

May 11, 1970

OPINION LETTER NO. 259

Honorable J. Anthony Dill
State Representative
8011 Grandvista
Affton, Missouri 63123



Dear Representative Dill:

This is in reply to your request for an opinion of this office in which you asked:

"I would appreciate knowing if an individual is entitled to a refund on any Missouri inspection stickers which he purchased from the Missouri State Highway Patrol in the event he is no longer an inspector under the Missouri Vehicle Inspection Law passed by the 75th General Assembly."

The applicable sections under consideration in regard to your question are Sections 307.350 through 307.390, V.A.M.S., having been renumbered by the Revisor of Statutes from Sections 304.700 through 304.780, RSMo Supp. 1967. A full reading of the aforementioned sections fails to reveal any legislative intent to provide for the refunding of the purchase price paid by official inspection stations for certificates of inspection and approval. As is apparent from a reading of the sections involved herein, there are but two vague references which might control in this instance:

"All owners of motor vehicles and trailers as defined in section 301.010, RSMo, which are required to be registered in this state, except trailers registered for a gross weight of three thousand pounds or less, and also except historic motor vehicles registered under section 301.131, RSMo, must submit their motor vehicles and trailers to an annual inspection of their mechanisms and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a

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certificate of inspection and a duplicate thereof from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a motor vehicle or trailer shall not be made more than thirty days prior to the day on which the annual registration fee for the motor vehicle or trailer is paid. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribed by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him."

The references in Section 307.350 to replacement of certificates are obviously intended to cover the loss or destruction of the inspection sticker by the ultimate purchaser and not by the inspection station, and thus the conclusion to be drawn is that there is no authority within Section 307.350 for a refund of purchase price on stickers purchased by inspection stations.

A further section of the Motor Vehicle Safety Inspection Act deals with the purchase price to be paid in inspection stations for certificates of inspections. Section 307.365 (5) provides in part as follows:

". . . The superintendent of the Missouri state highway patrol shall collect a fee of 50 cents for each certificate of inspection and duplicate issued to the official inspection stations except that no charge shall be made for certificates of inspection and approval and duplicates issued for official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury to the credit of the state highway fund. . ."

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As can be seen from the foregoing, no provision is made for the refunding of purchase price of inspection stickers to inspection stations, and again the conclusion must be drawn that the legislature did not contemplate refunding in such an instance.

Therefore, it is the conclusion of this office then that an inspection station under the Missouri Motor Vehicle Safety Inspection Act which ceases to be an inspection station either voluntarily or by revocation of its license, may not have the purchase price for certificates of inspection refunded to it.

Yours very truly,

JOHN C. DANFORTH
Attorney General