

By: **Delegates Myers, Bartlett, Barve, Boschert, Boutin, Cluster, Dwyer,  
Eckardt, Edwards, Frank, Gilleland, Glassman, Hogan, Jennings, Kelly,  
McComas, McConkey, McKee, Shank, Smigiel, Sossi, Stull, and Weir**

Introduced and read first time: February 10, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Vehicle Emissions Inspection - Test Performed by Dealers**

3 FOR the purpose of authorizing a certain licensed vehicle dealer to conduct a certain  
4 exhaust emissions test; establishing that a dealer may only conduct a certain  
5 exhaust emissions test by means of an on-board diagnostics test on vehicles that  
6 meet certain criteria; establishing that a dealer may only conduct a certain  
7 exhaust emissions test on equipment that meets requirements established by  
8 the Motor Vehicle Administration; requiring a dealer who performs a certain  
9 exhaust emissions test to collect a certain fee; prohibiting a dealer who conducts  
10 a certain exhaust emissions test from imposing a certain additional fee;  
11 requiring the dealer to provide a certain monthly report to the Administration  
12 and to forward certain fees; defining a certain term; and generally relating to  
13 motor vehicle emissions inspections.

14 BY adding to  
15 Article - Transportation  
16 Section 23-210  
17 Annotated Code of Maryland  
18 (2002 Replacement Volume and 2004 Supplement)

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

21 **Article - Transportation**

22 23-210.

23 (A) IN THIS SECTION, "ON-BOARD DIAGNOSTICS TEST" MEANS A TEST IN  
24 WHICH A VEHICLE'S COMPUTER IS CHECKED THROUGH A CONNECTOR FOR THE  
25 PRESENCE OF RECORDED TROUBLE CODES THAT INDICATE AN EMISSIONS FAILURE.

1 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A  
2 VEHICLE DEALER LICENSED UNDER TITLE 15, SUBTITLE 3 OF THIS ARTICLE MAY  
3 CONDUCT AN EXHAUST EMISSIONS TEST REQUIRED UNDER THIS SUBTITLE.

4 (2) AN EXHAUST EMISSIONS TEST CONDUCTED UNDER THIS SECTION  
5 MAY ONLY BE CONDUCTED BY MEANS OF AN ON-BOARD DIAGNOSTICS TEST ON  
6 VEHICLES THAT:

7 (I) ARE 1996 MODEL YEAR OR NEWER;

8 (II) WEIGH LESS THAN 8,501 POUNDS; AND

9 (III) ARE EQUIPPED WITH A COMPUTER CONTROLLED ENGINE AND  
10 FUEL SYSTEM.

11 (3) AN EXHAUST EMISSIONS TEST CONDUCTED UNDER THIS SECTION  
12 MAY ONLY BE CONDUCTED ON EQUIPMENT THAT MEETS REQUIREMENTS  
13 ESTABLISHED BY THE ADMINISTRATION.

14 (C) A DEALER PERFORMING EXHAUST EMISSIONS TESTS UNDER THIS  
15 SUBTITLE:

16 (1) SHALL COLLECT THE FEE REQUIRED FOR THE EXHAUST EMISSIONS  
17 TEST UNDER § 23-205 OF THIS SUBTITLE; AND

18 (2) MAY NOT IMPOSE ANY ADDITIONAL FEE FOR THE SERVICE.

19 (D) THE DEALER SHALL REPORT MONTHLY TO THE ADMINISTRATION THE  
20 RESULTS OF ANY EXHAUST EMISSIONS TESTS PERFORMED UNDER THIS SECTION  
21 AND FORWARD THE FEES COLLECTED TO THE ADMINISTRATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2005.