

CF SB 278

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Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Voluntary Dynamometer Testing**

3 FOR the purpose of requiring the Motor Vehicle Administration to offer to owners of
4 vehicles subject to testing under the State's emissions control program the option to
5 voluntarily submit their vehicles to transient mass-emission testing utilizing a
6 dynamometer and the IM240 drive cycle; defining a certain term; making certain
7 technical changes; providing for the effective date of this Act; and generally relating
8 to the Vehicle Emissions Inspection Program.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 23-202
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1996 Supplement)

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

16 **Article - Transportation**

17 23-202.

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

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

23 (b) (1) The emissions CONTROL program shall provide for a biennial exhaust
24 emissions test and emissions equipment and misfueling inspection for all vehicles of the
25 1977 model year and each model year thereafter.

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

2

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

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

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

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

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

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

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

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

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

24 (4) Shall establish criteria to certify repair facilities for the purpose of
25 bringing vehicles into compliance with the applicable emissions standards;

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

31 (6) Shall define the inspection parameters for the emissions equipment and
32 misfueling inspection;

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

34 (8) Shall adopt a schedule for the emissions equipment and misfueling
35 inspections; and

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

3

1 (d) (1) IN THIS SUBSECTION, "TRANSIENT MASS-EMISSION TESTING" MEANS
 2 AN EXHAUST EMISSIONS TEST UTILIZING A DYNAMOMETER TREADMILL DEVICE
 3 AND THE IM 240 DRIVING CYCLE REFERENCED UNDER 40 C.F.R. PART 51.

4 (2) Notwithstanding subsection (c)(6) of this section or any other provision
 5 of law, [during the period from January 1, 1995 through May 31, 1997,] the emissions
 6 control program established under this subtitle may not require for any vehicle other than
 7 a State-owned vehicle or, to the extent authorized by federal law, a federally-owned
 8 vehicle:

9 (i) Transient mass-emission testing [using the IM 240 driving cycle
 10 referenced under 40 C.F.R. Part 51];

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

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

16 (iv) On-road testing.

17 [(2)] (3) (i) The Administration, in consultation with the Secretary, shall
 18 [develop]:

19 1. OFFER TO OWNERS OF VEHICLES SUBJECT TO THE
 20 EMISSIONS CONTROL PROGRAM THE OPTION OF COMPLYING WITH THE EXHAUST
 21 EMISSIONS TEST REQUIREMENTS OF THIS SUBTITLE BY VOLUNTARILY SUBMITTING
 22 TO TRANSIENT MASS-EMISSION TESTING; AND

23 2. DEVELOP and offer to owners of vehicles subject to the
 24 emissions control program an incentive program designed to encourage voluntary
 25 submission to [the test described in item (1)(i) of this subsection] TRANSIENT
 26 MASS-EMISSION TESTING.

27 (ii) Notwithstanding the provisions of § 23-205(a)(2) and subsection
 28 (c)(1) of this section, the incentives offered under this paragraph may include reduced
 29 test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures
 30 incurred for emissions related repairs necessary to obtain a waiver, and any other
 31 cost-effective incentive that is consistent with State and federal law and is reasonably
 32 expected by the Administration to increase the number of vehicles that undergo [the test
 33 described in item (1)(i) of this subsection] TRANSIENT MASS-EMISSION TESTING.

34 (iii) 1. The Administration shall notify vehicle owners of the
 35 opportunity to voluntarily submit a vehicle to [the] TRANSIENT MASS-EMISSION testing
 36 [described in subparagraph (i) of this paragraph].

37 2. The notice required under this subparagraph shall be:

38 A. Prominently displayed at all emissions inspection facilities;
 39 and

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 1997.