
By: **Delegates Ports and Redmer**
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CHAPTER _____

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~~ vehicle
7 records for certain vehicles the date of each inspection and test and the results
8 of each inspection and test under the vehicle emissions inspection program;
9 making stylistic corrections; and generally relating to the vehicle emissions
10 inspection program.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 23-202
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article - Transportation**

19 23-202.

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

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

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

6 (2) THE ADMINISTRATION SHALL MAINTAIN WITH THE ~~CERTIFICATE OF~~
7 ~~TITLE RECORDS FOR EACH VEHICLE A RECORD OF THE INSPECTIONS AND TESTS~~
8 ~~PERFORMED ON THE VEHICLE UNDER THE EMISSIONS CONTROL PROGRAM VEHICLE~~
9 RECORDS FOR EACH VEHICLE INSPECTED UNDER THE VEHICLE EMISSIONS
10 CONTROL PROGRAM THE:

11 (I) DATE OF EACH INSPECTION AND TEST; AND

12 (II) RESULTS OF EACH INSPECTION AND TEST INDICATING
13 WHETHER THE VEHICLE PASSED OR FAILED THE VEHICLE EMISSIONS INSPECTION.

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

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

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

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

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

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

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

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

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

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

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

34 (iii) The vehicle fails a retest, except that if the vehicle owner has
35 exhibited evidence acceptable to the Administration that the vehicle owner actually

1 incurred the minimum expenditure as required under item [(1)] (ii) of this
2 [subsection] ITEM for the emissions related repair to the vehicle within 30 days
3 before the initial exhaust emissions test or the period allowed under federal law,
4 whichever is longer, a retest is not required; and

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

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

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

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

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

25 (6) Shall define the inspection parameters for the emissions equipment
26 and misfueling inspection;

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

28 (8) Shall adopt a schedule for the emissions equipment and misfueling
29 inspections; and

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

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

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

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

5 (iii) Removal of the driver from a vehicle being tested or inspected;
6 or

7 (iv) On-road testing.

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

12 (ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle
13 and subsection (c)(1) of this section, the incentives offered under this paragraph may
14 include reduced test fees, flexible test schedules, the waiver of late fees, the reduction
15 of expenditures incurred for emissions related repairs necessary to obtain a waiver,
16 and any other cost-effective incentive that is consistent with State and federal law
17 and is reasonably expected by the Administration to increase the number of vehicles
18 that undergo the test described in [item] PARAGRAPH (1)(i) of this subsection.

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

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

23 A. Prominently displayed at all emissions inspection
24 facilities; and

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

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