

HOUSE BILL 71

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(PRE-FILED)

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By: ~~Delegates Elliott and Schisler, Schisler, Mohorovic, Redmer, Hammen,~~  
McHale, Stup, Weir, and Stull

Requested: November 10, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 1998

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CHAPTER \_\_\_\_\_

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 altering the date on or after which a vehicle owner, in order to qualify for an  
9 exhaust emissions retest waiver ~~after a certain date, is required~~ to spend an  
10 amount specified in federal law on emissions related repairs; clarifying  
11 language; and generally relating to the vehicle emissions 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:

1

**Article - Transportation**

2 23-202.

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

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

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

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

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

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

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

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

19 1. In calendar years ~~1995 1998~~ through ~~1997 1999~~ has  
20 actually incurred an expenditure of \$150 towards emissions related repairs to the  
21 vehicle within 60 days after the INITIAL exhaust emissions test; ~~and~~

22 2. On or after January 1, ~~1998 2000~~, has actually incurred  
23 the minimum expenditure required by federal law towards emissions related repairs  
24 to the vehicle within 120 days after the exhaust emissions test; ~~}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38               (iv)    On-road testing.

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

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

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

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

16   A.     Prominently displayed at all emissions inspection  
17 facilities; and

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

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