

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 509 (Senators Forehand and Baker)

Judicial Proceedings

Diesel Vehicle Emissions Control Program

This bill requires the Maryland Departments of the Environment, State Police, and Transportation to jointly establish by regulation a Diesel Vehicle Emissions Control Program for diesel vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds. The regulations shall: (1) establish requirements for emissions standards; (2) establish requirements for emissions tests; (3) establish requirements for emissions test equipment; (4) establish emissions test procedures; and (5) establish certification requirements for “emission inspectors.”

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 diesel emissions test. Testing procedures include conducting an emissions test when a diesel vehicle is required to submit to weighing and measuring or to a motor carrier safety inspection under existing law, and at any roadside location or time when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards.

The bill provides that if a Maryland-registered diesel vehicle fails an emissions test, the owner will be issued a safety equipment repair order directing the owner to repair the vehicle to comply with emissions standards. The owner is required to repair and retest the vehicle. If the owner fails to comply with the repair order within 30 days, the Motor Vehicle Administration may suspend the registration of the vehicle and the owner may be subject to a maximum \$1,000 fine. In addition, the bill provides that if a foreign-registered diesel vehicle fails a test, the driver will be provided notice of noncompliance with Maryland emissions standards. The owner of the vehicle shall repair the vehicle and provide evidence of compliance with emissions standards within 30 days of receipt of notice, or the Department of State Police shall provide notice to the Federal Highway Administration that the owner has violated State laws in violation of federal regulations and is subject to a maximum \$1,000

fine.

Emissions test results from approved emissions test equipment are admissible at trial for a violation under the bill, and a failure to meet the emissions standard at the time of testing is *prima facie* evidence that the operator of the diesel vehicle violated the provisions of the bill.

The bill takes effect July 1, 2000.

Fiscal Summary

State Effect: Significant general and special fund expenditure increase beginning in FY 2001. Potential indeterminate general fund revenue increase from fines beginning in FY 2001.

Local Effect: Indeterminate expenditure increase. Indeterminate revenue decrease.

Small Business Effect: Potential meaningful.

Fiscal Analysis

Background: The bill is the result of coordinated efforts among the Departments of Environment, Transportation, and State Police and the Maryland Motor Truck Association to design a practical system to reduce harmful diesel vehicle emissions in the State. One of the goals of this effort is to coordinate the testing efforts of Maryland with other states in order to avoid piecemeal roadside testing programs in the various states which would hinder commerce and transportation between the states.

Currently, 15 states are operating either regulatory or pilot diesel VEIP programs. Eight states are working to coordinate their roadside diesel VEIP programs through involvement with NESCAUM (Northeast States for Coordinated Air Use Management), an interstate association of air quality control divisions in the Northeast states. Member states are Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. All eight member states are in some stage of developing roadside diesel VEIP. Maryland is not a member of NESCAUM, but is participating in NESCAUM meetings and discussions on roadside diesel VEIP because of its proximity to these states and the associated shared traffic.

State Effect: This bill establishes a new diesel emissions inspection program for vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds to

be administered by the Maryland Departments of the Environment, State Police, and Transportation.

The Maryland Department of Transportation and the Department of State Police advise that the testing and enforcement requirements of the bill would be carried out by the Commercial Vehicle Enforcement Division of the Department of State Police. The bill requires diesel vehicles be tested when the vehicle is required to be submitted to (1) weighing and measuring; (2) a motor carrier inspection; and (3) at any location or time when a police officer has reasonable cause to believe that an individual diesel vehicle is violating established emissions standards. In addition, diesel vehicles would be subject to a diesel emissions test at any roadside location. The Department of State Police advises that in order to test vehicles at the required locations, two-member teams would be created consisting of a uniformed State Trooper and a civilian employee of the State Police. These teams would be charged with inspecting all diesel vehicles subject to the provisions of the new program. The Department of State Police reports that the cost of one two-member team in fiscal 2001 would be approximately \$114,100. This cost includes salaries, equipment, and other operating costs including an automobile.

It is not known how many diesel vehicles that meet the weight requirements would need to be tested each year. The Department of State Police also reports that in 1998 approximately 1,280,000 commercial trucks were weighed and inspected or had other contact with the State Police. It should be noted that not all of these vehicles were diesel vehicles over 10,000 pounds, but it is assumed that the majority of commercial trucks powered by a compression ignition engine and would meet the weight requirements of the bill. Therefore, it is estimated that a significant number of vehicles would have to be submitted to a diesel emissions test each year. At this time, the number of inspection teams that would be needed is not known. As a result, expenditures would increase in relation to the number of teams needed. For example, five teams would cost approximately \$570,500. The bill also provides that all expenses incurred by the State Police to implement and enforce this program are to be paid out of the Transportation Trust Fund (TTF).

In addition, the Maryland Department of the Environment reports that general fund expenditures could increase by an estimated \$37,700 in fiscal 2001, which accounts for the bill's July 1, 2000 effective date. This estimate reflects the cost of hiring one public health engineer II to coordinate data collection and analysis, coordinate activities among the various State agencies involved in the program and monitoring national developments related to the control of diesel vehicles and pollution impacts. 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 bill also provides for fines for violating the provisions of the program. At this time, it is difficult to accurately assess how many fines could be levied and how much revenue would be received as a result. For illustrative purposes, when New Jersey initiated a similar diesel emissions test program, approximately 35% of vehicles tested failed the initial test. All fines collected are to be paid into the general fund.

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.

Local governments receive 30% of the Gasoline and Motor Vehicle Revenue Account. The bill requires that State Police expenditures be paid from the Transportation Trust Fund. Funding for the State Police would be calculated before the distribution of the highway user revenue from the Gasoline and Motor Vehicle Revenue Account (of the TTF), which would result in the local government share of this revenue source being reduced. The amount of this reduction cannot be reliably estimated at this time.

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.

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

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Analysis by: Mike Sanelli

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510