

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 323 (Senators Forehand and Ruben)

Judicial Proceedings

Diesel Vehicle Smoke Control Program

This bill requires the Motor Vehicle Administration (MVA) and the Secretary of the Maryland Department of the Environment (MDE) to establish a Diesel Vehicle Smoke Control Program for diesel vehicles with a gross vehicle weight rating greater than 8,500 pounds. The MVA and the Secretary must promulgate regulations that: (1) establish vehicle smoke emissions standards; (2) provide for on-demand smoke emissions tests of vehicles, which may include taking direct smoke emissions measurements; and (3) establish smoke emissions test procedures which may include visual inspection of the presence and condition of emissions control devices and any other vehicle components that may have an impact on vehicle emissions. The regulations shall provide that vehicle smoke emissions tests may be conducted: (1) at private vehicle fleet maintenance facilities; (2) when the vehicle is required to submit to weighing and measuring or a motor carrier safety inspection; and (3) at any other facility that the MVA and the Secretary deem appropriate.

The bill provides that the operation of a vehicle on any highway in the State constitutes the consent of the driver and the owner of the vehicle to a smoke emissions test. The owner of a vehicle failing to meet the emissions standards established shall be issued a noncompliance citation that requires the owner to: (1) take all actions necessary to bring the vehicle into compliance; and (2) provide satisfactory proof to the MVA or the Secretary that the vehicle is in compliance with applicable emissions standards. Failure to comply with the citation will result in a fine of up to \$1,000.

The bill requires the MVA and the Secretary of the Environment to establish a Diesel Vehicle Advisory Committee. The committee is required to report to the General Assembly by December 31, 1999 on the implementation of this bill.

This bill takes effect July 1, 1998.

Fiscal Summary

State Effect: Indeterminate but potentially significant increase in general fund expenditures. Potential increase in general fund revenues due to the bill's penalty provision.

Local Effect: Potential indeterminate expenditure increase. No effect on revenues.

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Effect: MDE advises that general fund expenditures could increase by an estimated \$145,873 in fiscal 1999, which accounts for a 90-day start-up delay. This estimate reflects the cost of hiring one Public Health Engineer and two Environmental Enforcement Inspectors to administer the program, promulgate regulations, perform emission tests, and carry out compliance and enforcement activities. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The MVA advises that diesel emissions tests cannot be performed at VEIP stations because the equipment for testing diesel engines is different from the equipment required to test gasoline engines. Diesel emissions tests would have to be conducted at some other facility such as weigh stations, truck yards, along the side of the road, or at new facilities that could be constructed for this purpose. If it is determined that diesel emissions tests could be done at VEIP stations, it could require significant expenditures to modify existing facilities or even construct new ones so that they could be more convenient for the vehicles involved.

The Department of Legislative Services advises that at this time the costs associated with implementing this program cannot be reliably estimated, although the costs could be significant. There are too many unknown elements of the program that would have to be taken into account to formulate a reliable estimate. For instance, the cost of the testing equipment is not known. Also, it is not known whether the testing equipment would have to be installed at vehicle weigh stations or whether it would be portable so that the State Police could carry out random inspections along the State's highways. It is assumed that both could occur. It is also assumed that the State Police could carry out these inspections with existing personnel, but it is likely that additional training and expenditures for purchasing the testing equipment would be required. It is also assumed that these inspections could be carried out at weigh stations by State Highway Administration personnel during weigh stops. This would likely require additional time and training and expenditures for purchasing the test equipment.

General fund revenues could increase under the bill's monetary penalty provision depending upon the number of convictions and fines imposed by the District Court.

Local Effect: Local governments that have diesel vehicles in their fleets could incur increased expenditures as a result of having to make repairs to these vehicles. It is also possible that local governments could face fines as a result of having vehicles in noncompliance with diesel emissions standards. Any expenditure increases cannot be reliably estimated at this time because it is not known what types of repairs would have to be made and the extent of vehicles in noncompliance.

Small Business Effect: Small businesses involved in trucking could realize increased upgrade and maintenance expenditures as a result of having to comply with new diesel emissions standards. Also, businesses involved in the testing of vehicles could incur increased expenditures as a result of having to purchase and install new testing equipment because testing diesel engines requires different equipment than gasoline engines. However, any increase in expenditures cannot be reliably estimated at this time.

Facilities that are involved in the weighing and inspection of diesel trucks could realize increased revenues as a result of performing diesel emissions tests. However, any increase cannot be reliably estimated at this time as it is unknown what the cost of such tests would be and the number of tests performed.

Information Source(s): Maryland Department of the Environment, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

Fiscal Note History: First Reader - March 11, 1998
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