

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.305

August 28, 2006

Commission to adopt state implementation plan, nonattainment areas, certain cities and counties--emission reductions established--department to establish air quality baseline--cost of reduction measures, determination--emissions inspection program, report, public information program.

643.305. 1. The air conservation commission shall adopt a state implementation plan to bring all nonattainment areas of the state which are located within a city not within a county, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, and any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants into compliance with and to maintain the National Ambient Air Quality Standards and any regulations promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on the required date or dates as such dates are established under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized pursuant to that act.

2. The commission shall establish the amount of emissions reductions required to achieve the goal established pursuant to subsection 1 of this section.

3. The department shall establish an air quality baseline for all nonattainment areas of the state which are located within a metropolitan statistical area with a population of at least one million inhabitants as defined by the federal Office of Management and Budget or its successor agency. The air quality baseline shall include, where practical, actual air contaminant emissions data and data on the atmospheric concentrations of pollution and pollution precursors for all nonattainment areas.

4. The department shall determine the costs and benefits of alternative reduction measures including reductions of emissions from stationary and mobile sources and traffic control measures. The department of transportation, regional planning commissions and metropolitan planning organizations shall participate with the department and provide information necessary to determine the costs and benefits of emissions reduction measures.

5. The department shall evaluate any motor vehicle emissions inspection program established under sections 643.300 to 643.355 and shall annually include in the report to the commission and the general assembly required under section 643.192, beginning on January 1, 1996, a detailed accounting of the inspection costs and repair costs incurred by vehicle owners and of the emissions reductions produced or incurred by the program. The department may use a representative sample of vehicles to provide a statistically valid estimate of the repair costs and emissions reductions. The report shall also include a recommendation to the general assembly on whether the emissions inspection program should be continued, modified or terminated.

6. The department shall establish a program of public information and education to educate the citizens of the state about the costs and benefits associated with reaching attainment of the National Ambient Air Quality Standards and the costs and benefits of all measures which are considered to attain those standards. This shall be done prior to the commission's action under subsection 1 of this section.

(L. 1994 S.B. 590, A.L. 2006 S.B. 583)

*Provisional effective date--see § 643.360

*Effective 9-1-07

Commission to adopt state implementation plan, nonattainment areas, certain cities and counties--emission reductions established--department to establish air quality baseline--cost of reduction measures, determination--emissions inspection program, report, public information program.

643.305. 1. The air conservation commission shall adopt a state implementation plan to bring all nonattainment areas of the state which are located within a city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand

inhabitants and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants, into compliance with and to maintain the National Ambient Air Quality Standards and any regulations promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on the required date or dates as such dates are established under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized pursuant to that act.

2. The commission shall establish the amount of emissions reductions required to achieve the goal established pursuant to subsection 1 of this section.

3. The department shall establish an air quality baseline for all nonattainment areas of the state which are located within a metropolitan statistical area with a population of at least one million inhabitants as defined by the federal Office of Management and Budget or its successor agency. The air quality baseline shall include, where practical, actual air contaminant emissions data and data on the atmospheric concentrations of pollution and pollution precursors for all nonattainment areas.

4. The department shall determine the costs and benefits of alternative reduction measures including reductions of emissions from stationary and mobile sources and traffic control measures. The department of transportation, regional planning commissions and metropolitan planning organizations shall participate with the department and provide information necessary to determine the costs and benefits of emissions reduction measures.

5. The department shall evaluate any motor vehicle emissions inspection program established under section 307.366, RSMo, or sections 643.300 to 643.355 and shall annually include in the report to the commission and the general assembly required under section 643.192, beginning on January 1, 1996, a detailed accounting of the inspection costs and repair costs incurred by vehicle owners and of the emissions reductions produced or incurred by the program. The department may use a representative sample of vehicles to provide a statistically valid estimate of the repair costs and emissions reductions. The report shall also include a recommendation to the general assembly on whether the emissions inspection program should be continued, modified or terminated.

6. The department shall establish a program of public information and education to educate the citizens of the state about the costs and benefits associated with reaching attainment of the National Ambient Air Quality Standards and the costs and benefits of all measures which are considered to attain those standards. This shall be done prior to the commission's action under subsection 1 of this section.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.310

August 28, 2006

Commission to establish decentralized motor vehicle emissions inspection program, certain cities and counties, exceptions--selection of person to operate inspection facility or program, procedure, contract requirement--selection of contractors, minorities, motor vehicle dealers--storage of conventional gasoline in nonattainment area.

643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305. The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305. The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., and the regulations promulgated thereunder.

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

(L. 1994 S.B. 590, A.L. 1998 S.B. 619, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2003 S.B. 54, A.L. 2006 S.B. 583)

*Effective 9-1-07

Commission to establish motor vehicle emissions inspection program, certain cities and counties, exceptions—request attorney general to bring lawsuit—interagency agreement for enforcement, when—selection of person to operate inspection facility or program, procedure, contract requirement—program criteria—selection of contractors, minorities, motor vehicle dealers—sale of analyzer to department when —reformulated gasoline in nonattainment area.

643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, except that the commission may establish a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 in such county only for motor vehicles owned by residents of such county who have chosen to participate in such a program in lieu of the provisions of section 307.366, RSMo. The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated pursuant to this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission pursuant to this section in lieu of the provisions of section 307.366, RSMo.

2. No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.

3. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an

inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

6. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, sell such equipment to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri analyzer system emission inspection equipment used to provide emissions inspections pursuant to section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established pursuant to sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program pursuant to sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution.

(L. 1994 S.B. 590, A.L. 1998 S.B. 619, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2003 S.B. 54)

*This section was amended by S.B. 583, 2006, effective 9-1-07.

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Missouri General Assembly

Missouri Revised Statutes

Chapter 643
Air Conservation
Section 643.312

August 28, 2006

Reformulated gasoline program.

643.312. The air conservation commission may establish, by rule, a state reformulated gasoline program to prohibit the sale or dispensing of conventional gasoline for use in motor vehicles. If established, such program shall be implemented and reformulated gasoline shall be available at the retail level in the nonattainment area described in section 643.305 by June 1, 1999. The effectiveness of such program in improving air quality shall be at least equal to, and cost competitive with, the federal reformulated gasoline program, 42 U.S.C. 7545. Subject to the conditions of this section, any reformulated gasoline program established pursuant to this section shall not preclude the use of ethanol.

(L. 1998 S.B. 619 § 1)

Effective 1-1-99

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.315

August 28, 2006

Motor vehicles subject to program, when, evidence of inspection and approval--exceptions--reciprocity with other states--dealer inspection, return of motor vehicle for failing inspection, options, violation.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 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, RSMo, 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 vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;
- (6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;
- (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;
- (8) School buses;
- (9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted; and
- (11) Motor vehicles that are driven fewer than twelve thousand miles between biennial safety inspections.

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, RSMo, 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 of registration of such vehicle, such inspection shall be considered timely.

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

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2001 S.B. 435, A.L. 2003 S.B. 54, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489, A.L. 2006 S.B. 583)

*Effective 9-1-07

Motor vehicles subject to program, when, exceptions--reciprocity with other states--dealer inspection, return of motor vehicle for failing inspection, options, violation.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 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.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. 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 twenty-six years or more prior to the current model year;
- (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 vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;
- (6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user; and
- (7) Historic motor vehicles registered pursuant to section 301.131, RSMo.
4. 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.
5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, 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 of registration of such vehicle, such inspection shall be considered timely.
- (3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2001 S.B. 435, A.L. 2003 S.B. 54, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489)

*This section was amended by S.B. 583, 2006, effective 9-1-07.

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.320

August 28, 2006

Criteria for operation of inspection stations, established--application, form, fee--commission to inspect--suspension and revocation of license, procedure--required reports--alternative administrative enforcement mechanisms--sign, requirements, furnished by department, cost.

- 643.320. 1. The commission shall prescribe the standards and equipment necessary for an official emissions inspection station and the qualifications for persons who conduct the inspections, and no applicant for certificate of authorization to conduct emissions inspections may be approved to operate an official emissions inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed by the commission. The commission shall establish standards and procedures to be followed in the making of inspections required by sections 643.300 to 643.355 and shall prescribe rules for the operation of emissions inspection stations.
2. The application for a certificate of authorization to operate as an official emissions inspection station shall be made to the commission on a form furnished by the commission. The application shall be accompanied by a fee established by the commission by rule, but in no case shall the fee exceed one hundred dollars. The certificate of authorization shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by the director of revenue in the state treasury to the credit of the Missouri air emission reduction fund established under section 643.350.
3. The commission or its designee shall cause unannounced inspections to be made of the operation of each emissions inspection station at least once during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station. At any time the commission or its designee shall have reason to believe that any person has violated any provisions of the provisions of sections 643.300 to 643.355 or the rules promulgated thereunder, the commission or its designee shall refuse to issue or shall revoke or suspend any certificate of authority under this section. The suspension or revocation of a certificate of authority shall be in writing to the operator, inspector, or the person in charge of the emissions inspection station. Before suspending or revoking the certificate of authority to conduct emissions inspections, the commission or its designee shall serve notice in writing by certified mail or by personal service to the inspection station at the operator's address of record giving the permittee the opportunity to appear in the office of the commission on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the inspection station's certificate of authority should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the commission or its designee to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the commission or its designee. If the operator, owner, or inspector does not appear on the stated day after receipt of notice, it shall be presumed that such party admits the allegations of fact contained in the hearing notification letter. The decision of the commission or its designee may in such case be based upon the written reports submitted by the commission's officers. The order of the commission, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the inspection station.
4. The department may require emissions inspection stations to furnish reports, upon forms furnished by the department for that purpose, that the department considers necessary for the administration of sections 643.300 to 643.355.
5. The commission may impose alternative administrative enforcement mechanisms in lieu of suspending or revoking a certificate of authority. Such alternative administrative enforcement mechanisms may include, but not be limited to, requiring inspectors to successfully complete a commission- approved retraining program. The commission also may require any individual who has his or her certificate of authority suspended to undergo remedial retraining as a condition of removing such suspension.
6. The commission shall design and furnish each official emissions inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official emissions inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each official emissions inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

(L. 1994 S.B. 590, A.L. 2006 S.B. 583)

*Provisional effective date--see § 643.360

*Effective 9-1-07

Criteria for operation of inspection stations, established--department to inspect, require reports--sign, requirements, furnished by department, cost.

- 643.320. 1. The commission shall establish, by rule, procedures, standards, and requirements for the operation of emissions inspection stations and the conduct of emissions inspections.
2. The emissions inspection stations shall be operated in accordance with all requirements established by the commission under this section.
3. The department shall cause unannounced inspections to be made of the operation of each emissions inspection station at least once during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station.
4. The department may require emissions inspection stations to furnish reports, upon forms furnished by the department for that purpose, that the department considers necessary for the administration of sections 643.300 to 643.355.
5. No emissions inspection required under sections 643.300 to 643.355 may be performed at an emissions inspection station unless there is conspicuously posted on the premises of the emissions inspection station a sign which is at least eight feet high and sixteen feet wide and which sign bears the legend: "This inspection is mandated by the United States Environmental Protection Agency under powers granted to it by your United States Senators and Representatives in Washington, D.C." A standard sign, designed by the department and containing letters of at least six inches in height, shall be used by all emissions inspection stations. Such signs shall be furnished by the department to each emissions inspection station at no cost to the station.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

Missouri Revised Statutes

**Chapter 643
Air Conservation
Section 643.325**

August 28, 2006

Certificate and sticker, commission to establish, display of, requirements.

643.325. 1. The commission shall establish, by rule, an emissions inspection certificate and an emissions inspection sticker which indicate that a vehicle has been inspected and given approval under sections 643.300 to 643.355. The commission shall also establish, by rule, requirements for display of the sticker on a motor vehicle and requirements for the replacement of a sticker or certificate which has been lost or stolen. The emissions inspection certificate and the emissions inspection sticker shall each bear, in a conspicuous place, the legend: "This inspection is mandated by your United States Congress."

2. Each emissions inspection station shall provide an emissions inspection certificate and emissions inspection sticker to the owner of a vehicle which has been inspected and approved under the emissions inspection program.

(L. 1994 S.B. 590)

*Provisional effective date--sec § 643.360

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.330August 28, 2006

Vehicle failure on inspection, reinspection, charge--inspector to provide written estimate, cost of repairs--department to test facilities, violations.

- 643.330. 1. An owner whose vehicle fails, upon inspection, to meet the emissions standards specified by the commission may have the vehicle reinspected after making repairs or adjustments to the vehicle to reduce emissions.
2. No motor vehicle owner shall be charged an additional emissions inspection fee for one additional emissions reinspection completed within twenty consecutive days, excluding Saturdays, Sundays, and holidays, of the initial emissions inspection. Such fee only shall be waived or not charged if the reinspection is made by the station making the initial inspection.
3. The inspector shall provide in writing to the owner of a vehicle which fails, upon inspection, to meet the emissions standards, the nature of the vehicle's failure, the components or equipment responsible for the failure and the estimated cost of repair to the extent practical pursuant to rules promulgated by the commission.
4. The department shall cause unannounced tests of facilities which repair, service or maintain motor vehicle emissions components and equipments, including submitting known high emission vehicles with known defects for repair without prior disclosure to the repair facility. Any suspected violations of chapter 407, RSMo, shall be reported by the department to the attorney general who shall institute appropriate proceedings under sections 407.095 and 407.100, RSMo, regarding unlawful merchandising practices.

(L. 1994 S.B. 590, A.L. 2006 S.B. 583)

*Provisional effective date--see § 643.360

*Effective 9-1-07

Vehicle failure on inspection, reinspection, charge--department to publish list of repairs, cost-effective measures, distribution--inspector to provide written estimate, cost of repairs--department to test facilities, violations.

- 643.330. 1. An owner whose vehicle fails, upon inspection, to meet the emissions standards specified by the commission may have the vehicle reinspected after making repairs or adjustments to the vehicle to reduce emissions.
2. No motor vehicle owner shall be charged an additional emissions inspection fee for emissions reinspections completed within thirty calendar days of the initial emissions inspection.
3. The department shall publish a list of emissions repair and adjustment procedures based on the ratio of potential emissions reductions to cost, and the list shall be distributed and made available at all emissions inspection stations. The list shall indicate the most cost-effective measures that a vehicle owner can take to reduce emissions.
4. The inspector shall provide in writing to the owner of a vehicle which fails, upon inspection, to meet the emissions standards, the nature of the vehicle's failure, the components or equipment responsible for the failure and the estimated cost of repair to the extent practical pursuant to rules promulgated by the commission.
5. The department shall cause unannounced tests of facilities which repair, service or maintain motor vehicle emissions components and equipments, including submitting known high emission vehicles with known defects for repair without prior disclosure to the repair facility. Any suspected violations of chapter 407, RSMo, shall be reported by the department to the attorney general who shall institute appropriate proceedings under sections 407.095 and 407.100, RSMo, regarding unlawful merchandising practices.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

*Missouri Revised Statutes***Chapter 643
Air Conservation
Section 643.335**August 28, 2006

Waiver amount established by commission, cost, limits--verification of repairs, procedure--waiver form, affidavit--amount, how calculated--waiver amount for repairs by owner, form--waiver amount for owners receiving public assistance.

- 643.335. 1. The commission shall establish, by rule, a waiver amount which shall be no greater than four hundred and fifty dollars.
2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.
3. The waiver form established pursuant to subsection 2 of this section shall be an affidavit requiring:
- (1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and
 - (2) A statement signed by the commission or designee that an inspection of the vehicle verified, to the extent practical, that the specified work was done. An inspection to verify whether repair work was performed or not shall not be conducted by the same inspection station, inspector, or affiliate that performed the repair work.
4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the parts, repairs and adjustment work performed is equal to or greater than the waiver amount established by the commission. Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician. As used in this section, a "recognized repair technician" means a repair technician who has obtained and possesses** valid A6, A8, and L1 certifications from the National Institute for Automotive Service Excellence.
5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.
6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.
7. Notwithstanding subsection 1 of this section, the waiver amount for an owner that performs repair work on his or her own vehicle shall be four hundred dollars, provided that the cost of the parts utilized by the owner to perform the repair is equal to or greater than four hundred dollars. The types of parts that shall account toward the waiver amount described in this subsection shall include only emission control components described in 40 CFR Section 51.360, as amended. The cost for labor performed by the owner shall not count toward the waiver limit. The commission shall establish, by rule, a waiver form for repair work performed by a vehicle owner. Such form shall include, but not be limited to:
- (1) A statement signed by the owner that the owner expended a minimum of four hundred dollars on qualified emission control components and that the owner installed such components; and
 - (2) A statement signed by the commission or its designee that an inspection of the vehicle verified, to the extent practical, that the qualified components were installed.

The owner also shall submit all original receipts for emission-related parts.

8. The commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed. For the purposes of this section, "reasonable and reliable proof" shall mean government-issued documentation providing explanation of said customer's disability and financial assistance with regard to personal income.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2006 S.B. 583)

*Effective 9-1-07

**Word "possess" appears in original rolls.

Waiver amount established by commission, cost, limits--verification of repairs, procedure--waiver form, affidavit--amount, how calculated.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established pursuant to subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the parts, repairs and adjustment work performed is equal to or greater than the waiver amount established by the commission. Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a recognized repair technician as defined by rule.

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19)

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

Missouri Revised Statutes

**Chapter 643
Air Conservation
Section 643.337**

August 28, 2006

Oversight of vehicle emissions inspection program--report--rulemaking authority.

643.337. 1. The department of natural resources and the state highway patrol shall provide oversight for the vehicle emissions inspection program, including oversight of the repair services provided by recognized repair technicians for such vehicles. The department and highway patrol may promulgate joint rules for the implementation of this subsection.

2. Beginning October 1, 2008, and every October first thereafter, the department and the highway patrol shall jointly submit an annual report to the general assembly detailing the oversight measures implemented for the program and data collected regarding compliance and incidents of fraud, and any recommendations for improvements to the program, including but not limited to statutory and regulatory changes.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

(L. 2006 S.B. 583)

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Missouri Revised Statutes

Chapter 643
Air Conservation
Section 643.340

August 28, 2006

Operation of vehicle without registration, when allowed.

643.340. 1. For the purpose of obtaining an emissions inspection only, a vehicle may be lawfully operated over the most direct route between the owner's usual domicile and an inspection station of the owner's choice, notwithstanding that the vehicle does not have a current state registration license.

2. A vehicle may be lawfully operated from an emissions inspection station to another place for the purpose of making repairs and back to the emissions inspection station, notwithstanding that the vehicle does not have a current state registration license.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

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Missouri Revised Statutes

Chapter 643
Air Conservation
Section 643.345

August 28, 2006

Transfer of registration not allowed without emissions certificate, when--exceptions.

643.345. In the year in which an emissions inspection is required under section 643.315, a certificate of registration for a motor vehicle shall not be transferred, renewed or issued unless the application for the transfer, renewal or issuance is accompanied by a current emissions inspection certificate issued not more than sixty days prior to the date of application, except that the director of revenue shall renew a vehicle's certificate of registration without a current emissions inspection certificate accompanying the application if satisfactory documentary evidence is presented at the time of application that the registration being renewed was properly transferred within a six-month period prior to the expiration of the registration.

(L. 1994 S.B. 590)

*Provisional effective date--see § 643.360

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Missouri General Assembly

Missouri Revised Statutes

Chapter 643 Air Conservation Section 643.350

August 28, 2006

Inspection fee--contractor to remit portion, deposit in Missouri air emission reduction fund, use of, balance not to lapse--moneys may be deposited into general revenue fund, when--supplementation of funds.

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

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

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

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

5. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2006 S.B. 583)

*Effective 9-1-07

Inspection fee, reduction of, when--contractor to remit portion, deposit in Missouri air emission reduction fund, use of, balance not to lapse.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins; and

(2) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins.

The waiting time shall begin at the time when the customer's vehicle is on the premises of the inspection station and available for inspection.

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.

4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the portion of fees collected, as established by the commission pursuant to this section, to the director of

revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 by the department of natural resources, the Missouri highway patrol, and other appropriate agencies. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19)

*This section was amended by S.B. 583, 2006, effective 9-1-07. Consult RSMo 2000 for existing section.

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Missouri General Assembly

*Missouri Revised Statutes*Chapter 643
Air Conservation
Section 643.353August 28, 2006

Annual report on effectiveness of emissions inspection program, requirements.

643.353. Beginning January 15, 2008, and annually thereafter, the department of natural resources shall submit a report to the governor and general assembly that describes the overall effectiveness of the decentralized emissions inspection program. Such report shall be based upon the latest available data, including data derived from EPA model analysis. The report shall contain an interpretative analysis detailing whether or not the ambient air quality achieved by the decentralized emissions inspection program exceeds the ambient air quality achieved by the current centralized emissions inspection program.

(L. 2006 S.B. 583)

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Missouri General Assembly

Missouri Revised Statutes

Chapter 643 Air Conservation Section 643.355

August 28, 2006

Illegal acts, penalties.

- 643.355. 1. Any person who knowingly misrepresents himself or herself as an official emissions inspection station or an inspector or a recognized repair technician is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.
2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.
3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker is guilty of an infraction.
4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration is guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.
5. Any person who knowingly operates a motor vehicle required to be inspected and approved pursuant to sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required pursuant to section 643.315 is guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.
6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 is guilty of an infraction.
7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 is subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence.

(L. 1994 S.B. 590, A.L. 1999 H.B. 603, et al. merged with S.B. 19)

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