
By: Delegate Guns

Introduced and read first time: March 3, 1997
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Minimum Repair Expenditure**

3 FOR the purpose of altering certain dates on which certain minimum expenditures are
4 required under the Vehicle Emissions Inspection Program; and generally relating to
5 the Vehicle Emissions Inspection Program.

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

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

13 **Article - Transportation**

14 23-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (6) Shall define the inspection parameters for the emissions equipment and
29 misfueling inspection;

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

31 (8) Shall adopt a schedule for the emissions equipment and misfueling
32 inspections; and

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

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

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

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

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

8 (iv) On-road testing.

9 (2) (i) The Administration, in consultation with the Secretary, shall
10 develop and offer to owners of vehicles subject to the emissions control program an
11 incentive program designed to encourage voluntary submission to the test described in
12 item (1)(i) of this subsection.

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

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

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

24 A. Prominently displayed at all emissions inspection facilities;
25 and

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

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