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By: **Chairman, Environmental Matters Committee (Departmental -  
Environment and Transportation)**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program - Termination - Repeal**

3 FOR the purpose of repealing the termination date for the vehicle emissions  
4 inspection program; authorizing the Motor Vehicle Administration and the  
5 Secretary of the Environment to grant a waiver to a vehicle owner if the vehicle  
6 fails an initial exhaust emissions test occurring in certain calendar years and  
7 the owner has incurred a certain expenditure towards emissions related repairs  
8 to the vehicle within a certain amount of time; prohibiting the Administration  
9 from implementing a certain regulation regarding a certain waiver for certain  
10 vehicle owners from the vehicle emissions inspection program under certain  
11 circumstances; and generally relating to the vehicle emissions inspection  
12 program.

13 BY repealing and reenacting, without amendments,  
14 Article - Transportation  
15 Section 23-202(a)  
16 Annotated Code of Maryland  
17 (~~1998 Replacement Volume and 1998 Supplement~~)  
18 (1999 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article - Transportation  
21 Section 23-202(c)(1)  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume)

1 BY repealing  
 2 Article - Transportation  
 3 Section 23-208  
 4 Annotated Code of Maryland  
 5 (~~1998 Replacement Volume and 1998 Supplement~~)  
 6 (1999 Replacement Volume)

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

9 **Article - Transportation**

10 23-202.

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

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

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

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

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

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

21 1. In calendar years 1998 through 1999 has actually incurred  
 22 an expenditure of \$150 towards emissions related repairs to the vehicle within 60  
 23 days after the initial exhaust emissions test; [and]

24 2. IN CALENDAR YEARS 2000 THROUGH 2001 HAS ACTUALLY  
 25 INCURRED AN EXPENDITURE TOWARDS EMISSIONS RELATED REPAIRS TO THE  
 26 VEHICLE WITHIN 120 DAYS AFTER THE INITIAL EXHAUST EMISSIONS TEST IN AN  
 27 AMOUNT OF:

28 A. \$200 FOR VEHICLES OF MODEL YEARS 1990 AND OLDER;

29 B. \$300 FOR VEHICLES OF MODEL YEARS 1991 THROUGH 1997;  
 30 OR

31 C. \$450 FOR VEHICLES OF MODEL YEARS 1998 AND NEWER;

32 AND

33 3. On or after January 1, [2000] 2002, has actually incurred  
 34 [the minimum expenditure required by federal law] AN EXPENDITURE OF \$450

1 towards emissions related repairs to the vehicle within 120 days after the exhaust  
2 emissions test;

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

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

13 [23-208.

14 Any program adopted under this subtitle terminates on December 31, 2001,  
15 unless, prior to its termination, the period of operation is extended by an Act of the  
16 General Assembly.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle  
18 Administration may not implement the provisions of COMAR 11.14.08.06D.(7), as  
19 proposed in 25:16 Md. R. 1321-1327 and adopted in 25:21 Md. R. 1574.

20 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect October 1, 1999.