

By: ~~Delegate Fry~~ Delegates Fry, Cadden, Ciliberti, Love, and Bonsack

Requested: November 13, 1995

Introduced and read first time: January 10, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 1996

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Enhanced Testing**

3 FOR the purpose of extending for a certain period the prohibition on certain tests and
4 test procedures under the Vehicle Emissions Inspection Program; delaying, for the
5 same period, an increase in the maximum vehicle inspection and testing fee;
6 requiring the Motor Vehicle Administration to offer a certain emissions test
7 procedure to vehicle owners on a voluntary basis; requiring the Administration to
8 provide to vehicle owners notice of the availability of the voluntary testing; altering
9 the amount that an owner of a vehicle must spend to qualify for a certain waiver if
10 the vehicle fails a voluntary test offered under this Act; providing for the effective
11 date of this Act; and generally relating to enhanced testing and the administration
12 of the Vehicle Emissions Inspection Program.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 23-202(d) and 23-205(a)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Transportation
20 Section 23-202(c)
21 Annotated Code of Maryland
22 (1992 Replacement Volume and 1995 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Transportation**

2 23-202.

3 (c) By rules and regulations, the Administration and the Secretary:

4 (1) Shall grant a waiver to a vehicle owner if:

5 (i) The vehicle fails to pass the exhaust emissions test;

6 (ii) The vehicle owner exhibits evidence acceptable to the
7 Administration that the owner, for an initial exhaust emissions test occurring:

8 1. In calendar years 1995 through 1997 has actually incurred an
9 expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after
10 the exhaust emissions test; and

11 2. On or after January 1, 1998, has actually incurred the
12 minimum expenditure required by federal law towards emissions related repairs to the
13 vehicle within 120 days after the exhaust emissions test; and

14 (iii) The vehicle fails a retest, except that if the vehicle owner has
15 exhibited evidence acceptable to the Administration that the vehicle owner actually
16 incurred the minimum expenditure as required under item (1)(ii) of this subsection for
17 the emissions related repair to the vehicle within 30 days before the initial exhaust
18 emissions test or the period allowed under federal law, whichever is longer, a retest is not
19 required;

20 (2) Notwithstanding the provisions of this section, may not grant a waiver if
21 it is found in the testing process that factory-installed emissions equipment has been
22 tampered with or removed, or that the vehicle has been misfueled;

23 (3) Unless otherwise prohibited by federal law, may grant additional waivers
24 to extend the time for compliance in cases of financial hardship or for unusual
25 circumstances;

26 (4) Shall establish criteria to certify repair facilities for the purpose of
27 bringing vehicles into compliance with the applicable emissions standards;

28 (5) May provide for the suspension, revocation, or denial of renewal of the
29 certification of a repair facility upon evidence that vehicles repaired by that facility for the
30 purpose of bringing them into compliance with the applicable emissions standards have
31 repeatedly failed tests or retests and the Administration and the Secretary have clear and
32 convincing evidence the repair facility is not meeting satisfactory performance standards;

33 (6) Shall define the inspection parameters for the emissions equipment and
34 misfueling inspection;

35 (7) Shall adopt a schedule for the exhaust emissions test;

36 (8) Shall adopt a schedule for the emissions equipment and misfueling
37 inspections; and

1 (9) Shall establish, under Title 2 of the Environment Article, emissions
2 standards to be used for the exhaust emissions tests and emissions equipment and
3 misfueling inspections of motor vehicles under this subtitle.

4 (d) (1) Notwithstanding subsection (c)(6) of this section or any other provision
5 of law, during the period from January 1, 1995 through May 31, [1996,] 1997, the
6 emissions control program established under this subtitle may not require for any vehicle
7 other than a State-owned vehicle or, to the extent authorized by federal law, a
8 federally-owned vehicle:

9 (i) Transient mass-emission testing using the IM 240 driving cycle
10 referenced under 40 C.F.R. Part 51;

11 (ii) An evaporative system integrity (pressure) test or an evaporative
12 system transient purge test that requires the disconnection or manipulation of any engine
13 component, including any hose or emissions equipment, that is located in the vehicle's
14 engine compartment;

15 (iii) Removal of the driver from a vehicle being tested or inspected; or

16 (iv) On-road testing.

17 ~~(2) Nothing in this subsection prohibits the emissions control program from~~
18 ~~offering to vehicle owners, on a voluntary basis, any of the tests and inspections described~~
19 ~~in paragraph (1) of this subsection.~~

20 (2) (I) THE ADMINISTRATION SHALL OFFER TO VEHICLE OWNERS, ON
21 A VOLUNTARY BASIS, TRANSIENT MASS EMISSIONS TESTING USING THE IM 240
22 DRIVING CYCLE.

23 (II) 1. THE ADMINISTRATION SHALL NOTIFY VEHICLE OWNERS
24 OF THE OPPORTUNITY TO VOLUNTARILY SUBMIT A VEHICLE TO THE TESTING
25 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

26 2. THE NOTICE REQUIRED UNDER THIS SUBPARAGRAPH
27 SHALL BE:

28 A. PROMINENTLY DISPLAYED AT ALL EMISSIONS
29 INSPECTION FACILITIES; AND

30 B. INCLUDED BY THE ADMINISTRATION IN TEST NOTICES
31 AND OTHER MAILINGS RELATED TO THE EMISSIONS CONTROL PROGRAM THAT ARE
32 DIRECTED TO VEHICLE OWNERS.

33 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C)(1) OF
34 THIS SECTION, THROUGH DECEMBER 31, 1997, IF A VEHICLE VOLUNTARILY
35 SUBMITTED FOR TESTING UNDER THIS PARAGRAPH FAILS TO PASS THE EXHAUST
36 EMISSIONS TEST, THE ADMINISTRATION SHALL GRANT A WAIVER TO THE VEHICLE
37 IF THE VEHICLE'S OWNER EXHIBITS EVIDENCE ACCEPTABLE TO THE
38 ADMINISTRATION THAT THE OWNER HAS ACTUALLY INCURRED AN EXPENDITURE
39 OF \$75 TOWARDS EMISSIONS RELATED REPAIRS TO THE VEHICLE WITHIN 60 DAYS
40 AFTER THE EXHAUST EMISSIONS TEST.

4

1 23-205.

2 (a) (1) Subject to paragraph (2) of this subsection, the Administration and the
3 Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a
4 facility.

5 (2) The fee established under this subsection:

6 (i) During the period from January 1, 1995 through May 31, [1996,]
7 1997, may not exceed \$12; and

8 (ii) During the period after May 31, [1996,] 1997, may not exceed \$14.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 1996.