

FIRST REGULAR SESSION

SENATE BILL NO. 131

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 18, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0996S.02I

AN ACT

To repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to exempting qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

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

Section A. Section 643.315, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 643.315, to read as follows:

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 shall be inspected and approved
5 prior to sale or transfer; provided that, if such vehicle is inspected and approved
6 prior to sale or transfer, such vehicle shall not be subject to another emissions
7 inspection for ninety days after the date of sale or transfer of such vehicle. In
8 addition, any such vehicle manufactured as an even-numbered model year vehicle
9 shall be inspected and approved under the emissions inspection program
10 established pursuant to sections 643.300 to 643.355 in each even-numbered
11 calendar year and any such vehicle manufactured as an odd-numbered model year
12 vehicle shall be inspected and approved under the emissions inspection program
13 established pursuant to sections 643.300 to 643.355 in each odd-numbered
14 calendar year. All motor vehicles subject to the inspection requirements of
15 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and
16 when applicable, a valid emissions inspection certificate shall be presented at the
17 time of registration or registration renewal of such motor vehicle. The
18 department of revenue shall require evidence of the safety and emission

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

19 inspection and approval required by this section in issuing the motor vehicle
20 annual registration in conformity with the procedure required by sections 307.350
21 to 307.390 and sections 643.300 to 643.355. The director of revenue may verify
22 that a successful safety and emissions inspection was completed via electronic
23 means.

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

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

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

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

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

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

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

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

50 (8) School buses;

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

53 (10) New motor vehicles that have not been previously titled and
54 registered, for the four-year period following their model year of manufacture,

55 provided the odometer reading for such motor vehicles are under forty thousand
56 miles at their first required biennial safety inspection conducted under sections
57 307.350 to 307.390; otherwise such motor vehicles shall be subject to the
58 emissions inspection requirements of subsection 1 of this section during the same
59 period that the biennial safety inspection is conducted; [and]

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

62 **(12) Qualified plug-in electric drive vehicles. For the purposes**
63 **of this section, "qualified plug-in electric drive vehicle" shall mean a**
64 **four-wheeled motor vehicle that:**

65 **(a) Is made by a manufacturer;**

66 **(b) Is manufactured primarily for use on public streets, roads,**
67 **and highways;**

68 **(c) Has not been modified from original manufacturer**
69 **specifications;**

70 **(d) Is acquired for use or lease by the motor vehicle owner and**
71 **not for resale;**

72 **(e) Is rated at not more than eight thousand five hundred pounds**
73 **unloaded gross vehicle weight;**

74 **(f) Has a maximum speed capability of at least fifty-five miles per**
75 **hour; and**

76 **(g) Is propelled to a significant extent by an electric motor that**
77 **draws electricity from a battery that:**

78 **a. Has a capacity of not less than four kilowatt hours; and**

79 **b. Is capable of being recharged from an external source of**
80 **electricity.**

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

84 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in
85 section 301.550, may choose to sell a motor vehicle subject to the inspection
86 requirements of sections 643.300 to 643.355 either:

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

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

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

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

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