

SECOND REGULAR SESSION

SENATE BILL NO. 851

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2926S.011

AN ACT

To repeal sections 643.330 and 643.335, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle emissions inspections.

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

Section A. Sections 643.330 and 643.335, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 643.330 and 643.335, to read as follows:

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the emissions standards specified by the commission may have the vehicle reinspected after making repairs or adjustments to the vehicle to reduce emissions.

2. No motor vehicle owner shall be charged an additional emissions inspection fee for emissions reinspections completed within [thirty] **sixty** calendar days of the initial emissions inspection.

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

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

5. The department shall cause unannounced tests of facilities which repair, service or maintain motor vehicle emissions components and equipments, including submitting known high emission vehicles with known defects for repair without prior disclosure to the repair facility. Any suspected violations of chapter 407, RSMo, shall be reported by the

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

department to the attorney general who shall institute appropriate proceedings under sections 407.095 and 407.100, RSMo, regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a waiver amount which may be lower for owners aged sixty-five and older and 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 age, disability, and financial assistance with regard to personal income.

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

[3.] 4. The waiver form established pursuant to subsection 2 of this section shall be an affidavit requiring:

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

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

[4.] 5. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the parts, repairs and adjustment work performed is equal to or greater than the waiver amount established by the commission. Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.

[5.] 6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control 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.] 7. 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.

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