

SECOND REGULAR SESSION

# HOUSE BILL NO. 2588

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WRIGHT-JONES (Sponsor), OXFORD, HAYWOOD,  
HUGHES AND BLAND (Co-sponsors).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5571L.01I

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### 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.

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*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Section A. Sections 307.365 and 307.366, RSMo, are repealed and two new sections  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

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.

15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,  
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 United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and approved prior to sale or transfer and biennially thereafter to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

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

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

(2) Motorcycles and motortricycles;

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

(4) School buses;

(5) Diesel-powered vehicles;

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

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

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

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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.

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

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

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

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

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

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

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