

HOUSE BILL 44

R6
SB 366/05 – JPR

7lr1018
CF SB 51

By: **Delegates Bobo, Barve, Ali, Anderson, Barnes, Beidle, Bronrott, Cane, Cardin, V. Clagett, Feldman, Frush, Gilchrist, Glenn, Gutierrez, Guzzone, Healey, Heller, Hixson, Holmes, Hubbard, Hucker, Kaiser, Kramer, Kullen, Lafferty, Lawton, Lee, Love, Malone, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena-Melnyk, Pendergrass, Rice, Rosenberg, Ross, Simmons, Stein, Taylor, F. Turner, and Waldstreicher**

Introduced and read first time: January 18, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Clean Cars Act of 2007**

3 FOR the purpose of requiring the Department of the Environment and the Motor
4 Vehicle Administration to establish by regulation and maintain a certain low
5 emissions vehicle program applicable to certain vehicles by a certain date;
6 requiring the Administration and the Department to establish certain motor
7 vehicle emissions standards and certain compliance requirements; authorizing
8 the adoption of certain regulations; requiring the Department to work with
9 certain jurisdictions for certain purposes; prohibiting the Administration from
10 titling or registering certain vehicles under certain circumstances; prohibiting
11 certain acts related to certain vehicles or vehicle engines under certain
12 circumstances; providing for the application of certain enforcement and penalty
13 provisions; defining certain terms; specifying that certain provisions of federal
14 law apply to a certain extent; providing for the effective date of this Act; and
15 generally relating to the establishment of a low emissions vehicle program.

16 BY adding to
17 Article – Environment
18 Section 2–1101 through 2–1106, inclusive, to be under the new subtitle “Subtitle
19 11. Low Emissions Vehicle Program”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2006 Supplement)

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

5 **Article – Environment**

6 **SUBTITLE 11. LOW EMISSIONS VEHICLE PROGRAM.**

7 **2-1101.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) “ADMINISTRATION” MEANS THE MOTOR VEHICLE
11 ADMINISTRATION.

12 (C) “PROGRAM” MEANS THE LOW EMISSIONS VEHICLE PROGRAM
13 ESTABLISHED UNDER THIS SUBTITLE.

14 (D) “TRANSFER” INCLUDES ACQUIRE, PURCHASE, SELL, AND LEASE.

15 **2-1102.**

16 (A) IN CONJUNCTION WITH THE ADMINISTRATION AND AS PROVIDED
17 UNDER THIS SUBTITLE, THE DEPARTMENT SHALL ESTABLISH BY REGULATION
18 AND MAINTAIN A LOW EMISSIONS VEHICLE PROGRAM THAT:

19 (1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, IS AUTHORIZED
20 BY § 177 OF THE FEDERAL CLEAN AIR ACT; AND

21 (2) IS APPLICABLE TO VEHICLES OF THE 2011 MODEL YEAR AND
22 EACH MODEL YEAR THEREAFTER.

23 (B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH
24 NEW MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE
25 REQUIREMENTS FOR EACH MODEL YEAR INCLUDED IN THE PROGRAM AS
26 AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT.

1 (C) AS PART OF THE COMPLIANCE REQUIREMENTS ESTABLISHED
2 UNDER THIS SUBTITLE, THE DEPARTMENT MAY ADOPT BY REGULATION MOTOR
3 VEHICLE EMISSIONS INSPECTION, RECALL, AND WARRANTY REQUIREMENTS.

4 **2-1103.**

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

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

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

15 (3) SHALL WORK IN CONJUNCTION WITH OTHER STATES AND THE
16 DISTRICT OF COLUMBIA TO PROMOTE AND FACILITATE THE REGIONAL
17 ADOPTION OF LOW EMISSIONS VEHICLE PROGRAMS THAT ARE AUTHORIZED BY §
18 177 OF THE FEDERAL CLEAN AIR ACT.

19 **2-1104.**

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

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

29 (2) EXEMPTIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION SHALL BE LIMITED TO:

1 (I) MOTOR VEHICLES SOLD FOR REGISTRATION OUT OF
2 THE STATE;

3 (II) MOTOR VEHICLES SOLD FROM A LICENSED DEALER TO
4 ANOTHER LICENSED DEALER; AND

5 (III) ANY MOTOR VEHICLES THAT WOULD BE EXEMPTED
6 FROM THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER
7 CALIFORNIA LAW.

8 (3) ANY MOTOR VEHICLE EXEMPTED UNDER PARAGRAPH (1) OF
9 THIS SUBSECTION SHALL BE EXEMPT FROM PROGRAM REQUIREMENTS
10 FOREVER, AND THE ADMINISTRATION SHALL NOTE THE EXEMPTION ON THE
11 TITLE OF THE MOTOR VEHICLE.

12 (C) THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT,
13 SHALL ADOPT REGULATIONS TO PROHIBIT THE TRANSFER OF NEW MOTOR
14 VEHICLES OR NEW MOTOR VEHICLE ENGINES THAT ARE NOT IN COMPLIANCE
15 WITH THE PROVISIONS OF THIS SUBTITLE, IF SUCH REGULATIONS ARE
16 NECESSARY TO COMPLY WITH § 177 OF THE FEDERAL CLEAN AIR ACT.

17 **2-1105.**

18 (A) A PERSON MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR
19 VEHICLE OR MOTOR VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF
20 THIS SUBTITLE IF THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE
21 PROGRAM.

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

26 **2-1106.**

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

1 **(B) EACH TRANSFER OR ATTEMPTED TRANSFER OF A MOTOR VEHICLE**
2 **OR MOTOR VEHICLE ENGINE IN VIOLATION OF § 2-1105(A) OF THIS SUBTITLE**
3 **SHALL CONSTITUTE A SEPARATE VIOLATION OF THE PROVISIONS OF THIS**
4 **SUBTITLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
6 31, 2007, the Department of the Environment and the Motor Vehicle Administration
7 shall jointly adopt regulations under Title 2, Subtitle 11 of the Environment Article, as
8 enacted by Section 1 of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, to the extent that any
10 portion of this Act may be construed to be in conflict with federal law, the provisions of
11 federal law shall prevail.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 June 1, 2007.