

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 583

93RD GENERAL ASSEMBLY
2006

3160L.18T

AN ACT

To repeal sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 33.080, 301.190, 301.800, 307.366, 643.300, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 33.080, 301.190, 301.800, 307.367, 643.300, 643.303, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.337, 643.350, and 643.353, to read as follows:

33.080. [1.] All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 and expended by virtue of the provisions of the constitution of this state) shall at
13 the end of the biennium and after all warrants on same have been discharged and
14 the appropriation thereof has lapsed, be transferred and placed to the credit of
15 the ordinary revenue fund of the state by the state treasurer. Any official or any
16 person who shall willfully fail to comply with any of the provisions of this section,
17 and any person who shall willfully violate any provision hereof, shall be deemed
18 guilty of a misdemeanor; provided, that all such money received by the curators
19 of the University of Missouri except those funds required by law or by instrument
20 granting the same to be paid into the seminary fund of the state, is excepted
21 herefrom, and in the case of other state educational institutions there is excepted
22 herefrom, gifts or trust funds from whatever source; appropriations; gifts or
23 grants from the federal government, private organizations and individuals; funds
24 for or from student activities; farm or housing activities; and other funds from
25 which the whole or some part thereof may be liable to be repaid to the person
26 contributing the same; and hospital fees. All of the above excepted funds shall
27 be reported in detail quarterly to the governor and biennially to the general
28 assembly.

29 [2. Notwithstanding any provision of law to the contrary concerning the
30 funds listed in subdivisions (1) to (23) of this subsection, an amount equal to the
31 sum of all interest that has accrued in the funds listed in subdivisions (1) to (23)
32 of this subsection during the two-year period beginning July 1, 2001, and ending
33 June 30, 2003, shall be transferred and placed to the credit of the general
34 revenue fund of the state by the state treasurer upon the effective date of this
35 act. The funds subject to the provisions of this section are as follows:

36 (1) Residential mortgage licensing fund created pursuant to section
37 443.845, RSMo;

38 (2) Gaming commission bingo fund created pursuant to section 313.008,
39 RSMo;

40 (3) Missouri air emission reduction fund created pursuant to section
41 643.350, RSMo;

42 (4) Mental health housing trust fund created pursuant to section 215.054,
43 RSMo;

44 (5) Division of credit unions fund created pursuant to section 370.107,
45 RSMo;

46 (6) Division of savings and loan supervision fund created pursuant to
47 section 369.324, RSMo;

- 48 (7) Division of finance fund created pursuant to section 361.170, RSMo;
49 (8) Natural resources protection fund created pursuant to section 640.220,
50 RSMo, with the exception of the water permit fees subaccount and damages
51 subaccount;
- 52 (9) Endowed care cemetery audit fund created pursuant to section
53 193.265, RSMo;
- 54 (10) Metallic minerals waste management fund created pursuant to
55 section 444.370, RSMo;
- 56 (11) Natural resources protection air pollution asbestos fee subaccount
57 fund created pursuant to section 643.245, RSMo;
- 58 (12) Chemical emergency preparedness fund created pursuant to section
59 292.607, RSMo;
- 60 (13) Legal defense and defender fund created pursuant to section 600.090,
61 RSMo;
- 62 (14) Safe drinking water fund created pursuant to section 640.110, RSMo;
- 63 (15) Coal mine land reclamation fund created pursuant to section 444.960,
64 RSMo;
- 65 (16) Missouri horse racing commission fund created pursuant to section
66 313.530, RSMo;
- 67 (17) Hazardous waste remedial fund created pursuant to section 260.480,
68 RSMo;
- 69 (18) Missouri air pollution control fund created pursuant to section
70 307.366, RSMo;
- 71 (19) Property reuse fund created pursuant to section 447.710, RSMo;
- 72 (20) State transportation assistance revolving fund created pursuant to
73 section 226.191, RSMo;
- 74 (21) Correctional substance abuse earnings fund created pursuant to
75 section 559.635, RSMo;
- 76 (22) Mined land reclamation fund created pursuant to section 444.730,
77 RSMo;
- 78 (23) Aviation trust fund created pursuant to section 155.090, RSMo.
- 79 3. Notwithstanding any provision of law to the contrary concerning the
80 funds listed in subdivisions (1) to (5) of this subsection, the amount specified for
81 each fund listed in subdivisions (1) to (5) of this subsection shall be transferred
82 and placed to the credit of the general revenue fund of the state by the state
83 treasurer before October 1, 2003. The funds subject to the provisions of this

84 subsection and the amount of transfer are as follows:

85 (1) State fair fees fund created pursuant to section 262.260, RSMo, six
86 thousand dollars;

87 (2) Petroleum inspection fund created pursuant to section 414.082, RSMo,
88 seventy-seven thousand six hundred and seventeen dollars;

89 (3) Department of revenue information fund pursuant to section 32.067,
90 RSMo, two hundred and fifty thousand dollars;

91 (4) Secretary of state's technology trust fund account established pursuant
92 to section 28.160, RSMo, one hundred and two thousand dollars;

93 (5) Administrative trust fund established pursuant to subsection 11 of
94 section 37.005, RSMo, three million five hundred thousand dollars.]

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

15 2. The director of revenue shall use reasonable diligence in ascertaining
16 whether the facts stated in such application are true and shall, to the extent
17 possible without substantially delaying processing of the application, review any
18 odometer information pertaining to such motor vehicle that is accessible to the
19 director of revenue. If satisfied that the applicant is the lawful owner of such
20 motor vehicle or trailer, or otherwise entitled to have the same registered in his
21 name, the director shall thereupon issue an appropriate certificate over his
22 signature and sealed with the seal of his office, procured and used for such
23 purpose. The certificate shall contain on its face a complete description, vehicle
24 identification number, and other evidence of identification of the motor vehicle
25 or trailer, as the director of revenue may deem necessary, together with the

26 odometer information required to be put on the face of the certificate pursuant to
27 section 407.536, RSMo, a statement of any liens or encumbrances which the
28 application may show to be thereon, and, if ownership of the vehicle has been
29 transferred, the name of the state issuing the transferor's title and whether the
30 transferor's odometer mileage statement executed pursuant to section 407.536,
31 RSMo, indicated that the true mileage is materially different from the number of
32 miles shown on the odometer, or is unknown.

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

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

45 (2) Any other mileage information provided to the director of revenue, and
46 the date 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,
49 counterfeit, duplicate, or forge such certificate without ready detection. In order
50 to carry out the requirements of this subsection, the director of revenue may
51 contract with a nonprofit scientific or educational institution specializing in the
52 analysis of secure documents to determine the most effective methods of
53 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
56 If application for the certificate is not made within thirty days after the vehicle
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
58 the first thirty days of delinquency and twenty-five dollars for each thirty days
59 of delinquency thereafter, not to exceed a total of one hundred dollars before
60 November 1, 2003, and not to exceed a total of two hundred dollars on or after
61 November 1, 2003, shall be imposed, but such penalty may be waived by the

62 director for a good cause shown. If the director of revenue learns that any person
63 has failed to obtain a certificate within thirty days after acquiring a motor vehicle
64 or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the
65 registration of all vehicles registered in the name of the person, either as sole
66 owner or as a co-owner, and shall notify the person that the cancellation will
67 remain in force until the person pays the delinquency penalty fee provided in this
68 section, together with all fees, charges and payments which he should have paid
69 in connection with the certificate of ownership and registration of the
70 vehicle. The certificate shall be good for the life of the motor vehicle or trailer so
71 long as the same is owned or held by the original holder of the certificate and
72 shall not have to be renewed annually.

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

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

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

96 9. Each application for an original Missouri certificate of ownership for
97 a vehicle which is classified as a reconstructed motor vehicle, specially

98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
99 vehicle, or other vehicle as required by the director of revenue shall be
100 accompanied by a vehicle examination certificate issued by the Missouri state
101 highway patrol, or other law enforcement agency as authorized by the director of
102 revenue. The vehicle examination shall include a verification of vehicle
103 identification numbers and a determination of the classification of the
104 vehicle. The owner of a vehicle which requires a vehicle examination certificate
105 shall present the vehicle for examination and obtain a completed vehicle
106 examination certificate prior to submitting an application for a certificate of
107 ownership to the director of revenue. The fee for the vehicle examination
108 application shall be twenty-five dollars and shall be collected by the director of
109 revenue at the time of the request for the application and shall be deposited in
110 the state treasury to the credit of the state highways and transportation
111 department fund.

112 10. When an application is made for an original Missouri certificate of
113 ownership for a motor vehicle previously registered or titled in a state other than
114 Missouri or as required by section 301.020, it shall be accompanied by a current
115 inspection form certified by a duly authorized official inspection station as
116 described in chapter 307, RSMo. The completed form shall certify that the
117 manufacturer's identification number for the vehicle has been inspected, that it
118 is correctly displayed on the vehicle and shall certify the reading shown on the
119 odometer at the time of inspection. The inspection station shall collect the same
120 fee as authorized in section 307.365, RSMo, for making the inspection, and the
121 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
122 If the vehicle is also to be registered in Missouri, the safety [and emissions
123 inspections] **inspection** required in chapter 307, RSMo, **and the emissions**
124 **inspection required under chapter 643, RSMo**, shall be completed and only
125 the fees required by [sections 307.365 and 307.366] **section 307.365, RSMo,**
126 **and section 643.315**, RSMo, shall be charged to the owner. This section shall
127 not apply to vehicles being transferred on a manufacturer's statement of origin.

128 11. Motor vehicles brought into this state in a wrecked or damaged
129 condition or after being towed as an abandoned vehicle pursuant to another
130 state's abandoned motor vehicle procedures shall, in lieu of the inspection
131 required by subsection 10 of this section, be inspected by the Missouri state
132 highway patrol in accordance with subsection 9 of this section. If the inspection
133 reveals the vehicle to be in a salvage or junk condition, the director shall so

134 indicate on any Missouri certificate of ownership issued for such vehicle. Any
135 salvage designation shall be carried forward on all subsequently issued
136 certificates of title for the motor vehicle.

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

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

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

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

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

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

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

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

170 vehicles.

171 The department of revenue shall issue the owner a certificate of ownership
172 designated with the words "Reconstructed Motor Vehicle" and deliver such
173 certificate of ownership in accordance with the provisions of this
174 chapter. Notwithstanding subsection 9 of this section, no owner of a
175 reconstructed motor vehicle described in this subsection shall be required to
176 obtain a vehicle examination certificate issued by the Missouri state highway
177 patrol.

301.800. 1. Any motor vehicle assembled by a two- or four-year
2 institution of higher education exclusively utilizing solar power and built to
3 compete in a national competition organized to foster interest in solar energy
4 shall be registered and titled by the director of revenue, other laws regulating
5 licensing of motor vehicles to the contrary notwithstanding.

6 2. Such institution shall file an application in a form prescribed by the
7 director, verified by affidavit, that such vehicle meets the requirements of
8 subsection 1 of this section.

9 3. The plate issued by the director shall be the collegiate plate of the
10 institution and shall display the term "solar" in a manner prescribed by the
11 director.

12 4. The institution shall pay the applicable fees as determined by the
13 director.

14 5. Such motor vehicle shall be exempt from the inspections required by
15 [sections 307.350 and 307.366] **section 307.350, RSMo, and section 643.315,**
16 RSMo, and shall only be operated on the streets and highways with the approval
17 of the institution of higher education.

307.367. Prior to September 1, 2007, but no earlier than August
2 **1, 2007, all moneys held in the Missouri air pollution control fund**
3 **established under section 307.366, shall be transferred, as deemed**
4 **necessary by the state treasurer and commissioner of administration,**
5 **to the Missouri air emission reduction fund established in section**
6 **643.350, RSMo, to be used for the purposes of administering and**
7 **enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to**
8 **such date, any of the moneys in the Missouri air pollution control fund**
9 **that are needed to pay any outstanding debt of the Missouri air**
10 **pollution control fund, as determined by the state treasurer, shall be**
11 **exempted from the provisions of this section. The Missouri air**

12 **pollution control fund shall be officially abolished on September 1,**
13 **2007.**

643.300. Sections 643.300 to 643.355 shall be known as the "Air Quality
2 Attainment Act". The enactment of the air quality attainment act [is] **and any**
3 **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 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**
4 **section. Prior to September 1, 2007, the air conservation commission**
5 **shall develop a decentralized emissions inspection program that allows**
6 **official inspection stations to conduct on-board diagnostic emission**
7 **inspections of 1996 model year and newer motor vehicles equipped with**
8 **on-board diagnostic systems meeting the federal Environmental**
9 **Protection Agency On-Board Diagnostics II (OBDII) standards. The**
10 **decentralized emissions inspection program shall, at a minimum,**
11 **provide for the following:**

12 (1) **The periodic inspection of certain motor vehicles as required**
13 **under section 643.315;**

14 (2) **The certification and operation of official emissions**
15 **inspection stations and the licensing of emission inspectors;**

16 (3) **The testing of motor vehicles through on-board diagnostic**
17 **testing technologies;**

18 (4) **The training, certification, and supervision of emission**
19 **inspectors and other personnel; and**

20 (5) **Procedures for certifying test results and for reporting and**
21 **maintaining relevant data records.**

22 2. **In addition to any other criteria established by the**
23 **commission under section 643.320 or by rule, the decentralized**
24 **emissions inspection program shall allow any official inspection station**
25 **located in an area described in subsection 1 of section 643.305**
26 **otherwise qualified by the Missouri state highway patrol to conduct**
27 **motor vehicle safety inspections under section 307.360, RSMo, to**
28 **conduct on-board diagnostic emission inspections. Any motor vehicle**
29 **safety inspection station that desires to conduct emissions inspections**
30 **shall submit an application for a certificate of authorization to the**
31 **commission as provided for under section 643.320. Other individuals,**

32 corporations, or entities that do not conduct motor vehicle safety
33 inspections may conduct emission inspections provided they meet the
34 qualifications set forth in sections 643.300 to 643.355 and the rules
35 promulgated by the commission. Applications shall be made upon a
36 form designated by the commission and shall contain such information
37 as may be required by the commission. A certificate of authorization
38 issued under section 643.320 to conduct emission inspections shall be
39 issued only after the commission has made a determination that the
40 applicant's proposed inspection station will be properly equipped, has
41 the necessary licensed emission inspectors to conduct inspections, and
42 meets all other requirements of sections 643.300 to 643.355 or rules
43 promulgated to carry out the provisions of those sections.

44 3. The decentralized emissions inspection program shall allow
45 any official inspection station that is certified to conduct an on-board
46 diagnostic emission inspection under sections 643.300 to 643.355 to
47 repair motor vehicles in order to bring such vehicles into compliance
48 with sections 643.300 to 643.355, if such station and personnel meet the
49 qualifications to conduct emission repairs as set forth in sections
50 643.300 to 643.355. An official emission inspection station may elect to
51 be an emissions test-only station or may elect to conduct both emission
52 inspections and repairs.

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

64 5. The commission may, as a part of implementing the
65 decentralized emissions inspection program, use remote sensing
66 devices to collect information regarding the vehicle fleet emissions
67 characteristics and registration compliance within the area described
68 in subsection 1 of section 643.305. The decentralized emissions

69 inspection program established by the commission may also include a
70 clean screen program that utilizes remote sensing devices. Owners of
71 eligible vehicles who comply with clean screen/remote sensing
72 procedures shall be deemed to have complied with the mandatory
73 inspection requirements for the next inspection cycle. As used in this
74 subsection, the term "clean screen program" shall mean a procedure or
75 system that utilizes remote sensing technologies to determine whether
76 a motor vehicle has acceptable emission levels and then allows the
77 motor vehicle owner to bypass the emissions inspection test required
78 under section 643.315.

79 6. The decentralized emissions inspection program may include
80 a gas cap pressure test and a visual inspection component, and such
81 tests may be included as part of the motor vehicle safety inspection test
82 under section 307.350, RSMo.

83 7. As used in sections 643.300 to 643.355, "decentralized emissions
84 inspection program" means an emissions inspection program under
85 which a certified emissions inspector conducts emissions inspection
86 testing at an official inspection station.

87 8. The decentralized emission inspection program shall satisfy
88 the requirements established by regulation of the United States
89 Environmental Protection Agency.

90 9. The decentralized emissions inspection program established
91 by the commission and sections 643.300 to 643.355 shall not be
92 construed to be a new program as described in section 23.253, RSMo,
93 and the decentralized emissions inspection program shall not be
94 subject to the sunset mandate prescribed by sections 23.250 to 23.298,
95 RSMo.

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

100 11. No later than July 1, 2007, the air conservation commission
101 shall promulgate rules for the implementation of this section. Any rule
102 or portion of a rule, as that term is defined in section 536.010, RSMo,
103 that is created under the authority delegated in this section shall
104 become effective only if it complies with and is subject to all of the
105 provisions of chapter 536, RSMo, and, if applicable, section 536.028,

106 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
107 **of the powers vested with the general assembly under chapter 536,**
108 **RSMo, to review, to delay the effective date, or to disapprove and annul**
109 **a rule are subsequently held unconstitutional, then the grant of**
110 **rulemaking authority and any rule proposed or adopted after August**
111 **28, 2006, shall be invalid and void.**

112 **12. Prior to September 1, 2007, the department of natural**
113 **resources shall actively promote participation in the decentralized**
114 **emissions inspection program among qualified motor vehicle dealers,**
115 **service stations, and other individuals. After the implementation of the**
116 **decentralized emission inspection program, the department shall**
117 **monitor participation in such program. In determining whether there**
118 **are a sufficient number of individuals conducting motor vehicle**
119 **emission inspections under the decentralized program, the department**
120 **shall attempt to ensure, through promotional efforts, that no more than**
121 **twenty percent of all persons residing in the affected nonattainment**
122 **area reside farther than five miles from the nearest inspection station.**

643.305. 1. The air conservation commission shall adopt a state
2 implementation plan to bring all nonattainment areas of the state which are
3 located within a city not within a county, any county [of the first classification
4 having a population of over nine hundred thousand inhabitants, any county of the
5 first classification with a charter form of government and a population of not
6 more than two hundred twenty thousand inhabitants and not less than two
7 hundred thousand inhabitants, any county of the first classification without a
8 charter form of government with a population of not more than one hundred
9 eighty thousand inhabitants and not less than one hundred seventy thousand
10 inhabitants and any county of the first classification without a charter form of
11 government with a population of not more than eighty-two thousand inhabitants
12 and not less than eighty thousand inhabitants] **with a charter form of**
13 **government and with more than one million inhabitants, any county**
14 **with a charter form of government and with more than two hundred**
15 **fifty thousand but fewer than three hundred fifty thousand inhabitants,**
16 **any county of the first classification with more than one hundred**
17 **ninety-eight thousand but fewer than one hundred ninety-nine**
18 **thousand two hundred inhabitants, and any county of the first**
19 **classification with more than ninety-three thousand eight hundred but**
20 **fewer than ninety-three thousand nine hundred inhabitants, into**

21 compliance with and to maintain the National Ambient Air Quality Standards
22 and any regulations promulgated by the United States Environmental Protection
23 Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on
24 the required date or dates as such dates are established under the federal Clean
25 Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized
26 pursuant to that act.

27 2. The commission shall establish the amount of emissions reductions
28 required to achieve the goal established pursuant to subsection 1 of this section.

29 3. The department shall establish an air quality baseline for all
30 nonattainment areas of the state which are located within a metropolitan
31 statistical area with a population of at least one million inhabitants as defined
32 by the federal Office of Management and Budget or its successor agency. The air
33 quality baseline shall include, where practical, actual air contaminant emissions
34 data and data on the atmospheric concentrations of pollution and pollution
35 precursors for all nonattainment areas.

36 4. The department shall determine the costs and benefits of alternative
37 reduction measures including reductions of emissions from stationary and mobile
38 sources and traffic control measures. The department of transportation, regional
39 planning commissions and metropolitan planning organizations shall participate
40 with the department and provide information necessary to determine the costs
41 and benefits of emissions reduction measures.

42 5. The department shall evaluate any motor vehicle emissions inspection
43 program established under [section 307.366, RSMo, or] sections 643.300 to
44 643.355 and shall annually include in the report to the commission and the
45 general assembly required under section 643.192, beginning on January 1, 1996,
46 a detailed accounting of the inspection costs and repair costs incurred by vehicle
47 owners and of the emissions reductions produced or incurred by the
48 program. The department may use a representative sample of vehicles to provide
49 a statistically valid estimate of the repair costs and emissions reductions. The
50 report shall also include a recommendation to the general assembly on whether
51 the emissions inspection program should be continued, modified or terminated.

52 6. The department shall establish a program of public information and
53 education to educate the citizens of the state about the costs and benefits
54 associated with reaching attainment of the National Ambient Air Quality
55 Standards and the costs and benefits of all measures which are considered to
56 attain those standards. This shall be done prior to the commission's action under

57 subsection 1 of this section.

643.310. 1. The commission may, by rule, establish a **decentralized**
2 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 described
4 in subsection 1 of section 643.305[, except for any portion of the nonattainment
5 area which is located in a county of the first classification without a charter form
6 of government with a population of less than one hundred thousand inhabitants
7 according to the most recent decennial census, except that the commission may
8 establish a motor vehicle emissions inspection program pursuant to sections
9 643.300 to 643.355 in such county only for motor vehicles owned by residents of
10 such county who have chosen to participate in such a program in lieu of the
11 provisions of section 307.366, RSMo]. **The decentralized motor vehicle**
12 **emissions inspection program shall be implemented and applied in the**
13 **same manner throughout every portion of a nonattainment area located**
14 **within the area described in subsection 1 of section 643.305.** The
15 commission shall ensure that, for each nonattainment area, the state
16 implementation plan established pursuant to subsection 1 of section 643.305
17 incorporates and receives all applicable credits allowed by the United States
18 Environmental Protection Agency for emission reduction programs in other
19 nonattainment areas of like designation in other states. The commission shall
20 ensure that emission reduction amounts established pursuant to subsection 2 of
21 section 643.305 shall be consistent with and not exceed the emissions reduction
22 amounts required by the United States Environmental Protection Agency for
23 other nonattainment areas of like designation in other states. No motor vehicle
24 emissions inspection program shall be required to comply with subsection 1 of
25 section 643.305 unless the plan established thereunder takes full advantage of
26 any changes in requirements or any agreements made or entered into by the
27 United States Environmental Protection Agency and any entity or entities on
28 behalf of a nonattainment area concerning compliance with National Ambient Air
29 Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401, et
30 seq., and the regulations promulgated thereunder. [The air conservation
31 commission shall request and it shall be the duty of the attorney general to bring,
32 in a court of competent jurisdiction, an action challenging the authority of the
33 United States Environmental Protection Agency to impose sanctions for failure
34 to attain National Ambient Air Quality Standards and failure to provide for
35 required emission reductions under the federal Clean Air Act, as amended, 42

36 U.S.C. 7401, et seq. The action shall seek to define the required emission
37 reductions and the credits allowed for current and planned emission reductions
38 measures. The air conservation commission shall request and it shall be the duty
39 of the attorney general to bring an action to obtain injunctive relief to enjoin and
40 restrain the imposition of sanctions on the state of Missouri under the federal
41 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated
42 pursuant to this section have been decided. Provisions of section 307.366, RSMo,
43 to the contrary notwithstanding, the requirements of sections 643.300 to 643.355
44 shall apply to those areas designated by the commission pursuant to this section
45 in lieu of the provisions of section 307.366, RSMo.

46 2. No later than the effective date of this section, the department of
47 natural resources and the Missouri highway patrol shall enter into an
48 interagency agreement covering all aspects of the administration and enforcement
49 of section 307.366, RSMo, and sections 643.300 to 643.355.

50 3.] 2. (1) The department, with the cooperation and approval of the
51 commissioner of administration, shall select a person or persons to operate an
52 inspection facility or inspection program pursuant to sections 643.300 to 643.355,
53 under a bid procedure or under a negotiated process or a combination thereof
54 based on criteria and expectations established by the department. This process
55 may use either a licensing arrangement or contractual arrangement with the
56 selected party or parties. The selection of persons to operate inspection facilities
57 or inspection programs shall be exempt from the provisions of all site
58 procurement laws. [The number of locations shall be no less than the number
59 needed to provide adequate service to customers and establish an emissions
60 inspection program which satisfies the requirements of this section.] Each person
61 who is authorized to operate a station pursuant to this section shall be capable
62 of providing adequate and cost-effective service to customers.

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

66 (3) A license or contract shall be for a period of up to seven years,
67 consistent with the provisions of article IV, section 28 of the Missouri
68 Constitution, and licenses or contracts shall be annually reviewed. A license or
69 contract may be suspended or revoked if the licensee or contractor is not meeting
70 the conditions of sections 643.300 to 643.355, all applicable rules, the license
71 agreement or contract as determined by the department. A licensee or contractor

72 found to have violated sections 643.300 to 643.355, applicable rules or the
73 conditions of the license agreement or contract shall be in violation of section
74 643.151 and subject to the penalties provided thereunder.

75 [4. The inspection program shall satisfy the following criteria:

76 (1) There shall be an adequate number of stations to ensure that no more
77 than twenty percent of all persons residing in an affected nonattainment area
78 reside farther than five miles from the nearest inspection station, and
79 consideration shall be given to employment, locations and commuting patterns
80 when selecting the locations of the stations;

81 (2) There shall be an adequate number of inspection lanes at each facility
82 so that no more than five percent of all persons having an inspection are required
83 to wait more than fifteen minutes before the inspection begins;

84 (3) The days and daily hours of operation shall include at least those
85 hours specified by the department, which shall include, at a minimum, twelve
86 continuous hours of operation on all weekdays excepting federal holidays, and six
87 continuous hours of operation on all Saturdays excepting federal holidays;

88 (4) The emissions inspection program shall include a simulated on-road
89 emissions inspection component, including pressure and purge tests, which
90 satisfies the requirements established by regulation of the United States
91 Environmental Protection Agency and may include a visual inspection component;

92 (5) The inspection stations shall be test-only stations and shall not offer
93 motor vehicle emissions repairs, parts or services of any kind;

94 (6) No person operating or employed by an emissions inspection station
95 shall repair or maintain motor vehicle emission systems or pollution control
96 devices for compensation of any kind.

97 5.] 3. The commission, the department of economic development and the
98 office of administration shall, in cooperation with the minority business advocacy
99 commission, select the contractor or contractors to provide an inspection program
100 which satisfies the minimum requirements of this section in accordance with the
101 requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission,
102 the office of administration and the department of economic development, in
103 cooperation with the minority business advocacy commission, shall ensure
104 adequate minority business participation in the selection of the contractor or
105 contractors to provide an inspection program pursuant to this section. The
106 commission, the office of administration and the department of economic
107 development shall ensure adequate participation of Missouri businesses in the

108 selection of the contractor or contractors to provide an inspection program
109 pursuant to this section.

110 [6.] 4. With approval of the commission and pursuant to rules adopted
111 by the commission, an organization whose members are motor vehicle dealers or
112 leasing companies may establish one or more additional emissions inspection
113 facilities, which may be either mobile or stationary, to be used solely to inspect
114 motor vehicles owned and held for sale or lease by the members of the
115 organization. With approval of the commission and pursuant to rules adopted by
116 the commission, any person operating a fleet of [five hundred or more] motor
117 vehicles may establish one or more additional emissions inspection facilities,
118 which may be either mobile or stationary, to be used solely to inspect motor
119 vehicles owned or leased and operated by the person establishing the
120 facility. The inspections performed in facilities established pursuant to this
121 subsection shall be performed by a contractor selected by the commission
122 pursuant to this section and the contractor performing such inspections shall be
123 responsible solely to the department and shall satisfy all applicable requirements
124 of sections 643.300 to 643.355.

125 [7. Any person who owns Missouri analyzer system emission inspection
126 equipment as defined by rule, used to provide emissions inspections pursuant to
127 section 307.366, RSMo, at a facility located in an area in which an emissions
128 inspection program has been established pursuant to sections 643.300 to 643.355
129 may, within twelve months of the implementation of an emissions inspection
130 program pursuant to sections 643.300 to 643.355, sell such equipment to the
131 department of natural resources at current market value as established by an
132 independent appraisal provided that the equipment is fully functional and has
133 been maintained according to all applicable manufacturer's specifications and
134 procedures. The department shall purchase such equipment using funds
135 appropriated for that purpose from the Missouri air emission reduction fund. Any
136 person who, prior to January 1, 1992, contracted to lease or lease purchase, or
137 purchased by borrowing a portion of the funds secured by a chattel mortgage,
138 Missouri analyzer system emission inspection equipment used to provide
139 emissions inspections pursuant to section 307.366, RSMo, at a facility located in
140 an area in which an emissions inspection program has been established pursuant
141 to sections 643.300 to 643.355, and has made all payments required under the
142 contract, may, within twelve months of the implementation of an emissions
143 inspection program pursuant to sections 643.300 to 643.355, request the

144 department of natural resources to take possession of such equipment and assume
145 all payment obligations owed on such equipment which obligations are not in
146 excess of one hundred and twenty-five percent of the current market value as
147 established by an independent appraisal, provided that the equipment is fully
148 functional and has been maintained according to all applicable manufacturer's
149 specifications and procedures. The department shall take possession of such
150 equipment and pay such obligations using funds appropriated for that purpose
151 from the Missouri air emission reduction fund.

152 8.] 5. If the governor applies to the administrator of the Environmental
153 Protection Agency to require federal reformulated gasoline in nonattainment
154 areas, nothing in sections 643.300 to 643.355 shall prevent the storage of
155 conventional gasoline in nonattainment areas which is intended for sale to
156 agricultural, commercial or retail customers outside said nonattainment areas
157 subject to reformulated gasoline.

158 [9. The governor, the department of natural resources, and the
159 commission shall work to ensure an orderly transition period in the
160 nonattainment area for the introduction of reformulated gasoline. Priority shall
161 be given to ensure the petroleum refiners ample time to organize, structure, and
162 implement both the production and the delivery of reformulated gasoline to the
163 nonattainment area, so that consumers will see an orderly, seamless market
164 substitution.]

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor
2 vehicles which are domiciled, registered or primarily operated in an area for
3 which the commission has established a motor vehicle emissions inspection
4 program pursuant to sections 643.300 to 643.355[, which may include all motor
5 vehicles owned by residents of a county of the first classification without a
6 charter form of government with a population of less than one hundred thousand
7 inhabitants according to the most recent decennial census who have chosen to
8 participate in such a program in lieu of the provisions of section 307.366, RSMo,]
9 shall be inspected and approved prior to sale or transfer; **provided that, if such**
10 **vehicle is inspected and approved prior to sale or transfer, such vehicle**
11 **shall not be subject to another emissions inspection for ninety days**
12 **after the date of sale or transfer of such vehicle.** In addition, any such
13 vehicle manufactured as an even-numbered model year vehicle shall be inspected
14 and approved under the emissions inspection program established pursuant to
15 sections 643.300 to 643.355 in each even-numbered calendar year and any such

16 vehicle manufactured as an odd-numbered model year vehicle shall be inspected
17 and approved under the emissions inspection program established pursuant to
18 sections 643.300 to 643.355 in each odd-numbered calendar year. All motor
19 vehicles subject to the inspection requirements of sections 643.300 to 643.355
20 shall display a valid emissions inspection sticker, and when applicable, a valid
21 emissions inspection certificate shall be presented at the time of registration or
22 registration renewal of such motor vehicle. **The department of revenue shall**
23 **require evidence of the safety and emission inspection and approval**
24 **required by this section in issuing the motor vehicle annual**
25 **registration in conformity with the procedure required by sections**
26 **307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director**
27 **of revenue may verify that a successful safety and emissions inspection**
28 **was completed via electronic means.**

29 2. [No emission standard established by the commission for a given make
30 and model year shall exceed the lesser of the following:

31 (1) The emission standard for that vehicle model year as established by
32 the United States Environmental Protection Agency; or

33 (2) The emission standard for that vehicle make and model year as
34 established by the vehicle manufacturer.

35 3.] The inspection requirement of subsection 1 of this section shall apply
36 to all motor vehicles except:

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

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

42 (3) Model year vehicles manufactured [twenty-six years or more] prior to
43 [the current model year] **1996;**

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

48 (5) Motor vehicles registered in an area subject to the inspection
49 requirements of sections 643.300 to 643.355 which are domiciled and operated
50 exclusively in an area of the state not subject to the inspection requirements of
51 sections 643.300 to 643.355, but only if the owner of such vehicle presents to the

52 department an affidavit that the vehicle will be operated exclusively in an area
53 of the state not subject to the inspection requirements of sections 643.300 to
54 643.355 for the next twenty-four months, and the owner applies for and receives
55 a waiver which shall be presented at the time of registration or registration
56 renewal;

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

62 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

63 (8) **School buses;**

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

66 (10) **New motor vehicles that have not been previously titled and**
67 **registered, for the four-year period following their model year of**
68 **manufacture, provided the odometer reading for such motor vehicles**
69 **are under forty thousand miles at their first required biennial safety**
70 **inspection conducted under sections 307.350 to 307.390, RSMo;**
71 **otherwise such motor vehicles shall be subject to the emissions**
72 **inspection requirements of subsection 1 of this section during the same**
73 **period that the biennial safety inspection is conducted; and**

74 (11) **Motor vehicles that are driven fewer than twelve thousand**
75 **miles between biennial safety inspections.**

76 [4.] 3. The commission may, by rule, allow inspection reciprocity with
77 other states having equivalent or more stringent testing and waiver requirements
78 than those established pursuant to sections 643.300 to 643.355.

79 [5.] 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined
80 in section 301.550, RSMo, may choose to sell a motor vehicle subject to the
81 inspection requirements of sections 643.300 to 643.355 either:

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

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

86 (2) If the dealer chooses to sell the vehicle with prior inspection and
87 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle

88 obtained approval by meeting the emissions standards established pursuant to
89 sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335.
90 A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer
91 shall be inspected and approved within the one hundred twenty days immediately
92 preceding the date of sale, and, for the purpose of registration of such vehicle,
93 such inspection shall be considered timely.

94 (3) If the dealer chooses to sell the vehicle without prior inspection and
95 approval, the purchaser may return the vehicle within ten days of the date of
96 purchase, provided that the vehicle has no more than one thousand additional
97 miles since the time of sale, if the vehicle fails, upon inspection, to meet the
98 emissions standards specified by the commission and the dealer shall have the
99 vehicle inspected and approved without the option for a waiver of the emissions
100 standard and return the vehicle to the purchaser with a valid emissions
101 certificate and sticker within five working days or the purchaser and dealer may
102 enter into any other mutually acceptable agreement. If the dealer chooses to sell
103 the vehicle without prior inspection and approval, the dealer shall disclose
104 conspicuously on the sales contract and bill of sale that the purchaser has the
105 option to return the vehicle within ten days, provided that the vehicle has no
106 more than one thousand additional miles since the time of sale, to have the dealer
107 repair the vehicle and provide an emissions certificate and sticker within five
108 working days if the vehicle fails, upon inspection, to meet the emissions
109 standards established by the commission, or enter into any mutually acceptable
110 agreement with the dealer. A violation of this subdivision shall be an unlawful
111 practice as defined in section 407.020, RSMo. No emissions inspection shall be
112 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle
113 which may be sold without a certificate of inspection and approval, as provided
114 pursuant to subsection 2 of section 307.380, RSMo.

643.320. 1. [The commission shall establish, by rule, procedures,
2 standards, and requirements for the operation of emissions inspection stations
3 and the conduct of emissions inspections.] **The commission shall prescribe**
4 **the standards and equipment necessary for an official emissions**
5 **inspection station and the qualifications for persons who conduct the**
6 **inspections, and no applicant for certificate of authorization to conduct**
7 **emissions inspections may be approved to operate an official emissions**
8 **inspection station until the applicant meets the standards and has the**
9 **required equipment and qualified inspectors as prescribed by the**

10 **commission. The commission shall establish standards and procedures**
11 **to be followed in the making of inspections required by sections 643.300**
12 **to 643.355 and shall prescribe rules for the operation of emissions**
13 **inspection stations.**

14 2. [The emissions inspection stations shall be operated in accordance with
15 all requirements established by the commission under this section.] **The**
16 **application for a certificate of authorization to operate as an official**
17 **emissions inspection station shall be made to the commission on a form**
18 **furnished by the commission. The application shall be accompanied by**
19 **a fee established by the commission by rule, but in no case shall the fee**
20 **exceed one hundred dollars. The certificate of authorization shall be**
21 **renewed annually on the date of issue. All fees shall be payable to the**
22 **director of revenue and shall be deposited by the director of revenue**
23 **in the state treasury to the credit of the Missouri air emission**
24 **reduction fund established under section 643.350.**

25 3. The [department] **commission or its designee** shall cause
26 unannounced inspections to be made of the operation of each emissions inspection
27 station at least once during each calendar year. The inspection may include
28 submitting a known high emission vehicle for inspection without prior disclosure
29 to the inspection station. **At any time the commission or its designee shall**
30 **have reason to believe that any person has violated any provisions of**
31 **the provisions of sections 643.300 to 643.355 or the rules promulgated**
32 **thereunder, the commission or its designee shall refuse to issue or shall**
33 **revoke or suspend any certificate of authority under this section. The**
34 **suspension or revocation of a certificate of authority shall be in writing**
35 **to the operator, inspector, or the person in charge of the emissions**
36 **inspection station. Before suspending or revoking the certificate of**
37 **authority to conduct emissions inspections, the commission or its**
38 **designee shall serve notice in writing by certified mail or by personal**
39 **service to the inspection station at the operator's address of record**
40 **giving the permittee the opportunity to appear in the office of the**
41 **commission on a stated date, not less than ten nor more than thirty**
42 **days after the mailing or service of the notice, for a hearing to show**
43 **cause why the inspection station's certificate of authority should not**
44 **be suspended or revoked. An inspection station owner or an inspector**
45 **may appear in person or by counsel in the office of the commission or**
46 **its designee to show cause why the proposed suspension or revocation**

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

57 4. The department may require emissions inspection stations to furnish
58 reports, upon forms furnished by the department for that purpose, that the
59 department considers necessary for the administration of sections 643.300 to
60 643.355.

61 5. [No emissions inspection required under sections 643.300 to 643.355
62 may be performed at an emissions inspection station unless there is conspicuously
63 posted on the premises of the emissions inspection station a sign which is at least
64 eight feet high and sixteen feet wide and which sign bears the legend: "This
65 inspection is mandated by the United States Environmental Protection Agency
66 under powers granted to it by your United States Senators and Representatives
67 in Washington, D.C." A standard sign, designed by the department and
68 containing letters of at least six inches in height, shall be used by all emissions
69 inspection stations. Such signs shall be furnished by the department to each
70 emissions inspection station at no cost to the station.] **The commission may**
71 **impose alternative administrative enforcement mechanisms in lieu of**
72 **suspending or revoking a certificate of authority. Such alternative**
73 **administrative enforcement mechanisms may include, but not be**
74 **limited to, requiring inspectors to successfully complete a commission-**
75 **approved retraining program. The commission also may require any**
76 **individual who has his or her certificate of authority suspended to**
77 **undergo remedial retraining as a condition of removing such**
78 **suspension.**

79 6. The commission shall design and furnish each official
80 emissions inspection station, at no cost, one official sign made of metal
81 or other durable material to be displayed in a conspicuous location to
82 designate the station as an official emissions inspection

83 station. Additional signs may be obtained by an official inspection
84 station for a fee equal to the cost to the state. Each official emissions
85 inspection station shall also be supplied with one or more posters
86 which must be displayed in a conspicuous location at the place of
87 inspection and which informs the public that required repairs or
88 corrections need not be made at the inspection station.

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the
2 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 [reinspections] **reinspection**
7 completed within [thirty calendar days] **twenty consecutive days, excluding**
8 **Saturdays, Sundays, and holidays**, of the initial emissions inspection. **Such**
9 **fee only shall be waived or not charged if the reinspection is made by**
10 **the station making the initial inspection.**

11 3. [The department shall publish a list of emissions repair and
12 adjustment procedures based on the ratio of potential emissions reductions to
13 cost, and the list shall be distributed and made available at all emissions
14 inspection stations. The list shall indicate the most cost-effective measures that
15 a vehicle owner can take to reduce emissions.

16 4.] The inspector shall provide in writing to the owner of a vehicle which
17 fails, upon inspection, to meet the emissions standards, the nature of the vehicle's
18 failure, the components or equipment responsible for the failure and the
19 estimated cost of repair to the extent practical pursuant to rules promulgated by
20 the commission.

21 [5.] 4. The department shall cause unannounced tests of facilities which
22 repair, service or maintain motor vehicle emissions components and equipments,
23 including submitting known high emission vehicles with known defects for repair
24 without prior disclosure to the repair facility. Any suspected violations of chapter
25 407, RSMo, shall be reported by the department to the attorney general who shall
26 institute appropriate proceedings under sections 407.095 and 407.100, RSMo,
27 regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount
2 which [may be lower for older model vehicles and which, prior to January 1, 2001,
3 shall be no greater than seventy-five dollars for model year vehicles prior to 1981,

4 no greater than two hundred dollars for model year vehicles of 1981 to 1996 and]
5 **shall be** no greater than four hundred and fifty dollars[for model year vehicles
6 of 1997 and all subsequent model years. On and after January 1, 2001, the
7 commission may, by rule, set the waiver amount, except that the waiver amount
8 shall not exceed the waiver amount provided in the federal Clean Air Act, as
9 amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for
10 the enhanced motor vehicle emissions inspection].

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

14 3. The waiver form established pursuant to subsection 2 of this section
15 shall be an affidavit requiring:

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

18 (2) A statement signed by the [emissions inspection contractor]
19 **commission or designee** that an inspection of the vehicle verified, to the extent
20 practical, that the specified work was done. **An inspection to verify whether**
21 **repair work was performed or not shall not be conducted by the same**
22 **inspection station, inspector, or affiliate that performed the repair**
23 **work.**

24 4. A vehicle which fails upon reinspection to meet the emissions standards
25 specified by the commission shall have the emissions standards waived and
26 receive approval only if the owner furnishes a complete, signed affidavit
27 satisfying the requirements of subsection 3 of this section and the cost of the
28 parts, repairs and adjustment work performed is equal to or greater than the
29 waiver amount established by the commission. Costs for repair work may only
30 be included toward reaching the waiver amount if the repairs are performed by
31 a recognized repair technician [as defined by rule]. **As used in this section,**
32 **a "recognized repair technician" means a repair technician who has**
33 **obtained and possess valid A6, A8, and L1 certifications from the**
34 **National Institute for Automotive Service Excellence.**

35 5. No cost for parts, repairs or adjustments shall be included toward
36 reaching the waiver amount if such costs are covered by an emission control
37 performance warranty provided by the manufacturer at no additional cost to the
38 vehicle owner unless the vehicle owner provides, with the affidavit, a written
39 denial of warranty remedy from the motor vehicle manufacturer, dealer or other

40 person providing the warranty.

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

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

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

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

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

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

643.337. 1. The department of natural resources and the state
2 **highway patrol shall provide oversight for the vehicle emissions**
3 **inspection program, including oversight of the repair services provided**
4 **by recognized repair technicians for such vehicles. The department**

5 and highway patrol may promulgate joint rules for the implementation
6 of this subsection.

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

14 3. Any rule or portion of a rule, as that term is defined in section
15 536.010, RSMo, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to
17 all of the provisions of chapter 536, RSMo, and, if applicable, section
18 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
19 and if any of the powers vested with the general assembly pursuant to
20 chapter 536, RSMo, to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held unconstitutional,
22 then the grant of rulemaking authority and any rule proposed or
23 adopted after August 28, 2006, shall be invalid and void.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for
2 an emissions inspection conducted under the emissions inspection program
3 established pursuant to sections 643.300 to 643.355[, except that on days of
4 operation, other than the last three days of operation in each calendar month, the
5 fee shall be reduced by:

6 (1) Ten dollars for any person who is required to wait more than thirty
7 minutes before the inspection begins; and

8 (2) Twenty dollars for any person who is required to wait more than sixty
9 minutes before the inspection begins.

10 The waiting time shall begin at the time when the customer's vehicle is on the
11 premises of the inspection station and available for inspection.

12 2. The commission shall establish, by rule, a time-stamping system to
13 ensure that the time of arrival and the time inspection begins is accurately
14 recorded for each vehicle at each emissions inspection facility.

15 3.] 2. The fee shall be conspicuously posted on the premises of each
16 emissions inspection station.

17 [4.] 3. The commission shall establish, by rule, the portion of the fee

18 amount to be remitted by the [contractor] **emission inspection station** to the
19 director of revenue and the number of days allowed for remitting fees.

20 [5. The contractor] **4. The official emission inspection station** shall
21 remit the portion of fees collected, as established by the commission pursuant to
22 this section, to the [director of revenue] **state treasurer** within the time period
23 established by the commission. The [director of revenue] **state treasurer** shall
24 deposit the fees received in the state treasury to the credit of the "Missouri Air
25 Emission Reduction Fund", which is hereby created. Moneys in the fund shall,
26 subject to appropriation, be expended for the administration and enforcement of
27 sections 643.300 to 643.355 by the department of natural resources, the Missouri
28 highway patrol, and other appropriate agencies. Any balance in the fund at the
29 end of the biennium shall remain in the fund and shall not be subject to the
30 provisions of section 33.080, RSMo. All interest earned by moneys in the fund
31 shall accrue to the fund. **If in the immediate previous fiscal year, the**
32 **state's net general revenue did not increase by two percent or more, the**
33 **state treasurer may deposit moneys, except for gifts, donations, or**
34 **bequests, received under this section beginning January first of the**
35 **current fiscal year into the state general revenue fund. Otherwise, the**
36 **state treasurer shall deposit such moneys in accordance with the**
37 **provisions of this section.**

38 [6.] **5.** In addition to funds from the Missouri air emission reduction
39 fund, costs of capital or operations may be supplemented, upon appropriation,
40 from the general revenue fund, the state highway department fund, federal funds
41 or other funds available for that purpose.

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

[307.366. 1. This enactment of the emissions inspection
2 program is a mandate of the United States Congress pursuant to

3 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In
4 any portion of an area designated by the governor as a
5 nonattainment area, as defined in the federal Clean Air Act, as
6 amended, 42 U.S.C.A. Section 7501, and located within the area
7 described in subsection 1 of section 643.305, RSMo, certain motor
8 vehicles shall be tested and approved prior to sale or transfer and
9 biennially thereafter to determine that the emissions system is
10 functioning within the emission standards as specified by the
11 Missouri air conservation commission and as required to attain the
12 national health standards for air quality. For such biennial
13 testing, any such vehicle manufactured as an even-numbered model
14 year vehicle shall be tested and approved in each even-numbered
15 calendar year and any such vehicle manufactured as an
16 odd-numbered model year vehicle shall be tested and approved in
17 each odd-numbered calendar year. The motor vehicles to be tested
18 shall be all motor vehicles except those specifically exempted
19 pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350
20 and those exempted pursuant to this section.

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

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

24 (2) Motorcycles and motortricycles;

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

27 (4) School buses;

28 (5) Diesel-powered vehicles;

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

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

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

45 Each official inspection station which conducts emissions
46 inspections within the area referred to in subsection 1 of this
47 section shall indicate the gross vehicle weight rating of the motor
48 vehicle on the inspection certificate if the vehicle is exempt from
49 the emissions inspection pursuant to subdivision (1) of this
50 subsection.

51 3. (1) At the time of sale, a licensed motor vehicle dealer,
52 as defined in section 301.550, RSMo, may choose to sell a motor
53 vehicle subject to the inspection requirements of this section either:

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

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

58 (2) If the dealer chooses to sell the vehicle with prior
59 inspection and approval, the dealer shall disclose, in writing, prior
60 to sale, whether the vehicle obtained approval by meeting the
61 emissions standards established pursuant to this section or by
62 obtaining a waiver pursuant to subsection 6 of this section. A
63 vehicle sold pursuant to this subdivision by a licensed motor
64 vehicle dealer shall be inspected and approved within the one
65 hundred twenty days immediately preceding the date of sale, and,
66 for the purpose of registration of such vehicle, such inspection shall
67 be considered timely.

68 (3) If the dealer chooses to sell the vehicle without prior
69 inspection and approval, the purchaser may return the vehicle
70 within ten days of the date of purchase, provided that the vehicle
71 has no more than one thousand additional miles since the time of
72 sale, if the vehicle fails, upon inspection, to meet the emissions
73 standards specified by the commission and the dealer shall have
74 the vehicle inspected and approved without the option for a waiver

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

93 4. A fee not to exceed twenty-four dollars may be charged
94 for an automobile emissions and air pollution control inspection in
95 order to attain the national health standards for air quality. Such
96 fee shall be conspicuously posted on the premises of each such
97 inspection station. The official emissions inspection station shall
98 issue a certificate of inspection and an approval sticker or seal
99 certifying the emissions system is functioning properly. The
100 certificate or approval issued shall bear the legend: "This cost is
101 mandated by your United States Congress.". No owner shall be
102 charged an additional fee after having corrected defects or unsafe
103 conditions in the automobile's emissions and air pollution control
104 system if the reinspection is completed within twenty consecutive
105 days, excluding Saturdays, Sundays and holidays, and if such
106 follow-up inspection is made by the station making the initial
107 inspection.

108 5. The air conservation commission shall establish, by rule,
109 a waiver amount which may be lower for older model vehicles and
110 which shall be no greater than seventy-five dollars for model year

111 vehicles prior to 1981 and no greater than two hundred dollars for
112 model year vehicles of 1981 and all subsequent model years.

113 6. An owner whose vehicle fails upon reinspection to meet
114 the emission standards specified by the Missouri air conservation
115 commission shall be issued a certificate of inspection and an
116 approval sticker or seal by the official emissions inspection station
117 that provided the inspection if the vehicle owner furnishes a
118 complete, signed affidavit satisfying the requirements of this
119 subsection and the cost of emissions repairs and adjustments is
120 equal to or greater than the waiver amount established by the air
121 conservation commission pursuant to this section. The air
122 conservation commission shall establish, by rule, a form and a
123 procedure for verifying that repair and adjustment was performed
124 on a failing vehicle prior to the granting of a waiver and
125 approval. The waiver form established pursuant to this subsection
126 shall be an affidavit requiring:

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

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

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

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

144 9. In addition to the fee collected by the superintendent
145 pursuant to subsection 5 of section 307.365, the highway patrol
146 shall collect a fee of seventy-five cents for each automobile

147 emissions certificate issued to the applicable official emissions
148 inspection stations, except that no charge shall be made for
149 certificates of inspection issued to official emissions inspection
150 stations operated by governmental entities. All fees collected by
151 the superintendent pursuant to this section shall be deposited in
152 the state treasury to the credit of the "Missouri Air Pollution
153 Control Fund", which is hereby created.

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

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

178 12. The provisions of this section shall not apply in any
179 county for any time period during which the air conservation
180 commission has established a motor vehicle emissions inspection
181 program pursuant to sections 643.300 to 643.355, RSMo, for such
182 county, except where motor vehicle owners have the option of

183 biennial testing pursuant to chapter 643, RSMo. In counties where
184 such option is available, the emissions inspection may be conducted
185 in stations conducting only an emissions inspection under contract
186 to the state.

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

Section B. The repeal of section 307.366 and the repeal and reenactment
2 of sections 33.080, 301.190, 301.800, 643.300, 643.305, 643.310, 643.315, 643.320,
3 643.330, 643.335, and 643.350 shall become effective September 1, 2007.

Unofficial ✓

Bill

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