

SECOND REGULAR SESSION

# HOUSE BILL NO. 1688

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES.

Read 1<sup>st</sup> time March 18, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4955L.011

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### AN ACT

To repeal section 307.366, RSMo, and to enact in lieu thereof one new section relating to emissions testing stations, with a penalty provision.

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

Section A. Section 307.366, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.366, to read as follows: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 portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and approved prior to sale or transfer and biennially thereafter 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. For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year. 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

**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 proposed language.**

17 thousand five hundred pounds;

18 (2) Motorcycles and motortricycles;

19 (3) Model year vehicles prior to 1971;

20 (4) School buses;

21 (5) Diesel-powered vehicles;

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

26 (7) New and unused motor vehicles, of model years of the current calendar year and of  
27 any calendar year within two years of such calendar year, which have an odometer reading of less  
28 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed  
29 motor vehicle dealer to the first user; and

30 (8) Motor vehicles owned by a person who resides in a county of the first classification  
31 without a charter form of government with a population of less than one hundred thousand  
32 inhabitants according to the most recent decennial census who has completed an emission  
33 inspection pursuant to section 643.315, RSMo.

34

35 Each official inspection station which conducts emissions inspections within the area referred  
36 to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor  
37 vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection  
38 pursuant to subdivision (1) of this subsection.

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

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

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

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

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

70 4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions  
71 and air pollution control inspection in order to attain the national health standards for air quality.  
72 Such fee shall be conspicuously posted on the premises of each such inspection station. The  
73 official emissions inspection station shall issue a certificate of inspection and an approval sticker  
74 or seal certifying the emissions system is functioning properly. The certificate or approval issued  
75 shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall  
76 be charged an additional fee after having corrected defects or unsafe conditions in the  
77 automobile's emissions and air pollution control system if the reinspection is completed within  
78 twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up  
79 inspection is made by the station making the initial inspection.

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

84 6. An owner whose vehicle fails upon reinspection to meet the emission standards  
85 specified by the Missouri air conservation commission shall be issued a certificate of inspection  
86 and an approval sticker or seal by the official emissions inspection station that provided the  
87 inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements  
88 of this subsection and the cost of emissions repairs and adjustments is equal to or greater than

89 the waiver amount established by the air conservation commission pursuant to this section. The  
90 air conservation commission shall establish, by rule, a form and a procedure for verifying that  
91 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and  
92 approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

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

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

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

100 8. Each emissions inspection station located in the area described in subsection 1 of this  
101 section shall purchase from the highway patrol sufficient forms and stickers or other devices to  
102 evidence approval of the motor vehicle's emissions control system. In addition, emissions  
103 inspection stations may be required to purchase forms for use in automated analyzers from  
104 outside vendors of the inspection station's choice. The forms must comply with state regulations.

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

112 10. The moneys collected and deposited in the Missouri air pollution control fund  
113 pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol  
114 and the Missouri department of natural resources, air pollution control program, and shall be  
115 expended subject to appropriation by the general assembly for the administration and  
116 enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of  
117 each appropriation period shall not be transferred to the general revenue fund, except as directed  
118 by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating  
119 to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply  
120 to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and  
121 the interest shall be credited to the fund.

122 11. **Each official inspection station which conducts emissions inspections within the**  
123 **area referred to in subsection 1 of this section shall maintain liability insurance at all times**  
124 **to cover possible damage to vehicles during the emissions testing process.**

125           **12.** The superintendent of the Missouri state highway patrol shall issue such rules and  
126 regulations as are necessary to determine whether a motor vehicle's emissions control system is  
127 operating as required by subsection 1 of this section, and the superintendent and the state  
128 highways and transportation commission shall use their best efforts to seek federal funds from  
129 which reimbursement grants may be made to those official inspection stations which acquire and  
130 use the necessary testing equipment which will be required to perform the tests required by the  
131 provisions of this section.

132           [12.] **13.** The provisions of this section shall not apply in any county for any time period  
133 during which the air conservation commission has established a motor vehicle emissions  
134 inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except  
135 where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo.  
136 In counties where such option is available, the emissions inspection may be conducted in stations  
137 conducting only an emissions inspection under contract to the state.

138           [13.] **14.** Notwithstanding the provisions of section 307.390, violation of this section  
139 shall be deemed a class C misdemeanor.