
By: Senators Kelley, Lawlah, Forehand, and Collins

Introduced and read first time: January 22, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Emissions Control Fee**

3 FOR the purpose of requiring the owner of a vehicle registered in the State to pay an
4 emissions control fee at the time the vehicle is registered and when the vehicle's
5 registration is renewed to cover the costs of the Vehicle Emissions Inspection
6 Program; providing certain exceptions; requiring the Motor Vehicle Administration
7 and the Secretary of the Environment to set the amount of the fee at a certain level;
8 requiring the Administration and the Secretary to make a certain assessment of the
9 fee and to adjust the fee under certain circumstances; prohibiting a person from
10 requiring the owner of a vehicle registered in the State to pay any fee for an
11 inspection or test required under the emissions control program other than the fee
12 established under this Act and certain late fees imposed as a penalty; clarifying
13 language; and generally relating to emissions control fees and payment of the costs
14 of the Vehicle Emissions Inspection Program.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 23-201 and 23-202(a)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 23-202(b) and 23-205
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

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

27 **Article - Transportation**

28 23-201.

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

2

1 (b) "Emissions control program" means the program requiring and implementing
2 the exhaust emissions test and the emissions equipment and misfueling inspection.

3 (c) "Emissions equipment" means any emissions control device that has been
4 installed on a motor vehicle by a manufacturer of motor vehicles.

5 (d) "Emissions equipment and misfueling inspection" means an inspection to
6 verify the presence of required emissions equipment and an inspection to determine that
7 the vehicle has not been misfueled.

8 (e) (1) "Emissions related repair" means the inspection, adjustment, repair, or
9 replacement of motor vehicle engine systems, subsystems, or components as necessary to
10 bring a motor vehicle into compliance with emissions standards adopted in accordance
11 with the provisions of this subtitle.

12 (2) "Emissions related repair" does not include adjustment, repair, or
13 replacement necessitated by tampering or misfueling.

14 (f) (1) "Emissions standard" means a requirement that limits the quantity,
15 quality, rate, or concentration of emissions from a motor vehicle.

16 (2) "Emissions standard" includes a requirement that relates to the
17 operation or maintenance of a motor vehicle to assure continuous emissions reduction.

18 (g) "Exhaust emissions test" means the sampling and measurement of certain
19 components of motor vehicle exhaust to determine whether the motor vehicle is in
20 compliance with an emissions standard.

21 (h) "Misfueling" means the introduction of leaded fuel into a motor vehicle
22 designed by the motor vehicle manufacturer to use unleaded fuel.

23 (i) "Secretary" means the Secretary of Environment.

24 23-202.

25 (a) (1) Subject to subsection (d) of this section, the Administration and the
26 Secretary shall establish an emissions control program in the State in accordance with the
27 federal Clean Air Act.

28 (2) The program shall remain in effect only as long as required by federal
29 law.

30 (b) (1) The emissions CONTROL program shall provide for a biennial exhaust
31 emissions test and emissions equipment and misfueling inspection for all vehicles of the
32 1977 model year and each model year thereafter.

33 (2) The emissions control program may not authorize an exhaust emissions
34 test or emissions equipment and misfueling inspection for any vehicle of a model year
35 earlier than the 1977 model year.

36 23-205.

37 (a) (1) THIS SUBSECTION DOES NOT APPLY TO:

3

1 (I) AN EMERGENCY VEHICLE THAT IS EXEMPT FROM THE
2 REQUIREMENTS OF THE EMISSIONS CONTROL PROGRAM UNDER THE PROVISIONS
3 OF § 23-206.1 OF THIS SUBTITLE;

4 (II) A VEHICLE THAT IS MAINTAINED AS PART OF A FLEET OF 25 OR
5 MORE VEHICLES AND IS INSPECTED AND TESTED AS REQUIRED UNDER THIS
6 SUBTITLE BY A FLEET INSPECTION STATION;

7 (III) A CLASS L (HISTORIC) VEHICLE REGISTERED UNDER § 13-936
8 OF THIS ARTICLE; OR

9 (IV) A CLASS N (STREET ROD) VEHICLE REGISTERED UNDER §
10 13-937.1 OF THIS ARTICLE.

11 (2) IN ADDITION TO THE REGISTRATION FEE OTHERWISE REQUIRED
12 UNDER TITLE 13 OF THIS ARTICLE, THE OWNER OF A VEHICLE REGISTERED IN THE
13 STATE SHALL PAY AN EMISSIONS CONTROL FEE AT THE TIME THE VEHICLE IS
14 REGISTERED AND EACH TIME THE VEHICLE'S REGISTRATION IS RENEWED.

15 (3) [Subject to paragraph (2) of this subsection, the] THE Administration
16 and the Secretary shall set the AMOUNT OF THE EMISSIONS CONTROL fee to be charged
17 for each vehicle [to be inspected and tested by a facility].

18 [(2) The fee established under this subsection:

19 (i) During the period from January 1, 1995 through May 31, 1996, may
20 not exceed \$12; and

21 (ii) During the period after May 31, 1996, may not exceed \$14.]

22 (b) (1) The fee shall be [collected in a manner established by the
23 Administration and the Secretary] SET AT A LEVEL THAT ENSURES THAT THE TOTAL
24 AMOUNT OF THE FEES COLLECTED UNDER THIS SECTION IN ANY FISCAL YEAR IS
25 SUFFICIENT TO COVER THE COSTS OF THE EMISSIONS CONTROL PROGRAM DURING
26 THAT FISCAL YEAR.

27 (2) EACH FISCAL YEAR, THE ADMINISTRATION AND THE SECRETARY
28 SHALL ASSESS, BASED ON THE BEST INFORMATION AVAILABLE, WHETHER THE FEE
29 SET BY THE ADMINISTRATION AND THE SECRETARY IS LIKELY TO RESULT IN A
30 SURPLUS OR DEFICIT DURING THE NEXT FISCAL YEAR AND SHALL ADJUST THE
31 AMOUNT OF THE FEE TO ELIMINATE, TO THE EXTENT POSSIBLE, ANY SUCH SURPLUS
32 OR DEFICIT.

33 (c) (1) [A specific portion of the fee] THE FEES COLLECTED UNDER THIS
34 SECTION shall be [paid to or retained] USED by the Administration to cover the cost of
35 [administration and enforcement of] the emissions control program[, as provided in the
36 contract between the contractor and the State].

37 (2) EXCEPT FOR THE EMISSIONS CONTROL FEE REQUIRED UNDER THIS
38 SECTION AND ANY LATE FEES IMPOSED AS A PENALTY FOR FAILING TO HAVE A
39 VEHICLE TESTED OR INSPECTED ACCORDING TO THE SCHEDULE ADOPTED BY THE
40 ADMINISTRATION, A PERSON MAY NOT REQUIRE THE OWNER OF A VEHICLE

SENATE BILL 212

4

1 REGISTERED IN THE STATE TO PAY ANY FEE FOR AN INSPECTION OR TEST
2 REQUIRED UNDER THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1996.