
By: Delegates Hubbard, Stup, and Pitkin

Introduced and read first time: February 5, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Technician Certification and Repair Facilities**

3 FOR the purpose of allowing retesting of certain motor vehicles under the Vehicle
4 Emissions Inspection Program at certain repair facilities; establishing licensing,
5 qualification, and sanction of certified repair facilities by the Motor Vehicle
6 Administration for certain purposes; establishing registration, examination, and
7 sanction of master certified emissions technicians by the Administration for certain
8 purposes; allowing the Administration to establish certain standards for certain
9 facilities and certain persons by regulation; establishing procedures for issuance,
10 satisfaction, and processing of emissions equipment repair orders by certain persons
11 for certain purposes; providing for the suspension and reinstatement of certain
12 vehicle registrations under certain circumstances; defining a term; and generally
13 relating to vehicle emissions inspection and repair.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 23-201, 23-202(c), 23-204, and 23-205(a)(1)
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1995 Supplement)

19 BY adding to
20 Article - Transportation
21 Section 23-206.2 through 23-206.4
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1995 Supplement)

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

26 **Article - Transportation**

27 23-201.

28 (a) In this subtitle, the following words have the meanings indicated.

29 (b) "Emissions control program" means the program requiring and implementing
30 the exhaust emissions test and the emissions equipment and misfueling inspection.

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1 (c) "Emissions equipment" means any emissions control device that has been
2 installed on a motor vehicle by a manufacturer of motor vehicles.

3 (d) "Emissions equipment and misfueling inspection" means an inspection to
4 verify the presence of required emissions equipment and an inspection to determine that
5 the vehicle has not been misfueled.

6 (e) (1) "Emissions related repair" means the inspection, adjustment, repair, or
7 replacement of motor vehicle engine systems, subsystems, or components as necessary to
8 bring a motor vehicle into compliance with emissions standards adopted in accordance
9 with the provisions of this subtitle.

10 (2) "Emissions related repair" does not include adjustment, repair, or
11 replacement necessitated by tampering or misfueling.

12 (f) (1) "Emissions standard" means a requirement that limits the quantity,
13 quality, rate, or concentration of emissions from a motor vehicle.

14 (2) "Emissions standard" includes a requirement that relates to the
15 operation or maintenance of a motor vehicle to assure continuous emissions reduction.

16 (g) "Exhaust emissions test" means the sampling and measurement of certain
17 components of motor vehicle exhaust to determine whether the motor vehicle is in
18 compliance with an emissions standard.

19 (h) "Misfueling" means the introduction of leaded fuel into a motor vehicle
20 designed by the motor vehicle manufacturer to use unleaded fuel.

21 (I) "REPAIR ORDER CERTIFICATION" MEANS A WRITTEN CERTIFICATION BY
22 A CERTIFIED REPAIR FACILITY THAT:

23 (1) CERTIFIES THAT, AS OF ITS DATE, THE EQUIPMENT SPECIFIED IN AN
24 EMISSIONS EQUIPMENT REPAIR ORDER MEETS OR EXCEEDS THE STANDARDS
25 ESTABLISHED UNDER THIS SUBTITLE; AND

26 (2) IS SIGNED AND DATED ON BEHALF OF THE CERTIFIED REPAIR
27 FACILITY BY THE REGISTERED INDIVIDUAL WHO PERSONALLY INSPECTED THE
28 VEHICLE.

29 [(i)] (J) "Secretary" means the Secretary of Environment.

30 23-202.

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

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

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

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

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

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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
4 [a] AN INSPECTION facility.

5 23-206.2.

6 (A) (1) ON RECEIPT OF AN APPLICATION AND A FEE ESTABLISHED BY THE
7 ADMINISTRATION FROM A FACILITY FOR A CERTIFIED REPAIR FACILITY LICENSE,
8 THE ADMINISTRATION SHALL:

9 (I) INSPECT THE FACILITY AS TO ITS ABILITY TO INSPECT AND
10 CORRECT EMISSIONS EQUIPMENT; AND

11 (II) IF THE FACILITY IS QUALIFIED, ISSUE TO IT A LICENSE AS A
12 CERTIFIED REPAIR FACILITY.

13 (2) ON RECEIPT OF A RENEWAL APPLICATION AND THE ANNUAL
14 LICENSE FEE ESTABLISHED BY THE ADMINISTRATION FOR A CERTIFIED REPAIR
15 FACILITY, THE ADMINISTRATION SHALL ISSUE THE RENEWAL LICENSE IF THE
16 FACILITY IS QUALIFIED.

17 (B) THE LICENSE AUTHORIZES THE FACILITY TO INSPECT THE EMISSIONS
18 EQUIPMENT OF A VEHICLE FOR WHICH AN EMISSIONS EQUIPMENT REPAIR ORDER
19 HAS BEEN ISSUED AND ISSUE A REPAIR ORDER CERTIFICATION FOR THE VEHICLE.

20 (C) THE ADMINISTRATION MAY:

21 (1) FOR CAUSE, SUSPEND OR REVOKE A CERTIFIED REPAIR FACILITY
22 LICENSE; AND

23 (2) ON SUSPENSION OR REVOCATION OF THE LICENSE, REQUIRE THE
24 SURRENDER OF THE LICENSE AND ALL RELATED MATERIAL ISSUED BY THE
25 ADMINISTRATION.

26 (D) THE ADMINISTRATION MAY ESTABLISH STANDARDS BY REGULATION
27 FOR THE LICENSING AND OPERATION OF CERTIFIED REPAIR FACILITIES. THE
28 ADMINISTRATION MAY COORDINATE THE STANDARDS AND LICENSING OF
29 CERTIFIED REPAIR FACILITIES UNDER THIS SECTION WITH THE STANDARDS AND
30 LICENSING OF INSPECTION STATIONS UNDER § 23-103 OF THIS TITLE.

31 (E) THE ADMINISTRATION MAY NOT SET A FEE UNDER THIS SECTION WHICH
32 EXCEEDS THE DIRECT COSTS OF ADMINISTERING THIS PROGRAM.

33 23-206.3.

34 (A) ON RECEIPT OF AN APPLICATION AND A FEE SET BY THE
35 ADMINISTRATION TO TAKE THE MASTER CERTIFIED EMISSIONS TECHNICIAN EXAM,
36 THE ADMINISTRATION SHALL:

37 (1) ADMINISTER AN EXAM TO EACH MASTER CERTIFIED EMISSIONS
38 TECHNICIAN APPLICANT; AND

1 (2) IF THE APPLICANT IS DETERMINED TO BE QUALIFIED, REGISTER
2 THE MASTER CERTIFIED EMISSIONS TECHNICIAN TO CONDUCT EMISSIONS
3 EQUIPMENT INSPECTIONS AND REPAIRS.

4 (B) THE ADMINISTRATION MAY ESTABLISH STANDARDS BY REGULATION
5 FOR THE TESTING, QUALIFYING, AND REGISTERING OF MASTER CERTIFIED
6 EMISSIONS TECHNICIANS. THE ADMINISTRATION MAY COORDINATE THE TESTING,
7 QUALIFYING, AND REGISTERING OF MASTER CERTIFIED EMISSIONS TECHNICIANS
8 UNDER THIS SECTION WITH THE STANDARDS AND REGISTRATION OF INSPECTION
9 MECHANICS UNDER § 23-103.1 OF THIS TITLE.

10 (C) THE ADMINISTRATION MAY:

11 (1) FOR CAUSE, SUSPEND OR REVOKE THE MASTER CERTIFIED
12 EMISSIONS TECHNICIAN'S REGISTRATION; AND

13 (2) ON SUSPENSION OR REVOCATION OF THE MASTER CERTIFIED
14 EMISSIONS TECHNICIAN'S REGISTRATION RESCIND THE AUTHORIZATION TO
15 CONDUCT EMISSIONS EQUIPMENT INSPECTIONS AND REPAIRS IN ACCORDANCE
16 WITH THIS SUBTITLE.

17 (D) THE ADMINISTRATION MAY NOT SET A FEE UNDER THIS SECTION WHICH
18 EXCEEDS THE DIRECT COSTS OF ADMINISTERING THIS PROGRAM.

19 23-206.4.

20 (A) AN INSPECTION FACILITY MAY ISSUE AN EMISSIONS EQUIPMENT REPAIR
21 ORDER FOR EMISSIONS EQUIPMENT REQUIRED UNDER THIS SUBTITLE ONLY IF:

22 (1) THE VEHICLE TAKES AN INITIAL EXHAUST EMISSIONS TEST
23 CONDUCTED AT THE INSPECTION FACILITY; AND

24 (2) THE VEHICLE DOES NOT MEET THE EMISSIONS STANDARDS
25 ESTABLISHED UNDER THIS SUBTITLE.

26 (B) THE EMISSIONS EQUIPMENT REPAIR ORDER SHALL DIRECT THE OWNER
27 OF THE VEHICLE:

28 (1) TO HAVE THE EMISSIONS EQUIPMENT CORRECTED AS NECESSARY
29 AT A CERTIFIED REPAIR FACILITY OF THE OWNER'S CHOOSING WITHIN A PERIOD
30 SPECIFIED BY THE ADMINISTRATION BY REGULATION; AND

31 (2) TO SEND TO THE ADMINISTRATION A REPAIR ORDER
32 CERTIFICATION DATED AFTER THE ISSUANCE OF THE ORDER.

33 (C) THE ADMINISTRATION SHALL PREPARE AND PROVIDE EMISSIONS
34 EQUIPMENT REPAIR ORDER FORMS AND REPAIR ORDER CERTIFICATION FORMS.

35 (D) REGULATIONS ADOPTED TO CARRY OUT THE PROVISIONS OF THIS
36 SECTION SHALL PROVIDE FOR:

37 (1) SUSPENDING THE REGISTRATION OF ANY VEHICLE FOR WHICH AN
38 EMISSIONS EQUIPMENT REPAIR ORDER HAS BEEN ISSUED, ON FAILURE TO COMPLY
39 WITH THE ORDER WITHIN A SPECIFIED PERIOD AFTER ITS ISSUANCE; AND

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1 (2) REINSTATING THE SUSPENDED REGISTRATION, ON RECEIPT OF
2 SATISFACTORY EVIDENCE THAT THE EQUIPMENT HAS BEEN CORRECTED OR THAT
3 THE EQUIPMENT MEETS OR EXCEEDS THE STANDARDS ESTABLISHED UNDER THIS
4 SUBTITLE.

5 (E) THIS SECTION DOES NOT LIMIT OR SUPERSEDE ANY OTHER PROVISION
6 OF LAW CONCERNING VEHICLE EQUIPMENT OR THE MEANS OF ENFORCING THE
7 LAWS RELATING TO THAT EQUIPMENT.

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