

SENATE BILL 103

R6

71r0176
CF 71r0177

By: **The President (By Request – Administration) and Senator Frosh**

Introduced and read first time: January 22, 2007

Assigned to: Judicial Proceedings

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 authorizing a modification concerning the applicability of the program to
7 vehicles of certain model years; requiring the Administration and the
8 Department to establish certain motor vehicle emissions standards and certain
9 compliance requirements; authorizing the adoption of certain regulations;
10 authorizing the Department to work with certain jurisdictions for certain
11 purposes; prohibiting the Administration from titling, registering, or
12 transferring the registration of certain vehicles under certain circumstances;
13 prohibiting certain acts related to certain vehicles or vehicle engines under
14 certain circumstances; providing for the application of certain enforcement and
15 penalty provisions; defining certain terms; specifying that certain provisions of
16 federal law apply to a certain extent; and generally relating to the
17 establishment of a low emissions vehicle program.

18 BY adding to

19 Article – Environment

20 Section 2–1101 through 2–1106 to be under the new subtitle “Subtitle 11. Low
21 Emissions Vehicle Program”

22 Annotated Code of Maryland

23 (1996 Replacement Volume and 2006 Supplement)

24 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation
Section 13–110 and 13–406
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Article – Environment

SUBTITLE 11. LOW EMISSIONS VEHICLE PROGRAM.

2–1101.

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

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

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

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

2–1102.

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

(1) IS AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT;
AND

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

(B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH
NEW MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE

1 **REQUIREMENTS FOR EACH MODEL YEAR INCLUDED IN THE PROGRAM AS**
2 **AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT.**

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

6 **2-1103.**

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

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

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

16 **2-1104.**

17 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, 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) A PERSON MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR**
24 **VEHICLE OR MOTOR VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF**
25 **THIS SUBTITLE IF THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE**
26 **PROGRAM.**

27 **(C) A PERSON MAY NOT PROCURE OR ATTEMPT TO PROCURE, THROUGH**
28 **FRAUD OR MISREPRESENTATION, THE TITLE OR REGISTRATION OF A MOTOR**
29 **VEHICLE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF THE**
30 **VEHICLE DOES NOT COMPLY WITH THE PROGRAM.**

1 (D) THE DEPARTMENT, IN CONSULTATION WITH THE ADMINISTRATION,
2 SHALL ADOPT REGULATIONS TO PROHIBIT THE TRANSFER OF NEW MOTOR
3 VEHICLE ENGINES THAT ARE NOT IN COMPLIANCE WITH THE PROVISIONS OF
4 THIS SUBTITLE, IF SUCH REGULATIONS ARE NECESSARY TO COMPLY WITH § 177
5 OF THE FEDERAL CLEAN AIR ACT.

6 **2-1105.**

7 (A) THE DEPARTMENT MAY, IN CONSULTATION WITH THE
8 ADMINISTRATION, ADOPT REGULATIONS TO EXEMPT MOTOR VEHICLES FROM
9 THE PROGRAM.

10 (B) EXEMPTIONS ESTABLISHED UNDER SUBSECTION (A) OF THIS
11 SECTION SHALL BE LIMITED TO:

12 (1) MOTOR VEHICLES SOLD FOR REGISTRATION OUT OF THE
13 STATE;

14 (2) MOTOR VEHICLES SOLD FROM A LICENSED DEALER TO
15 ANOTHER LICENSED DEALER; AND

16 (3) MOTOR VEHICLES THAT WOULD BE EXEMPTED FROM THE
17 LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER CALIFORNIA LAW.

18 (C) FOR ANY MOTOR VEHICLES EXEMPTED UNDER SUBSECTION (A) OF
19 THIS SECTION, THE ADMINISTRATION SHALL NOTE THE EXEMPTION OF THE
20 TITLE OF THE MOTOR VEHICLE.

21 **2-1106.**

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

24 (B) EACH TRANSFER OR ATTEMPTED TRANSFER OF A MOTOR VEHICLE
25 OR MOTOR VEHICLE ENGINE IN VIOLATION OF § 2-1104(B) OF THIS SUBTITLE
26 SHALL CONSTITUTE A SEPARATE VIOLATION OF THE PROVISIONS OF THIS
27 SUBTITLE.

Article – Transportation

13–110.

The Administration shall refuse to issue a certificate of title of a vehicle if:

(1) The application contains any false or fraudulent statement;

(2) The applicant has failed to furnish information or documents required by statute or regulations adopted by the Administration;

(3) Any required fee has not been paid;

(4) The applicant is not entitled to a certificate of title under the Maryland Vehicle Law; or

(5) The Administration has reasonable grounds to believe:

(i) That the applicant is not the owner of the vehicle; [or]

(ii) That the issuance of a certificate of title to the applicant would be a fraud against another person; **OR**

(III) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2, SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATION ADOPTED UNDER THAT SUBTITLE.

13–406.

The Administration shall refuse to register or transfer the registration of any vehicle if:

(1) The application contains any false or fraudulent statement;

(2) The applicant has failed to furnish information or documents required or requested by the Administration;

(3) Any required fee has not been paid;

(4) The applicant is not entitled to registration of the vehicle under the Maryland Vehicle Law;

1 (5) The vehicle is mechanically unfit or unsafe to be operated on the
2 highways;

3 (6) The registration of the vehicle is suspended or revoked;

4 (7) A warrant for a motor vehicle violation under the Maryland
5 Vehicle Law has been issued against the applicant and has not been served on the
6 applicant;

7 (8) Subject to § 13–406.1 of this subtitle, the applicant is named in an
8 outstanding arrest warrant;

9 (9) The Administration has reasonable grounds to believe:

10 (i) That the vehicle is stolen; [or]

11 (ii) That the grant or transfer of registration would be a fraud
12 against another person; **OR**

13 **(III) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2,**
14 **SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATIONS ADOPTED**
15 **UNDER THAT SUBTITLE; OR**

16 (10) The gross vehicle weight is 55,000 pounds or over and the
17 applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December
19 31, 2007, the Department of the Environment and the Motor Vehicle Administration
20 shall jointly adopt regulations under Title 2, Subtitle 11 of the Environment Article, as
21 enacted by Section 1 of this Act.

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

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