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Assigned to: Environmental Matters

Committee Report: Favorable with amendments

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CHAPTER _____

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:

2

1 **Article - Transportation**

2 23-202.

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

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

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

6 (ii) The vehicle owner exhibits evidence acceptable to the
7 Administration that the owner, for an initial exhaust emissions test occurring:8 1. In calendar years 1995 through 1997 has actually incurred an
9 expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after
10 the exhaust emissions test; and11 2. On or after January 1, 1998, has actually incurred the
12 minimum expenditure required by federal law towards emissions related repairs to the
13 vehicle within 120 days after the exhaust emissions test; [and]14 (iii) The vehicle fails a retest, except that if the vehicle owner has
15 exhibited evidence acceptable to the Administration that the vehicle owner actually
16 incurred the minimum expenditure as required under item (1)(ii) of this subsection for
17 the emissions related repair to the vehicle within 30 days before the initial exhaust
18 emissions test or the period allowed under federal law, whichever is longer, a retest is not
19 required; AND20 (IV) THE VEHICLE OWNER EXHIBITS EVIDENCE THAT THE
21 EMISSIONS RELATED REPAIRS QUALIFYING FOR A WAIVER UNDER ITEMS (1)(II) AND
22 (III) OF THIS SUBSECTION WERE PERFORMED BY A REPAIR TECHNICIAN AND AT A
23 REPAIR FACILITY BOTH CERTIFIED UNDER ITEM (4) OF THIS SUBSECTION;24 (2) Notwithstanding the provisions of this section, may not grant a waiver if
25 it is found in the testing process that factory-installed emissions equipment has been
26 tampered with or removed, or that the vehicle has been misfueled;27 (3) Unless otherwise prohibited by federal law, may grant additional waivers
28 to extend the time for compliance in cases of financial hardship or for unusual
29 circumstances;30 (4) Shall establish criteria to certify repair TECHNICIANS AND facilities for
31 the purpose of bringing vehicles into compliance with the applicable emissions standards,
32 INCLUDING THE PAYMENT OF REASONABLE FEES TO COVER THE COSTS OF
33 ADMINISTERING AND OVERSEEING THE CERTIFICATION PROGRAM;34 (5) May provide for the suspension, revocation, or denial of renewal of the
35 certification of a repair TECHNICIAN OR facility upon evidence that vehicles repaired by
36 that TECHNICIAN OR facility for the purpose of bringing them into compliance with the
37 applicable emissions standards have repeatedly failed tests or retests and the
38 Administration and the Secretary have clear and convincing evidence the repair
39 TECHNICIAN OR facility is not meeting satisfactory performance standards;

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1 (6) Shall define the inspection parameters for the emissions equipment and
2 misfueling inspection;

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

4 (8) Shall adopt a schedule for the emissions equipment and misfueling
5 inspections; and

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

9 23-203.

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

13 (2) If the Administration and the Secretary determine that the system can
14 be installed and operated more effectively and economically by an independent
15 contractor than if installed and operated by the Administration and the Secretary, the
16 Administration and the Secretary may award the installation and operation of the
17 inspection facilities to an independent contractor selected in accordance with the bidding
18 procedures established by the laws of this State.

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

25 1. Award the installation and operation of the inspection
26 facilities to one independent contractor for the installation and operation of all inspection
27 facilities in this State; or

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

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

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

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

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

4 (1) TESTING EQUIPMENT AND PROCEDURES, YIELDING RESULTS THAT
5 CORRELATE TO TESTS AND INSPECTIONS PERFORMED AT CENTRALIZED
6 INSPECTION FACILITIES IN THE STATE WITHIN 95% ACCURACY OR WITHIN A
7 DIFFERENT DEGREE OF ACCURACY APPROVED BY THE ADMINISTRATION AND THE
8 SECRETARY, ARE FEASIBLE FOR USE IN CERTIFIED REPAIR FACILITIES APPROVED
9 FOR RETESTING OF VEHICLES; AND

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

13 (D) IF THE ADMINISTRATION AND THE SECRETARY DETERMINE THAT THE
14 CRITERIA LISTED IN SUBSECTION (C) OF THIS SECTION HAVE NOT BEEN MET IN A
15 GIVEN YEAR, THEY SHALL DETERMINE, ON OR BEFORE MARCH 1 OF THE
16 SUCCEEDING YEAR, WHETHER THE CRITERIA HAVE BEEN SATISFIED IN THE
17 INTERVENING PERIOD.

18 (E) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF THE
19 PROGRAM IS AWARDED TO AN INDEPENDENT CONTRACTOR TO OPERATE
20 CENTRALIZED INSPECTION FACILITIES AND IF THE ADMINISTRATION AND THE
21 SECRETARY HAVE DETERMINED THAT THE CRITERIA LISTED IN SUBSECTION (C) OF
22 THIS SECTION HAVE BEEN SATISFIED, THE ADMINISTRATION AND THE SECRETARY
23 SHALL ~~PURPOSE~~ PROPOSE REGULATIONS TO:

24 (1) ALLOW THE OWNER OF A VEHICLE THAT FAILS AN EXHAUST
25 EMISSIONS TEST OR EMISSIONS EQUIPMENT AND MISFUELING INSPECTION AT A
26 CENTRALIZED INSPECTION FACILITY TO HAVE THE VEHICLE RETESTED AT EITHER
27 A CENTRALIZED INSPECTION FACILITY OR AN APPROVED CERTIFIED REPAIR
28 FACILITY;

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

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

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

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

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

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

9 (2) The special committee shall regularly report to the Legislative Policy
10 Committee of the Maryland General Assembly on the administration of the emissions
11 control program and any contract awarded in accordance with the provisions of this
12 section.

13 23-204.

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

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