

SECOND REGULAR SESSION

HOUSE BILL NO. 2317

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

3410H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 307.380 and 643.315, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

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

Section A. Sections 307.380 and 643.315, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 307.380 and 643.315, to read as follows:

307.380. 1. Every vehicle of the type required to be inspected upon having been
2 involved in an accident and when so directed by a police officer must be inspected and an
3 official certificate of inspection and approval, sticker, seal or other device be obtained for
4 such vehicle before it is again operated on the highways of this state.

5 2. At the seller's expense every used motor vehicle of the type required to be
6 inspected by section 307.350 shall immediately prior to sale be fully inspected regardless of
7 any current certificate of inspection and approval, and an appropriate new certificate of
8 inspection and approval, sticker, seal or other device shall be obtained **no more than sixty**
9 **days prior to the date of sale. Such inspection shall not be required for a motor vehicle**
10 **having less than forty thousand miles for the three-year period following the model year**
11 **of manufacture. The seller shall present the certificate of inspection and approval to the**
12 **buyer at the point of sale and the buyer shall be required to submit the certificate of**
13 **inspection when applying for registration of the vehicle.**

14 ~~2.]~~ 3. Nothing contained in the provisions of this section shall be construed to
15 prohibit a dealer or any other person from selling a vehicle without a certificate of inspection
16 and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at
17 public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for

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.

18 junk, salvage, or for rebuilding shall give to the seller an affidavit, on a form prescribed by the
19 superintendent of the Missouri state highway patrol, stating that the vehicle is being
20 purchased for one of the reasons stated herein. No vehicle of the type required to be inspected
21 by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be
22 registered in this state until the owner has submitted the vehicle for inspection and obtained
23 an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

24 ~~[3-]~~ 4. Notwithstanding the provisions of section 307.390, violation of this section
25 shall be deemed an infraction.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles
2 which are domiciled, registered or primarily operated in an area for which the commission
3 has established a motor vehicle emissions inspection program pursuant to sections 643.300 to
4 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such
5 vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to
6 another emissions inspection for ninety days after the date of sale or transfer of such vehicle.
7 In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be
8 inspected and approved under the emissions inspection program established pursuant to
9 sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle
10 manufactured as an odd-numbered model year vehicle shall be inspected and approved under
11 the emissions inspection program established pursuant to sections 643.300 to 643.355 in each
12 odd-numbered calendar year. All motor vehicles subject to the inspection requirements of
13 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when
14 applicable, a valid emissions inspection certificate shall be presented at the time of
15 registration or registration renewal of such motor vehicle. The department of revenue shall
16 require evidence of the safety and emission inspection and approval required by this section
17 in issuing the motor vehicle annual registration in conformity with the procedure required by
18 sections 307.350 to 307.390 and sections 643.300 to 643.355. The director of revenue may
19 verify that a successful safety and emissions inspection was completed via electronic means.

20 2. The inspection requirement of subsection 1 of this section shall apply to all motor
21 vehicles except:

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

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

27 (3) Model year vehicles manufactured prior to 1996;

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

31 (5) Motor vehicles registered in an area subject to the inspection requirements of
32 sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the
33 state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the
34 owner of such vehicle presents to the department an affidavit that the vehicle will be operated
35 exclusively in an area of the state not subject to the inspection requirements of sections
36 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a
37 waiver which shall be presented at the time of registration or registration renewal;

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

42 (7) Historic motor vehicles registered pursuant to section 301.131;

43 (8) School buses;

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

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

52 (11) Motor vehicles that are driven fewer than twelve thousand miles between
53 biennial safety inspections; and

54 (12) Qualified plug-in electric drive vehicles. For the purposes of this section,
55 "qualified plug-in electric drive vehicle" shall mean a plug-in electric drive vehicle that is
56 made by a manufacturer, has not been modified from original manufacturer specifications,
57 and can operate solely on electric power and is capable of recharging its battery from an on-
58 board generation source and an off-board electricity source.

59 3. The commission may, by rule, allow inspection reciprocity with other states having
60 equivalent or more stringent testing and waiver requirements than those established pursuant
61 to sections 643.300 to 643.355.

62 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section
63 301.550, may choose to sell a motor vehicle subject to the inspection requirements of sections
64 643.300 to 643.355 either:

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

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

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

76 (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the
77 purchaser may return the vehicle within ten days of the date of purchase, provided that the
78 vehicle has no more than one thousand additional miles since the time of sale, if the vehicle
79 fails, upon inspection, to meet the emissions standards specified by the commission and the
80 dealer shall have the vehicle inspected and approved without the option for a waiver of the
81 emissions standard and return the vehicle to the purchaser with a valid emissions certificate
82 and sticker within five working days or the purchaser and dealer may enter into any other
83 mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior
84 inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill
85 of sale that the purchaser has the option to return the vehicle within ten days, provided that the
86 vehicle has no more than one thousand additional miles since the time of sale, to have the
87 dealer repair the vehicle and provide an emissions certificate and sticker within five working
88 days if the vehicle fails, upon inspection, to meet the emissions standards established by the
89 commission, or enter into any mutually acceptable agreement with the dealer. A violation of
90 this subdivision shall be an unlawful practice as defined in section 407.020. No emissions
91 inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor
92 vehicle which may be sold without a certificate of inspection and approval, as provided
93 pursuant to subsection ~~[2]~~ 3 of section 307.380.

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