

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 408 (Delegate Glassman, *et al.*)
Environmental Matters

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

This bill requires the Secretary of the Environment and the Motor Vehicle Administration (MVA) to prohibit an emissions testing facility from refusing to perform an exhaust emissions test and emissions equipment and misfueling inspection due to defective vehicle equipment, unless the defect is sufficient reason to refuse to issue an inspection certificate.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by \$70,000 in FY 2004 only. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Vehicle Emissions Inspection Program (VEIP) was created in 1984 to test vehicle emissions for carbon monoxide, hydrocarbons, and oxides of nitrogen to meet the standards established in the federal Clean Air Act. All model year 1977 and newer vehicles in the State must be inspected and tested every two years; however, some vehicles are exempt.

The MVA and the Secretary of the Environment must provide for the establishment of emissions testing facilities and establish criteria to certify repair technicians and facilities

for bringing vehicles into compliance with emissions standards. The facilities that are established must conduct the exhaust emissions tests and emissions equipment and misfueling inspections to determine whether each vehicle complies with the corresponding emissions standard. The MVA and the Secretary may suspend, revoke, or deny the renewal of a technician's or facility's certification if the vehicles that either has certified have repeatedly failed tests or retests or if there is clear and convincing evidence that the technician or the facility is not meeting performance standards.

The fee for the biennial VEIP test is \$14 per vehicle. Vehicles that fail the emissions test must be repaired and pass a re-inspection at one of the centralized inspection stations. Motorists are given 120 days to have the vehicle repaired and re-inspected. Vehicles that cannot be repaired to achieve the emissions standards may qualify for a two-year waiver if minimum expenditures have been made to repair emissions system components.

Background: The VEIP program was expanded in 1991 to help meet federal air quality standards under the Clean Air Act; penalties for failure to meet those standards include loss of federal highway funds, limits on new industries, and imposition of a federal implementation plan. Approximately 1.2 million vehicles are tested annually; on-board diagnostic (OBD) systems are used for newer models. The VEIP testing network consists of 87 testing lanes at 19 centralized inspection stations located in 13 counties and Baltimore City. The Maryland Department of the Environment advises that vehicles may be refused an emissions test if, for instance, the "check engine" light is lit due to safety and liability issues.

State Expenditures: Under the existing contract for VEIP, test fees are retained by the contractor and used to offset contract costs. The MVA is billed for additional contract costs, which are borne by the TTF. The MVA advises that it will cost \$70,000 to modify the VEIP computer software to allow testing as authorized under the bill. The Department of Legislative Services advises that this estimate cannot be independently verified at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2003
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