sell the vehicle with prior inspection and
47 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle
48 obtained approval by meeting the emissions standards established pursuant to this
49 section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle
50 sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected

51 and approved within the one hundred twenty days immediately preceding the date of
52 sale, and, for the purpose of registration of such vehicle, such inspection shall be
53 considered timely.

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

74 4. In addition to the fee authorized by subsection 5 of section 307.365, a fee,
75 not to exceed eight dollars and fifty cents for inspections conducted prior to January
76 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted
77 thereafter, as determined by each official emissions inspection station located in any
78 city or county described in subsection 1 of this section, may be charged for an
79 automobile emissions and air pollution control inspection in order to attain the
80 national health standards for air quality. Such fee shall be conspicuously posted on
81 the premises of each such inspection station. The official emissions inspection
82 station shall issue a certificate of inspection and an approval sticker or seal certifying
83 the emissions system is functioning properly. The certificate or approval issued shall
84 bear the legend: "This cost is mandated by your United States Congress.". No owner
85 shall be charged an additional fee after having corrected defects or unsafe conditions
86 in the automobile's emissions and air pollution control system if the reinspection is
87 completed within twenty consecutive days, excluding Saturdays, Sundays and
88 holidays, and if such follow-up inspection is made by the station making the initial
89 inspection.

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

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

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

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

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

112 8. Each emissions inspection station located in any city or county described
113 in subsection 1 of this section shall purchase from the highway patrol sufficient forms
114 and stickers or other devices to evidence approval of the motor vehicle's emissions
115 control system. In addition, emissions inspection stations may be required to
116 purchase forms for use in automated analyzers from outside vendors of the inspection
117 station's choice. The forms must comply with state regulations.

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

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

136 The moneys in the fund shall be invested by the treasurer as provided by law, and

137 the interest shall be credited to the fund.

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

146 12. The provisions of this section shall not apply in any county for any time
147 period during which the air conservation commission has established a motor vehicle
148 emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for
149 such county.

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

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 of
4 over nine hundred thousand inhabitants according to the most recent decennial census, any county
5 of the first classification with a charter form of government and a population of not more than two
6 hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants
7 according to the most recent decennial census, any county of the first classification without a
8 charter form of government with a population of not more than one hundred eighty thousand
9 inhabitants and not less than one hundred seventy thousand inhabitants according to the most
10 recent decennial census and any county of the first classification without a charter form of
11 government with a population of not more than eighty-two thousand inhabitants and not less than
12 eighty thousand inhabitants according to the most recent decennial census certain motor vehicles
13 shall be tested annually to determine that the emissions system is functioning within the emission
14 standards as specified by the Missouri air conservation commission and as required to attain the
15 national health standards for air quality. The motor vehicles to be tested shall be all motor
16 vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1
17 of section 307.350 and those exempted pursuant to this section.

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

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

21 (2) Motorcycles and motortricycles;

22 (3) Model year vehicles prior to 1971;

23 (4) School buses;

24 (5) Diesel-powered vehicles;

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

29 (7) New motor vehicles not previously titled or registered prior to the initial motor
30 vehicle registration or the next succeeding registration which is required by law; 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 chosen to have a biennial
34 motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an
35 emission inspection pursuant to section 643.315, RSMo.

36

37 Each official inspection station which conducts safety or emissions inspections in a city or county
38 referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the
39 motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions
40 inspection pursuant to subdivision (1) of this subsection.

41 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
42 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section
43 either:

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

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

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

55 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
56 purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle
57 has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon
58 inspection, to meet the emissions standards specified by the commission and the dealer shall have
59 the vehicle inspected and approved without the option for a waiver of the emissions standard and
60 return the vehicle to the purchaser with a valid emissions certificate and sticker within five

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

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

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

90 6. An owner whose vehicle fails upon reinspection to meet the emission standards
91 specified by the Missouri air conservation commission shall be issued a certificate of inspection
92 and an approval sticker or seal by the official emissions inspection station that provided the
93 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements
94 of this subsection and the cost of emissions repairs, **labor**, and adjustments is equal to or greater
95 than the waiver amount established by the air conservation commission pursuant to this section.
96 **Any owner who makes his or her own repairs to the vehicle to meet emission standards shall**

97 **be entitled to apply reasonable labor costs to the waiver amount established by the air**
98 **conservation commission. Such repairs shall include but not be limited to repairs of the**
99 **following parts or devices of a motor vehicle: catalytic converter, oxygen sensor,**
100 **compression, valve train, fuel system and control, on-board computer, ignition system, and**
101 **emission control. The reasonable hourly rate an individual may apply to such waiver**
102 **amount for repairs to meet emission standards shall be fifty dollars, adjusted annually by**
103 **the previous year's consumer price index for all urban consumers for the United States, or**
104 **its successor publications, as defined and officially reported by the United States**
105 **Department of Labor, or its successor agency. The air conservation commission shall**
106 **establish, by rule, a standard amount an individual may claim for repair of each of the**
107 **parts or devices mentioned based upon the hourly rate of fifty dollars.** The air conservation
108 commission shall **also** establish, by rule, a form and a procedure for verifying that repair and
109 adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The
110 waiver form established pursuant to this subsection shall be an affidavit requiring:

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

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

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

118 8. Each emissions inspection station located in any city or county described in subsection
119 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other
120 devices to evidence approval of the motor vehicle's emissions control system. In addition,
121 emissions inspection stations may be required to purchase forms for use in automated analyzers
122 from outside vendors of the inspection station's choice. The forms must comply with state
123 regulations.

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

131 10. The moneys collected and deposited in the Missouri air pollution control fund
132 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol

133 and the Missouri department of natural resources, air pollution control program, and shall be
134 expended subject to appropriation by the general assembly for the administration and enforcement
135 of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each
136 appropriation period shall not be transferred to the general revenue fund, except as directed by
137 the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to
138 the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this
139 fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the
140 interest shall be credited to the fund.

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

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

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