

SECOND REGULAR SESSION

HOUSE BILL NO. 1098

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WRIGHT-JONES.

Pre-filed December 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3904L.01I

AN ACT

To repeal sections 307.365 and 307.366, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with a penalty provision.

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

Section A. Sections 307.365 and 307.366, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 307.365 and 307.366, to read as follows:

307.365. 1. No permit for an official inspection station shall be assigned or transferred
2 or used at any location other than therein designated and every permit shall be posted in a
3 conspicuous place at the location designated. The superintendent of the Missouri state highway
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made
5 of metal or other durable material to be displayed in a conspicuous location to designate the
6 station as an official inspection station. Additional signs may be obtained by an official
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be
8 supplied with one or more posters which must be displayed in a conspicuous location at the place
9 of inspection and which informs the public that required repairs or corrections need not be made
10 at the inspection station.

11 2. No person operating an official inspection station pursuant to the provisions of
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,

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.

16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety
17 equipment as required by the state are in proper condition and adjustment to be operated upon
18 the public highways of this state with safety to the driver or operator, other occupants therein,
19 as well as other persons and property upon the highways, as provided by sections 307.350 to
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a
23 certificate of inspection and approval to any other person except those entitled to receive it under
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any
25 certificate of inspection and approval and/or inspection sticker with knowledge that the
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27 3. The superintendent of the Missouri state highway patrol may require officially
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose
29 as the superintendent considers reasonably necessary for the proper and efficient administration
30 of sections 307.350 to 307.390.

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct
32 them or shall have them corrected at any place the owner chooses within twenty days after the
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the
36 official inspection station must inform the owner that the corrections need not be made at the
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,
39 may be charged by an official inspection station for each official inspection including the
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted
44 on the premises of each such official inspection station. No owner shall be charged an additional
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have
51 any necessary repairs or corrections made at the official inspection station, the owner shall be

52 furnished a written estimate of the cost of such repairs before such repairs or corrections are
53 made by the official inspection station. The written estimate shall have plainly written upon it
54 that the owner understands that the corrections need not be made by the official inspection
55 station and shall have a signature line for the owner. The owner must sign below the statement
56 on the signature line before any repairs are made.

57 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty
60 cents for each certificate of inspection, sticker, seal or other device issued to the official
61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal
62 or other device issued to official inspection stations operated by governmental entities. All fees
63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to
64 the state highway fund and, for the purpose of administering and enforcing the state motor
65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection
67 fund shall be expended subject to appropriations by the general assembly for the administration
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general
72 revenue fund at the end of the biennium, shall not apply to the fund.

73 7. The owner or operator of any inspection station who discontinues operation during
74 the period that a station permit is valid or whose station permit is suspended or revoked shall
75 return all official signs and posters and any current unused inspection stickers, seals or other
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund
77 on request except for official signs and posters, provided the request is made during the calendar
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused
80 previous year issue inspection stickers and/or decals for an identical number of current year
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the
83 Missouri state highway patrol.

84 **8. The owner or operator of any inspection station shall maintain liability insurance**
85 **at all times to cover possible damage to vehicles during the inspection process.**

307.366. 1. This enactment of the emissions inspection program is a mandate of the
2 United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et

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

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

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

18 (2) Motorcycles and motortricycles;

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

21 (4) School buses;

22 (5) Diesel-powered vehicles;

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

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

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

35

36 Each official inspection station which conducts emissions inspections within the area referred
37 to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor

38 vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection
39 pursuant to subdivision (1) of this subsection.

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

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

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

71 4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions
72 and air pollution control inspection in order to attain the national health standards for air quality.
73 Such fee shall be conspicuously posted on the premises of each such inspection station. The

74 official emissions inspection station shall issue a certificate of inspection and an approval sticker
75 or seal certifying the emissions system is functioning properly. The certificate or approval issued
76 shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall
77 be charged an additional fee after having corrected defects or unsafe conditions in the
78 automobile's emissions and air pollution control system if the reinspection is completed within
79 twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up
80 inspection is made by the station making the initial inspection.

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

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

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

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

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

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

106 9. In addition to the fee collected by the superintendent pursuant to subsection 5 of
107 section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile
108 emissions certificate issued to the applicable official emissions inspection stations, except that
109 no charge shall be made for certificates of inspection issued to official emissions inspection

110 stations operated by governmental entities. All fees collected by the superintendent pursuant to
111 this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution
112 Control Fund", which is hereby created.

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

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

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

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

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

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