

SENATE BILL 696

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R6

1999 Regular Session
9lr2385
CF 9lr2497

By: **Senators Jimeno, Colburn, and Stone**
Introduced and read first time: February 18, 1999
Assigned to: Rules
Re-referred to: Judicial Proceedings, February 25, 1999

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 1999

CHAPTER _____

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~~ extending the period during
7 which a certain expenditure on emissions related vehicle repairs will qualify the
8 vehicle owner for a waiver from certain vehicle exhaust emissions retests under
9 a certain vehicle emissions inspection program; altering the date on or after
10 which a vehicle owner, in order to qualify for an exhaust emissions retest waiver,
11 is required to spend an amount specified in federal law on emissions related
12 repairs; and generally relating to an emissions related repair expense and
13 waivers from the Vehicle Emissions Inspection Program.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 23-202(c)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1998 Supplement)

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

1 **Article - Transportation**

2 23-202.

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

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

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

6 (ii) The vehicle owner exhibits evidence acceptable to the
7 Administration that the owner~~},~~ for an initial exhaust emissions test occurring:8 1. In calendar years ~~1998 through 1999~~ 1999 THROUGH 2002
9 has actually incurred an expenditure of \$150 towards emissions related repairs to the
10 vehicle within 60 days after the initial exhaust emissions test~~};~~ and11 2. On or after January 1, ~~2000~~ 2003, has actually incurred
12 the minimum expenditure required by federal law towards emissions related repairs
13 to the vehicle within 120 days after the exhaust emissions test~~};~~14 (iii) The vehicle fails a retest, except that if the vehicle owner has
15 exhibited evidence acceptable to the Administration that the vehicle owner actually
16 incurred the minimum expenditure as required under item (1)(ii) of this subsection
17 for the emissions related repair to the vehicle within 30 days before the initial
18 exhaust emissions test or the period allowed under federal law, whichever is longer, a
19 retest is not required; and20 (iv) The vehicle owner exhibits evidence that the emissions related
21 repairs qualifying for a waiver under items (1)(ii) and (iii) of this subsection were
22 performed by a repair technician and at a repair facility both certified under item (4)
23 of this subsection;24 (2) Notwithstanding the provisions of this section, may not grant a
25 waiver if it is found in the testing process that factory-installed emissions equipment
26 has been tampered with or removed, or that the vehicle has been misfueled;27 (3) Unless otherwise prohibited by federal law, may grant additional
28 waivers to extend the time for compliance in cases of financial hardship or for
29 unusual circumstances;30 (4) Shall establish criteria to certify repair technicians and facilities for
31 the purpose of bringing vehicles into compliance with the applicable emissions
32 standards, including the payment of reasonable fees to cover the costs of
33 administering and overseeing the certification program;34 (5) May provide for the suspension, revocation, or denial of renewal of
35 the certification of a repair technician or facility upon evidence that vehicles repaired
36 by that technician or facility for the purpose of bringing them into compliance with
37 the applicable emissions standards have repeatedly failed tests or retests and the

1 Administration and the Secretary have clear and convincing evidence the repair
2 technician or facility is not meeting satisfactory performance standards;

3 (6) Shall define the inspection parameters for the emissions equipment
4 and misfueling inspection;

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

6 (8) Shall adopt a schedule for the emissions equipment and misfueling
7 inspections; and

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

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