

HOUSE BILL 408

Unofficial Copy
R6

2003 Regular Session
3r0821

By: **Delegates Glassman, Barkley, Boteler, Boutin, Cadden, G. Clagett,
DeBoy, Donoghue, Dwyer, Impallaria, James, McComas, McConkey,
McDonough, Moe, Murray, O'Donnell, Paige, Parrott, Pendergrass,
Shank, Sophocleus, Stocksdale, V. Turner, and Vaughn**

Introduced and read first time: February 5, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Testing - Refusal of Facility to Test and Inspect -**
3 **Prohibition**

4 FOR the purpose of requiring the Secretary of the Environment and the Motor Vehicle
5 Administration to prohibit an emissions inspection facility from refusing to
6 perform certain vehicle emissions tests and inspections for a reason relating to
7 defective vehicle equipment unless the defect would be a sufficient reason to
8 refuse to issue an equipment inspection certificate for the vehicle under certain
9 provisions of law; and generally relating to vehicle emissions tests and
10 inspections.

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 23-202(a) and (b)
14 Annotated Code of Maryland
15 (2002 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 23-202(c)
19 Annotated Code of Maryland
20 (2002 Replacement Volume)

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

1 **Article - Transportation**

2 23-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (iii) The vehicle fails a retest, except that if the vehicle owner has
32 exhibited evidence acceptable to the Administration that the vehicle owner actually
33 incurred the minimum expenditure as required under item (1)(ii) of this subsection
34 for the emissions related repair to the vehicle within 30 days before the initial

1 exhaust emissions test or the period allowed under federal law, whichever is longer, a
2 retest is not required; and

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

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

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

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

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

23 (6) [Shall] SUBJECT TO ITEM (10) OF THIS SUBSECTION, SHALL define
24 the inspection parameters for the emissions equipment and misfueling inspection;

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

26 (8) Shall adopt a schedule for the emissions equipment and misfueling
27 inspections; [and]

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

31 (10) SHALL PROHIBIT AN EMISSIONS INSPECTION FACILITY FROM
32 REFUSING TO PERFORM AN EXHAUST EMISSIONS TEST AND EMISSIONS EQUIPMENT
33 AND MISFUELING INSPECTION ON A VEHICLE FOR A REASON RELATING TO
34 DEFECTIVE VEHICLE EQUIPMENT UNLESS THE DEFECT WOULD BE A SUFFICIENT
35 REASON TO REFUSE TO ISSUE AN INSPECTION CERTIFICATE FOR THE VEHICLE
36 UNDER SUBTITLE 1 OF THIS TITLE.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2003.