

# HOUSE BILL 1392

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By: **Delegates O'Donnell and Serafini**

Introduced and read first time: February 14, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program – Decentralization – Study**

3 FOR the purpose of requiring the Motor Vehicle Administration and the Maryland  
4 Department of the Environment jointly to study the feasibility and desirability  
5 of establishing, in whole or in part, a certain decentralized emissions inspection  
6 and testing program to implement the Vehicle Emissions Inspection Program,  
7 consider matters related to emission reduction benefits under federal law, and  
8 report their findings and recommendations to the Governor and certain  
9 committees of the General Assembly on or before a certain date; and generally  
10 relating to the Vehicle Emissions Inspection Program.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 23–203  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume)

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

18 **Article – Transportation**

19 23–203.

20 (a) (1) By rules and regulations, the Administration and the Secretary  
21 shall provide for the establishment of facilities to conduct any tests or inspections  
22 required to be performed under this subtitle.

23 (2) If the Administration and the Secretary determine that the system  
24 can be installed and operated more effectively and economically by an independent  
25 contractor than if installed and operated by the Administration and the Secretary, the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Administration and the Secretary may award the installation and operation of the  
2 inspection facilities to an independent contractor selected in accordance with the  
3 bidding procedures established by the laws of this State.

4 (3) (i) If, on or after July 1, 1991, the Administration and  
5 Secretary are required by federal law to extend the emissions control program to  
6 additional areas of the State and the Administration and Secretary determine that the  
7 inspection facilities can be installed and operated more effectively and economically by  
8 one or more independent contractors than if installed and operated by the  
9 Administration and Secretary, the Administration and Secretary may:

10 1. Award the installation and operation of the inspection  
11 facilities to one independent contractor for the installation and operation of all  
12 inspection facilities in this State; or

13 2. Create separate regions of the areas of the State  
14 required to participate in an emissions control program for the purpose of separately  
15 awarding contracts for the installation and operation of the inspection facilities  
16 required for each region to one or more independent contractors.

17 (ii) All independent contractors shall be selected in accordance  
18 with the procedures established under the State Finance and Procurement Article.

19 (iii) The Administration and the Secretary may establish a  
20 statewide centralized or decentralized program or any combination of centralized and  
21 decentralized programs in separate regions of the State.

22 (b) If the program is awarded to an independent contractor to operate  
23 centralized inspection facilities, the facilities shall be provided, equipped, and  
24 maintained by the independent contractor, and the operating personnel of the facilities  
25 shall be employees of the contractor, and not of the State, and the contractor may not  
26 perform emissions related repairs as defined in § 23–201 of this subtitle.

27 (c) The Administration and the Secretary shall determine, on or before  
28 March 1, 1998, whether the following criteria for establishing a decentralized retesting  
29 program have been satisfied:

30 (1) Testing equipment and procedures, yielding results that correlate  
31 to tests and inspections performed at centralized inspection facilities in the State  
32 within 95% accuracy or within a different degree of accuracy approved by the  
33 Administration and the Secretary, are feasible for use in certified repair facilities  
34 approved for retesting of vehicles; and

35 (2) The establishment of a decentralized retesting option in the State  
36 does not result in a loss of emissions reduction benefits to the State under the federal  
37 Clean Air Act.

1 (d) If the Administration and the Secretary determine that the criteria listed  
2 in subsection (c) of this section have not been met in a given year, they shall  
3 determine, on or before March 1 of the succeeding year, whether the criteria have been  
4 satisfied in the intervening period.

5 (e) Notwithstanding subsections (a) and (b) of this section, if the program is  
6 awarded to an independent contractor to operate centralized inspection facilities and if  
7 the Administration and the Secretary have determined that the criteria listed in  
8 subsection (c) of this section have been satisfied, the Administration and the Secretary  
9 shall propose regulations to:

10 (1) Allow the owner of a vehicle that fails an exhaust emissions test or  
11 emissions equipment and misfueling inspection at a centralized inspection facility to  
12 have the vehicle retested at either a centralized inspection facility or an approved  
13 certified repair facility;

14 (2) Allow a certified repair facility to retest vehicles if approved for  
15 that purpose by the Department of the Environment;

16 (3) Require the initial exhaust emissions test and emissions  
17 equipment and misfueling inspection in each biennial test cycle to be performed at a  
18 centralized inspection facility;

19 (4) Establish criteria for testing equipment, procedures, and reporting  
20 of retests for approved certified repair facilities;

21 (5) Provide for the suspension, revocation, or denial of renewal of  
22 approval for a certified repair facility to perform retests if the Secretary, or the  
23 Secretary's designee, determines that the facility has performed fraudulent retests or  
24 is not in compliance with the regulations adopted under this subsection; and

25 (6) Establish a reasonable fee for approval of a certified repair facility  
26 to perform retests, covering the costs of the approvals and oversight of the  
27 decentralized retesting program.

28 (f) (1) The President of the Senate and the Speaker of the House of  
29 Delegates shall appoint a special committee composed of 3 Senators and 3 Delegates  
30 who shall regularly consult with the Secretary of Transportation and the Secretary of  
31 the Environment on the administration of the emissions control program and any  
32 contract in accordance with the terms of these provisions.

33 (2) The special committee shall regularly report to the Legislative  
34 Policy Committee of the Maryland General Assembly on the administration of the  
35 emissions control program and any contract awarded in accordance with the  
36 provisions of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle  
2 Administration and the Maryland Department of the Environment jointly shall:

3 (1) study the feasibility and desirability of establishing, in whole or in  
4 part, a decentralized emissions inspection and testing program using approved  
5 certified vehicle repair facilities to implement the Vehicle Emissions Inspection  
6 Program;

7 (2) as part of the study, consider whether establishing a decentralized  
8 emissions inspection program would result in a loss of emissions reduction benefits to  
9 the State under the federal Clean Air Act; and

10 (3) report their findings and recommendations with respect to the  
11 study to the Governor and, in accordance with § 2-1246 of the State Government  
12 Article, the Senate Education, Health, and Environmental Affairs Committee and the  
13 House Environmental Matters Committee on or before October 1, 2013.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 June 1, 2013.