

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 11 (Delegate Lam, *et al.*)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws - Causing Diesel Emissions to Discharge Onto Another -  
Prohibition

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This bill prohibits a person from knowingly or intentionally causing a diesel-powered motor vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle. The prohibition does not apply to a person operating (1) a diesel-powered vehicle that discharges visible exhaust as the result of normal acceleration or towing; (2) a commercial vehicle with a gross weight of 10,000 pounds or more; or (3) a construction vehicle operating at a construction site.

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Fiscal Summary

**State Effect:** Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Certain diesel vehicles in Maryland (those with a gross combination or gross vehicle weight rating over 10,000 pounds) are subject to inspection through the Diesel Vehicle Emissions Control Program, established in the Transportation Article. Program regulations are jointly established by the Secretaries of the Environment, State Police, and Transportation. The operation of a diesel vehicle on any highway in Maryland

constitutes consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under the Diesel Vehicle Emissions Control Program. The driver of a diesel vehicle must obey any sign or direction of a police officer to stop the diesel vehicle and submit to an emissions test administered by an emissions inspector in specified circumstances, or at any location or time when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under the program.

Current regulations establish emissions standards based on the model year of the diesel vehicle engine. Emissions tests are conducted by certified emissions inspectors of the Department of State Police and the Maryland Transportation Authority Police. If a diesel vehicle registered in Maryland fails an emissions test, a safety equipment repair order must be issued to the driver. The registered owner of a vehicle that fails an emissions test must repair the vehicle and have it retested. If the owner fails to comply within 30 days of the safety equipment repair order, the registration may be suspended by the Motor Vehicle Administration. If the registration is suspended, the owner of the diesel vehicle is subject to a fine of up to \$1,000. Similar requirements apply to foreign registered diesel vehicles.

**Background:** “Coal rolling,” as it is commonly known, is the practice of deliberately emitting soot from the modified exhaust pipes of a diesel-powered truck. Exhaust from coal rolling can be directed at other vehicles, bicycles, and pedestrians and can pose a serious danger to other persons.

According to a 2016 *New York Times* article, the practice originated in truck pulls, a competition in which trucks compete to pull a sled. Competing trucks often modify their vehicles by removing emissions controls, which allows additional fuel to be pumped into the engines. As a result, the trucks emit thick, black smoke. According to the article, several state legislatures have introduced legislation in recent years to address the issue. In 2015, New Jersey became the first state to ban coal rolling. The New Jersey law imposes a fine of up to \$5,000 for coal rolling. Legislation has been introduced in several other states as well, including Illinois, Colorado, and Maryland. Under federal law, any person other than a manufacturer or dealer who knowingly removes or renders inoperative an emissions-control device is subject to a civil penalty of up to \$2,500.

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### **Additional Information**

**Prior Introductions:** As amended, HB 848 of 2016 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment; Department of State Police; Maryland Department of Transportation; *New York Times*; Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2017  
mm/ljm Third Reader - February 19, 2017

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Analysis by: Eric Pierce

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510