
By: Senators Stone, Haines, Middlebrooks, and Jimeno

Introduced and read first time: January 22, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Waivers - Minimum Qualifying Expenditures**

3 FOR the purpose of extending the period during which a certain minimum expenditure
4 on emissions related vehicle repairs will qualify the vehicle owner for a waiver from
5 certain vehicle exhaust emissions retests under the State's emissions control
6 program; extending the date on or after which a vehicle owner must make the
7 minimum expenditure specified by federal law for emissions related repairs in order
8 to qualify for a waiver from an exhaust emissions retest; and generally relating to
9 waivers under the Vehicle Emissions Inspection Program.

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

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

17 **Article - Transportation**

18 23-202.

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

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

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

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

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

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

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

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

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

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

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

20 (6) Shall define the inspection parameters for the emissions equipment and
21 misfueling inspection;

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

23 (8) Shall adopt a schedule for the emissions equipment and misfueling
24 inspections; and

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

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