

# HOUSE BILL 9

R6  
HB 927/05 – ENV

(PRE-FILED)

0lr0352

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By: **Delegates McConkey, Barve, and Myers**

Requested: July 13, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Vehicle Emissions Inspection – Test Performed by Dealers**

3 FOR the purpose of authorizing a certain licensed vehicle dealer to conduct a certain  
4 exhaust emissions test; establishing that a dealer may conduct a certain  
5 exhaust emissions test only by means of an on-board diagnostics test on  
6 vehicles that meet certain criteria; establishing that a dealer may conduct a  
7 certain exhaust emissions test only on equipment that meets requirements  
8 established by the Motor Vehicle Administration; requiring a dealer who  
9 performs a certain exhaust emissions test to collect a certain fee; prohibiting a  
10 dealer who conducts a certain exhaust emissions test from imposing a certain  
11 additional fee; requiring the dealer to provide a certain monthly report to the  
12 Administration and to forward certain fees; defining a certain term; and  
13 generally relating to motor vehicle emissions inspections.

14 BY adding to

15 Article – Transportation  
16 Section 23–210  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2009 Supplement)

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

21 **Article – Transportation**

22 **23–210.**

23 **(A) IN THIS SECTION, “ON-BOARD DIAGNOSTICS TEST” MEANS A TEST**  
24 **IN WHICH A VEHICLE’S COMPUTER IS CHECKED THROUGH A CONNECTOR FOR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE PRESENCE OF RECORDED TROUBLE CODES THAT INDICATE AN EMISSIONS  
2 FAILURE.

3 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
4 SUBTITLE, A VEHICLE DEALER LICENSED UNDER TITLE 15, SUBTITLE 3 OF THIS  
5 ARTICLE MAY CONDUCT AN EXHAUST EMISSIONS TEST REQUIRED UNDER THIS  
6 SUBTITLE.

7 (2) AN EXHAUST EMISSIONS TEST CONDUCTED UNDER THIS  
8 SECTION MAY BE CONDUCTED ONLY BY MEANS OF AN ON-BOARD DIAGNOSTICS  
9 TEST ON VEHICLES THAT:

10 (I) ARE 1996 MODEL YEAR OR NEWER;

11 (II) WEIGH LESS THAN 8,501 POUNDS; AND

12 (III) ARE EQUIPPED WITH A COMPUTER-CONTROLLED  
13 ENGINE AND FUEL SYSTEM.

14 (3) AN EXHAUST EMISSIONS TEST CONDUCTED UNDER THIS  
15 SECTION MAY BE CONDUCTED ONLY ON EQUIPMENT THAT MEETS  
16 REQUIREMENTS ESTABLISHED BY THE ADMINISTRATION.

17 (C) A DEALER PERFORMING EXHAUST EMISSIONS TESTS UNDER THIS  
18 SUBTITLE:

19 (1) SHALL COLLECT THE FEE REQUIRED FOR THE EXHAUST  
20 EMISSIONS TEST UNDER § 23-205 OF THIS SUBTITLE; AND

21 (2) MAY NOT IMPOSE ANY ADDITIONAL FEE FOR THE SERVICE.

22 (D) THE DEALER SHALL REPORT MONTHLY TO THE ADMINISTRATION  
23 THE RESULTS OF ANY EXHAUST EMISSIONS TESTS PERFORMED UNDER THIS  
24 SECTION AND FORWARD THE FEES COLLECTED TO THE ADMINISTRATION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010.