

SECOND REGULAR SESSION

HOUSE BILL NO. 2232

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRNES.

5389H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 32.300, 301.032, 301.147, 301.190, 307.390, 643.300, 643.303, 643.305, 643.310, 643.312, 643.315, 643.320, 643.325, 643.330, 643.335, 643.337, 643.340, 643.345, 643.350, 643.353, and 643.355, RSMo, and to enact in lieu thereof six new sections relating to the motor vehicle emissions inspection program, with penalty provisions.

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

Section A. Sections 32.300, 301.032, 301.147, 301.190, 307.390, 643.300, 643.303, 2 643.305, 643.310, 643.312, 643.315, 643.320, 643.325, 643.330, 643.335, 643.337, 643.340, 3 643.345, 643.350, 643.353, and 643.355, RSMo, are repealed and six new sections enacted in 4 lieu thereof, to be known as sections 32.300, 301.032, 301.147, 301.190, 307.390, and 5 643.365, to read as follows:

32.300. 1. In a county where personal property tax records are accessible via 2 computer, and when proof of motor vehicle liability insurance~~[;]~~ **and** safety inspections ~~[and~~ 3 ~~emission inspections]~~ where required are verifiable by computer, the department of revenue 4 shall design and implement a motor vehicle license renewal system which may be used 5 through the department's internet website connection. The department of revenue shall also 6 design and implement an online system allowing the filing and payment of Missouri state 7 taxes through the department's internet website connection. The online tax filing and 8 payment system shall be available for the payment of Missouri state taxes for tax years 9 beginning on or after January 1, 2002.

10 2. The department of revenue is hereby authorized to design and implement a remote 11 driver's license renewal system which may be used through the department's internet website

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.

12 connection or through self-service terminals available at one or more locations within the
13 state. Any remote driver's license renewal system implemented by the department shall be
14 compliant with the provisions of the federal REAL ID Act of 2005 (Public Law 108-13), as
15 amended, the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-
16 570), as amended, the USA PATRIOT Act of 2001 (Title X of Public Law 107-56), as
17 amended, and any regulations related thereto.

18 3. Notwithstanding any provision of law to the contrary, applicants who have applied
19 in person and received a driver's or nondriver's license in accordance with chapter 302 may
20 apply for no more than one consecutive three-year or six-year license renewal remotely in
21 accordance with this section. Remote application for renewal shall be made within six
22 months before or after the expiration date of the license in accordance with section 302.173.

23 4. Applicants for remote driver's license renewal in accordance with this section shall
24 not be required to complete the highway sign recognition test required under section 302.173
25 unless the department has technology that may be used remotely for such purpose.
26 Applicants for remote driver's license renewal in accordance with this section shall not be
27 required to complete the vision test established under section 302.175, provided the applicant
28 shall certify under penalty of law that the applicant's vision satisfies the requirements of
29 section 302.175 and that the applicant has undergone an examination of eyesight by a licensed
30 ophthalmologist or a licensed optometrist within the last twelve months. As a condition for
31 renewal in accordance with this section, the applicant shall authorize the exchange of vision
32 and medical information between the department and the applicant's ophthalmologist or
33 optometrist, and shall be at least twenty-one years of age but less than fifty years of age. The
34 ophthalmologist or optometrist shall have four business days to confirm or deny the vision
35 and medical information of the applicant. If no response is received by the department, the
36 department shall accept the vision and medical information provided for processing the
37 renewal application.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of
4 revenue shall prescribe the forms for such fleet registration and the forms and procedures for
5 the registration updates prescribed in this section. Any owner of ten or more motor vehicles
6 which must be registered in accordance with this chapter may register as a fleet owner. All
7 registered fleet owners may, at their option, register all motor vehicles included in the fleet on
8 a calendar year or biennial basis pursuant to this section in lieu of the registration periods
9 provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification
10 number to each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April of the corresponding year or on a prorated basis as provided in subsection 3 of
13 this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a
14 biennial basis shall be payable not later than the last day of April of the corresponding year,
15 with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of
16 section 307.355, an application for registration of a fleet vehicle must be accompanied by a
17 certificate of inspection and approval issued no more than one hundred twenty days prior to
18 the date of application. The fees for vehicles added to the fleet which must be licensed at the
19 time of registration shall be payable at the time of registration, except that when such vehicle
20 is licensed between July first and September thirtieth the fee shall be three-fourths the annual
21 fee, when licensed between October first and December thirty-first the fee shall be one-half
22 the annual fee and when licensed on or after January first the fee shall be one-fourth the
23 annual fee. When biennial registration is sought for vehicles added to a fleet, an additional
24 year's annual fee will be added to the partial year's prorated fee.

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet
27 vehicle, the owner shall present to the director of revenue the identification number as a fleet
28 number and may register the vehicle for the partial year as provided in subsection 2 of this
29 section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so
30 transferred pursuant to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered
32 pursuant to this section shall be issued a special license plate which shall have the words
33 "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the
34 advisory committee established in section 301.129. Alternatively, for a one-time additional
35 five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty
36 fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and
37 design thereof subject to approval by the director. All fleet license plates shall be made with
38 fully reflective material with a common color scheme and design, shall be clearly visible at
39 night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles
40 shall be issued multiyear license plates as provided in this section which shall not require
41 issuance of a renewal tab. Upon payment of appropriate registration fees, the director of
42 revenue shall issue a registration certificate or other suitable evidence of payment of the
43 annual or biennial fee, and such evidence of payment shall be carried at all times in the
44 vehicle for which it is issued.

45 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a
46 fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to

47 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the
48 state of Missouri.

49 6. (1) Notwithstanding any other provisions of law to the contrary, any person,
50 company, or corporation engaged in the business of renting or leasing three thousand five
51 hundred or more motor vehicles which are to be used exclusively for rental or leasing
52 purposes and not for resale that has applied to the director of revenue for authority to operate
53 as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet
54 owner as prescribed in the provisions of this subsection to subsection 10 of this section.

55 (2) The director of revenue may issue license plates after presentment of an
56 application, as designed by the director, and payment of an annual fee of three hundred sixty
57 dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and
58 issuance of such plates shall be in lieu of registering each motor vehicle with the director as
59 otherwise provided by law.

60 (3) The registration fees for vehicles in the registered fleet owner's fleet shall be fully
61 payable at the time such plates are ordered, except that when such plate is ordered after the
62 first month of registration, the fees payable shall be prorated by the month the plates were
63 ordered. When biennial registration is sought, an additional year's annual fee shall be added
64 to the partial year's prorated fee.

65 (4) Such motor vehicles within the fleet shall not be exempted from the safety
66 inspection ~~[and emissions inspection]~~ provisions as prescribed in ~~[chapters]~~ **chapter 307** ~~[and~~
67 ~~643]~~, but notwithstanding the provisions of section 307.355, such inspections shall not be
68 required to be presented to the director of revenue.

69 7. A recipient of a lease or rental company license issued by the director of revenue as
70 prescribed in section 144.070 operating as a registered fleet owner under this section shall
71 register such fleet with the director of revenue on an annual or biennial basis in lieu of the
72 individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and
73 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees
74 prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as
75 prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of
76 fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet
77 registration is elected, the agent fee shall be collected in an amount equal to the fee for two
78 years.

79 8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section,
80 the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

81 9. The authority of a recipient of a lease or rental company license issued by the
82 director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in
83 this section shall expire on January first of the licensure period.

84 10. A lease or rental company operating fleet license plates issued under subsections
85 6 to 10 of this section shall make available, upon request, to the director of revenue and all
86 Missouri law enforcement agencies any corresponding vehicle and registration information
87 that may be requested as prescribed by rule.

88 11. The director shall make all necessary rules and regulations for the administration
89 of this section and shall design all necessary forms required by this section. Any rule or
90 portion of a rule, as that term is defined in section 536.010, that is created under the authority
91 delegated in this section shall become effective only if it complies with and is subject to all
92 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
93 536 are nonseverable and if any of the powers vested with the general assembly under chapter
94 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
95 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
96 adopted after August 28, 2019, shall be invalid and void.

 301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary,
2 beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other
3 than commercial motor vehicles licensed in excess of fifty-four thousand pounds gross
4 weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an
5 even-numbered model year vehicle shall be renewed each even-numbered calendar year and
6 any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each
7 odd-numbered calendar year, subject to the following requirements:

8 (1) The fee collected at the time of biennial registration shall include the annual
9 registration fee plus a pro rata amount for the additional twelve months of the biennial
10 registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle
12 registration including, but not limited to, a personal property tax receipt or certified statement
13 for the preceding year that no such taxes were due as set forth in section 301.025, proof of a
14 motor vehicle safety inspection ~~[and any applicable emission inspection]~~ conducted within
15 sixty days prior to the date of application and proof of insurance as required by section
16 303.026.

17 2. The director of revenue may prescribe rules and regulations for the effective
18 administration of this section. The director is authorized to adopt those rules that are
19 reasonable and necessary to accomplish the limited duties specifically delegated within this
20 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
21 promulgated pursuant to the authority delegated in this section shall become effective only if
22 it has been promulgated pursuant to the provisions of chapter 536. This section and chapter
23 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
24 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are

25 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
26 proposed or adopted after July 1, 2000, shall be invalid and void.

27 3. The director of revenue shall have the authority to stagger the registration period of
28 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand
29 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial
30 registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number
2 plate therefor, shall be issued by the director of revenue unless the applicant therefor shall
3 make application for and be granted a certificate of ownership of such motor vehicle or trailer,
4 or shall present satisfactory evidence that such certificate has been previously issued to the
5 applicant for such motor vehicle or trailer. Application shall be made within thirty days after
6 the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired
7 under section 301.213 or subsection 5 of section 301.210 in which case the applicant shall
8 make application within thirty days after receiving title from the dealer, upon a blank form
9 furnished by the director of revenue and shall contain the applicant's identification number, a
10 full description of the motor vehicle or trailer, the vehicle identification number, and the
11 mileage registered on the odometer at the time of transfer of ownership, as required by section
12 407.536, together with a statement of the applicant's source of title and of any liens or
13 encumbrances on the motor vehicle or trailer, provided that for good cause shown the director
14 of revenue may extend the period of time for making such application. When an owner wants
15 to add or delete a name or names on an application for certificate of ownership of a motor
16 vehicle or trailer that would cause it to be inconsistent with the name or names listed on the
17 notice of lien, the owner shall provide the director with documentation evidencing the
18 lienholder's authorization to add or delete a name or names on an application for certificate of
19 ownership.

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

32 name of the state issuing the transferor's title and whether the transferor's odometer mileage
33 statement executed pursuant to section 407.536 indicated that the true mileage is materially
34 different from the number of miles shown on the odometer, or is unknown.

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

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

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

47 4. The certificate of ownership issued by the director of revenue shall be
48 manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit,
49 duplicate, or forge such certificate without ready detection. In order to carry out the
50 requirements of this subsection, the director of revenue may contract with a nonprofit
51 scientific or educational institution specializing in the analysis of secure documents to
52 determine the most effective methods of rendering Missouri certificates of ownership
53 nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and fifty cents,
55 in addition to the fee for registration of such motor vehicle or trailer. If application for the
56 certificate is not made within thirty days after the vehicle is acquired by the applicant, or
57 where the motor vehicle was acquired under section 301.213 or subsection 5 of section
58 301.210 and the applicant fails to make application within thirty days after receiving title
59 from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of
60 delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to
61 exceed a total of two hundred dollars, but such penalty may be waived by the director for a
62 good cause shown. If the director of revenue learns that any person has failed to obtain a
63 certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor
64 vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the
65 applicant fails to make application within thirty days after receiving title from the dealer, or
66 has sold a vehicle without obtaining a certificate, he shall cancel the registration of all
67 vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall
68 notify the person that the cancellation will remain in force until the person pays the

69 delinquency penalty fee provided in this section, together with all fees, charges and payments
70 which the person should have paid in connection with the certificate of ownership and
71 registration of the vehicle. The certificate shall be good for the life of the motor vehicle or
72 trailer so long as the same is owned or held by the original holder of the certificate and shall
73 not have to be renewed annually.

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

78 7. It is unlawful for any person to operate in this state a motor vehicle or trailer
79 required to be registered under the provisions of the law unless a certificate of ownership has
80 been applied for as provided in this section.

81 8. Before an original Missouri certificate of ownership is issued, an inspection of the
82 vehicle and a verification of vehicle identification numbers shall be made by the Missouri
83 state highway patrol on vehicles for which there is a current title issued by another state if a
84 Missouri salvage certificate of title has been issued for the same vehicle but no prior
85 inspection and verification has been made in this state, except that if such vehicle has been
86 inspected in another state by a law enforcement officer in a manner comparable to the
87 inspection process in this state and the vehicle identification numbers have been so verified,
88 the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant
89 submits proof of inspection and vehicle identification number verification to the director of
90 revenue at the time of the application. The applicant, who has such a title for a vehicle on
91 which no prior inspection and verification have been made, shall pay a fee of twenty-five
92 dollars for such verification and inspection, payable to the director of revenue at the time of
93 the request for the application, which shall be deposited in the state treasury to the credit of
94 the state highways and transportation department fund.

95 9. Each application for an original Missouri certificate of ownership for a vehicle
96 which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit
97 vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by
98 the director of revenue shall be accompanied by a vehicle examination certificate issued by
99 the Missouri state highway patrol, or other law enforcement agency as authorized by the
100 director of revenue. The vehicle examination shall include a verification of vehicle
101 identification numbers and a determination of the classification of the vehicle. The owner of
102 a vehicle which requires a vehicle examination certificate shall present the vehicle for
103 examination and obtain a completed vehicle examination certificate prior to submitting an
104 application for a certificate of ownership to the director of revenue. Notwithstanding any
105 provision of the law to the contrary, an owner presenting a motor vehicle which has been

issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 ~~and the emissions inspection required under chapter 643~~ shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

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

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

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

143 and such prior designation. The absence of any prior designation shall not relieve a transferor
144 of the duty to exercise due diligence with regard to such certificate of ownership prior to the
145 transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate
146 of ownership, the legal transfer of a certificate of ownership without any designation that is
147 subsequently discovered to have or should have had a designation shall be a transfer free and
148 clear of any liabilities of the transferor associated with the missing designation.

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

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

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

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

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

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

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

175
176 The department of revenue shall issue the owner a certificate of ownership designated with
177 the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in
178 accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section,

179 no owner of a reconstructed motor vehicle described in this subsection shall be required to
180 obtain a vehicle examination certificate issued by the Missouri state highway patrol.

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is
2 guilty of a misdemeanor and upon conviction shall be punished as provided by law.

3 2. The superintendent of the Missouri state highway patrol may assign qualified
4 persons who are not highway patrol officers to investigate and enforce motor vehicle safety
5 inspection laws and regulations pursuant to sections 307.350 to 307.390 ~~and sections~~
6 ~~643.300 to 643.355~~. A person assigned by the superintendent pursuant to the authority
7 granted by this subsection shall be designated a motor vehicle inspector and shall have limited
8 powers to issue a uniform complaint and summons for a violation of the motor vehicle
9 inspection laws and regulations. A motor vehicle inspector shall not have authority to
10 exercise the power granted in this subsection until such inspector successfully completes
11 training provided by, and to the satisfaction of, the superintendent.

**643.365. On or before January 1, 2028, the commission shall terminate operation
2 of any motor vehicle emissions inspection program established under sections 643.300 to
3 643.355.**

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

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

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

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

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

~~(4) The training, certification, and supervision of emission inspectors
14 and other personnel; and~~

~~(5) Procedures for certifying test results and for reporting and
15 maintaining relevant data records.~~

21 2. ~~In addition to any other criteria established by the commission~~
22 ~~under section 643.320 or by rule, the decentralized emissions inspection~~
23 ~~program shall allow any official inspection station located in an area described~~
24 ~~in subsection 1 of section 643.305 otherwise qualified by the Missouri state~~
25 ~~highway patrol to conduct motor vehicle safety inspections under section~~
26 ~~307.360 to conduct on-board diagnostic emission inspections. Any motor~~
27 ~~vehicle safety inspection station that desires to conduct emissions inspections~~
28 ~~shall submit an application for a certificate of authorization to the commission~~
29 ~~as provided for under section 643.320. Other individuals, corporations, or~~
30 ~~entities that do not conduct motor vehicle safety inspections may conduct~~
31 ~~emission inspections provided they meet the qualifications set forth in sections~~
32 ~~643.300 to 643.355 and the rules promulgated by the commission.~~
33 ~~Applications shall be made upon a form designated by the commission and~~
34 ~~shall contain such information as may be required by the commission. A~~
35 ~~certificate of authorization issued under section 643.320 to conduct emission~~
36 ~~inspections shall be issued only after the commission has made a~~
37 ~~determination that the applicant's proposed inspection station will be~~
38 ~~properly equipped, has the necessary licensed emission inspectors to~~
39 ~~conduct inspections, and meets all other requirements of sections 643.300 to~~
40 ~~643.355 or rules promulgated to carry out the provisions of those sections.~~

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

49 4. ~~The commission is authorized to begin certification of official~~
50 ~~inspection stations prior to September 1, 2007, in order to implement the~~
51 ~~decentralized emissions inspection program. Prior to January 1, 2007, the~~
52 ~~department of natural resources shall issue a report to the general assembly~~
53 ~~and the governor regarding the progress of implementing the decentralized~~
54 ~~emissions inspection program. The report shall include, but not be limited to,~~
55 ~~a summary describing how many inspection stations or individuals the~~
56 ~~department expects to participate in the program and how many inspection~~
57 ~~stations or individuals will be qualified by September 1, 2007, to conduct such~~
58 ~~emissions inspections.~~

59 5. ~~The commission may, as a part of implementing the decentralized~~
60 ~~emissions inspection program, use remote sensing devices to collect~~
61 ~~information regarding the vehicle fleet emissions characteristics and~~
62 ~~registration compliance within the area described in subsection 1 of section~~
63 ~~643.305. The decentralized emissions inspection program established by the~~
64 ~~commission may also include a clean screen program that utilizes remote~~
65 ~~sensing devices. Owners of eligible vehicles who comply with clean screen/~~
66 ~~remote sensing procedures shall be deemed to have complied with the~~
67 ~~mandatory inspection requirements for the next inspection cycle. As used in~~
68 ~~this subsection, the term "clean screen program" shall mean a procedure or~~

69 system that utilizes remote sensing technologies to determine whether a motor
70 vehicle has acceptable emission levels and then allows the motor vehicle
71 owner to bypass the emissions inspection test required under section 643.315.

72 6. The decentralized emissions inspection program may include a gas
73 cap pressure test and a visual inspection component, and such tests may be
74 included as part of the motor vehicle safety inspection test under section
75 307.350.

76 7. As used in sections 643.300 to 643.355, "decentralized emissions
77 inspection program" means an emissions inspection program under which a
78 certified emissions inspector conducts emissions inspection testing at an
79 official inspection station.

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

83 9. The decentralized emissions inspection program established by the
84 commission and sections 643.300 to 643.355 shall not be construed to be a
85 new program as described in section 23.253, and the decentralized emissions
86 inspection program shall not be subject to the sunset mandate prescribed by
87 sections 23.250 to 23.298.

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

92 11. No later than July 1, 2007, the air conservation commission shall
93 promulgate rules for the implementation of this section. Any rule or portion of
94 a rule, as that term is defined in section 536.010, that is created under the
95 authority delegated in this section shall become effective only if it complies
96 with and is subject to all of the provisions of chapter 536 and, if applicable,
97 section 536.028. This section and chapter 536 are nonseverable and if any of
98 the powers vested with the general assembly under chapter 536 to review, to
99 delay the effective date, or to disapprove and annul a rule are subsequently
100 held unconstitutional, then the grant of rulemaking authority and any rule
101 proposed or adopted after August 28, 2006, shall be invalid and void.

102 12. Prior to September 1, 2007, the department of natural resources
103 shall actively promote participation in the decentralized emissions inspection
104 program among qualified motor vehicle dealers, service stations, and other
105 individuals. After the implementation of the decentralized emission inspection
106 program, the department shall monitor participation in such program. In
107 determining whether there are a sufficient number of individuals conducting
108 motor vehicle emission inspections under the decentralized program, the
109 department shall attempt to ensure, through promotional efforts, that no more
110 than twenty percent of all persons residing in the affected nonattainment area
111 reside farther than five miles from the nearest inspection station.]

2 [643.305. 1. The air conservation commission shall adopt a state
3 implementation plan to bring all nonattainment areas of the state which are
4 located within a city not within a county, any county with a charter form of
government and with more than one million inhabitants, any county with a

5 ~~charter form of government and with more than two hundred fifty thousand~~
6 ~~but fewer than three hundred fifty thousand inhabitants, any county of the first~~
7 ~~classification with more than one hundred ninety-eight thousand but fewer~~
8 ~~than one hundred ninety-nine thousand two hundred inhabitants, and any~~
9 ~~county of the first classification with more than ninety three thousand eight~~
10 ~~hundred but fewer than ninety-three thousand nine hundred inhabitants into~~
11 ~~compliance with and to maintain the National Ambient Air Quality Standards~~
12 ~~and any regulations promulgated by the United States Environmental~~
13 ~~Protection Agency under the federal Clean Air Act, as amended, 42 U.S.C.~~
14 ~~7401, et seq., on the required date or dates as such dates are established under~~
15 ~~the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including any~~
16 ~~extensions authorized pursuant to that act.~~

17 ~~2. The commission shall establish the amount of emissions reductions~~
18 ~~required to achieve the goal established pursuant to subsection 1 of this~~
19 ~~section.~~

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

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

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

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

2 ~~[643.310. 1. The commission may, by rule, establish a decentralized~~
~~motor vehicle emissions inspection program pursuant to sections 643.300 to~~

3 ~~643.355 for any portion of a nonattainment area located within the area~~
4 ~~described in subsection 1 of section 643.305. The decentralized motor vehicle~~
5 ~~emissions inspection program shall be implemented and applied in the same~~
6 ~~manner throughout every portion of a nonattainment area located within the~~
7 ~~area described in subsection 1 of section 643.305. The commission shall~~
8 ~~ensure that, for each nonattainment area, the state implementation plan~~
9 ~~established pursuant to subsection 1 of section 643.305 incorporates and~~
10 ~~receives all applicable credits allowed by the United States Environmental~~
11 ~~Protection Agency for emission reduction programs in other nonattainment~~
12 ~~areas of like designation in other states. The commission shall ensure that~~
13 ~~emission reduction amounts established pursuant to subsection 2 of section~~
14 ~~643.305 shall be consistent with and not exceed the emissions reduction~~
15 ~~amounts required by the United States Environmental Protection Agency for~~
16 ~~other nonattainment areas of like designation in other states. No motor vehicle~~
17 ~~emissions inspection program shall be required to comply with subsection 1 of~~
18 ~~section 643.305 unless the plan established thereunder takes full advantage of~~
19 ~~any changes in requirements or any agreements made or entered into by the~~
20 ~~United States Environmental Protection Agency and any entity or entities on~~
21 ~~behalf of a nonattainment area concerning compliance with National Ambient~~
22 ~~Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C.~~
23 ~~Section 7401, et seq., and the regulations promulgated thereunder.~~

24 2. (1) ~~The department, with the cooperation and approval of the~~
25 ~~commissioner of administration, shall select a person or persons to operate an~~
26 ~~inspection facility or inspection program pursuant to sections 643.300 to~~
27 ~~643.355, under a bid procedure or under a negotiated process or a combination~~
28 ~~thereof based on criteria and expectations established by the department. This~~
29 ~~process may use either a licensing arrangement or contractual arrangement~~
30 ~~with the selected party or parties. The selection of persons to operate~~
31 ~~inspection facilities or inspection programs shall be exempt from the~~
32 ~~provisions of all site procurement laws. Each person who is authorized to~~
33 ~~operate a station pursuant to this section shall be capable of providing~~
34 ~~adequate and cost-effective service to customers.~~

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

38 (3) ~~A license or contract shall be for a period of up to seven years,~~
39 ~~consistent with the provisions of Article IV, Section 28 of the Missouri~~
40 ~~Constitution, and licenses or contracts shall be annually reviewed. A license~~
41 ~~or contract may be suspended or revoked if the licensee or contractor is not~~
42 ~~meeting the conditions of sections 643.300 to 643.355, all applicable rules, the~~
43 ~~license agreement or contract as determined by the department. A licensee or~~
44 ~~contractor found to have violated sections 643.300 to 643.355, applicable rules~~
45 ~~or the conditions of the license agreement or contract shall be in violation of~~
46 ~~section 643.151 and subject to the penalties provided thereunder.~~

47 3. ~~The commission, the department of economic development and the~~
48 ~~office of administration shall, in cooperation with the minority business~~
49 ~~advocacy commission, select the contractor or contractors to provide an~~
50 ~~inspection program which satisfies the minimum requirements of this section~~

51 in accordance with the requirements of section 37.014 and chapter 34. The
52 commission, the office of administration and the department of economic
53 development, in cooperation with the minority business advocacy commission,
54 shall ensure adequate minority business participation in the selection of the
55 contractor or contractors to provide an inspection program pursuant to this
56 section. The commission, the office of administration and the department of
57 economic development shall ensure adequate participation of Missouri
58 businesses in the selection of the contractor or contractors to provide an
59 inspection program pursuant to this section.—

60 4. With approval of the commission and pursuant to rules adopted by
61 the commission, an organization whose members are motor vehicle dealers or
62 leasing companies may establish one or more additional emissions inspection
63 facilities, which may be either mobile or stationary, to be used solely to inspect
64 motor vehicles owned and held for sale or lease by the members of the
65 organization. With approval of the commission and pursuant to rules adopted
66 by the commission, any person operating a fleet of motor vehicles may
67 establish one or more additional emissions inspection facilities, which may be
68 either mobile or stationary, to be used solely to inspect motor vehicles owned
69 or leased and operated by the person establishing the facility. The inspections
70 performed in facilities established pursuant to this subsection shall be
71 performed by a contractor selected by the commission pursuant to this section
72 and the contractor performing such inspections shall be responsible solely to
73 the department and shall satisfy all applicable requirements of sections
74 643.300 to 643.355.

75 5. If the governor applies to the administrator of the Environmental
76 Protection Agency to require federal reformulated gasoline in nonattainment
77 areas, nothing in sections 643.300 to 643.355 shall prevent the storage of
78 conventional gasoline in nonattainment areas which is intended for sale to
79 agricultural, commercial or retail customers outside said nonattainment areas
80 subject to reformulated gasoline.]

2 [643.312. The air conservation commission may establish, by rule, a
3 state reformulated gasoline program to prohibit the sale or dispensing of
4 conventional gasoline for use in motor vehicles. If established, such program
5 shall be implemented and reformulated gasoline shall be available at the retail
6 level in the nonattainment area described in section 643.305 by June 1, 1999.
7 The effectiveness of such program in improving air quality shall be at least
8 equal to, and cost competitive with, the federal reformulated gasoline program,
9 42 U.S.C. 7545. Subject to the conditions of this section, any reformulated
10 gasoline program established pursuant to this section shall not preclude the use
of ethanol.]

2 [643.315. 1. Except as provided in sections 643.300 to 643.355, all
3 motor vehicles which are domiciled, registered or primarily operated in an area
4 for which the commission has established a motor vehicle emissions
5 inspection program pursuant to sections 643.300 to 643.355 shall be
6 inspected and approved prior to sale or transfer; provided that, if such
vehicle is inspected and approved prior to sale or transfer, such vehicle shall

7 not be subject to another emissions inspection for ninety days after the date of
8 sale or transfer of such vehicle. In addition, any such vehicle manufactured as
9 an even-numbered model year vehicle shall be inspected and approved under
10 the emissions inspection program established pursuant to sections 643.300 to
11 643.355 in each even-numbered calendar year and any such vehicle
12 manufactured as an odd-numbered model year vehicle shall be inspected
13 and approved under the emissions inspection program established pursuant to
14 sections 643.300 to 643.355 in each odd-numbered calendar year. All motor
15 vehicles subject to the inspection requirements of sections 643.300 to 643.355
16 shall display a valid emissions inspection sticker, and when applicable, a valid
17 emissions inspection certificate shall be presented at the time of registration or
18 registration renewal of such motor vehicle. The department of revenue shall
19 require evidence of the safety and emission inspection and approval required
20 by this section in issuing the motor vehicle annual registration in conformity
21 with the procedure required by sections 307.350 to 307.390 and sections
22 643.300 to 643.355. The director of revenue may verify that a successful
23 safety and emissions inspection was completed via electronic means.

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

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

28 (2) Motoreycles and motortricycles if such vehicles are exempted from
29 the motor vehicle emissions inspection under federal regulation and approved
30 by the commission by rule;

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

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

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

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

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

51 (8) School buses;

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

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

61 ~~(11) Motor vehicles that are driven fewer than twelve thousand miles~~
62 ~~between biennial safety inspections; and~~

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

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

72 ~~4. (1) At the time of sale, a licensed motor vehicle dealer, as defined~~
73 ~~in section 301.550, may choose to sell a motor vehicle subject to the inspection~~
74 ~~requirements of sections 643.300 to 643.355 either:~~

75 ~~(a) With prior inspection and approval as provided in subdivision (2)~~
76 ~~of this subsection; or~~

77 ~~(b) Without prior inspection and approval as provided in subdivision~~
78 ~~(3) of this subsection.~~

79 ~~(2) If the dealer chooses to sell the vehicle with prior inspection and~~
80 ~~approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle~~
81 ~~obtained approval by meeting the emissions standards established pursuant to~~
82 ~~sections 643.300 to 643.355 or by obtaining a waiver pursuant to section~~
83 ~~643.335. A vehicle sold pursuant to this subdivision by a licensed motor~~
84 ~~vehicle dealer shall be inspected and approved within the one hundred twenty~~
85 ~~days immediately preceding the date of sale, and, for the purpose of~~
86 ~~registration of such vehicle, such inspection shall be considered timely.~~

87 ~~(3) If the dealer chooses to sell the vehicle without prior inspection~~
88 ~~and approval, the purchaser may return the vehicle within ten days of the date~~
89 ~~of purchase, provided that the vehicle has no more than one thousand~~
90 ~~additional miles since the time of sale, if the vehicle fails, upon inspection, to~~
91 ~~meet the emissions standards specified by the commission and the dealer shall~~
92 ~~have the vehicle inspected and approved without the option for a waiver of the~~
93 ~~emissions standard and return the vehicle to the purchaser with a valid~~
94 ~~emissions certificate and sticker within five working days or the purchaser and~~
95 ~~dealer may enter into any other mutually acceptable agreement. If the dealer~~
96 ~~chooses to sell the vehicle without prior inspection and approval, the dealer~~
97 ~~shall disclose conspicuously on the sales contract and bill of sale that the~~
98 ~~purchaser has the option to return the vehicle within ten days, provided that the~~
99 ~~vehicle has no more than one thousand additional miles since the time of sale,~~
100 ~~to have the dealer repair the vehicle and provide an emissions certificate and~~
101 ~~sticker within five working days if the vehicle fails, upon inspection, to meet~~

the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.]

~~[643.320. 1. The commission shall prescribe the standards and equipment necessary for an official emissions inspection station and the qualifications for persons who conduct the inspections, and no applicant for certificate of authorization to conduct emissions inspections may be approved to operate an official emissions inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed by the commission. An official emissions inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process as a condition of operating an official emissions inspection station. The commission shall establish standards and procedures to be followed in the making of inspections required by sections 643.300 to 643.355 and shall prescribe rules for the operation of emissions inspection stations.~~

~~2. The application for a certificate of authorization to operate as an official emissions inspection station shall be made to the commission on a form furnished by the commission. The application shall be accompanied by a fee established by the commission by rule, but in no case shall the fee exceed one hundred dollars. The certificate of authorization shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by the director of revenue in the state treasury to the credit of the Missouri air emission reduction fund established under section 643.350.~~

~~3. The commission or its designee shall cause unannounced inspections to be made of the operation of each emissions inspection station at least once during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station. At any time the commission or its designee shall have reason to believe that any person has violated any provisions of the provisions of sections 643.300 to 643.355 or the rules promulgated thereunder, the commission or its designee shall refuse to issue or shall revoke or suspend any certificate of authority under this section. The suspension or revocation of a certificate of authority shall be in writing to the operator, inspector, or the person in charge of the emissions inspection station. Before suspending or revoking the certificate of authority to conduct emissions inspections, the commission or its designee shall serve notice in writing by certified mail or by personal service to the inspection station at the operator's address of record giving the permittee the opportunity to appear in the office of the commission on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the inspection station's certificate of authority should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by~~

42 counsel in the office of the commission or its designee to show cause why the
43 proposed suspension or revocation is in error, or to present any other facts or
44 testimony that would bear on the final decision of the commission or its
45 designee. If the operator, owner, or inspector does not appear on the stated day
46 after receipt of notice, it shall be presumed that such party admits the
47 allegations of fact contained in the hearing notification letter. The decision of
48 the commission or its designee may in such case be based upon the written
49 reports submitted by the commission's officers. The order of the commission,
50 specifying his findings of fact and conclusions of law, shall be considered final
51 immediately after receipt of notice thereof by the inspection station.

52 4. The department may require emissions inspection stations to furnish
53 reports, upon forms furnished by the department for that purpose, that the
54 department considers necessary for the administration of sections 643.300 to
55 643.355.

56 5. The commission may impose alternative administrative
57 enforcement mechanisms in lieu of suspending or revoking a certificate of
58 authority. Such alternative administrative enforcement mechanisms may
59 include, but not be limited to, requiring inspectors to successfully complete a
60 commission-approved retraining program. The commission also may require
61 any individual who has his or her certificate of authority suspended to undergo
62 remedial retraining as a condition of removing such suspension.

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

2 [643.325. 1. The commission shall establish, by rule, an emissions
3 inspection certificate and an emissions inspection sticker which indicate that a
4 vehicle has been inspected and given approval under sections 643.300 to
5 643.355. The commission shall also establish, by rule, requirements for
6 display of the sticker on a motor vehicle and requirements for the replacement
7 of a sticker or certificate which has been lost or stolen. The emissions
8 inspection certificate and the emissions inspection sticker shall each bear, in a
9 conspicuous place, the legend: "This inspection is mandated by your United
10 States Congress."

11 2. Each emissions inspection station shall provide an emissions
12 inspection certificate and emissions inspection sticker to the owner of a vehicle
13 which has been inspected and approved under the emissions inspection
program.]

2 [643.330. 1. An owner whose vehicle fails, upon inspection, to meet
the emissions standards specified by the commission may have the vehicle

3 ~~reinspected after making repairs or adjustments to the vehicle to reduce~~
4 ~~emissions.~~

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

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

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

~~[643.335. 1. The commission shall establish, by rule, a waiver amount~~
2 ~~which shall be no greater than four hundred and fifty dollars.~~

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

6 ~~3. The waiver form established pursuant to subsection 2 of this section~~
7 ~~shall be an affidavit requiring:~~

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

10 ~~(2) A statement signed by the commission or designee that an~~
11 ~~inspection of the vehicle verified, to the extent practical, that the specified~~
12 ~~work was done. An inspection to verify whether repair work was performed or~~
13 ~~not shall not be conducted by the same inspection station, inspector, or affiliate~~
14 ~~that performed the repair work.~~

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

26 ~~5. No cost for parts, repairs or adjustments shall be included toward~~
27 ~~reaching the waiver amount if such costs are covered by an emission control~~
28 ~~performance warranty provided by the manufacturer at no additional cost to~~

the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

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

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

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

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

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

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

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

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

3. 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

15 of chapter 536 and, if applicable, section 536.028. This section and chapter
16 536 are nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536 to review, to delay the effective date, or to
18 disapprove and annul a rule are subsequently held unconstitutional, then the
19 grant of rulemaking authority and any rule proposed or adopted after August
20 28, 2006, shall be invalid and void.]

2 ~~[643.340. 1. For the purpose of obtaining an emissions inspection~~
3 ~~only, a vehicle may be lawfully operated over the most direct route between~~
4 ~~the owner's usual domicile and an inspection station of the owner's choice;~~
5 ~~notwithstanding that the vehicle does not have a current state registration~~
6 ~~license.~~

7 ~~2. A vehicle may be lawfully operated from an emissions inspection~~
8 ~~station to another place for the purpose of making repairs and back to the~~
9 ~~emissions inspection station, notwithstanding that the vehicle does not have a~~
10 ~~current state registration license.~~

11 ~~3. For the purpose of obtaining an emissions inspection only, a vehicle~~
12 ~~may be lawfully operated for thirty days beyond the vehicle's registration~~
13 ~~expiration, notwithstanding that the vehicle does not have a current state~~
14 ~~registration license, if the vehicle is being driven to reset the vehicle's~~
15 ~~readiness monitors to pass the on-board diagnostic (OBD) emission inspection~~
16 ~~described in section 643.303. Vehicle operators shall keep a copy of the most~~
17 ~~recent failing OBD test results with them to present to law enforcement~~
18 ~~officers while they are operating the vehicle to reset the vehicle's readiness~~
19 ~~monitors. The late registration penalty fee described in section 301.050 shall~~
still apply if the vehicle is registered after its current registration expires.]

2 ~~[643.345. In the year in which an emissions inspection is required~~
3 ~~under section 643.315, a certificate of registration for a motor vehicle shall not~~
4 ~~be transferred, renewed or issued unless the application for the transfer,~~
5 ~~renewal or issuance is accompanied by a current emissions inspection~~
6 ~~certificate issued not more than sixty days prior to the date of application,~~
7 ~~except that the director of revenue shall renew a vehicle's certificate of~~
8 ~~registration without a current emissions inspection certificate accompanying~~
9 ~~the application if satisfactory documentary evidence is presented at the time of~~
10 ~~application that the registration being renewed was properly transferred within~~
~~a six-month period prior to the expiration of the registration.]~~

2 ~~[643.350. 1. A fee, not to exceed twenty-four dollars, may be charged~~
3 ~~for an emissions inspection conducted under the emissions inspection program~~
4 ~~established pursuant to sections 643.300 to 643.355.~~

5 ~~2. The fee shall be conspicuously posted on the premises of each~~
6 ~~emissions inspection station.~~

7 ~~3. The commission shall establish, by rule, the portion of the fee~~
8 ~~amount to be remitted by the emission inspection station to the director of~~
9 ~~revenue and the number of days allowed for remitting fees.~~

10 ~~4. The official emission inspection station shall remit the portion of~~
~~fees collected, as established by the commission pursuant to this section, to the~~

11 state treasurer within the time period established by the commission. The state
12 treasurer shall deposit the fees received in the state treasury to the credit of the
13 "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in
14 the fund shall, subject to appropriation, be expended for the administration and
15 enforcement of sections 643.300 to 643.355 by the department of natural
16 resources, the Missouri highway patrol, and other appropriate agencies. Any
17 balance in the fund at the end of the biennium shall remain in the fund and
18 shall not be subject to the provisions of section 33.080. All interest earned by
19 moneys in the fund shall accrue to the fund. If in the immediate previous
20 fiscal year, the state's net general revenue did not increase by two percent or
21 more, the state treasurer may deposit moneys, except for gifts, donations, or
22 bequests, received under this section beginning January first of the current
23 fiscal year into the state general revenue fund. Otherwise, the state treasurer
24 shall deposit such moneys in accordance with the provisions of this section.

25 5. In addition to funds from the Missouri air emission reduction fund,
26 costs of capital or operations may be supplemented, upon appropriation, from
27 the general revenue fund, the state highway department fund, federal funds or
28 other funds available for that purpose.]

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

2 [643.355. 1. Any person who knowingly misrepresents himself or
3 herself as an official emissions inspection station or an inspector or a
4 recognized repair technician is guilty of a class C misdemeanor for the first
5 offense and a class B misdemeanor for any subsequent offense. Any person
6 who is found guilty or who has pleaded guilty to a violation of this subsection
7 shall be considered to have committed an offense for the purposes of this
8 subsection.

9 2. Any person who knowingly manufactures, conveys or possesses any
10 counterfeit or illegally obtained emissions inspection certificate or a
11 counterfeit or illegally obtained emissions inspection sticker is guilty of a
12 class C misdemeanor for the first offense and a class B misdemeanor for any
13 subsequent offense. Any person who is found guilty or who has pleaded guilty
14 to a violation of this subsection shall be considered to have committed an
15 offense for the purposes of this subsection.

16 3. Any person who knowingly displays or permits to be displayed, on
17 any motor vehicle owned by such person, any counterfeit or illegally obtained
18 emissions inspection sticker is guilty of an infraction.

19 4. Any person who knowingly uses any counterfeit or illegally
obtained emissions inspection certificate for the purpose of obtaining any

motor vehicle registration is guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved pursuant to sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required pursuant to section 643.315 is guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 is guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 is subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence.]

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