

SECOND REGULAR SESSION  
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

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Reported from the Committee on Transportation, April 15, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

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**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.

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2 643.315, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known  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

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used  
4 exclusively for off-highway use which is fifty inches or less in width, with an unladen dry  
5 weight of [six hundred] **one thousand** pounds or less, traveling on three, four or more  
6 low pressure tires, with a seat designed to be straddled by the operator, **or with a seat**  
7 **designed to carry more than one person**, and handlebars for steering control;

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

8 (2) "Automobile transporter", any vehicle combination designed and used  
9 specifically for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers  
11 are included between two parallel transverse vertical planes forty inches apart,  
12 extending across the 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  
16 are not owned by the shop or its officers or employees by mending, straightening,  
17 replacing body parts, or painting;

18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight  
19 or more passengers but not including shuttle buses;

20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for  
21 carrying freight and merchandise, or more than eight passengers but not including  
22 vanpools or shuttle buses;

23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting  
24 cotton at speeds less than forty miles per hour from field to field or from field to market  
25 and return;

26 (9) "Dealer", any person, firm, corporation, association, agent or subagent  
27 engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

28 (10) "Director" or "director of revenue", the director of the department of revenue;

29 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any  
30 person or motor carrier other than a dealer over any public highway, under its own  
31 power singly, or in a fixed combination of two or more vehicles, for the purpose of  
32 delivery for sale or for delivery either before or after sale;

33 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of  
34 the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination.  
35 truck tractor equipped with a dromedary may carry part of a load when operating  
36 independently or in a combination with a semitrailer;

37 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

38 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

39 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

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

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

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

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

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

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

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

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

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

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

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

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

79 (26) "Local log truck", a commercial motor vehicle which is registered pursuant

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

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

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

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

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

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

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

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

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

- 116 (a) Offered for hire or lease; or
- 117 (b) The owner of which also owns ten or more such motor vehicles;
- 118 (35) "Motorcycle", a motor vehicle operated on two wheels;
- 119 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an  
120 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
121 centimeters, which produces less than three gross brake horsepower, and is capable of  
122 propelling the device at a maximum speed of not more than thirty miles per hour on  
123 level ground;
- 124 (37) "Motortricycle", a motor vehicle operated on three wheels, including a  
125 motorcycle while operated with any conveyance, temporary or otherwise, requiring the  
126 use of a third wheel. A motortricycle shall not be included in the definition of all-terrain  
127 vehicle;
- 128 (38) "Municipality", any city, town or village, whether incorporated or not;
- 129 (39) "Nonresident", a resident of a state or country other than the state of  
130 Missouri;
- 131 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured  
132 in compliance with United States emissions or safety standards;
- 133 (41) "Operator", any person who operates or drives a motor vehicle;
- 134 (42) "Owner", any person, firm, corporation or association, who holds the legal  
135 title to a vehicle or in the event a vehicle is the subject of an agreement for the  
136 conditional sale or lease thereof with the right of purchase upon performance of the  
137 conditions stated in the agreement and with an immediate right of possession vested in  
138 the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to  
139 possession, then such conditional vendee or lessee or mortgagor shall be deemed the  
140 owner for the purpose of this law;
- 141 (43) "Public garage", a place of business where motor vehicles are housed, stored,  
142 repaired, reconstructed or repainted for persons other than the owners or operators of  
143 such place of business;
- 144 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
145 rebuilder, but does not include certificated common or contract carriers of persons or  
146 property;
- 147 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original  
148 construction by the addition or substitution of two or more new or used major component  
149 parts, excluding motor vehicles made from all new parts, and new multistage  
150 manufactured vehicles;
- 151 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or

152 substantially modified so that it may be used and is used for the purposes of temporary  
153 housing quarters, including therein sleeping and eating facilities which are either  
154 permanently attached to the motor vehicle or attached to a unit which is securely  
155 attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from  
156 being registered as a commercial motor vehicle if the motor vehicle could otherwise be  
157 so registered;

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

161 (48) "Saddlemount combination", a combination of vehicles in which a truck or  
162 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the  
163 frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that  
164 connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in  
165 front and functions like a fifth wheel kingpin connection. When two vehicles are towed  
166 in this manner the combination is called a double saddlemount combination. When three  
167 vehicles are towed in this manner, the combination is called a triple saddlemount  
168 combination;

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

172 (50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by  
173 reason of condition or circumstance, has been declared salvage, either by its owner, or  
174 by a person, firm, corporation, or other legal entity exercising the right of security  
175 interest in it, or by an insurance company as a result of settlement of a claim for loss  
176 due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title;  
177 or abandoned property which is titled pursuant to section 304.155, RSMo, or section  
178 304.157, RSMo, and designated with the words "salvage/abandoned property";

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

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

186 (53) "Special mobile equipment", every self-propelled vehicle not designed or used  
187 primarily for the transportation of persons or property and incidentally operated or

188 moved over the highways, including farm equipment, implements of husbandry, road  
189 construction or maintenance machinery, ditch-digging apparatus, stone crushers, air  
190 compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing  
191 equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
192 leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving  
193 carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving  
194 equipment. This enumeration shall be deemed partial and shall not operate to exclude  
195 other such vehicles which are within the general terms of this section;

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

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

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

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

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

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

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

223 (61) "Truck-trailer boat transporter combination", a boat transporter combination

224 consisting of a straight truck towing a trailer using typically a ball and socket connection  
225 with the trailer axle located substantially at the trailer center of gravity rather than the  
226 rear of the trailer but so as to maintain a downward force on the trailer tongue;

227 (62) "Used parts dealer", a business that buys and sells used motor vehicle parts  
228 or accessories, but not including a business that sells only new, remanufactured or  
229 rebuilt parts. "Business" does not include isolated sales at a swap meet of less than  
230 three days;

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

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

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

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

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

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

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

7 (3) All-terrain vehicles operated by handicapped persons for short distances



8 occasionally only on the state's secondary roads when operated between the hours of  
9 sunrise and sunset;

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

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

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

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

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

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

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

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

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

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

**304.029. 1. Notwithstanding any other law to the contrary, a low-speed  
2 vehicle may be operated upon a highway in the state if it meets the  
3 requirements of this section. Every person operating a low-speed vehicle  
4 shall be granted all the rights and shall be subject to all the duties applicable  
5 to the driver of any other motor vehicle except as to the special regulations  
6 in this section and except as to those provisions which by their nature can  
7 have no application.**

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

14           3. A low-speed vehicle shall be exempt from the requirements of  
15 sections 307.350 to 307.402, RSMo, for purposes of titling and  
16 registration. Low-speed vehicles shall comply with the standards in 49 C.F.R.  
17 571.500, as amended.

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

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

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

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

28           8. Nothing in this section shall prevent county or municipal  
29 governments from adopting more stringent local ordinances governing low-  
30 speed vehicle operation if the governing body of the county or municipality  
31 determines that such ordinances are necessary in the interest of public

32 **safety. The department of transportation may prohibit the operation of low-**  
33 **speed vehicles on any highway under its jurisdiction if it determines that the**  
34 **prohibition is necessary in the interest of public safety.**

304.156. 1. Within five working days of receipt of the crime inquiry and  
2 inspection report under section 304.155 or the abandoned property report under section  
3 304.157, the director of revenue shall search the records of the department of revenue,  
4 or initiate an inquiry with another state, if the evidence presented indicated the  
5 abandoned property was registered or titled in another state, to determine the name and  
6 address of the owner and lienholder, if any. After ascertaining the name and address  
7 of the owner and lienholder, if any, the department shall, within fifteen working days,  
8 notify the towing company. Any towing company which comes into possession of  
9 abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for  
10 recovering, towing or storing abandoned property shall give notice to the title owner and  
11 to all persons claiming a lien thereon, as disclosed by the records of the department of  
12 revenue or of a corresponding agency in any other state. The towing company shall  
13 notify the owner and any lienholder within ten business days of the date of mailing  
14 indicated on the notice sent by the department of revenue, by certified mail, return  
15 receipt requested. The notice shall contain the following:

- 16 (1) The name, address and telephone number of the storage facility;
- 17 (2) The date, reason and place from which the abandoned property was removed;
- 18 (3) A statement that the amount of the accrued towing, storage and  
19 administrative costs are the responsibility of the owner, and that storage and/or  
20 administrative costs will continue to accrue as a legal liability of the owner until the  
21 abandoned property is redeemed;
- 22 (4) A statement that the storage firm claims a possessory lien for all such  
23 charges;
- 24 (5) A statement that the owner or holder of a valid security interest of record  
25 may retake possession of the abandoned property at any time during business hours by  
26 proving ownership or rights to a secured interest and paying all towing and storage  
27 charges;
- 28 (6) A statement that, should the owner consider that the towing or removal was  
29 improper or not legally justified, the owner has a right to request a hearing as provided  
30 in this section to contest the propriety of such towing or removal;
- 31 (7) A statement that if the abandoned property remains unclaimed for thirty days  
32 from the date of mailing the notice, title to the abandoned property will be transferred  
33 to the person or firm in possession of the abandoned property free of all prior liens; and

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

36 2. A towing company may only assess reasonable storage charges for abandoned  
37 property towed without the consent of the owner. Reasonable storage charges shall not  
38 exceed the charges for vehicles which have been towed with the consent of the owner on  
39 a negotiated basis. Storage charges may be assessed only for the time in which the  
40 towing company complies with the procedural requirements of sections 304.155 to  
41 304.158.

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

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

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

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

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

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

62 5. (1) The owner of the abandoned property removed pursuant to the provisions  
63 of section 304.155 or 304.157 or any person claiming a lien, other than the towing  
64 company, within ten days after the receipt of notification from the towing company  
65 pursuant to subsection 1 of this section may file a petition in the associate circuit court  
66 in the county where the abandoned property is stored to determine if the abandoned  
67 property was wrongfully taken or withheld from the owner. The petition shall name the  
68 towing company among the defendants. The petition may also name the agency ordering  
69 the tow or the owner, lessee or agent of the real property from which the abandoned

70 property was removed. The director of revenue shall not be a party to such petition but  
71 a copy of the petition shall be served on the director of revenue who shall not issue title  
72 to such abandoned property pursuant to this section until the petition is finally decided.

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

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

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

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

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

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

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

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

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

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

111 9. Any municipality or county may adopt an ordinance regulating the removal  
112 and sale of abandoned property provided such ordinance is consistent with sections  
113 304.155 to 304.158, **and, for a home rule city with more than four hundred**  
114 **thousand inhabitants and located in more than one county, includes the**  
115 **following provisions:**

116 (1) **That the department of revenue records must be searched to**  
117 **determine the registered owner or lienholder of the abandoned property;**  
118

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

123 (3) **That if the vehicle is older than six years and more than fifty**  
124 **percent damaged by collision, fire, or decay, and has a fair market value of**  
125 **less than two hundred dollars as determined by using any nationally**  
126 **recognized appraisal book or method, it must be held no less than ten days**  
127 **before being sold to a licensed salvage or scrap business; provided however**  
128 **where a title is required under this chapter an affidavit from a certified**  
129 **appraiser attesting that the value of the vehicle is less than two hundred**  
130 **dollars.**

131 (4) **That all other vehicles must be held no less than thirty days before**  
132 **they may be sold.**

133 10. Any municipality or county which has physical possession of the abandoned  
134 property and which sells abandoned property in accordance with a local ordinance may  
135 transfer ownership by means of a bill of sale signed by the municipal or county clerk or  
136 deputy and sealed with the official municipal or county seal. Such bill of sale shall  
137 contain the make and model of the abandoned property, the complete abandoned  
138 property identification number and the odometer reading of the abandoned property if  
139 available and shall be lawful proof of ownership for any dealer registered under the  
140 provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other  
141 person. Any dealer or other person purchasing such property from a municipality or

142 county shall apply within thirty days of purchase for a certificate. Anyone convicted of  
143 a violation of this section shall be guilty of an infraction.

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

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

150 (2) The date of the removal;

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

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

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

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

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

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

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

167 (4) Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if  
168 satisfied with the genuineness of the application and supporting documents, the director  
169 shall issue an original title to abandoned property previously issued a salvage title as  
170 provided in this section, if the vehicle examination certificate as provided in section  
171 301.190, RSMo, does not indicate the abandoned property was previously in a salvage  
172 condition or rebuilt.

173 13. If abandoned property is insured and the insurer of property regards the  
174 property as a total loss and the insurer satisfies a claim by the owner for the property,  
175 then the insurer or lienholder shall claim and remove the property from the storage  
176 facility or make arrangements to transfer the title, and such transfer of title subject to  
177 agreement shall be in complete satisfaction of all claims for towing and storage, to the

178 towing company or storage facility. The owner of the abandoned vehicle, lienholder or  
179 insurer, to the extent the vehicle owner's insurance policy covers towing and storage  
180 charges, shall pay reasonable fees assessed by the towing company and storage  
181 facility. The property shall be claimed and removed or title transferred to the towing  
182 company or storage facility within thirty days of the date that the insurer paid a claim  
183 for the total loss of the property or is notified as to the location of the abandoned  
184 property, whichever is the later event. Upon request, the insurer of the property shall  
185 supply the towing company and storage facility with the name, address and phone  
186 number of the insurance company and of the insured and with a statement regarding  
187 which party is responsible for the payment of towing and storage charges under the  
188 insurance policy.

307.172. 1. No person shall operate any passenger motor vehicle upon the public  
2 streets or highways of this state, the body of which has been altered in such a manner  
3 that the front or rear of the vehicle is raised at such an angle as to obstruct the vision  
4 of the operator of the street 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  
6 public streets or highways of this state shall be equipped with front and rear bumpers  
7 if such vehicle was equipped with bumpers as standard equipment. This subsection shall  
8 not apply to motor vehicles designed or modified primarily for off-highway purposes  
9 while such vehicles are in tow or to motorcycles or motor driven cycles, or to motor  
10 vehicles registered as historic motor vehicles when the original design of such vehicles  
11 did not include bumpers nor shall the provisions of this subsection prohibit the use of  
12 drop bumpers. The superintendent of the Missouri state highway patrol shall adopt  
13 rules and regulations relating to bumper standards. Maximum bumper heights of both  
14 the front and rear bumpers of motor vehicles shall be determined by weight category of  
15 gross vehicle weight rating (GVWR) measured from a level surface to the highest point  
16 of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to  
17 the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
18 Motor vehicles except		
21 commercial motor		
22 vehicles .....	22 inches	22 inches
23 commercial motor		
24 vehicles (GVWR)		
25 4,500 lbs and under .....	24 inches	26 inches



26	4,501 lbs through		
27	7,500 lbs .....	27 inches	29 inches
28	7,501 lbs through		
29	9,000 lbs .....	28 inches	30 inches
30	<b>9001 lbs through</b>		
31	<b>11,500 lbs .....</b>	<b>29 inches</b>	<b>31 inches</b>

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

34 4. Any person knowingly violating the provisions of this section is guilty of a  
35 class C misdemeanor.

307.366. 1. This enactment of the emissions inspection program is a mandate of  
2 the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C.  
3 7401, et seq. In any portion of an area designated by the governor as a nonattainment  
4 area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and  
5 located within the area described in subsection 1 of section 643.305, RSMo, certain motor  
6 vehicles shall be tested and approved prior to sale or transfer and biennially thereafter  
7 to determine that the emissions system is functioning within the emission standards as  
8 specified by the Missouri air conservation commission and as required to attain the  
9 national health standards for air quality. For such biennial testing, any such vehicle  
10 manufactured as an even-numbered model year vehicle shall be tested and approved in  
11 each even-numbered calendar year and any such vehicle manufactured as an  
12 odd-numbered model year vehicle shall be tested and approved in each odd-numbered  
13 calendar year. The motor vehicles to be tested shall be all motor vehicles except those  
14 specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section  
15 307.350 and those exempted pursuant to this section.

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

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

19 (2) Motorcycles and motortricycles;

20 (3) Model year vehicles **manufactured twenty-six years or more** prior to  
21 **[1971] the current model year;**

22 (4) School buses;

23 (5) Diesel-powered vehicles;

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

27 the vehicle will be based and operated outside the covered area;

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

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

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

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

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

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

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

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

63 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  
65 thousand additional miles since the time of sale, to have the dealer repair the vehicle  
66 and provide an emissions certificate and sticker within five working days if the vehicle  
67 fails, upon inspection, to meet the emissions standards established by the commission,  
68 or enter into any mutually acceptable agreement with the dealer. A violation of this  
69 subsection shall be an unlawful practice as defined in section 407.020, RSMo. No  
70 emissions inspection shall be required pursuant to this section for the sale of any motor  
71 vehicle which may be sold without a certificate of inspection and approval, as provided  
72 pursuant to subsection 2 of section 307.380.

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

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

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

98         (1) A statement signed by the repairer that the specified work was done and

99 stating the itemized charges for the work; and

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

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

105 8. Each emissions inspection station located in the area described in subsection  
106 1 of this section shall purchase from the highway patrol sufficient forms and stickers or  
107 other devices to evidence approval of the motor vehicle's emissions control system. In  
108 addition, emissions inspection stations may be required to purchase forms for use in  
109 automated analyzers from outside vendors of the inspection station's choice. The forms  
110 must comply with state regulations.

111 9. In addition to the fee collected by the superintendent pursuant to subsection  
112 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each  
113 automobile emissions certificate issued to the applicable official emissions inspection  
114 stations, except that no charge shall be made for certificates of inspection issued to  
115 official emissions inspection stations operated by governmental entities. All fees  
116 collected by the superintendent pursuant to this section shall be deposited in the state  
117 treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby  
118 created.

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

130 11. The superintendent of the Missouri state highway patrol shall issue such  
131 rules and regulations as are necessary to determine whether a motor vehicle's emissions  
132 control system is operating as required by subsection 1 of this section, and the  
133 superintendent and the state highways and transportation commission shall use their  
134 best efforts to seek federal funds from which reimbursement grants may be made to

135 those official inspection stations which acquire and use the necessary testing equipment  
136 which will be required to perform the tests required by the provisions of this section.

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

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

307.375. 1. The owner of every bus used to transport children to or from school  
2 in addition to any other inspection required by law shall submit the vehicle to an official  
3 inspection station, and obtain a certificate of inspection, sticker, seal or other device  
4 annually, but the inspection of the vehicle shall not be made more than sixty days prior  
5 to operating the vehicle during the school year. The inspection shall, in addition to the  
6 inspection of the mechanism and equipment required for all motor vehicles under the  
7 provisions of sections 307.350 to 307.390, include an inspection to ascertain that the  
8 following items are correctly fitted, adjusted, and in 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  
13 pursuant to section 304.050, RSMo;

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

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

18 (7) The emergency doors and exits to determine them to be unlocked and easily  
19 opened 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,  
25 flares or fuses, and a fire extinguisher;

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

28 (14) The emergency door buzzer;

29 (15) All hand hold grips;

30 (16) The interior glazing of the bus.

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

37 (1) The driver seat belts;

38 (2) The heating and defrosting systems;

39 (3) The reflectors;

40 (4) The bus steps;

41 (5) The aisles;

42 **(6) The frame.**

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

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

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles  
2 which are domiciled, registered or primarily operated in an area for which the  
3 commission has established a motor vehicle emissions inspection program pursuant to  
4 sections 643.300 to 643.355, which may include all motor vehicles owned by residents of  
5 a county of the first classification without a charter form of government with a  
6 population of less than one hundred thousand inhabitants according to the most recent  
7 decennial census who have chosen to participate in such a program in lieu of the  
8 provisions of section 307.366, RSMo, shall be inspected and approved prior to sale or  
9 transfer. In addition, any such vehicle manufactured as an even-numbered model year

10 vehicle shall be inspected and approved under the emissions inspection program  
11 established pursuant to sections 643.300 to 643.355 in each even-numbered calendar  
12 year and any such vehicle manufactured as an odd-numbered model year vehicle shall  
13 be inspected and approved under the emissions inspection program established pursuant  
14 to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles  
15 subject to the inspection requirements of sections 643.300 to 643.355 shall display a  
16 valid emissions inspection sticker, and when applicable, a valid emissions inspection  
17 certificate shall be presented at the time of registration or registration renewal of such  
18 motor vehicle.

19 2. No emission standard established by the commission for a given make and  
20 model year shall exceed the lesser of the following:

21 (1) The emission standard for that vehicle model year as established by the  
22 United States Environmental Protection Agency; or

23 (2) The emission standard for that vehicle make and model year as established  
24 by the vehicle manufacturer.

25 3. The inspection requirement of subsection 1 of this section shall apply to all  
26 motor vehicles except:

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

29 (2) Motorcycles and motortricycles if such vehicles are exempted from the motor  
30 vehicle emissions inspection under federal regulation and approved by the commission  
31 by rule;

32 (3) Model year vehicles **manufactured twenty-six years or more** prior to  
33 **[1971] the current model year;**

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

37 (5) Motor vehicles registered in an area subject to the inspection requirements  
38 of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area  
39 of the state not subject to the inspection requirements of sections 643.300 to 643.355, but  
40 only if the owner of such vehicle presents to the department an affidavit that the vehicle  
41 will be operated exclusively in an area of the state not subject to the inspection  
42 requirements of sections 643.300 to 643.355 for the next twenty-four months, and the  
43 owner applies for and receives a waiver which shall be presented at the time of  
44 registration or registration renewal;

45 (6) New and unused motor vehicles, of model years of the current calendar year

46 and of any calendar year within two years of such calendar year, which have an  
47 odometer reading of less than six thousand miles at the time of original sale by a motor  
48 vehicle manufacturer or licensed motor vehicle dealer to the first user; and

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

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

53 5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section  
54 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements  
55 of sections 643.300 to 643.355 either:

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

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

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

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



82 subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No  
83 emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the  
84 sale of any motor vehicle which may be sold without a certificate of inspection and  
85 approval, as provided pursuant to subsection 2 of section 307.380, RSMo.

✓