
By: **Delegates Ports and Redmer**

Introduced and read first time: February 4, 2002

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Vehicle Emissions Inspection Program - Record of**
3 **Inspections and Tests**

4 FOR the purpose of requiring the Motor Vehicle Administration to maintain with the
5 certificate of title records for each vehicle a record of the inspections and tests
6 performed on the vehicle under the vehicle emissions inspection program;
7 making stylistic corrections; and generally relating to the vehicle emissions
8 inspection program.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 23-202
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2001 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 (a) (1) Subject to subsection (d) of this section, the Administration and the
19 Secretary shall establish an emissions control program in the State in accordance
20 with the federal Clean Air Act.

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

23 (b) (1) The emissions program shall provide for a biennial exhaust emissions
24 test and emissions equipment and misfueling inspection for all vehicles of the 1977
25 model year and each model year thereafter.

26 (2) THE ADMINISTRATION SHALL MAINTAIN WITH THE CERTIFICATE OF
27 TITLE RECORDS FOR EACH VEHICLE A RECORD OF THE INSPECTIONS AND TESTS
28 PERFORMED ON THE VEHICLE UNDER THE EMISSIONS CONTROL PROGRAM.

1 (3) The emissions control program may not authorize an exhaust
2 emissions test or emissions equipment and misfueling inspection for any vehicle of a
3 model year earlier than the 1977 model year.

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

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

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

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

9 1. In calendar years 1998 through 1999 has actually incurred
10 an expenditure of \$150 towards emissions related repairs to the vehicle within 60
11 days after the initial exhaust emissions test;

12 2. In calendar years 2000 through 2001 has actually incurred
13 an expenditure towards emissions related repairs to the vehicle within 120 days after
14 the initial exhaust emissions test in an amount of:

15 A. \$200 for vehicles of model years 1990 and older;

16 B. \$300 for vehicles of model years 1991 through 1997; or

17 C. \$450 for vehicles of model years 1998 and newer; and

18 3. On or after January 1, 2002, has actually incurred an
19 expenditure of \$450 towards emissions related repairs to the vehicle within 120 days
20 after the exhaust emissions test;

21 (iii) The vehicle fails a retest, except that if the vehicle owner has
22 exhibited evidence acceptable to the Administration that the vehicle owner actually
23 incurred the minimum expenditure as required under item [(1)] (ii) of this
24 [subsection] ITEM for the emissions related repair to the vehicle within 30 days
25 before the initial exhaust emissions test or the period allowed under federal law,
26 whichever is longer, a retest is not required; and

27 (iv) The vehicle owner exhibits evidence that the emissions related
28 repairs qualifying for a waiver under items [(1)] (ii) and (iii) of this [subsection]
29 ITEM were performed by a repair technician and at a repair facility both certified
30 under item (4) of this subsection;

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

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

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

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

11 (6) Shall define the inspection parameters for the emissions equipment
12 and misfueling inspection;

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

14 (8) Shall adopt a schedule for the emissions equipment and misfueling
15 inspections; and

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

19 (d) (1) Notwithstanding subsection (c)(6) of this section or any other
20 provision of law, during the period from January 1, 1995 through May 31, 1997, the
21 emissions control program established under this subtitle may not require for any
22 vehicle other than a State-owned vehicle or, to the extent authorized by federal law,
23 a federally owned vehicle:

24 (i) Transient mass-emission testing using the IM 240 driving cycle
25 referenced under 40 C.F.R. Part 51;

26 (ii) An evaporative system integrity (pressure) test or an
27 evaporative system transient purge test that requires the disconnection or
28 manipulation of any engine component, including any hose or emissions equipment,
29 that is located in the vehicle's engine compartment;

30 (iii) Removal of the driver from a vehicle being tested or inspected;
31 or

32 (iv) On-road testing.

33 (2) (i) The Administration, in consultation with the Secretary, shall
34 develop and offer to owners of vehicles subject to the emissions control program an
35 incentive program designed to encourage voluntary submission to the test described
36 in [item] PARAGRAPH (1)(i) of this subsection.

37 (ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle
38 and subsection (c)(1) of this section, the incentives offered under this paragraph may

1 include reduced test fees, flexible test schedules, the waiver of late fees, the reduction
2 of expenditures incurred for emissions related repairs necessary to obtain a waiver,
3 and any other cost-effective incentive that is consistent with State and federal law
4 and is reasonably expected by the Administration to increase the number of vehicles
5 that undergo the test described in [item] PARAGRAPH (1)(i) of this subsection.

6 (iii) 1. The Administration shall notify vehicle owners of the
7 opportunity to voluntarily submit a vehicle to the testing described in subparagraph
8 (i) of this paragraph.

9 2. The notice required under this subparagraph shall be:

10 A. Prominently displayed at all emissions inspection
11 facilities; and

12 B. Included by the Administration in test notices and other
13 mailings related to the emissions control program that are directed to vehicle owners.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.