

FIRST REGULAR SESSION

SENATE BILL NO. 45

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0220S.011

AN ACT

To repeal sections 307.365 and 643.320, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle inspections, with penalty provisions.

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

Section A. Sections 307.365 and 643.320, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 307.365 and 643.320, to
3 read as follows:

307.365. 1. No permit for an official inspection station shall be assigned
2 or transferred or used at any location other than therein designated and every
3 permit shall be posted in a conspicuous place at the location designated. The
4 superintendent of the Missouri state highway patrol shall design and furnish
5 each official inspection station, at no cost, one official sign made of metal or other
6 durable material to be displayed in a conspicuous location to designate the station
7 as an official inspection station. Additional signs may be obtained by an official
8 inspection station for a fee equal to the cost to the state. Each inspection station
9 shall also be supplied with one or more posters which must be displayed in a
10 conspicuous location at the place of inspection and which informs the public that
11 required repairs or corrections need not be made at the inspection station.

12 2. No person operating an official inspection station pursuant to the
13 provisions of sections 307.350 to 307.390 may issue a certificate of inspection and
14 approval for any vehicle except upon an official form furnished by the
15 superintendent of the Missouri state highway patrol for that purpose and only
16 after inspecting the vehicle and determining that its brakes, lighting equipment,
17 signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
18 wheels, exhaust system, glazing, air pollution control devices, fuel system and any
19 other safety equipment as required by the state are in proper condition and

20 adjustment to be operated upon the public highways of this state with safety to
21 the driver or operator, other occupants therein, as well as other persons and
22 property upon the highways, as provided by sections 307.350 to 307.390 and the
23 regulations prescribed by the superintendent of the Missouri state highway
24 patrol. Brakes may be inspected for safety by means of visual inspection or
25 computerized brake testing. No person operating an official inspection station
26 shall furnish, loan, give or sell a certificate of inspection and approval to any
27 other person except those entitled to receive it under provisions of sections
28 307.350 to 307.390. No person shall have in such person's possession any
29 certificate of inspection and approval and/or inspection sticker with knowledge
30 that the certificate and/or inspection sticker has been illegally purchased, stolen
31 or counterfeited.

32 3. The superintendent of the Missouri state highway patrol may require
33 officially designated stations to furnish reports upon forms furnished by the
34 superintendent for that purpose as the superintendent considers reasonably
35 necessary for the proper and efficient administration of sections 307.350 to
36 307.390.

37 4. If, upon inspection, defects or unsafe conditions are found, the owner
38 may correct them or shall have them corrected at any place the owner chooses
39 within twenty days after the defect or unsafe condition is found, and shall have
40 the right to remove the vehicle to such place for correction, but before the vehicle
41 is operated thereafter upon the public highways of this state, a certificate of
42 inspection and approval must be obtained. The inspecting personnel of the
43 official inspection station must inform the owner that the corrections need not be
44 made at the inspection station.

45 5. A fee, not to exceed twelve dollars, as determined by each official
46 inspection station, may be charged by an official inspection station for each
47 official inspection including the issuance of the certificate of inspection and
48 approval, sticker, seal or other device and a total fee, not to exceed ten dollars,
49 as determined by each official inspection station, may be charged for an official
50 inspection of a trailer or motorcycle, which shall include the issuance of the
51 certificate of inspection and approval, sticker, seal or other device. Such fee shall
52 be conspicuously posted on the premises of each such official inspection station.
53 No owner shall be charged an additional inspection fee upon having corrected
54 defects or unsafe conditions found in an inspection completed within the previous
55 twenty consecutive days, excluding Saturdays, Sundays and holidays, if such

56 follow-up inspection is made by the station making the initial inspection. Every
57 inspection for which a fee is charged shall be a complete inspection, and upon
58 completion of the inspection, if any defects are found the owner of the vehicle
59 shall be furnished a list of the defects and a receipt for the fee paid for the
60 inspection. If the owner of a vehicle decides to have any necessary repairs or
61 corrections made at the official inspection station, the owner shall be furnished
62 a written estimate of the cost of such repairs before such repairs or corrections
63 are made by the official inspection station. The written estimate shall have
64 plainly written upon it that the owner understands that the corrections need not
65 be made by the official inspection station and shall have a signature line for the
66 owner. The owner must sign below the statement on the signature line before
67 any repairs are made.

68 6. Certificates of inspection and approval, sticker, seal or other device
69 shall be purchased by the official inspection stations from the superintendent of
70 the Missouri state highway patrol. The superintendent of the Missouri state
71 highway patrol shall collect a fee of one dollar and fifty cents for each certificate
72 of inspection, sticker, seal or other device issued to the official inspection stations,
73 except that no charge shall be made for certificates of inspection, sticker, seal or
74 other device issued to official inspection stations operated by governmental
75 entities. All fees collected shall be deposited in the state treasury with one dollar
76 of each fee collected credited to the state highway fund and, for the purpose of
77 administering and enforcing the state motor vehicle laws and traffic regulations,
78 fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby
79 created. The moneys collected and deposited in the highway patrol inspection
80 fund shall be expended subject to appropriations by the general assembly for the
81 administration and enforcement of sections 307.350 to 307.390 by the Missouri
82 state highway patrol. The unexpended balance in the fund at the end of each
83 biennium exceeding the amount of the appropriations from the fund for the first
84 two fiscal years shall be transferred to the state road fund, and the provisions of
85 section 33.080, relating to the transfer of funds to the general revenue fund at the
86 end of the biennium, shall not apply to the fund.

87 7. The owner or operator of any inspection station who discontinues
88 operation during the period that a station permit is valid or whose station permit
89 is suspended or revoked shall return all official signs and posters and any current
90 unused inspection stickers, seals or other devices to the superintendent of the
91 Missouri state highway patrol and shall receive a full refund on request except

92 for official signs and posters, provided the request is made during the calendar
93 year or within sixty days thereafter in the manner prescribed by the
94 superintendent of the Missouri state highway patrol. Stations which have a valid
95 permit shall exchange unused previous year issue inspection stickers and/or
96 decals for an identical number of current year issue, provided the unused stickers
97 and/or decals are submitted for exchange not later than April thirtieth of the
98 current calendar year, in the manner prescribed by the superintendent of the
99 Missouri state highway patrol.

100 8. Notwithstanding the provisions of section 307.390 to the contrary, a
101 violation of this section shall be a class C misdemeanor.

102 **9. The owner or operator of any inspection station shall maintain**
103 **liability insurance at all times to cover possible damage to vehicles**
104 **during the inspection process.**

643.320. 1. The commission shall prescribe the standards and equipment
2 necessary for an official emissions inspection station and the qualifications for
3 persons who conduct the inspections, and no applicant for certificate of
4 authorization to conduct emissions inspections may be approved to operate an
5 official emissions inspection station until the applicant meets the standards and
6 has the required equipment and qualified inspectors as prescribed by the
7 commission. **An official emissions inspection station shall maintain**
8 **liability insurance at all times to cover possible damage to vehicles**
9 **during the inspection process as a condition of operating an official**
10 **emissions inspection station.** The commission shall establish standards and
11 procedures to be followed in the making of inspections required by sections
12 643.300 to 643.355 and shall prescribe rules for the operation of emissions
13 inspection stations.

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

22 3. The commission or its designee shall cause unannounced inspections
23 to be made of the operation of each emissions inspection station at least once

24 during each calendar year. The inspection may include submitting a known high
25 emission vehicle for inspection without prior disclosure to the inspection station.
26 At any time the commission or its designee shall have reason to believe that any
27 person has violated any provisions of the provisions of sections 643.300 to 643.355
28 or the rules promulgated thereunder, the commission or its designee shall refuse
29 to issue or shall revoke or suspend any certificate of authority under this
30 section. The suspension or revocation of a certificate of authority shall be in
31 writing to the operator, inspector, or the person in charge of the emissions
32 inspection station. Before suspending or revoking the certificate of authority to
33 conduct emissions inspections, the commission or its designee shall serve notice
34 in writing by certified mail or by personal service to the inspection station at the
35 operator's address of record giving the permittee the opportunity to appear in the
36 office of the commission on a stated date, not less than ten nor more than thirty
37 days after the mailing or service of the notice, for a hearing to show cause why
38 the inspection station's certificate of authority should not be suspended or
39 revoked. An inspection station owner or an inspector may appear in person or by
40 counsel in the office of the commission or its designee to show cause why the
41 proposed suspension or revocation is in error, or to present any other facts or
42 testimony that would bear on the final decision of the commission or its designee.
43 If the operator, owner, or inspector does not appear on the stated day after
44 receipt of notice, it shall be presumed that such party admits the allegations of
45 fact contained in the hearing notification letter. The decision of the commission
46 or its designee may in such case be based upon the written reports submitted by
47 the commission's officers. The order of the commission, specifying his findings
48 of fact and conclusions of law, shall be considered final immediately after receipt
49 of notice thereof by the inspection station.

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

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

60 condition of removing such suspension.

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

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