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By: **Senators Jimeno, Colburn, and Stone**  
Introduced and read first time: February 18, 1999  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Emissions Inspection - Waivers - Minimum Repair Expenses**

3 FOR the purpose of limiting the minimum emissions related repair expense a certain  
4 person must incur to be granted a waiver from certain vehicle emissions  
5 standards; repealing provisions relating to certain federal standards for a  
6 certain minimum emissions related repair expense; and generally relating to an  
7 emissions related repair expense and waivers from the Vehicle Emissions  
8 Inspection Program.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 23-202(c)  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 1998 Supplement)

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

16 **Article - Transportation**

17 23-202.

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

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

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

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

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

1                                 2.       On or after January 1, 2000, has actually incurred the  
2 minimum expenditure required by federal law towards emissions related repairs to  
3 the vehicle within 120 days after the exhaust emissions test];

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

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

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

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

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

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

30                                (6)       Shall define the inspection parameters for the emissions equipment  
31 and misfueling inspection;

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

33                                (8)       Shall adopt a schedule for the emissions equipment and misfueling  
34 inspections; and

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

38       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 October 1, 1999.

