

# SENATE BILL 51

R6  
SB 366/05 – JPR

71r0330

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By: **Senators Frosh, Britt, Brochin, Conway, Garagiola, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Zirkin**

Introduced and read first time: January 18, 2007  
Assigned to: Judicial Proceedings

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## 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”

20 Annotated Code of Maryland

21 (1996 Replacement Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

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

5 **2-1101.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) “ADMINISTRATION” MEANS THE MOTOR VEHICLE  
9 ADMINISTRATION.

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

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

13 **2-1102.**

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

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

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

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

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

1 **2-1103.**

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

5 **(1) MAY ADOPT CALIFORNIA REGULATIONS, PROCEDURES, AND**  
6 **CERTIFICATION DATA BY REFERENCE;**

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

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

16 **2-1104.**

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

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

26 **(2) EXEMPTIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS**  
27 **SUBSECTION SHALL BE LIMITED TO:**

28 **(I) MOTOR VEHICLES SOLD FOR REGISTRATION OUT OF**  
29 **THE STATE;**

1                   **(II) MOTOR VEHICLES SOLD FROM A LICENSED DEALER TO**  
2 **ANOTHER LICENSED DEALER; AND**

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

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

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

15 **2-1105.**

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

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

24 **2-1106.**

25                  **(A) THE ENFORCEMENT AND PENALTY PROVISIONS OF SUBTITLE 6 OF**  
26 **THIS TITLE SHALL APPLY TO A VIOLATION OF THIS SUBTITLE.**

27                  **(B) EACH TRANSFER OR ATTEMPTED TRANSFER OF A MOTOR VEHICLE**  
28 **OR MOTOR VEHICLE ENGINE IN VIOLATION OF § 2-1105(A) OF THIS SUBTITLE**  
29 **SHALL CONSTITUTE A SEPARATE VIOLATION OF THE PROVISIONS OF THIS**  
30 **SUBTITLE.**

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

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

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