

SECOND REGULAR SESSION

HOUSE BILL NO. 2177

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KIRKTON (Sponsor), JONES (63) AND FAITH (Co-sponsors).

4842L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Section 307.365, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 307.358 and 307.365, to read as follows:

307.358. 1. The superintendent of the Missouri state highway patrol shall issue rules and regulations prescribing the means and methods to computerize the vehicle safety inspection program to eliminate unnecessary paperwork; make Missouri vehicle safety inspections more efficient, effective, and fair; eliminate the need for inspection stickers on vehicles; and increase consumer protection and safety. Such rules and regulations shall define the equipment that official inspection stations must have and what portion of the inspection fee, if any, shall be used to cover the cost of computerizing the vehicle safety inspection program.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

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.

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,
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] **eighteen** dollars, as determined by each official
39 inspection station, may be charged by an official inspection station for each official inspection
40 including the issuance of the certificate of inspection and approval, sticker, seal or other device
41 and a total fee, not to exceed ten dollars, as determined by each official inspection station, may
42 be charged for an official inspection of a trailer or motorcycle, which shall include the issuance
43 of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be
44 conspicuously posted on the premises of each such official inspection station. No owner shall
45 be charged an additional inspection fee upon having corrected defects or unsafe conditions found
46 in an inspection completed within the previous twenty consecutive days, excluding Saturdays,
47 Sundays and holidays, if such follow-up inspection is made by the station making the initial
48 inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon
49 completion of the inspection, if any defects are found the owner of the vehicle shall be furnished
50 a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle
51 decides to have any necessary repairs or corrections made at the official inspection station, the
52 owner shall be furnished a written estimate of the cost of such repairs before such repairs or
53 corrections are made by the official inspection station. The written estimate shall have plainly
54 written upon it that the owner understands that the corrections need not be made by the official
55 inspection station and shall have a signature line for the owner. The owner must sign below the
56 statement 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] **two dollars** for each certificate of inspection, sticker, seal or other device issued to the
61 official inspection stations, except that no charge shall be made for certificates of inspection,
62 sticker, seal or other device issued to official inspection stations operated by governmental
63 entities. All fees collected shall be deposited in the state treasury with one dollar **and fifty cents**
64 of each fee collected credited to the state highway fund and, for the purpose of administering and
65 enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the
66 "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited
67 in the highway patrol inspection fund shall be expended subject to appropriations by the general
68 assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri
69 state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding
70 the amount of the appropriations from the fund for the first two fiscal years shall be transferred

71 to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of
72 funds to the general 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. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this
85 section shall be a class C misdemeanor.

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