
By: Delegates Guns, Morhaim, Hammen, Finifter, and Frank

Introduced and read first time: February 21, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Enhanced Testing**

3 FOR the purpose of authorizing the modification of certain tests and inspections under
4 an enhanced emissions control program; extending the periods during which certain
5 limitations on fees for tests and inspections under the emissions control program
6 apply; providing for the effective date of this Act; and generally relating to
7 emissions testing.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 23-202(c) and (d) and 23-205(a)
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1996 Supplement)

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

15 **Article - Transportation**

16 23-202.

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

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

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

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

22 1. In calendar years 1995 through [1997] 1998 has actually
23 incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60
24 days after the exhaust emissions test; and

25 2. On or after January 1, [1998] 1999, has actually incurred the
26 minimum expenditure required by federal law towards emissions related repairs to the
27 vehicle within 120 days after the exhaust emissions test; and

28 (iii) The vehicle fails a retest, except that if the vehicle owner has
29 exhibited evidence acceptable to the Administration that the vehicle owner actually

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1 incurred the minimum expenditure as required under item (1)(ii) of this subsection for
2 the emissions related repair to the vehicle within 30 days before the initial exhaust
3 emissions test or the period allowed under federal law, whichever is longer, a retest is not
4 required;

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

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

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

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

18 (6) Shall define the inspection parameters for the emissions equipment and
19 misfueling inspection;

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

21 (8) Shall adopt a schedule for the emissions equipment and misfueling
22 inspections; and

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

26 (d) (1) Notwithstanding subsection (c)(6) of this section or any other provision
27 of law, during the period from January 1, 1995 through May 31, 1997, the emissions
28 control program established under this subtitle may not require for any vehicle other than
29 a State-owned vehicle or, to the extent authorized by federal law, a federally-owned
30 vehicle:

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

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

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

38 (iv) On-road testing.

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1 (2) THE ADMINISTRATION AND THE SECRETARY MAY ADOPT AN
2 ALTERNATIVE SCHEDULE TO ACHIEVE FULL IMPLEMENTATION OF THE EMISSIONS
3 CONTROL PROGRAM ESTABLISHED UNDER THIS SUBTITLE, IF:

4 (I) THE CONTRACTOR FAILS TO SATISFY PERFORMANCE
5 STANDARDS IDENTIFIED BY THE DEPARTMENT; OR

6 (II) DEFECTS IN MECHANICAL EQUIPMENT OF COMPUTER
7 HARDWARE OR SOFTWARE PREVENT THE IMPLEMENTATION OF THE EMISSIONS
8 CONTROL PROGRAM TO THE SATISFACTION OF THE DEPARTMENT.

9 (3) THE ADMINISTRATION AND THE SECRETARY SHALL PROHIBIT ANY
10 PROCEDURE THAT REQUIRES THE DISCONNECTION OR MANIPULATION OF ANY
11 ENGINE COMPONENT, INCLUDING ANY HOSE OR EMISSIONS EQUIPMENT, THAT IS
12 LOCATED IN THE VEHICLES ENGINE COMPARTMENT.

13 (4) THE ADMINISTRATION AND THE SECRETARY MAY ALLOW THE
14 VEHICLE OWNER OR OPREATOR TO REMAIN IN THE PASSENGER SEAT DURING THE
15 TRANSIENT MASS-EMISSIONS TEST AT THE OWNER OR OPERATOR'S REQUEST.

16 [(2)] (5) (i) The Administration, in consultation with the Secretary, shall
17 develop and offer to owners of vehicles subject to the emissions control program an
18 incentive program designed to encourage voluntary submission to the test described in
19 item (1)(i) of this subsection.

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

27 (iii) 1. The Administration shall notify vehicle owners of the
28 opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of
29 this paragraph.

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

31 A. Prominently displayed at all emissions inspection facilities;
32 and

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

35 23-205.

36 (a) (1) Subject to paragraph (2) of this subsection, the Administration and the
37 Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a
38 facility.

39 (2) The fee established under this subsection:

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1 (i) During the period from January 1, 1995 through [May 31]
2 OCTOBER 31, 1997, may not exceed \$12; and

3 (ii) During the period after [May 31] OCTOBER 31, 1997, may not
4 exceed \$14.

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