

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 509

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 5 down through “circumstances;” in line 8; in line 17, after “procedures,” insert “and”; strike beginning with the comma in line 18 down through “circumstances” in line 20; strike beginning with “requiring” in line 22 down through “circumstances” in line 24, and substitute “establishing that a certain order or a certain notice shall be issued to a certain driver if a certain diesel vehicle fails an emissions test; requiring the repair and retest of a certain diesel vehicle under certain circumstances; providing for the suspension of the registration of a certain diesel vehicle under certain circumstances; providing notice of a certain violation to the Federal Highway Administration of the United States Department of Transportation under certain circumstances”; and in line 24, after “terms;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 27 through 31, inclusive.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 18 through 32, inclusive.

On page 4, in line 6, strike “OPERATES ON DIESEL FUEL” and substitute “IS POWERED BY A COMPRESSION IGNITION ENGINE”; in line 7, after “GROSS” insert “VEHICLE”; in the same line, after “RATING” insert “OR GROSS COMBINATION WEIGHT RATING”; after line 8, insert:

“(C) “EMISSIONS INSPECTOR” MEANS A PERSON WHO IS CERTIFIED BY THE DEPARTMENT OF STATE POLICE TO PERFORM AN EMISSIONS TEST.”;

in line 9, strike “(C)” and substitute “(D)”; in line 11, strike “(D)” and substitute “(E)”; in line 14,

(Over)

strike “(E)” and substitute “(F)”; and in the same line, after the second “OFFICER” insert a period; and strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 4

On page 5, in line 1, after “(4)” insert “SUBJECT TO § 23-403 OF THIS SUBTITLE.”; in line 4, strike the colon and substitute “; AND”; strike in their entirety lines 5 through 17, inclusive, and substitute:

“(5) ESTABLISHING CERTIFICATION REQUIREMENTS FOR EMISSIONS INSPECTORS.”;

in line 23, after “TEST” insert “ADMINISTERED BY AN EMISSIONS INSPECTOR.”; in the same line, strike the period; and after line 23, insert:

“(1) WHEN A DIESEL VEHICLE IS REQUIRED TO SUBMIT TO:

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

OR

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

(2) AT ANY LOCATION OR TIME, WHEN A POLICE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT AN INDIVIDUAL DIESEL VEHICLE IS VIOLATING EMISSIONS STANDARDS ESTABLISHED UNDER THIS SUBTITLE.”.

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 25 on page 5 through line 16 on page 6, inclusive, and substitute:

“(A) IF A DIESEL VEHICLE FAILS AN EMISSIONS TEST ESTABLISHED AND ADMINISTERED UNDER THIS SUBTITLE, THE DRIVER OF THE DIESEL VEHICLE AT THE TIME OF TESTING SHALL BE ISSUED:

(1) IF THE DIESEL VEHICLE IS REGISTERED UNDER THIS ARTICLE, A SAFETY EQUIPMENT REPAIR ORDER THAT DIRECTS THE REGISTERED OWNER OF THE VEHICLE TO REPAIR THE VEHICLE TO COMPLY WITH EMISSIONS STANDARDS;
OR

(2) IF THE DIESEL VEHICLE IS A FOREIGN REGISTERED VEHICLE, NOTICE INDICATING THAT THE VEHICLE IS NOT IN COMPLIANCE WITH EMISSIONS STANDARDS IN THIS STATE.

(B) (1) A DRIVER OF A DIESEL VEHICLE WHO IS ISSUED A SAFETY EQUIPMENT REPAIR ORDER UNDER SUBSECTION (A) OF THIS SECTION SHALL FORWARD THE ORDER TO THE REGISTERED OWNER OF THE VEHICLE.

(2) A REGISTERED OWNER OF A DIESEL VEHICLE WHO RECEIVES A SAFETY EQUIPMENT REPAIR ORDER UNDER THIS SECTION SHALL REPAIR THE VEHICLE TO COMPLY WITH EMISSIONS STANDARDS ESTABLISHED UNDER THIS SUBTITLE AND SHALL BE RETESTED FOR EMISSIONS STANDARDS IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(3) (I) IF A REGISTERED OWNER FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION WITHIN 30 DAYS OF THE ISSUANCE OF THE SAFETY EQUIPMENT REPAIR ORDER, THE REGISTRATION OF THE DIESEL VEHICLE MAY BE SUSPENDED BY THE ADMINISTRATION.

(II) THE REGISTRATION OF A DIESEL VEHICLE THAT IS SUSPENDED UNDER THIS PARAGRAPH MAY BE REINSTATED BY THE ADMINISTRATION IF THE VEHICLE IS RETESTED FOR EMISSIONS STANDARDS IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE AND COMPLIES WITH EMISSIONS STANDARDS.

(III) IF THE REGISTRATION OF A DIESEL VEHICLE IS SUSPENDED UNDER THIS PARAGRAPH, THE OWNER OF THE DIESEL VEHICLE IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR A VIOLATION OF PARAGRAPH (2) OF THIS

(Over)

SUBSECTION.

(4) (I) THE OWNER OF A FOREIGN REGISTERED DIESEL VEHICLE WHO RECEIVES NOTICE INDICATING THAT THE DIESEL VEHICLE HAS FAILED TO COMPLY WITH EMISSIONS STANDARDS IN THIS STATE, SHALL REPAIR THE VEHICLE TO COMPLY WITH EMISSIONS STANDARDS ESTABLISHED UNDER THIS SUBTITLE AND SHALL PROVIDE EVIDENCE REQUIRED UNDER REGULATIONS ADOPTED UNDER THIS SUBTITLE THAT DEMONSTRATES COMPLIANCE WITH EMISSIONS STANDARDS.

(II) IF THE OWNER FAILS TO COMPLY WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS OF THE ISSUANCE OF THE NOTICE:

1. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE NOTICE TO THE FEDERAL HIGHWAY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION THAT THE OWNER HAS VIOLATED STATE LAW IN VIOLATION OF 49 C.F.R. § 392.2; AND

2. THE OWNER OF THE DIESEL VEHICLE IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.”.

On page 6, in line 18, strike “October 1, 1999” and substitute “July 1, 2000”.