

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 19, 2006 with recommendation that House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3160L.18C

AN ACT

To repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 2 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, are repealed and fifteen new sections 3 4 enacted in lieu thereof, to be known as sections 33.080, 301.190, 301.800, 307.367, 643.300, 4 643.303, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.337, 643.350, and 643.353, 5 to read as follows:

33.080. [1.] All fees, funds and moneys from whatsoever source received by any 2 department, board, bureau, commission, institution, official or agency of the state government 3 by virtue of any law or rule or regulation made in accordance with any law, excluding all funds 4 received and disbursed by the state on behalf of counties and cities, towns and villages shall, by 5 the official authorized to receive same, and at stated intervals of not more than thirty days, be 6 placed in the state treasury to the credit of the particular purpose or fund for which collected, and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 shall be subject to appropriation by the general assembly for the particular purpose or fund for
8 which collected during the biennium in which collected and appropriated. The unexpended
9 balance remaining in all such funds (except such unexpended balance as may remain in any fund
10 authorized, collected and expended by virtue of the provisions of the constitution of this state)
11 shall at the end of the biennium and after all warrants on same have been discharged and the
12 appropriation thereof has lapsed, be transferred and placed to the credit of the ordinary revenue
13 fund of the state by the state treasurer. Any official or any person who shall willfully fail to
14 comply with any of the provisions of this section, and any person who shall willfully violate any
15 provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such money
16 received by the curators of the University of Missouri except those funds required by law or by
17 instrument granting the same to be paid into the seminary fund of the state, is excepted herefrom,
18 and in the case of other state educational institutions there is excepted herefrom, gifts or trust
19 funds from whatever source; appropriations; gifts or grants from the federal government, private
20 organizations and individuals; funds for or from student activities; farm or housing activities; and
21 other funds from which the whole or some part thereof may be liable to be repaid to the person
22 contributing the same; and hospital fees. All of the above excepted funds shall be reported in
23 detail quarterly to the governor and biennially to the general assembly.

24 [2. Notwithstanding any provision of law to the contrary concerning the funds listed in
25 subdivisions (1) to (23) of this subsection, an amount equal to the sum of all interest that has
26 accrued in the funds listed in subdivisions (1) to (23) of this subsection during the two-year
27 period beginning July 1, 2001, and ending June 30, 2003, shall be transferred and placed to the
28 credit of the general revenue fund of the state by the state treasurer upon the effective date of this
29 act. The funds subject to the provisions of this section are as follows:

- 30 (1) Residential mortgage licensing fund created pursuant to section 443.845, RSMo;
- 31 (2) Gaming commission bingo fund created pursuant to section 313.008, RSMo;
- 32 (3) Missouri air emission reduction fund created pursuant to section 643.350, RSMo;
- 33 (4) Mental health housing trust fund created pursuant to section 215.054, RSMo;
- 34 (5) Division of credit unions fund created pursuant to section 370.107, RSMo;
- 35 (6) Division of savings and loan supervision fund created pursuant to section 369.324,
36 RSMo;
- 37 (7) Division of finance fund created pursuant to section 361.170, RSMo;
- 38 (8) Natural resources protection fund created pursuant to section 640.220, RSMo, with
39 the exception of the water permit fees subaccount and damages subaccount;
- 40 (9) Endowed care cemetery audit fund created pursuant to section 193.265, RSMo;
- 41 (10) Metallic minerals waste management fund created pursuant to section 444.370,
42 RSMo;

- 43 (11) Natural resources protection air pollution asbestos fee subaccount fund created
44 pursuant to section 643.245, RSMo;
- 45 (12) Chemical emergency preparedness fund created pursuant to section 292.607, RSMo;
- 46 (13) Legal defense and defender fund created pursuant to section 600.090, RSMo;
- 47 (14) Safe drinking water fund created pursuant to section 640.110, RSMo;
- 48 (15) Coal mine land reclamation fund created pursuant to section 444.960, RSMo;
- 49 (16) Missouri horse racing commission fund created pursuant to section 313.530, RSMo;
- 50 (17) Hazardous waste remedial fund created pursuant to section 260.480, RSMo;
- 51 (18) Missouri air pollution control fund created pursuant to section 307.366, RSMo;
- 52 (19) Property reuse fund created pursuant to section 447.710, RSMo;
- 53 (20) State transportation assistance revolving fund created pursuant to section 226.191,
54 RSMo;
- 55 (21) Correctional substance abuse earnings fund created pursuant to section 559.635,
56 RSMo;
- 57 (22) Mined land reclamation fund created pursuant to section 444.730, RSMo;
- 58 (23) Aviation trust fund created pursuant to section 155.090, RSMo.
- 59 3. Notwithstanding any provision of law to the contrary concerning the funds listed in
60 subdivisions (1) to (5) of this subsection, the amount specified for each fund listed in
61 subdivisions (1) to (5) of this subsection shall be transferred and placed to the credit of the
62 general revenue fund of the state by the state treasurer before October 1, 2003. The funds subject
63 to the provisions of this subsection and the amount of transfer are as follows:
- 64 (1) State fair fees fund created pursuant to section 262.260, RSMo, six thousand dollars;
- 65 (2) Petroleum inspection fund created pursuant to section 414.082, RSMo, seventy-seven
66 thousand six hundred and seventeen dollars;
- 67 (3) Department of revenue information fund pursuant to section 32.067, RSMo, two
68 hundred and fifty thousand dollars;
- 69 (4) Secretary of state's technology trust fund account established pursuant to section
70 28.160, RSMo, one hundred and two thousand dollars;
- 71 (5) Administrative trust fund established pursuant to subsection 11 of section 37.005,
72 RSMo, three million five hundred thousand dollars.]

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
4 present satisfactory evidence that such certificate has been previously issued to the applicant for
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
6 acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and

7 shall contain the applicant's identification number, a full description of the motor vehicle or
8 trailer, the vehicle identification number, and the mileage registered on the odometer at the time
9 of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the
10 applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer,
11 provided that for good cause shown the director of revenue may extend the period of time for
12 making such application.

13 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
14 stated in such application are true and shall, to the extent possible without substantially delaying
15 processing of the application, review any odometer information pertaining to such motor vehicle
16 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of
17 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
18 director shall thereupon issue an appropriate certificate over his signature and sealed with the
19 seal of his office, procured and used for such purpose. The certificate shall contain on its face
20 a complete description, vehicle identification number, and other evidence of identification of the
21 motor vehicle or trailer, as the director of revenue may deem necessary, together with the
22 odometer information required to be put on the face of the certificate pursuant to section
23 407.536, RSMo, a statement of any liens or encumbrances which the application may show to
24 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing
25 the transferor's title and whether the transferor's odometer mileage statement executed pursuant
26 to section 407.536, RSMo, indicated that the true mileage is materially different from the number
27 of miles shown on the odometer, or is unknown.

28 3. The director of revenue shall appropriately designate on the current and all subsequent
29 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
30 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section
31 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for
32 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print
33 on the face thereof the following designation: "Annual odometer updates may be available from
34 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint
35 on the face thereof the most recent of either:

36 (1) The mileage information included on the face of the immediately prior certificate and
37 the date of purchase or issuance of the immediately prior certificate; or

38 (2) Any other mileage information provided to the director of revenue, and the date the
39 director obtained or recorded that information.

40 4. The certificate of ownership issued by the director of revenue shall be manufactured
41 in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge
42 such certificate without ready detection. In order to carry out the requirements of this subsection,

43 the director of revenue may contract with a nonprofit scientific or educational institution
44 specializing in the analysis of secure documents to determine the most effective methods of
45 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

46 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
47 addition to the fee for registration of such motor vehicle or trailer. If application for the
48 certificate is not made within thirty days after the vehicle is acquired by the applicant, a
49 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and
50 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of one
51 hundred dollars before November 1, 2003, and not to exceed a total of two hundred dollars on
52 or after November 1, 2003, shall be imposed, but such penalty may be waived by the director for
53 a good cause shown. If the director of revenue learns that any person has failed to obtain a
54 certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle
55 without obtaining a certificate, he shall cancel the registration of all vehicles registered in the
56 name of the person, either as sole owner or as a co-owner, and shall notify the person that the
57 cancellation will remain in force until the person pays the delinquency penalty fee provided in
58 this section, together with all fees, charges and payments which he should have paid in
59 connection with the certificate of ownership and registration of the vehicle. The certificate shall
60 be good for the life of the motor vehicle or trailer so long as the same is owned or held by the
61 original holder of the certificate and shall not have to be renewed annually.

62 6. Any applicant for a certificate of ownership requesting the department of revenue to
63 process an application for a certificate of ownership in an expeditious manner requiring special
64 handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

65 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required
66 to be registered under the provisions of the law unless a certificate of ownership has been issued
67 as herein provided.

68 8. Before an original Missouri certificate of ownership is issued, an inspection of the
69 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state
70 highway patrol on vehicles for which there is a current title issued by another state if a Missouri
71 salvage certificate of title has been issued for the same vehicle but no prior inspection and
72 verification has been made in this state, except that if such vehicle has been inspected in another
73 state by a law enforcement officer in a manner comparable to the inspection process in this state
74 and the vehicle identification numbers have been so verified, the applicant shall not be liable for
75 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle
76 identification number verification to the director of revenue at the time of the application. The
77 applicant, who has such a title for a vehicle on which no prior inspection and verification have
78 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable

79 to the director of revenue at the time of the request for the application, which shall be deposited
80 in the state treasury to the credit of the state highways and transportation department fund.

81 9. Each application for an original Missouri certificate of ownership for a vehicle which
82 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
83 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
84 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
85 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
86 vehicle examination shall include a verification of vehicle identification numbers and a
87 determination of the classification of the vehicle. The owner of a vehicle which requires a
88 vehicle examination certificate shall present the vehicle for examination and obtain a completed
89 vehicle examination certificate prior to submitting an application for a certificate of ownership
90 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
91 dollars and shall be collected by the director of revenue at the time of the request for the
92 application and shall be deposited in the state treasury to the credit of the state highways and
93 transportation department fund.

94 10. When an application is made for an original Missouri certificate of ownership for a
95 motor vehicle previously registered or titled in a state other than Missouri or as required by
96 section 301.020, it shall be accompanied by a current inspection form certified by a duly
97 authorized official inspection station as described in chapter 307, RSMo. The completed form
98 shall certify that the manufacturer's identification number for the vehicle has been inspected, that
99 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
100 time of inspection. The inspection station shall collect the same fee as authorized in section
101 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner
102 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the
103 safety [and emissions inspections] **inspection** required in chapter 307, RSMo, **and the emissions**
104 **inspection required under chapter 643, RSMo**, shall be completed and only the fees required
105 by [sections 307.365 and 307.366] **section 307.365, RSMo, and section 643.315, RSMo**, shall
106 be charged to the owner. This section shall not apply to vehicles being transferred on a
107 manufacturer's statement of origin.

108 11. Motor vehicles brought into this state in a wrecked or damaged condition or after
109 being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle
110 procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected
111 by the Missouri state highway patrol in accordance with subsection 9 of this section. If the
112 inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate
113 on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall
114 be carried forward on all subsequently issued certificates of title for the motor vehicle.

115 12. When an application is made for an original Missouri certificate of ownership for a
116 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
117 ownership has been appropriately designated by the issuing state as a reconstructed motor
118 vehicle, motor change vehicle, or specially constructed motor vehicle, the director of revenue
119 shall appropriately designate on the current Missouri and all subsequent issues of the certificate
120 of ownership the name of the issuing state and such prior designation.

121 13. When an application is made for an original Missouri certificate of ownership for a
122 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
123 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,
124 the director of revenue shall appropriately designate on the current Missouri and all subsequent
125 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

126 14. The director of revenue and the superintendent of the Missouri state highway patrol
127 shall make and enforce rules for the administration of the inspections required by this section.

128 15. Each application for an original Missouri certificate of ownership for a vehicle which
129 is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the
130 current model year, and which has a value of three thousand dollars or less shall be accompanied
131 by:

132 (1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer
133 was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

134 (2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source
135 of all major component parts used to rebuild the vehicle;

136 (3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5
137 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways
138 and transportation department fund; and

139 (4) An inspection certificate, other than a motor vehicle examination certificate required
140 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,
141 or other law enforcement agency as authorized by the director of revenue. The inspection
142 performed by the highway patrol or other authorized local law enforcement agency shall include
143 a check for stolen vehicles.

144

145 The department of revenue shall issue the owner a certificate of ownership designated with the
146 words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance
147 with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of
148 a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle
149 examination certificate issued by the Missouri state highway patrol.

301.800. 1. Any motor vehicle assembled by a two- or four-year institution of higher education exclusively utilizing solar power and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding.

2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section.

3. The plate issued by the director shall be the collegiate plate of the institution and shall display the term "solar" in a manner prescribed by the director.

4. The institution shall pay the applicable fees as determined by the director.

5. Such motor vehicle shall be exempt from the inspections required by [sections 307.350 and 307.366] **section 307.350, RSMo, and section 643.315, RSMo**, and shall only be operated on the streets and highways with the approval of the institution of higher education.

307.367. Prior to September 1, 2007, but no earlier than August 1, 2007, all moneys held in the Missouri air pollution control fund established under section 307.366, shall be transferred, as deemed necessary by the state treasurer and commissioner of administration, to the Missouri air emission reduction fund established in section 643.350, RSMo, to be used for the purposes of administering and enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to such date, any of the moneys in the Missouri air pollution control fund that are needed to pay any outstanding debt of the Missouri air pollution control fund, as determined by the state treasurer, shall be exempted from the provisions of this section. The Missouri air pollution control fund shall be officially abolished on September 1, 2007.

643.300. Sections 643.300 to 643.355 shall be known as the "Air Quality Attainment Act". The enactment of the air quality attainment act [is] **and any subsequent amendments to such act are** a mandate of the United States Congress under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

10 (1) The periodic inspection of certain motor vehicles as required under section
11 **643.315;**

12 (2) The certification and operation of official emissions inspection stations and the
13 **licensing of emission inspectors;**

14 (3) The testing of motor vehicles through on-board diagnostic testing technologies;

15 (4) The training, certification, and supervision of emission inspectors and other
16 **personnel; and**

17 (5) Procedures for certifying test results and for reporting and maintaining relevant
18 **data records.**

19 **2. In addition to any other criteria established by the commission under section**
20 **643.320 or by rule, the decentralized emissions inspection program shall allow any official**
21 **inspection station located in an area described in subsection 1 of section 643.305 otherwise**
22 **qualified by the Missouri state highway patrol to conduct motor vehicle safety inspections**
23 **under section 307.360, RSMo, to conduct on-board diagnostic emission inspections. Any**
24 **motor vehicle safety inspection station that desires to conduct emissions inspections shall**
25 **submit an application for a certificate of authorization to the commission as provided for**
26 **under section 643.320. Other individuals, corporations, or entities that do not conduct**
27 **motor vehicle safety inspections may conduct emission inspections provided they meet the**
28 **qualifications set forth in sections 643.300 to 643.355 and the rules promulgated by the**
29 **commission. Applications shall be made upon a form designated by the commission and**
30 **shall contain such information as may be required by the commission. A certificate of**
31 **authorization issued under section 643.320 to conduct emission inspections shall be issued**
32 **only after the commission has made a determination that the applicant's proposed**
33 **inspection station will be properly equipped, has the necessary licensed emission inspectors**
34 **to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or**
35 **rules promulgated to carry out the provisions of those sections.**

36 **3. The decentralized emissions inspection program shall allow any official**
37 **inspection station that is certified to conduct an on-board diagnostic emission inspection**
38 **under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles**
39 **into compliance with sections 643.300 to 643.355, if such station and personnel meet the**
40 **qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An**
41 **official emission inspection station may elect to be an emissions test-only station or may**
42 **elect to conduct both emission inspections and repairs.**

43 **4. The commission is authorized to begin certification of official inspection stations**
44 **prior to September 1, 2007, in order to implement the decentralized emissions inspection**
45 **program. Prior to January 1, 2007, the department of natural resources shall issue a**

46 report to the general assembly and the governor regarding the progress of implementing
47 the decentralized emissions inspection program. The report shall include, but not be
48 limited to, a summary describing how many inspection stations or individuals the
49 department expects to participate in the program and how many inspection stations or
50 individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

51 5. The commission may, as a part of implementing the decentralized emissions
52 inspection program, use remote sensing devices to collect information regarding the vehicle
53 fleet emissions characteristics and registration compliance within the area described in
54 subsection 1 of section 643.305. The decentralized emissions inspection program
55 established by the commission may also include a clean screen program that utilizes remote
56 sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing
57 procedures shall be deemed to have complied with the mandatory inspection requirements
58 for the next inspection cycle. As used in this subsection, the term "clean screen program"
59 shall mean a procedure or system that utilizes remote sensing technologies to determine
60 whether a motor vehicle has acceptable emission levels and then allows the motor vehicle
61 owner to bypass the emissions inspection test required under section 643.315.

62 6. The decentralized emissions inspection program may include a gas cap pressure
63 test and a visual inspection component, and such tests may be included as part of the motor
64 vehicle safety inspection test under section 307.350, RSMo.

65 7. As used in sections 643.300 to 643.355, "decentralized emissions inspection
66 program" means an emissions inspection program under which a certified emissions
67 inspector conducts emissions inspection testing at an official inspection station.

68 8. The decentralized emission inspection program shall satisfy the requirements
69 established by regulation of the United States Environmental Protection Agency.

70 9. The decentralized emissions inspection program established by the commission
71 and sections 643.300 to 643.355 shall not be construed to be a new program as described
72 in section 23.253, RSMo, and the decentralized emissions inspection program shall not be
73 subject to the sunset mandate prescribed by sections 23.250 to 23.298, RSMo.

74 10. No later than July 1, 2007, the department of natural resources and the
75 Missouri highway patrol shall enter into an interagency agreement covering all aspects of
76 the administration and enforcement of sections 643.300 to 643.355.

77 11. No later than July 1, 2007, the air conservation commission shall promulgate
78 rules for the implementation of this section. Any rule or portion of a rule, as that term is
79 defined in section 536.010, RSMo, that is created under the authority delegated in this
80 section shall become effective only if it complies with and is subject to all of the provisions
81 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter

82 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
83 **under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul**
84 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
85 **any rule proposed or adopted after August 28, 2006, shall be invalid and void.**

86 **12. Prior to September 1, 2007, the department of natural resources shall actively**
87 **promote participation in the decentralized emissions inspection program among qualified**
88 **motor vehicle dealers, service stations, and other individuals. After the implementation of**
89 **the decentralized emission inspection program, the department shall monitor participation**
90 **in such program. In determining whether there are a sufficient number of individuals**
91 **conducting motor vehicle emission inspections under the decentralized program, the**
92 **department shall attempt to ensure, through promotional efforts, that no more than twenty**
93 **percent of all persons residing in the affected nonattainment area reside farther than five**
94 **miles from the nearest inspection station.**

643.305. 1. The air conservation commission shall adopt a state implementation plan
2 to bring all nonattainment areas of the state which are located within a city not within a county,
3 any county [of the first classification having a population of over nine hundred thousand
4 inhabitants, any county of the first classification with a charter form of government and a
5 population of not more than two hundred twenty thousand inhabitants and not less than two
6 hundred thousand inhabitants, any county of the first classification without a charter form of
7 government with a population of not more than one hundred eighty thousand inhabitants and not
8 less than one hundred seventy thousand inhabitants and any county of the first classification
9 without a charter form of government with a population of not more than eighty-two thousand
10 inhabitants and not less than eighty thousand inhabitants] **with a charter form of government**
11 **and with more than one million inhabitants, any county with a charter form of government**
12 **and with more than two hundred fifty thousand but fewer than three hundred fifty**
13 **thousand inhabitants, any county of the first classification with more than one hundred**
14 **ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred**
15 **inhabitants, and any county of the first classification with more than ninety-three thousand**
16 **eight hundred but fewer than ninety-three thousand nine hundred inhabitants, into**
17 compliance with and to maintain the National Ambient Air Quality Standards and any
18 regulations promulgated by the United States Environmental Protection Agency under the federal
19 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on the required date or dates as such dates
20 are established under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including
21 any extensions authorized pursuant to that act.

22 2. The commission shall establish the amount of emissions reductions required to
23 achieve the goal established pursuant to subsection 1 of this section.

24 3. The department shall establish an air quality baseline for all nonattainment areas of
25 the state which are located within a metropolitan statistical area with a population of at least one
26 million inhabitants as defined by the federal Office of Management and Budget or its successor
27 agency. The air quality baseline shall include, where practical, actual air contaminant emissions
28 data and data on the atmospheric concentrations of pollution and pollution precursors for all
29 nonattainment areas.

30 4. The department shall determine the costs and benefits of alternative reduction
31 measures including reductions of emissions from stationary and mobile sources and traffic
32 control measures. The department of transportation, regional planning commissions and
33 metropolitan planning organizations shall participate with the department and provide
34 information necessary to determine the costs and benefits of emissions reduction measures.

35 5. The department shall evaluate any motor vehicle emissions inspection program
36 established under [section 307.366, RSMo, or] sections 643.300 to 643.355 and shall annually
37 include in the report to the commission and the general assembly required under section 643.192,
38 beginning on January 1, 1996, a detailed accounting of the inspection costs and repair costs
39 incurred by vehicle owners and of the emissions reductions produced or incurred by the program.
40 The department may use a representative sample of vehicles to provide a statistically valid
41 estimate of the repair costs and emissions reductions. The report shall also include a
42 recommendation to the general assembly on whether the emissions inspection program should
43 be continued, modified or terminated.

44 6. The department shall establish a program of public information and education to
45 educate the citizens of the state about the costs and benefits associated with reaching attainment
46 of the National Ambient Air Quality Standards and the costs and benefits of all measures which
47 are considered to attain those standards. This shall be done prior to the commission's action
48 under subsection 1 of this section.

643.310. 1. The commission may, by rule, establish a **decentralized** motor vehicle
2 emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a
3 nonattainment area located within the area described in subsection 1 of section 643.305[, except
4 for any portion of the nonattainment area which is located in a county of the first classification
5 without a charter form of government with a population of less than one hundred thousand
6 inhabitants according to the most recent decennial census, except that the commission may
7 establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355
8 in such county only for motor vehicles owned by residents of such county who have chosen to
9 participate in such a program in lieu of the provisions of section 307.366, RSMo]. **The**
10 **decentralized motor vehicle emissions inspection program shall be implemented and**
11 **applied in the same manner throughout every portion of a nonattainment area located**

12 **within the area described in subsection 1 of section 643.305.** The commission shall ensure
13 that, for each nonattainment area, the state implementation plan established pursuant to
14 subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the
15 United States Environmental Protection Agency for emission reduction programs in other
16 nonattainment areas of like designation in other states. The commission shall ensure that
17 emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be
18 consistent with and not exceed the emissions reduction amounts required by the United States
19 Environmental Protection Agency for other nonattainment areas of like designation in other
20 states. No motor vehicle emissions inspection program shall be required to comply with
21 subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of
22 any changes in requirements or any agreements made or entered into by the United States
23 Environmental Protection Agency and any entity or entities on behalf of a nonattainment area
24 concerning compliance with National Ambient Air Quality Standards of the federal Clean Air
25 Act, as amended, 42 U.S.C. 7401, et seq., and the regulations promulgated thereunder. [The air
26 conservation commission shall request and it shall be the duty of the attorney general to bring,
27 in a court of competent jurisdiction, an action challenging the authority of the United States
28 Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air
29 Quality Standards and failure to provide for required emission reductions under the federal Clean
30 Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required
31 emission reductions and the credits allowed for current and planned emission reductions
32 measures. The air conservation commission shall request and it shall be the duty of the attorney
33 general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of
34 sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401,
35 et seq., until all actions initiated pursuant to this section have been decided. Provisions of
36 section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300
37 to 643.355 shall apply to those areas designated by the commission pursuant to this section in
38 lieu of the provisions of section 307.366, RSMo.

39 2. No later than the effective date of this section, the department of natural resources and
40 the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the
41 administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

42 3.] 2. (1) The department, with the cooperation and approval of the commissioner of
43 administration, shall select a person or persons to operate an inspection facility or inspection
44 program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated
45 process or a combination thereof based on criteria and expectations established by the
46 department. This process may use either a licensing arrangement or contractual arrangement
47 with the selected party or parties. The selection of persons to operate inspection facilities or

48 inspection programs shall be exempt from the provisions of all site procurement laws. [The
49 number of locations shall be no less than the number needed to provide adequate service to
50 customers and establish an emissions inspection program which satisfies the requirements of this
51 section.] Each person who is authorized to operate a station pursuant to this section shall be
52 capable of providing adequate and cost-effective service to customers.

53 (2) Service management, coordination and data processing may be provided by the
54 department or by another person, including a contractor or licensee, based upon the most
55 cost-effective proposal for service.

56 (3) A license or contract shall be for a period of up to seven years, consistent with the
57 provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall
58 be annually reviewed. A license or contract may be suspended or revoked if the licensee or
59 contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the
60 license agreement or contract as determined by the department. A licensee or contractor found
61 to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license
62 agreement or contract shall be in violation of section 643.151 and subject to the penalties
63 provided thereunder.

64 [4. The inspection program shall satisfy the following criteria:

65 (1) There shall be an adequate number of stations to ensure that no more than twenty
66 percent of all persons residing in an affected nonattainment area reside farther than five miles
67 from the nearest inspection station, and consideration shall be given to employment, locations
68 and commuting patterns when selecting the locations of the stations;

69 (2) There shall be an adequate number of inspection lanes at each facility so that no more
70 than five percent of all persons having an inspection are required to wait more than fifteen
71 minutes before the inspection begins;

72 (3) The days and daily hours of operation shall include at least those hours specified by
73 the department, which shall include, at a minimum, twelve continuous hours of operation on all
74 weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays
75 excepting federal holidays;

76 (4) The emissions inspection program shall include a simulated on-road emissions
77 inspection component, including pressure and purge tests, which satisfies the requirements
78 established by regulation of the United States Environmental Protection Agency and may include
79 a visual inspection component;

80 (5) The inspection stations shall be test-only stations and shall not offer motor vehicle
81 emissions repairs, parts or services of any kind;

82 (6) No person operating or employed by an emissions inspection station shall repair or
83 maintain motor vehicle emission systems or pollution control devices for compensation of any
84 kind.

85 5.] 3. The commission, the department of economic development and the office of
86 administration shall, in cooperation with the minority business advocacy commission, select the
87 contractor or contractors to provide an inspection program which satisfies the minimum
88 requirements of this section in accordance with the requirements of section 33.752, RSMo, and
89 chapter 34, RSMo. The commission, the office of administration and the department of
90 economic development, in cooperation with the minority business advocacy commission, shall
91 ensure adequate minority business participation in the selection of the contractor or contractors
92 to provide an inspection program pursuant to this section. The commission, the office of
93 administration and the department of economic development shall ensure adequate participation
94 of Missouri businesses in the selection of the contractor or contractors to provide an inspection
95 program pursuant to this section.

96 [6.] 4. With approval of the commission and pursuant to rules adopted by the
97 commission, an organization whose members are motor vehicle dealers or leasing companies
98 may establish one or more additional emissions inspection facilities, which may be either mobile
99 or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the
100 members of the organization. With approval of the commission and pursuant to rules adopted
101 by the commission, any person operating a fleet of [five hundred or more] motor vehicles may
102 establish one or more additional emissions inspection facilities, which may be either mobile or
103 stationary, to be used solely to inspect motor vehicles owned or leased and operated by the
104 person establishing the facility. The inspections performed in facilities established pursuant to
105 this subsection shall be performed by a contractor selected by the commission pursuant to this
106 section and the contractor performing such inspections shall be responsible solely to the
107 department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

108 [7. Any person who owns Missouri analyzer system emission inspection equipment as
109 defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at
110 a facility located in an area in which an emissions inspection program has been established
111 pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an
112 emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment to
113 the department of natural resources at current market value as established by an independent
114 appraisal provided that the equipment is fully functional and has been maintained according to
115 all applicable manufacturer's specifications and procedures. The department shall purchase such
116 equipment using funds appropriated for that purpose from the Missouri air emission reduction
117 fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or

118 purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer
119 system emission inspection equipment used to provide emissions inspections pursuant to section
120 307.366, RSMo, at a facility located in an area in which an emissions inspection program has
121 been established pursuant to sections 643.300 to 643.355, and has made all payments required
122 under the contract, may, within twelve months of the implementation of an emissions inspection
123 program pursuant to sections 643.300 to 643.355, request the department of natural resources
124 to take possession of such equipment and assume all payment obligations owed on such
125 equipment which obligations are not in excess of one hundred and twenty-five percent of the
126 current market value as established by an independent appraisal, provided that the equipment is
127 fully functional and has been maintained according to all applicable manufacturer's specifications
128 and procedures. The department shall take possession of such equipment and pay such
129 obligations using funds appropriated for that purpose from the Missouri air emission reduction
130 fund.

131 8.] 5. If the governor applies to the administrator of the Environmental Protection
132 Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections
133 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas
134 which is intended for sale to agricultural, commercial or retail customers outside said
135 nonattainment areas subject to reformulated gasoline.

136 [9. The governor, the department of natural resources, and the commission shall work
137 to ensure an orderly transition period in the nonattainment area for the introduction of
138 reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to
139 organize, structure, and implement both the production and the delivery of reformulated gasoline
140 to the nonattainment area, so that consumers will see an orderly, seamless market substitution.]

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; **provided that, if such vehicle is inspected and**
9 **approved prior to sale or transfer, such vehicle shall not be subject to another emissions**
10 **inspection for ninety days after the date of sale or transfer of such vehicle.** In addition, any
11 such vehicle manufactured as an even-numbered model year vehicle shall be inspected and
12 approved under the emissions inspection program established pursuant to sections 643.300 to
13 643.355 in each even-numbered calendar year and any such vehicle manufactured as an

14 odd-numbered model year vehicle shall be inspected and approved under the emissions
15 inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered
16 calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to
17 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid
18 emissions inspection certificate shall be presented at the time of registration or registration
19 renewal of such motor vehicle. **The department of revenue shall require evidence of the
20 safety and emission inspection and approval required by this section in issuing the motor
21 vehicle annual registration in conformity with the procedure required by sections 307.350
22 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that
23 a successful safety and emissions inspection was completed via electronic means.**

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

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

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

30 3.] The inspection requirement of subsection 1 of this section shall apply to all motor
31 vehicles except:

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

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

36 (3) Model year vehicles manufactured [twenty-six years or more] prior to [the current
37 model year] **1996**;

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

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

48 (6) New and unused motor vehicles, of model years of the current calendar year and of
49 any calendar year within two years of such calendar year, which have an odometer reading of less

50 than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed
51 motor vehicle dealer to the first user; [and]

52 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

53 (8) **School buses;**

54 (9) **Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess**
55 **of eight thousand five hundred pounds;**

56 (10) **New motor vehicles that have not been previously titled and registered, for the**
57 **four-year period following their model year of manufacture, provided the odometer**
58 **reading for such motor vehicles are under forty thousand miles at their first required**
59 **biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise**
60 **such motor vehicles shall be subject to the emissions inspection requirements of subsection**
61 **1 of this section during the same period that the biennial safety inspection is conducted;**
62 **and**

63 (11) **Motor vehicles that are driven fewer than twelve thousand miles between**
64 **biennial safety inspections.**

65 [4.] 3. The commission may, by rule, allow inspection reciprocity with other states
66 having equivalent or more stringent testing and waiver requirements than those established
67 pursuant to sections 643.300 to 643.355.

68 [5.] 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section
69 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of
70 sections 643.300 to 643.355 either:

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

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

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

82 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
83 purchaser may return the vehicle within ten days of the date of purchase, provided that the
84 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails,
85 upon inspection, to meet the emissions standards specified by the commission and the dealer

86 shall have the vehicle inspected and approved without the option for a waiver of the emissions
87 standard and return the vehicle to the purchaser with a valid emissions certificate and sticker
88 within five working days or the purchaser and dealer may enter into any other mutually
89 acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and
90 approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the
91 purchaser has the option to return the vehicle within ten days, provided that the vehicle has no
92 more than one thousand additional miles since the time of sale, to have the dealer repair the
93 vehicle and provide an emissions certificate and sticker within five working days if the vehicle
94 fails, upon inspection, to meet the emissions standards established by the commission, or enter
95 into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be
96 an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be
97 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may
98 be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of
99 section 307.380, RSMo.

643.320. 1. [The commission shall establish, by rule, procedures, standards, and
2 requirements for the operation of emissions inspection stations and the conduct of emissions
3 inspections.] **The commission shall prescribe the standards and equipment necessary for
4 an official emissions inspection station and the qualifications for persons who conduct the
5 inspections, and no applicant for certificate of authorization to conduct emissions
6 inspections may be approved to operate an official emissions inspection station until the
7 applicant meets the standards and has the required equipment and qualified inspectors as
8 prescribed by the commission. The commission shall establish standards and procedures
9 to be followed in the making of inspections required by sections 643.300 to 643.355 and
10 shall prescribe rules for the operation of emissions inspection stations.**

11 2. [The emissions inspection stations shall be operated in accordance with all
12 requirements established by the commission under this section.] **The application for a
13 certificate of authorization to operate as an official emissions inspection station shall be
14 made to the commission on a form furnished by the commission. The application shall be
15 accompanied by a fee established by the commission by rule, but in no case shall the fee
16 exceed one hundred dollars. The certificate of authorization shall be renewed annually on
17 the date of issue. All fees shall be payable to the director of revenue and shall be deposited
18 by the director of revenue in the state treasury to the credit of the Missouri air emission
19 reduction fund established under section 643.350.**

20 3. The [department] **commission or its designee** shall cause unannounced inspections
21 to be made of the operation of each emissions inspection station at least once during each
22 calendar year. The inspection may include submitting a known high emission vehicle for

23 inspection without prior disclosure to the inspection station. **At any time the commission or**
24 **its designee shall have reason to believe that any person has violated any provisions of the**
25 **provisions of sections 643.300 to 643.355 or the rules promulgated thereunder, the**
26 **commission or its designee shall refuse to issue or shall revoke or suspend any certificate**
27 **of authority under this section. The suspension or revocation of a certificate of authority**
28 **shall be in writing to the operator, inspector, or the person in charge of the emissions**
29 **inspection station. Before suspending or revoking the certificate of authority to conduct**
30 **emissions inspections, the commission or its designee shall serve notice in writing by**
31 **certified mail or by personal service to the inspection station at the operator's address of**
32 **record giving the permittee the opportunity to appear in the office of the commission on**
33 **a stated date, not less than ten nor more than thirty days after the mailing or service of the**
34 **notice, for a hearing to show cause why the inspection station's certificate of authority**
35 **should not be suspended or revoked. An inspection station owner or an inspector may**
36 **appear in person or by counsel in the office of the commission or its designee to show cause**
37 **why the proposed suspension or revocation is in error, or to present any other facts or**
38 **testimony that would bear on the final decision of the commission or its designee. If the**
39 **operator, owner, or inspector does not appear on the stated day after receipt of notice, it**
40 **shall be presumed that such party admits the allegations of fact contained in the hearing**
41 **notification letter. The decision of the commission or its designee may in such case be**
42 **based upon the written reports submitted by the commission's officers. The order of the**
43 **commission, specifying his findings of fact and conclusions of law, shall be considered final**
44 **immediately after receipt of notice thereof by the inspection station.**

45 4. The department may require emissions inspection stations to furnish reports, upon
46 forms furnished by the department for that purpose, that the department considers necessary for
47 the administration of sections 643.300 to 643.355.

48 5. [No emissions inspection required under sections 643.300 to 643.355 may be
49 performed at an emissions inspection station unless there is conspicuously posted on the
50 premises of the emissions inspection station a sign which is at least eight feet high and sixteen
51 feet wide and which sign bears the legend: "This inspection is mandated by the United States
52 Environmental Protection Agency under powers granted to it by your United States Senators and
53 Representatives in Washington, D.C." A standard sign, designed by the department and
54 containing letters of at least six inches in height, shall be used by all emissions inspection
55 stations. Such signs shall be furnished by the department to each emissions inspection station
56 at no cost to the station.] **The commission may impose alternative administrative**
57 **enforcement mechanisms in lieu of suspending or revoking a certificate of authority. Such**
58 **alternative administrative enforcement mechanisms may include, but not be limited to,**

59 **requiring inspectors to successfully complete a commission-approved retraining program.**
60 **The commission also may require any individual who has his or her certificate of authority**
61 **suspended to undergo remedial retraining as a condition of removing such suspension.**

62 **6. The commission shall design and furnish each official emissions inspection**
63 **station, at no cost, one official sign made of metal or other durable material to be displayed**
64 **in a conspicuous location to designate the station as an official emissions inspection station.**
65 **Additional signs may be obtained by an official inspection station for a fee equal to the cost**
66 **to the state. Each official emissions inspection station shall also be supplied with one or**
67 **more posters which must be displayed in a conspicuous location at the place of inspection**
68 **and which informs the public that required repairs or corrections need not be made at the**
69 **inspection station.**

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the emissions
2 standards specified by the commission may have the vehicle reinspected after making repairs or
3 adjustments to the vehicle to reduce emissions.

4 2. No motor vehicle owner shall be charged an additional emissions inspection fee for
5 **one additional** emissions [reinspections] **reinspection** completed within [thirty calendar days]
6 **twenty consecutive days, excluding Saturdays, Sundays, and holidays,** of the initial
7 emissions inspection. **Such fee only shall be waived or not charged if the reinspection is**
8 **made by the station making the initial inspection.**

9 3. [The department shall publish a list of emissions repair and adjustment procedures
10 based on the ratio of potential emissions reductions to cost, and the list shall be distributed and
11 made available at all emissions inspection stations. The list shall indicate the most cost-effective
12 measures that a vehicle owner can take to reduce emissions.

13 4.] The inspector shall provide in writing to the owner of a vehicle which fails, upon
14 inspection, to meet the emissions standards, the nature of the vehicle's failure, the components
15 or equipment responsible for the failure and the estimated cost of repair to the extent practical
16 pursuant to rules promulgated by the commission.

17 [5.] **4.** The department shall cause unannounced tests of facilities which repair, service
18 or maintain motor vehicle emissions components and equipments, including submitting known
19 high emission vehicles with known defects for repair without prior disclosure to the repair
20 facility. Any suspected violations of chapter 407, RSMo, shall be reported by the department
21 to the attorney general who shall institute appropriate proceedings under sections 407.095 and
22 407.100, RSMo, regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount which [may be
2 lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than
3 seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars

4 for model year vehicles of 1981 to 1996 and] **shall be** no greater than four hundred and fifty
5 dollars[for model year vehicles of 1997 and all subsequent model years. On and after January
6 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount
7 shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C.
8 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle
9 emissions inspection].

10 2. The commission shall establish, by rule, a form and a procedure for verifying that
11 repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and
12 approval.

13 3. The waiver form established pursuant to subsection 2 of this section shall be an
14 affidavit requiring:

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

17 (2) A statement signed by the [emissions inspection contractor] **commission or designee**
18 that an inspection of the vehicle verified, to the extent practical, that the specified work was
19 done. **An inspection to verify whether repair work was performed or not shall not be**
20 **conducted by the same inspection station, inspector, or affiliate that performed the repair**
21 **work.**

22 4. A vehicle which fails upon reinspection to meet the emissions standards specified by
23 the commission shall have the emissions standards waived and receive approval only if the
24 owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this
25 section and the cost of the parts, repairs and adjustment work performed is equal to or greater
26 than the waiver amount established by the commission. Costs for repair work may only be
27 included toward reaching the waiver amount if the repairs are performed by a recognized repair
28 technician [as defined by rule]. **As used in this section, a "recognized repair technician"**
29 **means a repair technician who has obtained and possess valid A6, A8, and L1 certifications**
30 **from the National Institute for Automotive Service Excellence.**

31 5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver
32 amount if such costs are covered by an emission control performance warranty provided by the
33 manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with
34 the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer
35 or other person providing the warranty.

36 6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver
37 amount if such costs are required to correct the effects of tampering with emissions systems or
38 air pollution control devices.

39 **7. Notwithstanding subsection 1 of this section, the waiver amount for an owner**
40 **that performs repair work on his or her own vehicle shall be four hundred dollars,**
41 **provided that the cost of the parts utilized by the owner to perform the repair is equal to**
42 **or greater than four hundred dollars. The types of parts that shall account toward the**
43 **waiver amount described in this subsection shall include only emission control components**
44 **described in 40 CFR Section 51.360, as amended. The cost for labor performed by the**
45 **owner shall not count toward the waiver limit. The commission shall establish, by rule, a**
46 **waiver form for repair work performed by a vehicle owner. Such form shall include, but**
47 **not be limited to:**

48 **(1) A statement signed by the owner that the owner expended a minimum of four**
49 **hundred dollars on qualified emission control components and that the owner installed**
50 **such components; and**

51 **(2) A statement signed by the commission or its designee that an inspection of the**
52 **vehicle verified, to the extent practical, that the qualified components were installed.**

53

54 **The owner also shall submit all original receipts for emission-related parts.**

55 **8. The commission may establish, by rule, a waiver amount which may be lower for**
56 **owners who provide reasonable and reliable proof to the commission that the owner is**
57 **financially dependant solely on state and federal disability benefits and other public**
58 **assistance programs. Such proof shall be submitted to the commission thirty calendar days**
59 **prior to each subsequent emissions inspection before the lowered waiver amount is**
60 **allowed. For the purposes of this section, "reasonable and reliable proof" shall mean**
61 **government issued documentation providing explanation of said customer's disability and**
62 **financial assistance with regard to personal income.**

643.337. 1. The department of natural resources and the state highway patrol shall
2 **provide oversight for the vehicle emissions inspection program, including oversight of the**
3 **repair services provided by recognized repair technicians for such vehicles. The**
4 **department and highway patrol may promulgate joint rules for the implementation of this**
5 **subsection.**

6 **2. Beginning October 1, 2008, and every October first thereafter, the department**
7 **and the highway patrol shall jointly submit an annual report to the general assembly**
8 **detailing the oversight measures implemented for the program and data collected**
9 **regarding compliance and incidents of fraud, and any recommendations for improvements**
10 **to the program, including but not limited to statutory and regulatory changes.**

11 **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
12 **that is created under the authority delegated in this section shall become effective only if**

13 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
14 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
15 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
16 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
17 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
18 **adopted after August 28, 2006, shall be invalid and void.**

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions
2 inspection conducted under the emissions inspection program established pursuant to sections
3 643.300 to 643.355[, except that on days of operation, other than the last three days of operation
4 in each calendar month, the fee shall be reduced by:

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

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

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

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

14 3.]2. The fee shall be conspicuously posted on the premises of each emissions inspection
15 station.

16 [4.] 3. The commission shall establish, by rule, the portion of the fee amount to be
17 remitted by the [contractor] **emission inspection station** to the director of revenue and the
18 number of days allowed for remitting fees.

19 [5. The contractor] 4. **The official emission inspection station** shall remit the portion
20 of fees collected, as established by the commission pursuant to this section, to the [director of
21 revenue] **state treasurer** within the time period established by the commission. The [director
22 of revenue] **state treasurer** shall deposit the fees received in the state treasury to the credit of
23 the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall,
24 subject to appropriation, be expended for the administration and enforcement of sections 643.300
25 to 643.355 by the department of natural resources, the Missouri highway patrol, and other
26 appropriate agencies. Any balance in the fund at the end of the biennium shall remain in the
27 fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by
28 moneys in the fund shall accrue to the fund. **If in the immediate previous fiscal year, the**
29 **state's net general revenue did not increase by two percent or more, the state treasurer may**
30 **deposit moneys, except for gifts, donations, or bequests, received under this section**

31 **beginning January first of the current fiscal year into the state general revenue fund.**
32 **Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions**
33 **of this section.**

34 [6.] **5.** In addition to funds from the Missouri air emission reduction fund, costs of capital
35 or operations may be supplemented, upon appropriation, from the general revenue fund, the state
36 highway department fund, federal funds or other funds available for that purpose.

643.353. Beginning January 15, 2008, and annually thereafter, the department of
2 **natural resources shall submit a report to the governor and general assembly that**
3 **describes the overall effectiveness of the decentralized emissions inspection program. Such**
4 **report shall be based upon the latest available data, including data derived from EPA**
5 **model analysis. The report shall contain an interpretative analysis detailing whether or**
6 **not the ambient air quality achieved by the decentralized emissions inspection program**
7 **exceeds the ambient air quality achieved by the current centralized emissions inspection**
8 **program.**

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

18 2. The provisions of this section shall not apply to:
19 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in
20 excess of eight thousand five hundred pounds;
21 (2) Motorcycles and motortricycles;
22 (3) Model year vehicles manufactured twenty-six years or more prior to
23 the current model year;
24 (4) School buses;
25 (5) Diesel-powered vehicles;
26 (6) Motor vehicles registered in the area covered by this section but
27 which are based and operated exclusively in an area of this state not subject to the

28 provisions of this section if the owner of such vehicle presents to the director a
29 sworn affidavit that the vehicle will be based and operated outside the covered
30 area;

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

36 (8) Motor vehicles owned by a person who resides in a county of the first
37 classification without a charter form of government with a population of less than
38 one hundred thousand inhabitants according to the most recent decennial census
39 who has completed an emission inspection pursuant to section 643.315, RSMo.
40

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

46 3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in
47 section 301.550, RSMo, may choose to sell a motor vehicle subject to the
48 inspection requirements of this section either:

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

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

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

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

71 the sales contract and bill of sale that the purchaser has the option to return the
72 vehicle within ten days, provided that the vehicle has no more than one thousand
73 additional miles since the time of sale, to have the dealer repair the vehicle and
74 provide an emissions certificate and sticker within five working days if the
75 vehicle fails, upon inspection, to meet the emissions standards established by the
76 commission, or enter into any mutually acceptable agreement with the dealer. A
77 violation of this subsection shall be an unlawful practice as defined in section
78 407.020, RSMo. No emissions inspection shall be required pursuant to this
79 section for the sale of any motor vehicle which may be sold without a certificate
80 of inspection and approval, as provided pursuant to subsection 2 of section
81 307.380.

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

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

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

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

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

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

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

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

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

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

151 12. The provisions of this section shall not apply in any county for any
152 time period during which the air conservation commission has established a
153 motor vehicle emissions inspection program pursuant to sections 643.300 to
154 643.355, RSMo, for such county, except where motor vehicle owners have the
155 option of biennial testing pursuant to chapter 643, RSMo. In counties where such

156 option is available, the emissions inspection may be conducted in stations
157 conducting only an emissions inspection under contract to the state.

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

160

Section B. The repeal of section 307.366 and the repeal and reenactment of sections
2 33.080, 301.190, 301.800, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and
3 643.350 shall become effective September 1, 2007.

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