

HOUSE BILL 246

R6

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By: **Delegate Malone**

Introduced and read first time: January 17, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Motor Vehicles – Inspection Certificates for Used Vehicles – Procedures

FOR the purpose of repealing the requirement that the Automotive Safety Enforcement Division of the Department of State Police prepare certain inspection certificates for used motor vehicles and provide the certificates without charge to licensed motor vehicle inspection stations; requiring the Division to establish the manner and format for the submission of an inspection certificate for the transfer of a used motor vehicle; authorizing the Division to require electronic submission of an inspection certificate for a used motor vehicle; repealing certain provisions of law governing the issuance and use of written inspection certificates for used motor vehicles; altering a certain definition; making a certain technical correction; and generally relating to procedures applicable to inspection certificates for used motor vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 23–101(a), (b), and (f) and 23–103(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 23–101(e), 23–103(b), 23–106, 23–107(a)(1), and 23–109(h) through (k)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing
Article – Transportation
Section 23–108 and 23–109(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Transportation
 Section 23–108
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

23–101.

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

(b) “Division” means the Automotive Safety Enforcement Division of the Department of State Police.

(e) “Inspection certificate” means a [written] certification by an inspection station, **IN A FORMAT ESTABLISHED BY THE DIVISION**, that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) [Is signed and dated on behalf of] **IDENTIFIES** the inspection station [by] **AND** the registered individual who personally inspected the vehicle.

(f) “Inspection station” means a facility that is licensed by the Division under this subtitle.

23–103.

(a) (1) On receipt of an application and a nonrefundable fee established by the Administration from a facility for an inspection station license, the Division shall:

(i) Inspect the facility as to its ability to inspect and correct equipment; and

(ii) If the facility is qualified, issue to it a license as an inspection station.

(2) On receipt of a renewal application and the annual license fee established by the Administration for an inspection station, the Division shall issue the renewal license if the facility is qualified.

(b) The license authorizes the facility to:

(1) Inspect a used vehicle on request of its transferor or transferee [and attach an inspection certificate to the vehicle];

(2) Inspect the equipment of a vehicle for which a safety equipment repair order has been issued and issue a repair order certification for the vehicle; and

(3) Inspect an ambulance on the request of its owner that is required to be inspected under § 13–515 of the Education Article.

23–106.

(a) This section does not apply to:

(1) Any transfer of a used vehicle to any licensed dealer or to any foreign dealer;

(2) Any transfer between:

(i) Spouses;

(ii) A parent and child; or

(iii) Co-owners of the vehicle to be transferred when a co-owner's name is being removed from the title;

(3) Any transfer of a used vehicle that is not to be both titled and registered in this State;

(4) Any transfer of a used vehicle among any agencies of the State;

(5) Any transfer of a used vehicle as described in § 13–503.2 of this article;

(6) Any transfer of a used vehicle into a written inter vivos trust in which the transferor is the primary beneficiary;

(7) Any transfer of a used island vehicle, as defined in § 13–935 of this article, registered, or to be registered, as a Class K (farm area/island) vehicle; or

(8) Any transfer of an off-highway recreational vehicle.

(b) (1) Except as provided in [paragraph (4)] **PARAGRAPHS (4) AND (5)** of this subsection, if any licensed dealer that also is an inspection station transfers any used vehicle, it shall:

(i) Prepare [and attach] an inspection certificate [to a window of the vehicle]; or

(ii) Have an inspection certificate prepared [and attached to a window of the vehicle] by another inspection station.

(2) Except as provided in paragraphs (4) and (5) of this subsection, if any other person transfers a used vehicle, the person shall obtain an inspection certificate from an inspection station. [The inspection certificate shall be issued without charge and attached to a window of the vehicle.]

(3) If a used vehicle is transferred other than by voluntary transfer or is transferred by a political subdivision of the State after that subdivision obtains the vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the transferee shall obtain the inspection certificate from an authorized inspection station. [The inspection certificate shall be issued without charge and attached to a window of the vehicle.]

(4) In the case of a transfer of any used vehicle registered, or to be registered, as a Class E (truck) exceeding three-fourths ton manufacturer's rated capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain the required inspection certificate.

(5) In the case of a transfer of any used vehicle registered or to be registered, that is sold for dismantling or rebuilding purposes, the transferor or the transferee of the vehicle may obtain the required inspection certificate.

[(6) On applying for a certificate of title of the vehicle, the transferee shall remove the inspection certificate from the vehicle and present it to the Administration.]

23-107.

(a) (1) Before the Administration titles and registers any used vehicle, it shall require [the applicant to present] a valid inspection certificate for the vehicle.

[23-108.

The Division shall prepare inspection certificate forms and provide them without charge to inspection stations. The forms shall be serially numbered and shall require the information that the Administration and the Division determine.]

23-108.

FOR VEHICLE TITLING AND REGISTRATION PURPOSES, THE DIVISION:

(1) SHALL ESTABLISH THE MANNER AND FORMAT FOR THE SUBMISSION OF AN INSPECTION CERTIFICATE FOR THE TRANSFER OF A USED MOTOR VEHICLE; AND

(2) MAY REQUIRE ELECTRONIC SUBMISSION OF THE INSPECTION CERTIFICATE.

23-109.

[(g)] A person may not attach or cause or permit to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.]

[(h)] (G) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

[(i)] (H) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

[(j)] (I) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

[(k)] (J) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.