
By: Delegates Hubbard, Frush, Owings, Schisler, Stup, Weir, McHale, Hammen, Oaks, Elliott, Redmer, Stull, Ciliberti, Nathan-Pulliam, D. Davis, Watson, D. Hughes, and Mohorovic

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Technician Certification and Repair Facilities**

3 FOR the purpose of requiring the Motor Vehicle Administration and the Secretary of the
4 Environment to establish criteria for certification of repair technicians in
5 connection with the Vehicle Emissions Inspection Program; requiring certain
6 repairs to certain motor vehicles to be performed by certified technicians and
7 facilities for certain purposes; authorizing certain disciplinary actions against
8 certain repair technicians and repair facilities under certain circumstances;
9 requiring the Administration and the Secretary to make certain determinations;
10 requiring the Administration and the Secretary to adopt certain regulations
11 concerning decentralized retesting of certain motor vehicles under certain
12 circumstances and subject to certain conditions; authorizing certain fees for
13 administering and overseeing certain programs; and generally relating to vehicle
14 emissions inspection and repair.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 23-202(c), 23-203, and 23-204
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1996 Supplement)

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

22 **Article - Transportation**

23 23-202.

24 (c) By rules and regulations, the Administration and the Secretary:

25 (1) Shall grant a waiver to a vehicle owner if:

26 (i) The vehicle fails to pass the exhaust emissions test;

27 (ii) The vehicle owner exhibits evidence acceptable to the
28 Administration that the owner, for an initial exhaust emissions test occurring:

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1 1. In calendar years 1995 through 1997 has actually incurred an
2 expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after
3 the exhaust emissions test; and

4 2. On or after January 1, 1998, has actually incurred the
5 minimum expenditure required by federal law towards emissions related repairs to the
6 vehicle within 120 days after the exhaust emissions test; [and]

7 (iii) The vehicle fails a retest, except that if the vehicle owner has
8 exhibited evidence acceptable to the Administration that the vehicle owner actually
9 incurred the minimum expenditure as required under item (1)(ii) of this subsection for
10 the emissions related repair to the vehicle within 30 days before the initial exhaust
11 emissions test or the period allowed under federal law, whichever is longer, a retest is not
12 required; AND

13 (IV) THE VEHICLE OWNER EXHIBITS EVIDENCE THAT THE
14 EMISSIONS RELATED REPAIRS QUALIFYING FOR A WAIVER UNDER ITEMS (1)(II) AND
15 (III) OF THIS SUBSECTION WERE PERFORMED BY A REPAIR TECHNICIAN AND AT A
16 REPAIR FACILITY BOTH CERTIFIED UNDER ITEM (4) OF THIS SUBSECTION;

17 (2) Notwithstanding the provisions of this section, may not grant a waiver if
18 it is found in the testing process that factory-installed emissions equipment has been
19 tampered with or removed, or that the vehicle has been misfueled;

20 (3) Unless otherwise prohibited by federal law, may grant additional waivers
21 to extend the time for compliance in cases of financial hardship or for unusual
22 circumstances;

23 (4) Shall establish criteria to certify repair TECHNICIANS AND facilities for
24 the purpose of bringing vehicles into compliance with the applicable emissions standards,
25 INCLUDING THE PAYMENT OF REASONABLE FEES TO COVER THE COSTS OF
26 ADMINISTERING AND OVERSEEING THE CERTIFICATION PROGRAM;

27 (5) May provide for the suspension, revocation, or denial of renewal of the
28 certification of a repair TECHNICIAN OR facility upon evidence that vehicles repaired by
29 that TECHNICIAN OR facility for the purpose of bringing them into compliance with the
30 applicable emissions standards have repeatedly failed tests or retests and the
31 Administration and the Secretary have clear and convincing evidence the repair
32 TECHNICIAN OR facility is not meeting satisfactory performance standards;

33 (6) Shall define the inspection parameters for the emissions equipment and
34 misfueling inspection;

35 (7) Shall adopt a schedule for the exhaust emissions test;

36 (8) Shall adopt a schedule for the emissions equipment and misfueling
37 inspections; and

38 (9) Shall establish, under Title 2 of the Environment Article, emissions
39 standards to be used for the exhaust emissions tests and emissions equipment and
40 misfueling inspections of motor vehicles under this subtitle.

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1 23-203.

2 (a) (1) By rules and regulations, the Administration and the Secretary shall
3 provide for the establishment of facilities to conduct any tests or inspections required to
4 be performed under this subtitle.

5 (2) If the Administration and the Secretary determine that the system can
6 be installed and operated more effectively and economically by an independent
7 contractor than if installed and operated by the Administration and the Secretary, the
8 Administration and the Secretary may award the installation and operation of the
9 inspection facilities to an independent contractor selected in accordance with the bidding
10 procedures established by the laws of this State.

11 (3) (i) If, on or after July 1, 1991, the Administration and Secretary are
12 required by federal law to extend the emissions control program to additional areas of the
13 State and the Administration and Secretary determine that the inspection facilities can be
14 installed and operated more effectively and economically by one or more independent
15 contractors than if installed and operated by the Administration and Secretary, the
16 Administration and Secretary may:

17 1. Award the installation and operation of the inspection
18 facilities to one independent contractor for the installation and operation of all inspection
19 facilities in this State; or

20 2. Create separate regions of the areas of the State required to
21 participate in an emissions control program for the purpose of separately awarding
22 contracts for the installation and operation of the inspection facilities required for each
23 region to one or more independent contractors.

24 (ii) All independent contractors shall be selected in accordance with
25 the procedures established under the State Finance and Procurement Article.

26 (iii) The Administration and the Secretary may establish a statewide
27 centralized or decentralized program or any combination of centralized and decentralized
28 programs in separate regions of the State.

29 (b) If the program is awarded to an independent contractor TO OPERATE
30 CENTRALIZED INSPECTION FACILITIES, the facilities shall be provided, equipped, and
31 maintained by the independent contractor, and the operating personnel of the facilities
32 shall be employees of the contractor, and not of the State, and the contractor may not
33 perform emissions related repairs as defined in § 23-201 of this subtitle.

34 (C) THE ADMINISTRATION AND THE SECRETARY SHALL DETERMINE, ON OR
35 BEFORE MARCH 1, 1998, WHETHER THE FOLLOWING CRITERIA FOR ESTABLISHING A
36 DECENTRALIZED RETESTING PROGRAM HAVE BEEN SATISFIED:

37 (1) TESTING EQUIPMENT AND PROCEDURES, YIELDING RESULTS THAT
38 CORRELATE TO TESTS AND INSPECTIONS PERFORMED AT CENTRALIZED
39 INSPECTION FACILITIES IN THE STATE WITHIN 95% ACCURACY OR WITHIN A
40 DIFFERENT DEGREE OF ACCURACY APPROVED BY THE ADMINISTRATION AND THE
41 SECRETARY, ARE FEASIBLE FOR USE IN CERTIFIED REPAIR FACILITIES APPROVED
42 FOR RETESTING OF VEHICLES; AND

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1 (2) THE ESTABLISHMENT OF A DECENTRALIZED RETESTING OPTION IN
2 THE STATE DOES NOT RESULT IN A LOSS OF EMISSIONS REDUCTION BENEFITS TO
3 THE STATE UNDER THE FEDERAL CLEAN AIR ACT.

4 (D) IF THE ADMINISTRATION AND THE SECRETARY DETERMINE THAT THE
5 CRITERIA LISTED IN SUBSECTION (C) OF THIS SECTION HAVE NOT BEEN MET IN A
6 GIVEN YEAR, THEY SHALL DETERMINE, ON OR BEFORE MARCH 1 OF THE
7 SUCCEEDING YEAR, WHETHER THE CRITERIA HAVE BEEN SATISFIED IN THE
8 INTERVENING PERIOD.

9 (E) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF THE
10 PROGRAM IS AWARDED TO AN INDEPENDENT CONTRACTOR TO OPERATE
11 CENTRALIZED INSPECTION FACILITIES AND IF THE ADMINISTRATION AND THE
12 SECRETARY HAVE DETERMINED THAT THE CRITERIA LISTED IN SUBSECTION (C) OF
13 THIS SECTION HAVE BEEN SATISFIED, THE ADMINISTRATION AND THE SECRETARY
14 SHALL PURPOSE REGULATIONS TO:

15 (1) ALLOW THE OWNER OF A VEHICLE THAT FAILS AN EXHAUST
16 EMISSIONS TEST OR EMISSIONS EQUIPMENT AND MISFUELING INSPECTION AT A
17 CENTRALIZED INSPECTION FACILITY TO HAVE THE VEHICLE RETESTED AT EITHER
18 A CENTRALIZED INSPECTION FACILITY OR AN APPROVED CERTIFIED REPAIR
19 FACILITY;

20 (2) ALLOW A CERTIFIED REPAIR FACILITY TO RETEST VEHICLES IF
21 APPROVED FOR THAT PURPOSE BY THE DEPARTMENT OF THE ENVIRONMENT;

22 (3) REQUIRE THE INITIAL EXHAUST EMISSIONS TEST AND EMISSIONS
23 EQUIPMENT AND MISFUELING INSPECTION IN EACH BIENNIAL TEST CYCLE TO BE
24 PERFORMED AT A CENTRALIZED INSPECTION FACILITY;

25 (4) ESTABLISH CRITERIA FOR TESTING EQUIPMENT, PROCEDURES, AND
26 REPORTING OF RETESTS FOR APPROVED CERTIFIED REPAIR FACILITIES;

27 (5) PROVIDE FOR THE SUSPENSION, REVOCATION, OR DENIAL OF
28 RENEWAL OF APPROVAL FOR A CERTIFIED REPAIR FACILITY TO PERFORM RETESTS
29 IF THE SECRETARY, OR THE SECRETARY'S DESIGNEE, DETERMINES THAT THE
30 FACILITY HAS PERFORMED FRAUDULENT RETESTS OR IS NOT IN COMPLIANCE WITH
31 THE REGULATIONS ADOPTED UNDER THIS SUBSECTION; AND

32 (6) ESTABLISH A REASONABLE FEE FOR APPROVAL OF A CERTIFIED
33 REPAIR FACILITY TO PERFORM RETESTS, COVERING THE COSTS OF THE APPROVALS
34 AND OVERSIGHT OF THE DECENTRALIZED RETESTING PROGRAM.

35 [(c)] (F) (1) The President of the Senate and the Speaker of the House of
36 Delegates shall appoint a special committee composed of 3 Senators and 3 Delegates who
37 shall regularly consult with the Secretary of Transportation and the Secretary of the
38 Environment on the administration of the emissions control program and any contract in
39 accordance with the terms of these provisions.

40 (2) The special committee shall regularly report to the Legislative Policy
41 Committee of the Maryland General Assembly on the administration of the emissions

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1 control program and any contract awarded in accordance with the provisions of this
2 section.

3 23-204.

4 The facilities established OR APPROVED under § 23-203 of this subtitle shall
5 conduct the exhaust emissions tests and emissions equipment and misfueling inspections
6 of motor vehicles to determine whether each vehicle complies with emissions standards
7 established under this subtitle for that vehicle.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.