
By: **Delegate Giannetti**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Vehicle Emissions Inspection Program - Safety Hazard**
3 **Inspection**

4 FOR the purpose of requiring a facility conducting a certain vehicle exhaust
5 emissions test and emissions equipment and misfueling inspection to inspect the
6 vehicle for protruding metal, unsafe tires, window cracks, chips, or
7 discolorations, and any other easily observable safety hazard; requiring an
8 individual conducting an exhaust emissions test and emissions equipment and
9 misfueling inspection who finds that a vehicle has a safety hazard to issue a
10 safety hazard repair order to the driver of the vehicle; requiring the owner of a
11 vehicle issued a safety hazard repair order to have the safety hazard corrected
12 by a certain time and send a repair order certification dated subsequent to the
13 issuance of the safety hazard order to the Motor Vehicle Administration;
14 requiring the Administration to adopt certain regulations providing for the
15 implementation and enforcement of this Act; requiring the Administration to
16 provide certain forms; requiring and authorizing the Administration, as
17 necessary to implement this Act, to take certain actions concerning the
18 contractor responsible for conducting tests and inspection under the State's
19 emissions control program; defining certain terms; providing for the
20 construction of this Act; and generally relating to inspecting a vehicle for safety
21 hazards.

22 BY adding to
23 Article - Transportation
24 Section 23-202.1
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 1999 Supplement)

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

1 **Article - Transportation**

2 23-202.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "INSPECTION STATION" HAS THE MEANING STATED IN § 23-102 OF
6 THIS TITLE.

7 (3) "REPAIR ORDER CERTIFICATION" MEANS A WRITTEN CERTIFICATION
8 BY AN INSPECTION STATION THAT:

9 (I) CERTIFIES THAT, AS OF ITS DATE, THE EQUIPMENT SPECIFIED
10 IN A SAFETY HAZARD REPAIR ORDER MEETS OR EXCEEDS THE STANDARDS
11 ESTABLISHED UNDER SUBTITLE 1 OF THIS TITLE; AND

12 (II) IS SIGNED AND DATED ON BEHALF OF THE INSPECTION
13 STATION BY THE REGISTERED INDIVIDUAL WHO PERSONALLY INSPECTED THE
14 VEHICLE.

15 (B) A FACILITY CONDUCTING A BIENNIAL EXHAUST EMISSIONS TEST AND
16 EMISSIONS EQUIPMENT AND MISFUELING INSPECTION ON A VEHICLE IN
17 ACCORDANCE WITH THIS SUBTITLE ALSO SHALL INSPECT THE VEHICLE FOR THE
18 FOLLOWING:

19 (1) PROTRUDING METAL;

20 (2) UNSAFE TIRES AS DEFINED IN § 22-405.5(B) OF THIS ARTICLE;

21 (3) CRACKS, CHIPS, OR DISCOLORATIONS IN THE WINDSHIELD OR
22 OTHER WINDOWS THAT COULD INTERFERE WITH THE DRIVER'S VIEW; AND

23 (4) ANY OTHER EASILY OBSERVABLE SAFETY HAZARD.

24 (C) (1) IF AN INDIVIDUAL CONDUCTING A BIENNIAL EXHAUST EMISSIONS
25 TEST AND EMISSIONS EQUIPMENT AND MISFUELING INSPECTION FINDS A SAFETY
26 HAZARD OF THE TYPE SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THE
27 INDIVIDUAL SHALL ISSUE A SAFETY HAZARD REPAIR ORDER TO THE DRIVER OF THE
28 VEHICLE.

29 (2) THE SAFETY HAZARD REPAIR ORDER SHALL DIRECT THE OWNER OF
30 THE VEHICLE TO:

31 (I) HAVE THE SAFETY HAZARD CORRECTED AT A PLACE OF THE
32 VEHICLE OWNER'S CHOOSING WITHIN 30 DAYS FROM THE ISSUANCE OF THE ORDER;
33 AND

34 (II) SEND TO THE ADMINISTRATION A REPAIR ORDER
35 CERTIFICATION DATED SUBSEQUENT TO THE ISSUANCE OF THE ORDER.

1 (D) THE ADMINISTRATION SHALL PROVIDE TO FACILITIES CONDUCTING
2 TESTS AND INSPECTIONS UNDER THIS SUBTITLE SAFETY HAZARD REPAIR ORDER
3 FORMS AND REPAIR ORDER CERTIFICATION FORMS NECESSARY TO IMPLEMENT THIS
4 SECTION.

5 (E) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS PROVIDING FOR
6 THE IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION.

7 (2) THE REGULATIONS SHALL PROVIDE FOR:

8 (I) SUSPENDING THE REGISTRATION OF ANY VEHICLE FOR WHICH
9 A SAFETY HAZARD REPAIR ORDER HAS BEEN ISSUED, ON FAILURE TO COMPLY WITH
10 THE ORDER WITHIN 60 DAYS AFTER ITS ISSUANCE; AND

11 (II) REINSTATING THE SUSPENDED REGISTRATION, ON RECEIPT BY
12 THE ADMINISTRATION OF A REPAIR ORDER CERTIFICATION INDICATING THAT THE
13 HAZARD HAS BEEN CORRECTED AND, WITH RESPECT TO THE HAZARD GIVING RISE
14 TO THE REPAIR ORDER, THAT THE VEHICLE MEETS OR EXCEEDS THE STANDARDS
15 ESTABLISHED UNDER THIS TITLE.

16 (3) THE ADMINISTRATION SHALL WORK WITH THE CONTRACTOR
17 RESPONSIBLE FOR CONDUCTING TESTS AND INSPECTIONS UNDER THIS SUBTITLE
18 AND MAY MODIFY AGREEMENTS WITH THE CONTRACTOR AS NECESSARY TO
19 IMPLEMENT THIS SECTION.

20 (F) THIS SECTION DOES NOT LIMIT OR SUPERSEDE ANY OTHER PROVISION OF
21 LAW CONCERNING VEHICLE EQUIPMENT OR THE MEANS OF ENFORCING THE LAWS
22 RELATING TO THAT EQUIPMENT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000.