

HOUSE BILL 131

M3

(71r0177)

ENROLLED BILL

— Environmental Matters / Judicial Proceedings —

Introduced by ~~The Speaker (By Request - Administration) and Delegates Bobo,~~
Delegate Bobo and the Speaker (By Request - Administration) and
Delegates Busch, V. Clagett, Feldman, Frush, Gaines, Haynes, Heller,
Lawton, Lee, Malone, McIntosh, Niemann, Taylor, and F. Turner F.
Turner, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Branch,
Bronrott, Cane, Cardin, Davis, Gilchrist, Glenn, Gutierrez, Guzzone,
Hammen, Harrison, Healey, Hixson, Holmes, Howard, Hubbard,
Hucker, Ivey, Jones, Kaiser, Kirk, Kramer, Krysiak, Kullen, Lafferty,
Levi, Love, Manno, Mizeur, Montgomery, Morhaim, Olszewski,
Pena-Melnyk, Pendergrass, Proctor, Ramirez, Rice, Rosenberg, Ross,
Schuh, Schuler, Simmons, Stein, Stukes, Tarrant, Valderrama,
Waldstreicher, and Walker

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



Maryland Clean Cars Act of 2007

1
2 FOR the purpose of requiring the Department of the Environment ~~and the~~, in
3 consultation with the Motor Vehicle Administration, to establish by regulation
4 and maintain a certain low emissions vehicle program applicable to certain
5 vehicles by a certain date; authorizing a modification concerning the
6 applicability of the program to vehicles of certain model years; requiring ~~the~~
7 ~~Administration~~ and the Department to establish certain motor vehicle
8 emissions standards and certain compliance requirements; prohibiting the
9 Department or any other State Agency from adopting a regulation that requires
10 the sale or use of certain gasoline; authorizing and requiring the adoption of
11 certain regulations; authorizing the Department to work with certain
12 jurisdictions for certain purposes; prohibiting the Administration from titling,
13 registering, or transferring the registration of certain vehicles under certain
14 circumstances; exempting a certain zero-emission vehicle from certain
15 emissions testing and inspection requirements; extending the termination of a
16 certain exemption for qualified hybrid vehicles from certain emissions testing
17 and inspection requirements; requiring the Administration and the Secretary to
18 adopt certain regulations; providing that a qualified hybrid vehicle is not
19 required to submit to a certain exhaust emissions test and emissions equipment
20 and misfueling inspection until a certain time after the vehicle was first
21 registered in the State; ~~prohibiting~~ authorizing the Department, in consultation
22 with the Administration, to prohibit certain acts related to certain vehicles or
23 vehicle engines under certain circumstances; providing for the application of
24 certain enforcement and penalty provisions; requiring the Department to
25 submit a certain report to the Administrative, Executive, and Legislative
26 Review Committee on or before a certain date each year; *establishing a*
27 *Maryland Clean Car and Energy Policy Task Force; specifying the chair,*
28 *membership, staffing, and duties of the Task Force; requiring the Task Force to*
29 *make legislative recommendations; requiring the Task Force to provide a certain*
30 *annual report to the Governor and the General Assembly;* defining certain terms;
31 requiring the Department, in consultation with the Administration, to consult
32 with certain stakeholders, *consider the implementation efforts of certain states,*
33 and consider the needs of certain individuals in adopting regulations under this
34 Act; specifying that certain provisions of federal law apply to a certain extent;
35 ~~requiring the Department to enter into a certain contract to conduct a certain~~
36 ~~study; requiring the Department to submit a certain report on or before a~~
37 ~~certain date; providing for the effective date of certain provisions of this Act;~~
38 *providing for the termination of certain provisions of this Act;* and generally
39 relating to the establishment of a low emissions vehicle program.

40 BY adding to

41 Article – Environment

1 Section 2-1101 through ~~2-1106~~ ~~2-1107~~ 2-1108 to be under the new subtitle
2 "Subtitle 11. Low Emissions Vehicle Program"
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2006 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Transportation
7 Section 13-110 ~~and 13-406~~, 13-406, and 23-202(b)
8 Annotated Code of Maryland
9 (2006 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 23-206.3
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2006 Supplement)

15 BY adding to
16 Article – Transportation
17 Section 23-206.4
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2006 Supplement)

20 By repealing and reenacting, with amendments,
21 Chapter 273 of the Acts of the General Assembly of 2003, as amended by
22 Chapter 370 of the Acts of the General Assembly of 2005
23 Section 2

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

26 **Article – Environment**

27 **SUBTITLE 11. LOW EMISSIONS VEHICLE PROGRAM.**

28 **2-1101.**

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

31 (B) "ADMINISTRATION" MEANS THE MOTOR VEHICLE
32 ADMINISTRATION.

1 (C) "PROGRAM" MEANS THE LOW EMISSIONS VEHICLE PROGRAM
2 ESTABLISHED UNDER THIS SUBTITLE.

3 (D) "TRANSFER" INCLUDES ACQUIRE, PURCHASE, SELL, AND LEASE.

4 **2-1102.**

5 (A) ~~IN CONJUNCTION~~ CONSULTATION WITH THE ADMINISTRATION AND
6 AS PROVIDED UNDER THIS SUBTITLE, THE DEPARTMENT SHALL ESTABLISH BY
7 REGULATION AND MAINTAIN A LOW EMISSIONS VEHICLE PROGRAM THAT:

8 (1) IS AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT;
9 AND

10 (2) IS APPLICABLE TO VEHICLES OF THE 2011 MODEL YEAR AND
11 EACH MODEL YEAR THEREAFTER.

12 (B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH
13 NEW MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE
14 REQUIREMENTS FOR EACH MODEL YEAR INCLUDED IN THE PROGRAM AS
15 AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT.

16 (C) AS PART OF THE COMPLIANCE REQUIREMENTS ESTABLISHED
17 UNDER THIS SUBTITLE, THE DEPARTMENT MAY ADOPT BY REGULATION MOTOR
18 VEHICLE EMISSIONS INSPECTION, RECALL, AND WARRANTY REQUIREMENTS.

19 (D) THE DEPARTMENT OR ANY OTHER STATE AGENCY MAY NOT ADOPT
20 A REGULATION UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF LAW THAT
21 REQUIRES THE SALE OR USE OF CALIFORNIA REFORMULATED GASOLINE IN THE
22 STATE.

23 **2-1103.**

24 TO MINIMIZE THE ADMINISTRATIVE IMPACT OF THE PROGRAM AND TO
25 MINIMIZE THE IMPACT OF MOTOR VEHICLE EMISSIONS GENERATED OUT OF
26 STATE ON THE AIR QUALITY OF THIS STATE, THE DEPARTMENT:

27 (1) MAY ADOPT CALIFORNIA REGULATIONS, PROCEDURES, AND
28 CERTIFICATION DATA BY REFERENCE; AND

1 (2) MAY WORK IN COOPERATION WITH, AND ENTER INTO
2 CONTRACTS OR AGREEMENTS WITH CALIFORNIA, OTHER STATES, AND THE
3 DISTRICT OF COLUMBIA TO ADMINISTER CERTIFICATION, IN-USE COMPLIANCE,
4 INSPECTION, RECALL, AND WARRANTY REQUIREMENTS FOR THE PROGRAM.

5 **2-1104.**

6 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE
7 ADMINISTRATION MAY NOT TITLE OR REGISTER, UNDER TITLE 13 OF THE
8 TRANSPORTATION ARTICLE, A NEW MOTOR VEHICLE THAT IS SUBJECT TO THE
9 PROVISIONS OF THIS SUBTITLE IF THE MOTOR VEHICLE DOES NOT COMPLY
10 WITH THE PROVISIONS OF THIS SUBTITLE OR ANY REGULATION ADOPTED
11 UNDER THIS SUBTITLE.

12 (B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON
13 MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR VEHICLE OR MOTOR
14 VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF
15 THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE PROGRAM.

16 (C) A PERSON MAY NOT PROCURE OR ATTEMPT TO PROCURE, THROUGH
17 FRAUD OR MISREPRESENTATION, THE TITLE OR REGISTRATION OF A MOTOR
18 VEHICLE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF THE
19 VEHICLE DOES NOT COMPLY WITH THE PROGRAM.

20 (D) THE DEPARTMENT, IN CONSULTATION WITH THE ADMINISTRATION,
21 ~~SHALL~~ MAY ADOPT REGULATIONS TO PROHIBIT THE TRANSFER OF NEW MOTOR
22 VEHICLES OR MOTOR VEHICLE ENGINES THAT ARE NOT IN COMPLIANCE WITH
23 THE PROVISIONS OF THIS SUBTITLE, ~~IF SUCH REGULATIONS ARE NECESSARY TO~~
24 ~~COMPLY WITH § 177 OF THE FEDERAL CLEAN AIR ACT.~~

25 **2-1105.**

26 (A) THE DEPARTMENT ~~MAY~~ SHALL, IN CONSULTATION WITH THE
27 ADMINISTRATION, ADOPT REGULATIONS TO EXEMPT MOTOR VEHICLES FROM
28 THE PROGRAM.

29 (B) EXEMPTIONS ESTABLISHED UNDER SUBSECTION (A) OF THIS
30 SECTION SHALL BE LIMITED TO:

1 **(A) THERE IS A MARYLAND CLEAN CAR AND ENERGY POLICY TASK**
2 **FORCE.**

3 **(B) THE TASK FORCE SHALL BE COMPOSED OF:**

4 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
5 **THE PRESIDENT OF THE SENATE TO SERVE AS A COCHAIR;**

6 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
7 **THE SPEAKER OF THE HOUSE TO SERVE AS A COCHAIR;**

8 **(3) THE SECRETARY OF THE DEPARTMENT OF NATURAL**
9 **RESOURCES, OR A DESIGNEE OF THE SECRETARY;**

10 **(4) THE SECRETARY OF THE DEPARTMENT OF THE**
11 **ENVIRONMENT, OR A DESIGNEE OF THE SECRETARY;**

12 **(5) THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION,**
13 **OR A DESIGNEE OF THE SECRETARY;**

14 **(6) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND**
15 **ECONOMIC DEVELOPMENT, OR A DESIGNEE OF THE SECRETARY;**

16 **(7) A REPRESENTATIVE OF THE MARYLAND ENERGY RESOURCE**
17 **CENTER; AND**

18 **(8) A REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND**
19 **BIOTECHNOLOGY INSTITUTE.**

20 **(C) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION**
21 **AS A MEMBER OF THE TASK FORCE BUT IS ENTITLED TO REIMBURSEMENT FOR**
22 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED**
23 **IN THE STATE BUDGET.**

24 **(D) THE TASK FORCE SHALL MEET AT THE TIMES AND PLACES THAT**
25 **THE COCHAIRS DETERMINE.**

26 **(E) THE TASK FORCE SHALL:**

1 (2) The applicant has failed to furnish information or documents
2 required by statute or regulations adopted by the Administration;

3 (3) Any required fee has not been paid;

4 (4) The applicant is not entitled to a certificate of title under the
5 Maryland Vehicle Law; or

6 (5) The Administration has reasonable grounds to believe:

7 (i) That the applicant is not the owner of the vehicle; [or]

8 (ii) That the issuance of a certificate of title to the applicant
9 would be a fraud against another person; **OR**

10 **(III) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2,**
11 **SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATION ADOPTED**
12 **UNDER THAT SUBTITLE.**

13 13-406.

14 The Administration shall refuse to register or transfer the registration of any
15 vehicle if:

16 (1) The application contains any false or fraudulent statement;

17 (2) The applicant has failed to furnish information or documents
18 required or requested by the Administration;

19 (3) Any required fee has not been paid;

20 (4) The applicant is not entitled to registration of the vehicle under the
21 Maryland Vehicle Law;

22 (5) The vehicle is mechanically unfit or unsafe to be operated on the
23 highways;

24 (6) The registration of the vehicle is suspended or revoked;

25 (7) A warrant for a motor vehicle violation under the Maryland
26 Vehicle Law has been issued against the applicant and has not been served on the
27 applicant;

1 (8) Subject to § 13–406.1 of this subtitle, the applicant is named in an
2 outstanding arrest warrant;

3 (9) The Administration has reasonable grounds to believe:

4 (i) That the vehicle is stolen; [or]

5 (ii) That the grant or transfer of registration would be a fraud
6 against another person; **OR**

7 **(III) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2,**
8 **SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATIONS ADOPTED**
9 **UNDER THAT SUBTITLE; OR**

10 (10) The gross vehicle weight is 55,000 pounds or over and the
11 applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

12 23–206.3.

13 (a) In this section, “qualified hybrid vehicle” has the meaning stated in §
14 13–815(a)(6) of this article.

15 (b) A qualified hybrid vehicle is exempt from the mandatory tests and
16 inspections required by this subtitle if the vehicle obtains a rating from the U.S.
17 Environmental Protection Agency of at least 50 miles per gallon during city fuel
18 economy tests.

19 (c) The Administration shall adopt regulations necessary to implement the
20 provisions of this section.

21 **23–206.4.**

22 **(A) IN THIS SECTION, “ZERO-EMISSION VEHICLE” MEANS ANY VEHICLE**
23 **THAT:**

24 **(1) IS DETERMINED BY THE SECRETARY TO BE OF A TYPE THAT**
25 **DOES NOT PRODUCE ANY TAILPIPE OR EVAPORATIVE EMISSIONS; AND**

26 **(2) HAS NOT BEEN ALTERED FROM THE MANUFACTURER’S**
27 **ORIGINAL SPECIFICATIONS.**

1 MISFUELING INSPECTION UNTIL 3 YEARS AFTER THE DATE ON WHICH THE
 2 VEHICLE WAS FIRST REGISTERED IN THE STATE.

3 SECTION ~~2~~ ~~3~~ 5. AND BE IT FURTHER ENACTED, That, on or before
 4 December 31, 2007, the Department of the Environment ~~and~~, in consultation with the
 5 Motor Vehicle Administration, shall ~~jointly~~ adopt regulations under Title 2, Subtitle
 6 11 of the Environment Article, as enacted by Section 1 of this Act.

7 SECTION ~~3~~ ~~4~~ 6. AND BE IT FURTHER ENACTED, That in adopting
 8 regulations under Title 2, Subtitle 11 of the Environment Article, as enacted by
 9 Section 1 of this Act, the Department of the Environment, in consultation with the
 10 Motor Vehicle Administration, shall:

11 (a) Consult with all stakeholders, including representatives of the State's
 12 automotive industry; ~~and~~

13 (b) Consider the implementation efforts of each state bordering the State that
 14 have adopted the California Low Emissions Vehicle Program; and

15 (c) Consider the needs of individuals with visual impairments.

16 SECTION ~~3~~ ~~4~~ ~~5~~ 7. AND BE IT FURTHER ENACTED, That, to the extent that
 17 any portion of this Act may be construed to be in conflict with federal law, the
 18 provisions of federal law shall prevail.

19 ~~SECTION 5. 6. AND BE IT FURTHER ENACTED, That:~~

20 ~~(a) The Department of the Environment shall contract with an academic~~
 21 ~~institution in the State for a study of whether there has been an adverse impact on the~~
 22 ~~State's economy, businesses, and citizens as a result of the implementation of the Low~~
 23 ~~Emissions Vehicle Program established under Title 2, Subtitle 11 of the Environment~~
 24 ~~Article.~~

25 ~~(b) On or before December 1, 2013, the Department shall report to the~~
 26 ~~Governor and, in accordance with § 2-1246 of the State Government Article, the~~
 27 ~~General Assembly on the findings of the study contracted for under this section.~~

28 SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 4 of this Act
 29 shall take effect on the taking effect of the termination provision specified in Section 2
 30 of Chapter 273 of the Acts of the General Assembly of 2003, as amended by Chapter
 31 370 of the Acts of the General Assembly of 2005 and Section ~~1~~ 3 of this Act. Except as

1 provided in Section ~~1~~ 3 of this Act, this Act may not be interpreted to have any effect
2 on that termination provision.

3 SECTION ~~4~~ ~~6~~ ~~8~~ 9. AND BE IT FURTHER ENACTED, That, subject to the
4 provisions of Section ~~7~~ 8 of this Act, this Act shall take effect June 1, 2007. *Section 2 of*
5 *this Act shall remain effective for a period of 3 years and 7 months and, at the end of*
6 *December 31, 2010, with no further action required by the General Assembly, Section 2*
7 *of this Act shall be abrogated and of no further force and effect.*

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.