

HOUSE BILL 71

Unofficial Copy
R6

1998 Regular Session
8lr0706

(PRE-FILED)

By: **Delegates Elliott and Schisler**

Requested: November 10, 1997

Introduced and read first time: January 14, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Retest Waivers - Repair**
3 **Expenditures**

4 FOR the purpose of extending indefinitely the period during which a certain
5 expenditure on emissions related vehicle repairs will qualify the vehicle owner
6 for a waiver from certain vehicle exhaust emissions retests under the State's
7 vehicle emissions inspection program; repealing a provision of law that requires
8 a vehicle owner, in order to qualify for an exhaust emissions retest waiver after
9 a certain date, to spend an amount specified in federal law on emissions related
10 repairs; clarifying language; and generally relating to the vehicle emissions
11 inspection 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 1997 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
23 with the federal Clean Air Act.

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

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

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

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

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

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

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

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

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

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

24 (iv) The vehicle owner exhibits evidence that the emissions related
25 repairs qualifying for a waiver under items (1)(ii) and (iii) of this subsection were
26 performed by a repair technician and at a repair facility both certified under item (4)
27 of this subsection;

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

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

34 (4) Shall establish criteria to certify repair technicians and facilities for
35 the purpose of bringing vehicles into compliance with the applicable emissions
36 standards, including the payment of reasonable fees to cover the costs of
37 administering and overseeing the certification program;

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

7 (6) Shall define the inspection parameters for the emissions equipment
8 and misfueling inspection;

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

10 (8) Shall adopt a schedule for the emissions equipment and misfueling
11 inspections; and

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

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

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

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

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

28 (iv) On-road testing.

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

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

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

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

5 A. Prominently displayed at all emissions inspection
6 facilities; and

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.