

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 996
AND
HOUSE BILL NO. 1142
AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1201
AND
HOUSE BILL NO. 1489
92ND GENERAL ASSEMBLY

3208S.04T

2004

AN ACT

To repeal sections 301.010, 304.013, 304.156, 307.172, 307.366, 307.375, and 643.315, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with penalty provisions.

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

Section A. Sections 301.010, 304.013, 304.156, 307.172, 307.366, 307.375, and
2 643.315, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 301.010, 304.013, 304.029, 304.156, 307.172, 307.366, 307.375, and 643.315, to read
4 as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of [six

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.

- 5 hundred] **one thousand** pounds or less, traveling on three, four or more low pressure tires, with
6 a seat designed to be straddled by the operator, **or with a seat designed to carry more than one**
7 **person**, and handlebars for steering control;
- 8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;
- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person
29 or motor carrier other than a dealer over any public highway, under its own power singly, or in
30 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery
31 either before or after sale;
- 32 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
33 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
34 equipped with a dromedary may carry part of a load when operating independently or in a
35 combination with a semitrailer;
- 36 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 37 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 38 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

39 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
40 vehicle in a saddlemount combination;

41 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
42 the weight of any load thereon;

43 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
44 result of the impact of hail;

45 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
46 and public streets, avenues, boulevards, parkways or alleys in any municipality;

47 (20) "Improved highway", a highway which has been paved with gravel, macadam,
48 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

49 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
50 the same;

51 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
52 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

53 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
54 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
55 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

56 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
57 commercial motor vehicle the operation of which is confined to:

58 (a) An area that extends not more than a radius of one hundred miles from its home base
59 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
60 from projects involving soil and water conservation, or to and from equipment dealers'
61 maintenance facilities for maintenance purposes; or

62 (b) An area that extends not more than a radius of twenty-five miles from its home base
63 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
64 from projects not involving soil and water conservation. Nothing in this subdivision shall be
65 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
66 local commercial motor vehicle;

67 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
68 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
69 or a commercial motor vehicle whose property-carrying operations are confined solely to the
70 transportation of property owned by any person who is the owner or operator of such vehicle to
71 or from a farm owned by such person or under the person's control by virtue of a landlord and
72 tenant lease; provided that any such property transported to any such farm is for use in the
73 operation of such farm;

74 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
75 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
76 state, used to transport harvested forest products, operated solely at a forested site and in an area
77 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
78 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the
79 national system of interstate and defense highways described in Title 23, Section 103(e) of the
80 United States Code, does not have more than four axles and does not pull a trailer which has
81 more than two axles. A local log truck may not exceed the limits required by law, however, if
82 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding
83 any other provisions of law to the contrary, such truck shall be subject to the weight limits
84 required by such sections as licensed for eighty thousand pounds;

85 (27) "Local transit bus", a bus whose operations are confined wholly within a municipal
86 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
87 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
88 such municipal corporation and such municipal corporation and adjacent commercial zone;

89 (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to
90 transport harvested forest products to and from forested sites which is registered pursuant to this
91 chapter to operate as a motor vehicle on the public highways of this state for the transportation
92 of harvested forest products;

93 (29) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
94 and front clip, as those terms are defined by the director of revenue pursuant to rules and
95 regulations or by illustrations;

96 (30) "Manufacturer", any person, firm, corporation or association engaged in the
97 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

98 (31) "Mobile scrap processor", a business located in Missouri or any other state that
99 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
100 or scrap metal operator for recycling;

101 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
102 receives a new, rebuilt or used engine, and which used the number stamped on the original
103 engine as the vehicle identification number;

104 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
105 except farm tractors;

106 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
107 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
108 twelve thousand pounds;

- 109 (a) Offered for hire or lease; or
110 (b) The owner of which also owns ten or more such motor vehicles;
111 (35) "Motorcycle", a motor vehicle operated on two wheels;
112 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
113 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
114 produces less than three gross brake horsepower, and is capable of propelling the device at a
115 maximum speed of not more than thirty miles per hour on level ground;
116 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
117 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
118 A motortricycle shall not be included in the definition of all-terrain vehicle;
119 (38) "Municipality", any city, town or village, whether incorporated or not;
120 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
121 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
122 compliance with United States emissions or safety standards;
123 (41) "Operator", any person who operates or drives a motor vehicle;
124 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
125 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
126 thereof with the right of purchase upon performance of the conditions stated in the agreement
127 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
128 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
129 or mortgagor shall be deemed the owner for the purpose of this law;
130 (43) "Public garage", a place of business where motor vehicles are housed, stored,
131 repaired, reconstructed or repainted for persons other than the owners or operators of such place
132 of business;
133 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
134 rebuilder, but does not include certificated common or contract carriers of persons or property;
135 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
136 construction by the addition or substitution of two or more new or used major component parts,
137 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
138 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
139 substantially modified so that it may be used and is used for the purposes of temporary housing
140 quarters, including therein sleeping and eating facilities which are either permanently attached
141 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
142 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
143 vehicle if the motor vehicle could otherwise be so registered;

144 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
145 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
146 wrecker or towing service;

147 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck
148 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
149 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
150 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
151 wheel kingpin connection. When two vehicles are towed in this manner the combination is
152 called a double saddlemount combination. When three vehicles are towed in this manner, the
153 combination is called a triple saddlemount combination;

154 (49) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
155 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

156 (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of
157 condition or circumstance, has been declared salvage, either by its owner, or by a person, firm,
158 corporation, or other legal entity exercising the right of security interest in it, or by an insurance
159 company as a result of settlement of a claim for loss due to damage or theft; or a vehicle,
160 ownership of which is evidenced by a salvage title; or abandoned property which is titled
161 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words
162 "salvage/abandoned property";

163 (51) "School bus", any motor vehicle used solely to transport students to or from school
164 or to transport students to or from any place for educational purposes;

165 (52) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
166 corporation as an incidental service to transport patrons or customers of the regular business of
167 such person, firm, or corporation to and from the place of business of the person, firm, or
168 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
169 buses or as commercial motor vehicles;

170 (53) "Special mobile equipment", every self-propelled vehicle not designed or used
171 primarily for the transportation of persons or property and incidentally operated or moved over
172 the highways, including farm equipment, implements of husbandry, road construction or
173 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
174 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
175 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
176 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
177 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and

178 shall not operate to exclude other such vehicles which are within the general terms of this
179 section;

180 (54) "Specially constructed motor vehicle", a motor vehicle which shall not have been
181 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
182 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

183 (55) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
184 is located on a drop frame located behind and below the rearmost axle of the power unit;

185 (56) "Tandem axle", a group of two or more axles, arranged one behind another, the
186 distance between the extremes of which is more than forty inches and not more than ninety-six
187 inches apart;

188 (57) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
189 for drawing other vehicles, but not for the carriage of any load when operating independently.
190 When attached to a semitrailer, it supports a part of the weight thereof;

191 (58) "Trailer", any vehicle without motive power designed for carrying property or
192 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
193 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
194 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
195 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
196 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
197 as defined in section 700.010, RSMo;

198 (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of
199 property;

200 (60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
201 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
202 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
203 semitrailer and has one less articulation point than the conventional "A dolly" connected
204 truck-tractor semitrailer-trailer combination;

205 (61) "Truck-trailer boat transporter combination", a boat transporter combination
206 consisting of a straight truck towing a trailer using typically a ball and socket connection with
207 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
208 trailer but so as to maintain a downward force on the trailer tongue;

209 (62) "Used parts dealer", a business that buys and sells used motor vehicle parts or
210 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.

211 "Business" does not include isolated sales at a swap meet of less than three days;

212 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
213 firm, corporation, association, city, county or state agency, or any member thereof, for the
214 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
215 and from their place of employment; however, a vanpool shall not be included in the definition
216 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
217 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
218 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
219 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
220 monetary profit other than for use in a ride-sharing arrangement;

221 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
222 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
223 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
224 operated by handicapped persons;

225 (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
226 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
227 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
228 a replacement vehicle to replace a disabled or wrecked vehicle;

229 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a
230 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
231 tow truck, rollback or car carrier for which the operator directly or indirectly receives
232 compensation or other personal gain.

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010,
2 RSMo, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits.

14 2. No person shall operate an off-road vehicle within any stream or river in this state,
15 except that off-road vehicles may be operated within waterways which flow within the
16 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
17 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
18 or for the purpose of fording such stream or river of this state at such road crossings as are
19 customary or part of the highway system. All law enforcement officials or peace officers of this
20 state and its political subdivisions or department of conservation agents or department of natural
21 resources park rangers shall enforce the provisions of this subsection within the geographic area
22 of their jurisdiction.

23 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
24 covered in this section shall have a valid operator's or chauffeur's license, except that a
25 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
26 section, but shall not be required to have passed an examination for the operation of a
27 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
28 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
29 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
30 shall be triangular in shape with an area of not less than thirty square inches and shall be
31 day-glow in color.

32 4. No persons shall operate an all-terrain vehicle:

33 (1) In any careless way so as to endanger the person or property of another;

34 (2) While under the influence of alcohol or any controlled substance;

35 (3) Without a securely fastened safety helmet on the head of an individual who operates
36 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
37 unless the individual is at least eighteen years of age.

38 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
39 purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in**
40 **which the seat of such vehicle is designed to carry more than one person.**

41 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
42 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
43 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
44 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may
2 **be operated upon a highway in the state if it meets the requirements of this section. Every**
3 **person operating a low-speed vehicle shall be granted all the rights and shall be subject to**
4 **all the duties applicable to the driver of any other motor vehicle except as to the special**

5 **regulations in this section and except as to those provisions which by their nature can have**
6 **no application.**

7 **2. The operator of a low-speed vehicle shall observe all traffic laws and local**
8 **ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on**
9 **a street or a highway with a posted speed limit greater than thirty-five miles per hour. The**
10 **provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street**
11 **or highway with a posted speed limit greater than thirty-five miles per hour.**

12 **3. A low-speed vehicle shall be exempt from the requirements of sections 307.350**
13 **to 307.402, RSMo, for purposes of titling and registration. Low-speed vehicles shall**
14 **comply with the standards in 49 C.F.R. 571.500, as amended.**

15 **4. Every operator of a low-speed vehicle shall maintain financial responsibility on**
16 **such low-speed vehicle as required by chapter 303, RSMo, if the low-speed vehicle is to be**
17 **operated upon the highways of this state.**

18 **5. Each person operating a low-speed vehicle on a highway in this state shall**
19 **possess a valid driver's license issued pursuant to chapter 302, RSMo.**

20 **6. For purposes of this section a "low-speed vehicle" shall have the meaning**
21 **ascribed to it in 49 C.F.R., section 571.3, as amended.**

22 **7. All low-speed vehicles shall be manufactured in compliance with the National**
23 **Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R.**
24 **571.500, as amended.**

25 **8. Nothing in this section shall prevent county or municipal governments from**
26 **adopting more stringent local ordinances governing low-speed vehicle operation if the**
27 **governing body of the county or municipality determines that such ordinances are**
28 **necessary in the interest of public safety. The department of transportation may prohibit**
29 **the operation of low-speed vehicles on any highway under its jurisdiction if it determines**
30 **that the prohibition is necessary in the interest of public safety.**

304.156. 1. Within five working days of receipt of the crime inquiry and inspection
2 report under section 304.155 or the abandoned property report under section 304.157, the
3 director of revenue shall search the records of the department of revenue, or initiate an inquiry
4 with another state, if the evidence presented indicated the abandoned property was registered or
5 titled in another state, to determine the name and address of the owner and lienholder, if any.
6 After ascertaining the name and address of the owner and lienholder, if any, the department shall,
7 within fifteen working days, notify the towing company. Any towing company which comes into
8 possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien
9 for recovering, towing or storing abandoned property shall give notice to the title owner and to

10 all persons claiming a lien thereon, as disclosed by the records of the department of revenue or
11 of a corresponding agency in any other state. The towing company shall notify the owner and
12 any lienholder within ten business days of the date of mailing indicated on the notice sent by the
13 department of revenue, by certified mail, return receipt requested. The notice shall contain the
14 following:

15 (1) The name, address and telephone number of the storage facility;

16 (2) The date, reason and place from which the abandoned property was removed;

17 (3) A statement that the amount of the accrued towing, storage and administrative costs
18 are the responsibility of the owner, and that storage and/or administrative costs will continue to
19 accrue as a legal liability of the owner until the abandoned property is redeemed;

20 (4) A statement that the storage firm claims a possessory lien for all such charges;

21 (5) A statement that the owner or holder of a valid security interest of record may retake
22 possession of the abandoned property at any time during business hours by proving ownership
23 or rights to a secured interest and paying all towing and storage charges;

24 (6) A statement that, should the owner consider that the towing or removal was improper
25 or not legally justified, the owner has a right to request a hearing as provided in this section to
26 contest the propriety of such towing or removal;

27 (7) A statement that if the abandoned property remains unclaimed for thirty days from
28 the date of mailing the notice, title to the abandoned property will be transferred to the person
29 or firm in possession of the abandoned property free of all prior liens; and

30 (8) A statement that any charges in excess of the value of the abandoned property at the
31 time of such transfer shall remain a liability of the owner.

32 2. A towing company may only assess reasonable storage charges for abandoned
33 property towed without the consent of the owner. Reasonable storage charges shall not exceed
34 the charges for vehicles which have been towed with the consent of the owner on a negotiated
35 basis. Storage charges may be assessed only for the time in which the towing company complies
36 with the procedural requirements of sections 304.155 to 304.158.

37 3. In the event that the records of the department of revenue fail to disclose the name of
38 the owner or any lienholder of record, the department shall notify the towing company which
39 shall attempt to locate documents or other evidence of ownership on or within the abandoned
40 property itself. The towing company must certify that a physical search of the abandoned
41 property disclosed that no ownership documents were found and a good faith effort has been
42 made. For purposes of this section, "good faith effort" means that the following checks have
43 been performed by the company to establish the prior state of registration and title:

44 (1) Check of the abandoned property for any type of license plates, license plate record,
45 temporary permit, inspection sticker, decal or other evidence which may indicate a state of
46 possible registration and title;

47 (2) Check the law enforcement report for a license plate number or registration number
48 if the abandoned property was towed at the request of a law enforcement agency;

49 (3) Check the tow ticket/report of the tow truck operator to see if a license plate was on
50 the abandoned property at the beginning of the tow, if a private tow; and

51 (4) If there is no address of the owner on the impound report, check the law enforcement
52 report to see if an out-of-state address is indicated on the driver license information.

53 4. If no ownership information is discovered, the director of revenue shall be notified in
54 writing and title obtained in accordance with subsection 7 of this section.

55 5. (1) The owner of the abandoned property removed pursuant to the provisions of
56 section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within
57 ten days after the receipt of notification from the towing company pursuant to subsection 1 of
58 this section may file a petition in the associate circuit court in the county where the abandoned
59 property is stored to determine if the abandoned property was wrongfully taken or withheld from
60 the owner. The petition shall name the towing company among the defendants. The petition
61 may also name the agency ordering the tow or the owner, lessee or agent of the real property
62 from which the abandoned property was removed. The director of revenue shall not be a party
63 to such petition but a copy of the petition shall be served on the director of revenue who shall not
64 issue title to such abandoned property pursuant to this section until the petition is finally decided.

65 (2) Upon filing of a petition in the associate circuit court, the owner or lienholder may
66 have the abandoned property released upon posting with the court a cash or surety bond or other
67 adequate security equal to the amount of the charges for towing and storage to ensure the
68 payment of such charges in the event he does not prevail. Upon the posting of the bond and the
69 payment of the applicable fees, the court shall issue an order notifying the towing company of
70 the posting of the bond and directing the towing company to release the abandoned property. At
71 the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt
72 to the towing company reciting any claims for loss or damage to the abandoned property or the
73 contents thereof.

74 (3) Upon determining the respective rights of the parties, the final order of the court shall
75 provide for immediate payment in full of recovery, towing, and storage fees by the abandoned
76 property owner or lienholder or the owner, lessee, or agent thereof of the real property from
77 which the abandoned property was removed.

78 6. A towing and storage lien shall be enforced as provided in subsection 7 of this section.

79 7. Thirty days after the notification form has been mailed to the abandoned property
80 owner and holder of a security agreement and the property is unredeemed and no satisfactory
81 arrangement has been made with the lienholder in possession for continued storage, and the
82 owner or holder of a security agreement has not requested a hearing as provided in subsection
83 5 of this section, the lienholder in possession may apply to the director of revenue for a
84 certificate. The application for title shall be accompanied by:

85 (1) An affidavit from the lienholder in possession that he has been in possession of the
86 abandoned property for at least thirty days and the owner of the abandoned property or holder
87 of a security agreement has not made arrangements for payment of towing and storage charges;

88 (2) An affidavit that the lienholder in possession has not been notified of any application
89 for hearing as provided in this section;

90 (3) A copy of the abandoned property report or crime inquiry and inspection report;

91 (4) A copy of the thirty-day notice given by certified mail to any owner and person
92 holding a valid security interest and a copy of the certified mail receipt indicating that the owner
93 and lienholder of record was sent a notice as required in this section; and

94 (5) A copy of the envelope or mailing container showing the address and postal markings
95 indicating that the notice was "not forwardable" or "address unknown".

96 8. If notice to the owner and holder of a security agreement has been returned marked
97 "not forwardable" or "addressee unknown", the lienholder in possession shall comply with
98 subsection 3 of this section.

99 9. Any municipality or county may adopt an ordinance regulating the removal and sale
100 of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158,
101 **and, for a home rule city with more than four hundred thousand inhabitants and located**
102 **in more than one county, includes the following provisions:**

103 **(1) That the department of revenue records must be searched to determine the**
104 **registered owner or lienholder of the abandoned property;**

105 **(2) That if a registered owner or lienholder is disclosed in the records, that the**
106 **owner and lienholder or owner or lienholder are mailed a notice by the governmental**
107 **agency, by U.S. mail, advising of the towing and impoundment;**

108 **(3) That if the vehicle is older than six years and more than fifty percent damaged**
109 **by collision, fire, or decay, and has a fair market value of less than two hundred dollars as**
110 **determined by using any nationally recognized appraisal book or method, it must be held**
111 **no less than ten days after the notice is sent pursuant to this subsection before being sold**
112 **to a licensed salvage or scrap business; provided however where a title is required under**

113 **this chapter an affidavit from a certified appraiser attesting that the value of the vehicle**
114 **is less than two hundred dollars.**

115 **(4) That all other vehicles must be held no less than thirty days after the notice is**
116 **sent pursuant to this subsection before they may be sold.**

117 10. Any municipality or county which has physical possession of the abandoned property
118 and which sells abandoned property in accordance with a local ordinance may transfer ownership
119 by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the
120 official municipal or county seal. Such bill of sale shall contain the make and model of the
121 abandoned property, the complete abandoned property identification number and the odometer
122 reading of the abandoned property if available and shall be lawful proof of ownership for any
123 dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or
124 for any other person. Any dealer or other person purchasing such property from a municipality
125 or county shall apply within thirty days of purchase for a certificate. Anyone convicted of a
126 violation of this section shall be guilty of an infraction.

127 11. Any persons who have towed abandoned property prior to August 28, 1996, may,
128 until January 1, 2000, apply to the department of revenue for a certificate. The application shall
129 be accompanied by:

130 (1) A notarized affidavit explaining the circumstances by which the abandoned property
131 came into their possession, including the name of the owner or possessor of real property from
132 which the abandoned property was removed;

133 (2) The date of the removal;

134 (3) The current location of the abandoned property;

135 (4) An inspection of the abandoned property as prescribed by the director; and

136 (5) A copy of the thirty-day notice given by certified mail to any owner and person
137 holding a valid security interest of record and a copy of the certified mail receipt.

138 12. If the director is satisfied with the genuineness of the application and supporting
139 documents submitted pursuant to this section, the director shall issue one of the following:

140 (1) An original certificate of title if the vehicle owner has obtained a vehicle examination
141 certificate as provided in section 301.190, RSMo, which indicates that the vehicle was not
142 previously in a salvaged condition or rebuilt;

143 (2) An original certificate of title designated as prior salvage if the vehicle examination
144 certificate as provided in section 301.190, RSMo, indicates the vehicle was previously in a
145 salvage condition or rebuilt;

146 (3) A salvage certificate of title designated with the words "salvage/abandoned property"
147 or junking certificate based on the condition of the abandoned property as stated in the
148 abandoned property report or crime inquiry and inspection report;

149 (4) Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if
150 satisfied with the genuineness of the application and supporting documents, the director shall
151 issue an original title to abandoned property previously issued a salvage title as provided in this
152 section, if the vehicle examination certificate as provided in section 301.190, RSMo, does not
153 indicate the abandoned property was previously in a salvage condition or rebuilt.

154 13. If abandoned property is insured and the insurer of property regards the property as
155 a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or
156 lienholder shall claim and remove the property from the storage facility or make arrangements
157 to transfer the title, and such transfer of title subject to agreement shall be in complete
158 satisfaction of all claims for towing and storage, to the towing company or storage facility. The
159 owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance
160 policy covers towing and storage charges, shall pay reasonable fees assessed by the towing
161 company and storage facility. The property shall be claimed and removed or title transferred to
162 the towing company or storage facility within thirty days of the date that the insurer paid a claim
163 for the total loss of the property or is notified as to the location of the abandoned property,
164 whichever is the later event. Upon request, the insurer of the property shall supply the towing
165 company and storage facility with the name, address and phone number of the insurance
166 company and of the insured and with a statement regarding which party is responsible for the
167 payment of towing and storage charges under the insurance policy.

307.172. 1. No person shall operate any passenger motor vehicle upon the public streets
2 or highways of this state, the body of which has been altered in such a manner that the front or
3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street
4 or highway in front or to the rear of the vehicle.

5 2. Every motor vehicle which is licensed in this state and operated upon the public streets
6 or highways of this state shall be equipped with front and rear bumpers if such vehicle was
7 equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles
8 designed or modified primarily for off-highway purposes while such vehicles are in tow or to
9 motorcycles or motor driven cycles, or to motor vehicles registered as historic motor vehicles
10 when the original design of such vehicles did not include bumpers nor shall the provisions of this
11 subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway
12 patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights
13 of both the front and rear bumpers of motor vehicles shall be determined by weight category of

14 gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the
15 bottom of the bumper when the vehicle is unloaded and the tires are inflated to the
16 manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
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19 Motor vehicles except

20 commercial motor

21 vehicles 22 inches 22 inches

22 commercial motor

23 vehicles (GVWR)

24 4,500 lbs and under 24 inches 26 inches

25 4,501 lbs through

26 7,500 lbs 27 inches 29 inches

27 7,501 lbs through

28 9,000 lbs 28 inches 30 inches

29 **9001 lbs through**

30 **11,500 lbs 29 inches 31 inches**

31 3. A motor vehicle in violation of this section shall not be approved during any motor
32 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

33 4. Any person knowingly violating the provisions of this section is guilty of a class C
34 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 portion of an area designated by the governor as a nonattainment area, as defined in
4 the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area
5 described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and
6 approved prior to sale or transfer and biennially thereafter to determine that the emissions system
7 is functioning within the emission standards as specified by the Missouri air conservation
8 commission and as required to attain the national health standards for air quality. For such
9 biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall
10 be tested and approved in each even-numbered calendar year and any such vehicle manufactured
11 as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered
12 calendar year. The motor vehicles to be tested shall be all motor vehicles except those
13 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and
14 those exempted pursuant to this section.

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

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

18 (2) Motorcycles and motortricycles;

19 (3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the**
20 **current model year;**

21 (4) School buses;

22 (5) Diesel-powered vehicles;

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

27 (7) New and unused motor vehicles, of model years of the current calendar year and of
28 any calendar year within two years of such calendar year, which have an odometer reading of less
29 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed
30 motor vehicle dealer to the first user; 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 completed an emission
34 inspection pursuant to section 643.315, RSMo.

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

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

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

307.375. 1. The owner of every bus used to transport children to or from school in
2 addition to any other inspection required by law shall submit the vehicle to an official inspection
3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the
4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in
8 good working condition:

9 (1) All mirrors, including crossview, inside, and outside;

10 (2) The front and rear warning flashers;

11 (3) The stop signal arm;

12 (4) The crossing control arm on public school buses required to have them pursuant to
13 section 304.050, RSMo;

14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
15 cannot occur;

16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;

18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;

20 (8) The lettering and signing on the front, side and rear of the bus;

21 (9) The service door;

22 (10) The step treads;

23 (11) The aisle mats or aisle runners;

24 (12) The emergency equipment which shall include as a minimum, a first aid kit, flares
25 or fuses, and a fire extinguisher;

26 (13) The seats, including a determination that they are securely fastened to the floor;

27 (14) The emergency door buzzer;

28 (15) All hand hold grips;

29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

36 (1) The driver seat belts;

37 (2) The heating and defrosting systems;

38 (3) The reflectors;

39 (4) The bus steps;

40 (5) The aisles;

41 **(6) The frame.**

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which
2 are domiciled, registered or primarily operated in an area for which the commission has

3 established a motor vehicle emissions inspection program pursuant to sections 643.300 to
4 643.355, which may include all motor vehicles owned by residents of a county of the first
5 classification without a charter form of government with a population of less than one hundred
6 thousand inhabitants according to the most recent decennial census who have chosen to
7 participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be
8 inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as
9 an even-numbered model year vehicle shall be inspected and approved under the emissions
10 inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered
11 calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall
12 be inspected and approved under the emissions inspection program established pursuant to
13 sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to
14 the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions
15 inspection sticker, and when applicable, a valid emissions inspection certificate shall be
16 presented at the time of registration or registration renewal of such motor vehicle.

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 **manufactured twenty-six years or more** prior to [1971] **the**
30 **current model year**;

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

34 (5) Motor vehicles registered in an area subject to the inspection requirements of sections
35 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not
36 subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of
37 such vehicle presents to the department an affidavit that the vehicle will be operated exclusively

38 in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355
39 for the next twenty-four months, and the owner applies for and receives a waiver which shall be
40 presented at the time of registration or registration renewal;

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

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

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

49 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550,
50 RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections
51 643.300 to 643.355 either:

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

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

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

63 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
64 purchaser may return the vehicle within ten days of the date of purchase, provided that the
65 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,
66 upon inspection, to meet the emissions standards specified by the commission and the dealer
67 shall have the vehicle inspected and approved without the option for a waiver of the emissions
68 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker
69 within five working days or the purchaser and dealer may enter into any other mutually
70 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and
71 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the
72 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no

73 more than one thousand additional miles since the time of sale, to have the dealer repair the
74 vehicle and provide an emissions certificate and sticker within five working days if the vehicle
75 fails, upon inspection, to meet the emissions standards established by the commission, or enter
76 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be
77 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be
78 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may
79 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of
80 section 307.380, RSMo.