

# SENATE BILL NO. 1033

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4510S.02I

KRISTINA MARTIN, Secretary

### AN ACT

To repeal section 643.315, RSMo, and to enact in lieu thereof one new section relating to regulation of air quality.

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Section A. Section 643.315, RSMo, is repealed and one new  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

643.315. 1. Except as provided in sections 643.300 to  
2 643.355, all motor vehicles which are domiciled, registered  
3 or primarily operated in an area for which the commission  
4 has established a motor vehicle emissions inspection program  
5 pursuant to sections 643.300 to 643.355 shall be inspected  
6 and approved prior to sale or transfer; provided that, if  
7 such vehicle is inspected and approved prior to sale or  
8 transfer, such vehicle shall not be subject to another  
9 emissions inspection for ninety days after the date of sale  
10 or transfer of such vehicle. In addition, any such vehicle  
11 manufactured as an even-numbered model year vehicle shall be  
12 inspected and approved under the emissions inspection  
13 program established pursuant to sections 643.300 to 643.355  
14 in each even-numbered calendar year and any such vehicle  
15 manufactured as an odd-numbered model year vehicle shall be  
16 inspected and approved under the emissions inspection  
17 program established pursuant to sections 643.300 to 643.355

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

in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of the safety and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390 and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

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

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

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

(3) Model year vehicles manufactured prior to 1996;

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

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

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

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

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

65 (8) School buses;

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

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

78 (11) Motor vehicles that are driven fewer than twelve  
79 thousand miles between biennial safety inspections; [and]

80 (12) Qualified plug-in electric drive vehicles. For  
81 the purposes of this section, "qualified plug-in electric

drive vehicle" shall mean a plug-in electric drive vehicle that is made by a manufacturer, has not been modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source; and

**(13) Motor vehicles over ten years old that are registered as local commercial motor vehicles used for farm or farming transportation operations, as described in section 301.010, or that are otherwise defined as covered farm vehicles under federal laws and regulations.**

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

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

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

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

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

114 of registration of such vehicle, such inspection shall be  
115 considered timely.

116 (3) If the dealer chooses to sell the vehicle without  
117 prior inspection and approval, the purchaser may return the  
118 vehicle within ten days of the date of purchase, provided  
119 that the vehicle has no more than one thousand additional  
120 miles since the time of sale, if the vehicle fails, upon  
121 inspection, to meet the emissions standards specified by the  
122 commission and the dealer shall have the vehicle inspected  
123 and approved without the option for a waiver of the  
124 emissions standard and return the vehicle to the purchaser  
125 with a valid emissions certificate and sticker within five  
126 working days or the purchaser and dealer may enter into any  
127 other mutually acceptable agreement. If the dealer chooses  
128 to sell the vehicle without prior inspection and approval,  
129 the dealer shall disclose conspicuously on the sales  
130 contract and bill of sale that the purchaser has the option  
131 to return the vehicle within ten days, provided that the  
132 vehicle has no more than one thousand additional miles since  
133 the time of sale, to have the dealer repair the vehicle and  
134 provide an emissions certificate and sticker within five  
135 working days if the vehicle fails, upon inspection, to meet  
136 the emissions standards established by the commission, or  
137 enter into any mutually acceptable agreement with the  
138 dealer. A violation of this subdivision shall be an  
139 unlawful practice as defined in section 407.020. No  
140 emissions inspection shall be required pursuant to sections  
141 643.300 to 643.360 for the sale of any motor vehicle which  
142 may be sold without a certificate of inspection and  
143 approval, as provided pursuant to subsection 2 of section  
144 307.380.

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