

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1033

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4510S.04P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 640.220, 643.315, and 643.350, RSMo, and to enact in lieu thereof four new sections relating to the regulation of air quality.

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

Section A. Sections 640.220, 643.315, and 643.350, RSMo,
2 are repealed and four new sections enacted in lieu thereof, to
3 be known as sections 640.220, 643.315, 643.350, and 643.675, to
4 read as follows:

640.220. 1. For the purpose of protecting the air,
2 water and land resources of the state, there is hereby
3 created in the state treasury a fund to be known as the
4 "Natural Resources Protection Fund". All funds received
5 from air pollution permit fees, gifts, bequests, donations,
6 or any other moneys so designated shall be paid to the
7 director of the department of natural resources, transmitted
8 to the director of revenue and deposited in the state
9 treasury to the credit of an appropriate subaccount of the
10 natural resources protection fund and shall be used for the
11 purposes specified by law. The air pollution permit fee
12 revenues shall be deposited in an appropriate subaccount of
13 the natural resources protection fund and, subject to
14 appropriation by the general assembly, shall be used 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.

15 department to carry out the general administration of
16 section 643.075. The water pollution permit fee revenues
17 generated through sections 644.052, 644.053, 644.054 and
18 644.061 shall be paid to the director of the department of
19 natural resources, transmitted to the director of the
20 department of revenue and deposited to the credit of the
21 water pollution permit fee subaccount of the natural
22 resources protection fund and, subject to appropriation by
23 the general assembly, shall be used by the department to
24 carry out the administration of sections 644.006 to 644.141.

25 2. Effective July 1, 1991, **and before June 30, 2027,**
26 the provisions of section 33.080 to the contrary
27 notwithstanding, any unexpended balance in the subaccounts
28 of the natural resources protection fund that exceeds the
29 preceding biennium's collections shall revert to the general
30 revenue fund of the state at the end of each biennium.
31 **Beginning July 1, 2027, any unexpended balance in the**
32 **subaccounts of the natural resources protection fund that**
33 **exceeds the preceding biennium's collections shall not**
34 **revert to the general revenue fund of the state at the end**
35 **of each biennium.** All interest earned on the natural
36 resources protection funds shall accrue to appropriate
37 subaccounts.

38 3. **Beginning July 1, 2027, and annually on July first**
39 **of each succeeding year, the commissioner of administration**
40 **shall use taxable sales reports to estimate the amount of**
41 **state general revenue sales and use tax derived from**
42 **electric power distribution (NAICS code 221122, or its**
43 **successor) in the immediately preceding calendar year and**
44 **shall report such amount to the state treasurer. The state**
45 **treasurer shall transfer five percent of such general**
46 **revenue sales and use taxes to the air pollution permit fees**

47 subaccount of the natural resources protection fund and such
48 funds, subject to appropriation by the general assembly,
49 shall be used by the department solely for the purpose of
50 funding the air pollution control program. Any provision of
51 law to the contrary notwithstanding, amounts transferred in
52 accordance with this subsection shall not revert to the
53 general revenue fund of the state at the end of each
54 biennium and shall be used solely for the purpose of funding
55 the air pollution control program.

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
18 in each odd-numbered calendar year. All motor vehicles
19 subject to the inspection requirements of sections 643.300
20 to 643.355 shall display a valid emissions inspection
21 sticker, and when applicable, a valid emissions inspection
22 certificate shall be presented at the time of registration
23 or registration renewal of such motor vehicle. The

24 department of revenue shall require evidence of the safety
25 and emission inspection and approval required by this
26 section in issuing the motor vehicle annual registration in
27 conformity with the procedure required by sections 307.350
28 to 307.390 and sections 643.300 to 643.355. The director of
29 revenue may verify that a successful safety and emissions
30 inspection was completed via electronic means.

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

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

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

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

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

45 (5) Motor vehicles registered in an area subject to
46 the inspection requirements of sections 643.300 to 643.355
47 which are domiciled and operated exclusively in an area of
48 the state not subject to the inspection requirements of
49 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
82 drive vehicle" shall mean a plug-in electric drive vehicle
83 that is made by a manufacturer, has not been modified from
84 original manufacturer specifications, and can operate solely
85 on electric power and is capable of recharging its battery

86 from an on-board generation source and an off-board
87 electricity source; and

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

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

97 4. (1) At the time of sale, a licensed motor vehicle
98 dealer, as defined in section 301.550, may choose to sell a
99 motor vehicle subject to the inspection requirements of
100 sections 643.300 to 643.355 either:

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

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

105 (2) If the dealer chooses to sell the vehicle with
106 prior inspection and approval, the dealer shall disclose, in
107 writing, prior to sale, whether the vehicle obtained
108 approval by meeting the emissions standards established
109 pursuant to sections 643.300 to 643.355 or by obtaining a
110 waiver pursuant to section 643.335. A vehicle sold pursuant
111 to this subdivision by a licensed motor vehicle dealer shall
112 be inspected and approved within the one hundred twenty days
113 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.

643.350. 1. A fee, not to exceed twenty-four dollars,
2 may be charged for an emissions inspection conducted under
3 the emissions inspection program established pursuant to
4 sections 643.300 to 643.355.

5 2. The fee shall be conspicuously posted on the
6 premises of each emissions inspection station.

7 3. The commission shall establish, by rule, the
8 portion of the fee amount to be remitted by the emission
9 inspection station to the director of revenue and the number
10 of days allowed for remitting fees.

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

33 5. In addition to funds from the Missouri air emission
34 reduction fund, costs of capital or operations may be
35 supplemented, upon appropriation, from the general revenue

36 fund, the state highway department fund, federal funds or
37 other funds available for that purpose.

643.675. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Air dispersion modeling", the process of
4 simulating particle matter dispersion from an emission point
5 to help predict downwind concentrations to ensure compliance
6 with air quality standards, considering factors like wind,
7 terrain, and building effects, in order to assess health
8 impacts and manage pollution;

9 (2) "Cotton gin", a machine that separates cotton
10 fibers from cotton seeds;

11 (3) "Department", the Missouri department of natural
12 resources.

13 2. Notwithstanding any law, rule, order, decision,
14 permit, agreement, or other relevant authority to the
15 contrary, an owner or operator of a cotton gin that is not a
16 class A source, as defined in section 643.020, shall not be
17 required to submit air dispersion modeling to the department
18 in order to obtain a construction permit for the cotton gin.

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