
By: **Senators Forehand and Ruben**
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Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Diesel Vehicle Smoke Control Program**

3 FOR the purpose of requiring the Motor Vehicle Administration and the Secretary of
4 the Environment to jointly establish a Diesel Vehicle Smoke Control Program;
5 authorizing the Administration and the Secretary to adopt certain regulations;
6 authorizing a police officer to conduct diesel vehicle smoke emissions tests when
7 conducting certain other authorized vehicle stops and inspections; providing
8 that operation of a diesel vehicle on a Maryland highway constitutes consent to
9 certain emissions tests; requiring diesel vehicle owners and operators to comply
10 with certain test requirements; providing for the issuance of certain
11 noncompliance citations under certain circumstances; establishing certain
12 penalties; requiring the Motor Vehicle Administrator and the Secretary to
13 appoint a Diesel Vehicle Advisory Committee for certain purposes; requiring the
14 Advisory Committee to report to the General Assembly by a certain date; and
15 generally relating to establishment of the Diesel Vehicle Smoke Control
16 Program.

17 BY adding to
18 Article - Transportation
19 Section 23-2A-01 through 23-2A-04, inclusive, to be under the new subtitle
20 "Subtitle 2A. Diesel Vehicle Smoke Control Program"
21 Annotated Code of Maryland
22 (1992 Replacement Volume and 1997 Supplement)

23 Preamble

24 WHEREAS, Heavy duty diesel vehicles are a leading source of
25 transportation-related particulate emissions; and

26 WHEREAS, Maryland's urban areas will have difficulty sustaining compliance
27 with new federal air quality standards for fine particulates; and

28 WHEREAS, Diesel-emitted particulates are well established to exacerbate
29 respiratory conditions; and

1 WHEREAS, Heavy duty diesel vehicles emit substantial nitrogen oxides,
2 thereby contributing to ozone air pollution, acid rain problems, and nutrient
3 overenrichment of the Bay; and

4 WHEREAS, Maryland carries major interstate diesel truck traffic; and

5 WHEREAS, Maintaining diesels according to manufacturer's recommendations
6 is a reasonably cost-effective method of reducing excess diesel smoke emissions; and

7 WHEREAS, Cost-effective diesel smoke inspection programs are being
8 developed in other states; now, therefore,

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

11 **Article - Transportation**

12 **SUBTITLE 2A. DIESEL VEHICLE SMOKE CONTROL PROGRAM.**

13 23-2A-01.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) (1) "EMISSIONS STANDARD" MEANS A REQUIREMENT THAT LIMITS THE
17 VISIBLE EMISSIONS FROM A VEHICLE.

18 (2) "EMISSIONS STANDARD" INCLUDES A REQUIREMENT THAT RELATES
19 TO THE OPERATION OR MAINTENANCE OF A VEHICLE TO ASSURE ACCEPTABLE
20 SMOKE EMISSIONS.

21 (C) "EMISSIONS TEST" MEANS THE SAMPLING AND MEASUREMENT OF
22 CERTAIN COMPONENTS OF VEHICLE EXHAUST TO DETERMINE WHETHER THE
23 VEHICLE IS IN COMPLIANCE WITH AN EMISSIONS STANDARD.

24 (D) "POLICE OFFICER" HAS THE MEANING STATED IN § 24-111 OF THIS
25 ARTICLE.

26 (E) "SECRETARY" MEANS THE SECRETARY OF THE ENVIRONMENT.

27 (F) "VEHICLE" MEANS A DIESEL-POWERED MOTOR VEHICLE WITH A
28 MANUFACTURER'S GROSS VEHICLE WEIGHT RATING GREATER THAN 8,500 POUNDS.

29 23-2A-02.

30 (A) THE ADMINISTRATION AND THE SECRETARY SHALL ESTABLISH A DIESEL
31 VEHICLE SMOKE CONTROL PROGRAM IN THE STATE.

32 (B) THE ADMINISTRATION AND THE SECRETARY JOINTLY SHALL ADOPT
33 REGULATIONS:

1 (1) ESTABLISHING VEHICLE SMOKE EMISSIONS STANDARDS;

2 (2) PROVIDING FOR ON DEMAND SMOKE EMISSIONS TESTS OF
3 VEHICLES, WHICH MAY INCLUDE TAKING DIRECT SMOKE EMISSIONS
4 MEASUREMENTS; AND

5 (3) AFTER CONSULTATION WITH THE MARYLAND STATE POLICE,
6 ESTABLISHING SMOKE EMISSIONS TEST PROCEDURES WHICH MAY INCLUDE VISUAL
7 INSPECTION OF THE PRESENCE AND CONDITION OF EMISSIONS CONTROL DEVICES
8 AND ANY OTHER VEHICLE COMPONENTS THAT MAY HAVE AN IMPACT ON VEHICLE
9 EMISSIONS.

10 (C) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL PROVIDE THAT
11 VEHICLE SMOKE EMISSIONS TESTS MAY BE CONDUCTED:

12 (1) AT PRIVATE VEHICLE FLEET MAINTENANCE FACILITIES;

13 (2) WHEN THE VEHICLE IS REQUIRED TO SUBMIT TO:

14 (I) WEIGHING AND MEASURING UNDER § 24-111 OF THIS ARTICLE;
15 OR

16 (II) A MOTOR CARRIER SAFETY INSPECTION UNDER § 25-111 OF
17 THIS ARTICLE; OR

18 (3) AT ANY OTHER FACILITY THAT THE ADMINISTRATION AND THE
19 SECRETARY DEEM APPROPRIATE.

20 23-2A-03.

21 (A) THE OPERATION OF A VEHICLE ON ANY HIGHWAY IN THIS STATE
22 CONSTITUTES THE CONSENT OF THE DRIVER AND THE OWNER OF THE VEHICLE TO
23 THE SMOKE EMISSIONS TESTS PROVIDED FOR IN THIS SUBTITLE.

24 (B) THE DRIVER OF A VEHICLE SHALL OBEY EVERY SIGN AND EVERY
25 DIRECTION OF A POLICE OFFICER TO STOP THE VEHICLE FOR A SMOKE EMISSIONS
26 TEST.

27 23-2A-04.

28 (A) IF A VEHICLE FAILS TO MEET EMISSIONS STANDARDS ESTABLISHED
29 UNDER THIS SUBTITLE, THE PERSON CONDUCTING THE SMOKE EMISSIONS TEST
30 SHALL ISSUE TO THE VEHICLE OWNER A NONCOMPLIANCE CITATION THAT
31 REQUIRES THE VEHICLE OWNER, WITHIN 10 DAYS FROM THE DATE OF ISSUANCE OF
32 A NONCOMPLIANCE CITATION, TO:

33 (1) TAKE ALL ACTIONS NECESSARY TO BRING THE VEHICLE INTO
34 COMPLIANCE; AND

1 (2) PROVIDE PROOF SATISFACTORY TO THE ADMINISTRATION OR THE
2 SECRETARY THAT THE VEHICLE IS IN COMPLIANCE WITH APPLICABLE EMISSIONS
3 STANDARDS.

4 (B) FAILURE TO TAKE THE REMEDIAL ACTIONS SPECIFIED IN A
5 NONCOMPLIANCE CITATION ISSUED UNDER THIS SECTION IS A MISDEMEANOR
6 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle
8 Administrator and the Secretary of the Environment shall appoint a Diesel Vehicle
9 Advisory Committee to assist in the development and oversight of the Diesel Vehicle
10 Smoke Control Program established under this Act, which shall be composed of
11 representatives of:

- 12 (1) Diesel vehicle engine manufacturers;
- 13 (2) The heavy duty diesel vehicle industry;
- 14 (3) The Maryland Motor Vehicle Administration;
- 15 (4) The Maryland Department of the Environment; and
- 16 (5) The Maryland Department of State Police.

17 SECTION 3. AND BE IT FURTHER ENACTED, That the Diesel Vehicle
18 Advisory Committee shall report to the General Assembly in accordance with §
19 2-1246 of the State Government Article by December 31, 1999 on the implementation
20 of this Act. The report shall include an assessment of the Diesel Vehicle Smoke
21 Control Program's effectiveness, cost, and impact on agencies of State government.
22 The report shall also include recommendations regarding the future of the Program.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect July 1, 1998.