

BY: Senator Frosh

AMENDMENTS TO SENATE BILL NO. 278

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “cycle;” insert “repealing, subject to a certain contingency, provisions relating to voluntary dynamometer testing and provisions that prohibit requiring certain testing procedures under an enhanced vehicle emissions control program;”; in line 7, after “changes;” insert “requiring the Department of the Environment to seek a certain approval; requiring the Secretary of the Environment to provide a certain notice under certain circumstances; providing for the termination of certain provisions of this Act under certain circumstances;”;

and after line 13, insert:

“BY repealing

Article - Transportation

Section 23-202(d)

Annotated Code of Maryland

(1992 Replacement Volume and 1996 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 4, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Transportation

23-202.

(Over)

[(d) (1) In this subsection, "transient mass-emission testing" means an exhaust emissions test utilizing a dynamometer treadmill device and the IM 240 driving cycle referenced under 40 C.F.R. Part 51.

(2) Notwithstanding subsection (c)(6) of this section or any other provision of law, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally-owned vehicle:

(i) Transient mass-emission testing;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On-road testing.

(3) (i) The Administration, in consultation with the Secretary, shall:

1. Offer to owners of vehicles subject to the emissions control program the option of complying with the exhaust emissions test requirements of this subtitle by voluntarily submitting to transient mass-emission testing; and

2. Develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to transient mass-emission testing.

(ii) Notwithstanding the provisions of § 23-205(a)(2) and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo transient mass-emission testing.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to transient mass-emission testing.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect June 1, 1997. It shall remain in effect as long as the EPA does not disapprove Maryland's State Implementation Plan required under the Clean Air Act because of the State's reliance on voluntary dynamometer testing as authorized under Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of the Maryland Department of the Environment shall closely monitor the actions of the EPA and immediately notify the Governor, the General Assembly, and the Department of Legislative Reference if the EPA disapproves Maryland's State Implementation Plan thereby triggering the development of a Federal Implementation Plan for nonattainment areas of the State or federal notification of the imposition of specific sanctions under the Clean Air Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, if the Secretary of the Maryland Department of the Environment provides the notice required under Section 4 of this Act, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect as of the date of the notice.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect at that time when Section 1 of this Act no longer has any force or effect.”;

in line 3, strike “2.” and substitute “7.”; and in the same line, after “That” insert “. except as provided in Section 6 of this Act.”.