

SENATE BILL 563

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SB 542/03 - JPR

2004 Regular Session
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CF HB 314

By: **Senators Grosfeld, Britt, Exum, Garagiola, Gladden, Pinsky, and Teitelbaum**

Introduced and read first time: February 6, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Establishment of Low Emissions Vehicle Program -**
3 **Emissions Standards and Compliance Requirements**

4 FOR the purpose of requiring the Department of the Environment and the Motor
5 Vehicle Administration to establish by regulation a certain low emissions vehicle
6 program applicable to certain vehicles by a certain date; requiring the
7 Administration and the Department to establish certain motor vehicle emissions
8 standards and certain compliance requirements; authorizing the adoption of
9 certain regulations; prohibiting the adoption of certain regulations; prohibiting
10 certain requirements regarding the sale or use of certain gasoline; requiring the
11 Department to work with certain jurisdictions for certain purposes; prohibiting
12 the Administration from titling or registering certain vehicles under certain
13 circumstances; prohibiting certain acts related to certain vehicles or vehicle
14 engines under certain circumstances; providing for the application of certain
15 enforcement and penalty provisions; requiring the Administration and the
16 Department, with the assistance of the Department of Business and Economic
17 Development, to report by a certain date on certain aspects of the establishment
18 of a low emissions vehicle program; defining certain terms; specifying that
19 certain provisions of federal law apply to a certain extent; providing for the
20 termination of certain provisions of this Act; providing for a delayed effective
21 date for certain provisions of this Act; and generally relating to the
22 establishment of a low emissions vehicle program.

23 BY adding to
24 Article - Environment
25 Section 2-1001 through 2-1006, inclusive, to be under the new subtitle "Subtitle
26 10. Low Emissions Vehicle Program"
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 2003 Supplement)

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

1 **Article - Environment**

2 SUBTITLE 10. LOW EMISSIONS VEHICLE PROGRAM.

3 2-1001.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "ADMINISTRATION" MEANS THE MOTOR VEHICLE ADMINISTRATION.

7 (C) "PROGRAM" MEANS THE LOW EMISSIONS VEHICLE PROGRAM
8 ESTABLISHED UNDER THIS SUBTITLE.

9 (D) "TRANSFER" INCLUDES ACQUIRE, PURCHASE, SELL, AND LEASE.

10 2-1002.

11 (A) IN CONJUNCTION WITH THE ADMINISTRATION AND AS PROVIDED UNDER
12 THIS SUBTITLE, THE DEPARTMENT SHALL ESTABLISH BY REGULATION A LOW
13 EMISSIONS VEHICLE PROGRAM THAT:14 (1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, IS FUNCTIONALLY
15 EQUIVALENT TO THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER
16 CALIFORNIA LAW IN ACCORDANCE WITH THE FEDERAL CLEAN AIR ACT; AND17 (2) IS APPLICABLE TO VEHICLES OF THE 2010 MODEL YEAR AND EACH
18 MODEL YEAR THEREAFTER.19 (B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH MOTOR
20 VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS EQUIVALENT
21 TO THOSE APPLICABLE IN THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED
22 UNDER CALIFORNIA LAW TO MOTOR VEHICLES OF THE 2009 MODEL YEAR AND EACH
23 MODEL YEAR THEREAFTER.24 (C) AS PART OF THE COMPLIANCE REQUIREMENTS ESTABLISHED UNDER
25 THIS SUBTITLE, THE DEPARTMENT MAY ADOPT BY REGULATION MOTOR VEHICLE
26 EMISSIONS INSPECTION, RECALL, AND WARRANTY REQUIREMENTS.27 (D) (1) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE,
28 THE PROGRAM MAY NOT REQUIRE THE SALE OR USE OF ANY TYPE OF
29 REFORMULATED GASOLINE OTHER THAN THE FEDERAL REFORMULATED GASOLINE
30 THAT IS CERTIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
31 UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER THAN CALIFORNIA.32 (2) THE DEPARTMENT MAY NOT ADOPT REGULATIONS UNDER THIS
33 SUBTITLE OR ANY OTHER PROVISIONS OF LAW THAT REQUIRE THE SALE OR USE OF
34 ANY TYPE OF REFORMULATED GASOLINE IN MARYLAND OTHER THAN THE FEDERAL
35 REFORMULATED GASOLINE THAT IS CERTIFIED BY THE UNITED STATES

1 ENVIRONMENTAL PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE
2 IN STATES OTHER THAN CALIFORNIA.

3 2-1003.

4 TO MINIMIZE THE ADMINISTRATIVE IMPACT OF THE PROGRAM AND TO
5 MINIMIZE THE IMPACT OF MOTOR VEHICLE EMISSIONS GENERATED OUT OF STATE
6 ON THE AIR QUALITY OF THIS STATE, THE DEPARTMENT:

7 (1) MAY ADOPT CALIFORNIA REGULATIONS, PROCEDURES, AND
8 CERTIFICATION DATA BY REFERENCE;

9 (2) MAY WORK IN COOPERATION WITH, AND ENTER INTO CONTRACTS
10 OR AGREEMENTS WITH, CALIFORNIA, OTHER STATES, AND THE DISTRICT OF
11 COLUMBIA TO ADMINISTER CERTIFICATION, IN-USE COMPLIANCE, INSPECTION,
12 RECALL, AND WARRANTY REQUIREMENTS FOR THE PROGRAM; AND

13 (3) SHALL WORK IN CONJUNCTION WITH OTHER STATES AND THE
14 DISTRICT OF COLUMBIA TO PROMOTE AND FACILITATE THE REGIONAL ADOPTION OF
15 LOW EMISSIONS VEHICLE PROGRAMS THAT ARE FUNCTIONALLY EQUIVALENT TO
16 THE CALIFORNIA LOW EMISSIONS VEHICLE PROGRAM.

17 2-1004.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
19 ADMINISTRATION MAY NOT TITLE OR REGISTER UNDER TITLE 13 OF THE
20 TRANSPORTATION ARTICLE A MOTOR VEHICLE THAT IS SUBJECT TO THE
21 PROVISIONS OF THIS SUBTITLE IF THE MOTOR VEHICLE DOES NOT COMPLY WITH
22 THE PROVISIONS OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS
23 SUBTITLE.

24 (B) (1) THE ADMINISTRATION MAY, IN CONSULTATION WITH THE
25 DEPARTMENT, ADOPT REGULATIONS TO EXEMPT MOTOR VEHICLES FROM THE
26 PROGRAM.

27 (2) EXEMPTIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS
28 SUBSECTION SHALL BE LIMITED TO MOTOR VEHICLES THAT WOULD BE EXEMPTED
29 FROM THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER CALIFORNIA
30 LAW.

31 (3) ANY MOTOR VEHICLE EXEMPTED UNDER PARAGRAPH (1) OF THIS
32 SUBSECTION SHALL BE EXEMPT FROM PROGRAM REQUIREMENTS FOREVER, AND
33 THE ADMINISTRATION SHALL NOTE THE EXEMPTION ON THE TITLE OF THE MOTOR
34 VEHICLE.

35 (C) THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT,
36 SHALL ADOPT REGULATIONS TO PROHIBIT THE TRANSFER OF MOTOR VEHICLES OR
37 MOTOR VEHICLE ENGINES THAT ARE NOT IN COMPLIANCE WITH THE PROVISIONS OF
38 THIS SUBTITLE, IF SUCH REGULATIONS ARE NECESSARY TO ACHIEVE EQUIVALENCE
39 WITH THE REQUIREMENTS OF THE CALIFORNIA LOW EMISSIONS VEHICLE PROGRAM.

1 2-1005.

2 (A) A PERSON MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR
3 VEHICLE OR MOTOR VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF
4 THIS SUBTITLE IF THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE PROGRAM.

5 (B) A PERSON MAY NOT PROCURE OR ATTEMPT TO PROCURE THROUGH
6 FRAUD OR MISREPRESENTATION THE TITLE OR REGISTRATION OF A MOTOR
7 VEHICLE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF THE VEHICLE
8 DOES NOT COMPLY WITH THE PROGRAM.

9 2-1006.

10 (A) THE ENFORCEMENT AND PENALTY PROVISIONS OF SUBTITLE 6 OF THIS
11 TITLE SHALL APPLY TO A VIOLATION OF THIS SUBTITLE.

12 (B) EACH TRANSFER AND EACH ATTEMPTED TRANSFER OF A MOTOR VEHICLE
13 OR MOTOR VEHICLE ENGINE, SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THAT
14 DOES NOT COMPLY WITH THE PROGRAM SHALL CONSTITUTE A SEPARATE
15 VIOLATION OF THE PROVISIONS OF THIS SUBTITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
17 1, 2005, the Department of the Environment and the Motor Vehicle Administration,
18 with the assistance of the Department of Business and Economic Development, shall
19 jointly report to the General Assembly, in accordance with § 2-1246 of the State
20 Government Article, regarding:

21 (a) The potential effect of this Act will have on Maryland's compliance with
22 federal air quality requirements and the resulting impact on public health,
23 particularly in those areas most consistently in nonattainment status;

24 (b) The technological feasibility of the emissions reductions required under
25 this Act, including reductions of greenhouse gas emissions, the degrees of reductions
26 anticipated, and the time periods indicated;

27 (c) The foreseeable short-term and long-term impact that emissions
28 reductions, including reductions of greenhouse gas emissions, will have on:

29 (1) The State budget, including:

30 (i) Cost of additional emissions testing and inspection equipment,
31 hiring of additional personnel, and education of personnel;

32 (ii) Savings achieved through lower health care costs; and

33 (iii) Positive environmental impacts, particularly in localities with
34 the most significant exposure to motor vehicle emissions, including those from
35 greenhouse gases; and

36 (2) The State economy, including:

- 1 (i) The creation of jobs;
- 2 (ii) The creation of new businesses or the elimination of existing
3 businesses;
- 4 (iii) The expansion of current businesses;
- 5 (iv) The ability of Maryland businesses to compete with businesses
6 in other states; and
- 7 (v) The ability of the State to maintain and attract businesses in
8 localities with the most significant exposure to motor vehicle emissions, including
9 those from greenhouse gases;
- 10 (d) Public response to the requirements of this Act, as ascertained from at
11 least three public hearings in at least three localities in the State with the most
12 significant exposures to motor vehicle emissions; and
- 13 (e) The content of any regulatory proposals, procedures, and protocols
14 designed to meet the requirements of Title 2, Subtitle 8 of the Environment Article, as
15 enacted by Section 1 of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December
17 31, 2006, the Department of the Environment and the Motor Vehicle Administration
18 shall jointly adopt regulations under Title 2, Subtitle 8 of the Environment Article, as
19 enacted by Section 1 of this Act.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, to the extent that any
21 portion of this Act may be construed to be in conflict with federal law, the provisions
22 of federal law shall prevail.

23 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
24 Act shall take effect June 1, 2006.

25 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
26 Section 5 of this Act, this Act shall take effect June 1, 2004.