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By: Senators Stone, Della, Jimeno, Middlebrooks, Bromwell, Ferguson, Haines, and Astle

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CHAPTER ____

1 AN ACT concerning

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

3 FOR the purpose of providing that a certain minimum expenditure on emissions related
 4 vehicle repairs will qualify the vehicle owner for a waiver from certain vehicle
 5 exhaust emissions retests under the State's emissions control program; requiring the
 6 Motor Vehicle Administration to offer to owners of vehicles subject to testing under
 7 the State's emissions control program the option to voluntarily submit their vehicles
 8 to transient mass-emission testing utilizing a dynamometer and the IM240 drive
 9 cycle; defining a certain term; making certain technical changes; providing for the
 10 effective date of this Act; and generally relating to the Vehicle Emissions Inspection
 11 Program.

12 BY repealing and reenacting, with amendments,
 13 Article - Transportation
 14 Section 23-202
 15 Annotated Code of Maryland
 16 (1992 Replacement Volume and 1996 Supplement)

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

19 **Article - Transportation**

20 23-202.

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

2

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

3 (b) (1) The emissions CONTROL program shall provide for a biennial exhaust
4 emissions test and emissions equipment and misfueling inspection for all vehicles of the
5 1977 model year and each model year thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

3

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

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

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

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

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

24 (iv) On-road testing.

25 [(2)] (3) (i) The Administration, in consultation with the Secretary, shall
26 [develop]:

27 1. OFFER TO OWNERS OF VEHICLES SUBJECT TO THE
28 EMISSIONS CONTROL PROGRAM THE OPTION OF COMPLYING WITH THE EXHAUST
29 EMISSIONS TEST REQUIREMENTS OF THIS SUBTITLE BY VOLUNTARILY SUBMITTING
30 TO TRANSIENT MASS-EMISSION TESTING; AND

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

35 (ii) Notwithstanding the provisions of § 23-205(a)(2) and subsection
36 (c)(1) of this section, the incentives offered under this paragraph may include reduced
37 test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures
38 incurred for emissions related repairs necessary to obtain a waiver, and any other
39 cost-effective incentive that is consistent with State and federal law and is reasonably

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1 expected by the Administration to increase the number of vehicles that undergo [the test
2 described in item (1)(i) of this subsection] TRANSIENT MASS-EMISSION TESTING.

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

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

7 A. Prominently displayed at all emissions inspection facilities;

8 and

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

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