

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 1033  
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.

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Section A. Sections 640.220, 643.315, and 643.350, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 640.220, 643.315, 643.350, and 643.675, to read as follows:

640.220. 1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the "Natural Resources Protection Fund". All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of the department of natural resources, transmitted to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075. The water pollution permit fee revenues generated through sections 644.052, 644.053, 644.054 and 644.061 shall be paid to the director of the department of natural resources, transmitted to the director of the 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.