

# SENATE BILL 103

R6

7lr0176  
CF HB 131

By: **The President (By Request – Administration) and ~~Senator Frosh~~ 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 22, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 22, 2007

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Maryland Clean Cars Act of 2007**

3 FOR the purpose of requiring the Department of the Environment ~~and~~, in consultation  
4 with the Motor Vehicle Administration, to establish by regulation and maintain  
5 a certain low emissions vehicle program applicable to certain vehicles by a  
6 certain date; ~~authorizing a modification concerning the applicability of the~~  
7 ~~program to vehicles of certain model years~~; requiring the Administration and  
8 the Department to establish certain motor vehicle emissions standards and  
9 certain compliance requirements; prohibiting the Department or any other  
10 State agency from adopting a regulation that requires the sale or use of certain  
11 gasoline; authorizing and requiring the adoption of certain regulations;  
12 authorizing the Department to work with certain jurisdictions for certain  
13 purposes; prohibiting the Administration from titling, registering, or  
14 transferring the registration of certain vehicles under certain circumstances;  
15 prohibiting certain acts related to certain vehicles or vehicle engines under  
16 certain circumstances; authorizing the Department, in consultation with the  
17 Administration, to adopt regulations to exempt certain motor vehicles from the  
18 program; requiring the Administration to note exemptions for certain motor

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



vehicles on the title of the motor vehicle; providing for the application of certain enforcement and penalty provisions; requiring the Department to submit a certain report to the Administrative, Executive, and Legislative Review Committee on or before a certain date each year; establishing a Maryland Clean Car and Energy Policy Task Force; specifying the chair, membership, staffing, and duties of the Task Force; requiring the Task Force to make legislative recommendations; requiring the Task Force to provide a certain annual report to the Governor and the General Assembly; defining certain terms; specifying that certain provisions of federal law apply to a certain extent; providing for the termination of certain provisions of this Act; and generally relating to the establishment of a low emissions vehicle program.

BY adding to

Article – Environment

Section 2–1101 through ~~2–1106~~ 2–1108 to be under the new subtitle “Subtitle 11. Low Emissions Vehicle Program”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

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

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

(D) THE DEPARTMENT OR ANY OTHER STATE AGENCY MAY NOT ADOPT A REGULATION UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF LAW THAT REQUIRES THE SALE OR USE OF CALIFORNIA REFORMULATED GASOLINE IN THE STATE.

**2-1103.**

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

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

(2) MAY WORK IN COOPERATION WITH, AND ENTER INTO CONTRACTS OR AGREEMENTS WITH CALIFORNIA, OTHER STATES, AND THE

DISTRICT OF COLUMBIA TO ADMINISTER CERTIFICATION, IN-USE COMPLIANCE, INSPECTION, RECALL, AND WARRANTY REQUIREMENTS FOR THE PROGRAM.

**2-1104.**

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

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

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

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

**2-1105.**

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

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

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

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

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

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

**2-1106.**

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

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

**2-1107.**

ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT, TO THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE FOR THE COMMITTEE'S REVIEW, A LIST AND SUMMARY OF ALL CHANGES TO THE CALIFORNIA MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS PROPOSED OR ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD IN THE PRIOR 12 MONTHS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Environment**

**2-1108.**

(A) THERE IS A MARYLAND CLEAN CAR AND ENERGY POLICY TASK FORCE.

(B) THE TASK FORCE SHALL BE COMPOSED OF:

1           **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**  
2 **THE PRESIDENT OF THE SENATE TO SERVE AS A COCHAIR;**

3           **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**  
4 **THE SPEAKER OF THE HOUSE TO SERVE AS A COCHAIR;**

5           **(3) THE SECRETARY OF THE DEPARTMENT OF NATURAL**  
6 **RESOURCES, OR A DESIGNEE OF THE SECRETARY;**

7           **(4) THE SECRETARY OF THE DEPARTMENT OF THE**  
8 **ENVIRONMENT, OR A DESIGNEE OF THE SECRETARY;**

9           **(5) THE SECRETARY OF THE DEPARTMENT OF**  
10 **TRANSPORTATION, OR A DESIGNEE OF THE SECRETARY;**

11           **(6) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND**  
12 **ECONOMIC DEVELOPMENT, OR A DESIGNEE OF THE SECRETARY;**

13           **(7) A REPRESENTATIVE OF THE MARYLAND ENERGY RESOURCE**  
14 **CENTER; AND**

15           **(8) A REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND**  
16 **BIOTECHNOLOGY INSTITUTE.**

17           **(C) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION**  
18 **AS A MEMBER OF THE TASK FORCE BUT IS ENTITLED TO REIMBURSEMENT FOR**  
19 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED**  
20 **IN THE STATE BUDGET.**

21           **(D) THE TASK FORCE SHALL MEET AT THE TIMES AND PLACES THAT**  
22 **THE COCHAIRS DETERMINE.**

23           **(E) THE TASK FORCE SHALL:**

24           **(1) STUDY:**

25           **(I) THE ACTIVITIES OF NEIGHBORING STATES, RELATING**  
26 **TO VEHICLE EMISSION STANDARDS;**

1                   **(II) REGULATORY ACTIONS BY THE STATE OF CALIFORNIA**  
2 **AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY RELATED TO VEHICLE**  
3 **EMISSION STANDARDS; AND**

4                   **(III) EMERGING ENERGY TECHNOLOGIES;**

5                   **(2) REVIEW STATE ENERGY POLICIES AND CONSIDER PROPOSALS**  
6 **AND STRATEGIES TO DEVELOP ALTERNATIVE VEHICLE FUELS AND EFFICIENCY**  
7 **MEASURES THAT WOULD IMPROVE THE STATE'S AIR QUALITY;**

8                   **(3) MAKE LEGISLATIVE RECOMMENDATIONS; AND**

9                   **(4) PREPARE A REPORT SUMMARIZING THE FINDINGS AND**  
10 **RECOMMENDATIONS OF THE TASK FORCE.**

11                   **(F) THE TASK FORCE SHALL SUBMIT THE FINDINGS AND**  
12 **RECOMMENDATIONS OF THE TASK FORCE TO THE GOVERNOR AND, SUBJECT TO**  
13 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON**  
14 **OR BEFORE DECEMBER 31 OF EACH YEAR.**

15                   **(G) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE STAFF**  
16 **TO THE TASK FORCE.**

17                   **SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland**  
18 **read as follows:**

19                   **Article – Transportation**

20                   13–110.

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

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

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

25                   (3) Any required fee has not been paid;

26                   (4) The applicant is not entitled to a certificate of title under the  
27 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;

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

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

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

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

(9) The Administration has reasonable grounds to believe:

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



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

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

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

8 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, on or before December  
9 31, 2007, the Department of the Environment ~~and~~, in consultation with the Motor  
10 Vehicle Administration, shall ~~jointly~~ adopt regulations under Title 2, Subtitle 11 of the  
11 Environment Article, as enacted by Section 1 of this Act.

12 SECTION 5. AND BE IT FURTHER ENACTED, That in adopting regulations  
13 under Title 2, Subtitle 11 of the Environment Article, as enacted by Section 1 of this  
14 Act, the Department of the Environment, in consultation with the Motor Vehicle  
15 Administration, shall:

16 (a) Consult with all stakeholders, including representatives of the State's  
17 automotive industry;

18 (b) Consider the implementation efforts of each state bordering the State  
19 that have adopted the California Low Emissions Vehicle Program; and

20 (c) Consider the needs of individuals with visual impairments.

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

24 SECTION ~~4~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect June 1, 2007. Section 2 of this Act shall remain effective for a period of 3 years  
26 and 7 months and, at the end of December 31, 2010, with no further action required by  
27 the General Assembly, Section 2 of this Act shall be abrogated and of no further force  
28 and effect.