

HOUSE BILL 547

R6

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By: **Delegates Turner, Atterbeary, Brooks, Ciliberti, Ebersole, Frush, Glenn, Hill, Hixson, Lam, Lisanti, B. Robinson, and A. Washington**

Introduced and read first time: February 3, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Tires, Exterior Lights, and Windshield Wipers – Biennial**
3 **Inspection**

4 FOR the purpose of requiring the vehicle emissions control program, at the time of a
5 vehicle's biennial emissions test and inspection, to provide for certain additional
6 inspections of the vehicle's tires, exterior lights, and windshield wipers; requiring
7 the Motor Vehicle Administration and the Department of the Environment to adopt
8 regulations that define the inspection parameters and establish a schedule for the
9 additional inspection of vehicle tires, exterior lights, and windshield wipers;
10 requiring certain facilities to conduct the additional inspections of vehicle tires,
11 exterior lights, and windshield wipers; making certain conforming changes; making
12 certain stylistic changes; and generally relating to biennial inspections of vehicle
13 tires, exterior lights, and windshield wipers.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 23–202(b) and (c), 23–203(a)(1) and (e), 23–204, and 23–207
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

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

21 **Article – Transportation**

22 23–202.

23 (b) (1) Subject to paragraph (3) of this subsection, the emissions control
24 program shall provide for a biennial exhaust emissions test and emissions equipment and
25 misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The emissions control program may not authorize an exhaust emissions
2 test or emissions equipment and misfueling inspection for any vehicle of a model year
3 earlier than the 1977 model year.

4 (3) (i) In this paragraph, “qualified hybrid vehicle” means an
5 automobile that:

6 1. Meets all applicable regulatory requirements;

7 2. Meets the current vehicle exhaust standard set under the
8 federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.;
9 and

10 3. Can draw propulsion energy from both of the following
11 sources of stored energy:

12 A. Gasoline or diesel fuel; and

13 B. A rechargeable energy storage system.

14 (ii) A qualified hybrid vehicle is not required to submit to a first
15 exhaust emissions test and emissions equipment and misfueling inspection until 3 years
16 after the date on which the vehicle was first registered in the State.

17 **(4) AT THE TIME OF A BIENNIAL EXHAUST EMISSIONS TEST AND**
18 **EMISSIONS EQUIPMENT AND MISFUELING INSPECTION FOR A VEHICLE SUBJECT TO**
19 **THE EMISSIONS CONTROL PROGRAM, THE EMISSIONS CONTROL PROGRAM SHALL**
20 **PROVIDE FOR ADDITIONAL INSPECTIONS OF:**

21 **(I) THE GENERAL CONDITION OF THE VEHICLE’S TIRES,**
22 **INCLUDING THE AIR PRESSURE AND THE CONDITION OF THE TREAD;**

23 **(II) THE WORKING CONDITION OF THE EXTERIOR LIGHTS OF**
24 **THE VEHICLE; AND**

25 **(III) THE WORKING CONDITION OF THE WINDSHIELD WIPERS OF**
26 **THE VEHICLE.**

27 (c) By [rules and regulations] **REGULATION**, the Administration and the
28 Secretary:

29 (1) Shall grant a waiver to a vehicle owner if:

30 (i) The vehicle fails to pass the exhaust emissions test;

1 (ii) The vehicle owner exhibits evidence acceptable to the
2 Administration that the owner, for an initial exhaust emissions test occurring:

3 1. In calendar years 1998 through 1999 has actually incurred
4 an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after
5 the initial exhaust emissions test;

6 2. In calendar years 2000 through 2001 has actually incurred
7 an expenditure towards emissions related repairs to the vehicle within 120 days after the
8 initial exhaust emissions test in an amount of:

9 A. \$200 for vehicles of model years 1990 and older;

10 B. \$300 for vehicles of model years 1991 through 1997; or

11 C. \$450 for vehicles of model years 1998 and newer; and

12 3. On or after January 1, 2002, has actually incurred an
13 expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after
14 the exhaust emissions test;

15 (iii) The vehicle fails a retest, except that if the vehicle owner has
16 exhibited evidence acceptable to the Administration that the vehicle owner actually
17 incurred the minimum expenditure as required under item (ii) of this item for the emissions
18 related repair to the vehicle within 30 days before the initial exhaust emissions test or the
19 period allowed under federal law, whichever is longer, a retest is not required; and

20 (iv) The vehicle owner exhibits evidence that the emissions related
21 repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a
22 repair technician and at a repair facility both certified under item (4) of this subsection;

23 (2) Notwithstanding the provisions of this section, may not grant a waiver
24 if it is found in the testing process that factory-installed emissions equipment has been
25 tampered with or removed, or that the vehicle has been misfueled;

26 (3) Unless otherwise prohibited by federal law, may grant additional
27 waivers to extend the time for compliance in cases of financial hardship or for unusual
28 circumstances;

29 (4) Shall establish criteria to certify repair technicians and facilities for the
30 purpose of bringing vehicles into compliance with the applicable emissions standards,
31 including the payment of reasonable fees to cover the costs of administering and overseeing
32 the certification program;

33 (5) May provide for the suspension, revocation, or denial of renewal of the
34 certification of a repair technician or facility upon evidence that vehicles repaired by that
35 technician or facility for the purpose of bringing them into compliance with the applicable

1 emissions standards have repeatedly failed tests or retests and the Administration and the
2 Secretary have clear and convincing evidence the repair technician or facility is not meeting
3 satisfactory performance standards;

4 (6) Shall define the inspection parameters for [the]:

5 (I) **THE** emissions equipment and misfueling inspection; **AND**

6 (II) **THE ADDITIONAL INSPECTION OF VEHICLE TIRES,**
7 **EXTERIOR LIGHTS, AND WINDSHIELD WIPERS UNDER SUBSECTION (B)(4) OF THIS**
8 **SECTION;**

9 (7) Shall adopt a schedule for the exhaust emissions test;

10 (8) Shall adopt a schedule for the emissions equipment and misfueling
11 inspections **AND THE ADDITIONAL INSPECTIONS OF VEHICLE TIRES, EXTERIOR**
12 **LIGHTS, AND WINDSHIELD WIPERS;** and

13 (9) Shall establish, under Title 2 of the Environment Article, emissions
14 standards to be used for the exhaust emissions tests and emissions equipment and
15 misfueling inspections of motor vehicles under this subtitle.

16 23–203.

17 (a) (1) By [rules and regulations] **REGULATION**, the Administration and the
18 Secretary shall provide for the establishment of facilities to conduct any tests or inspections
19 required to be performed under this subtitle.

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

25 (1) Allow the owner of a vehicle that fails an exhaust emissions test [or],
26 **AN** emissions equipment and misfueling inspection, **OR THE ADDITIONAL INSPECTION**
27 **OF VEHICLE TIRES, EXTERIOR LIGHTS, AND WINDSHIELD WIPERS** at a centralized
28 inspection facility to have the vehicle retested **OR RE-INSPECTED** at either a centralized
29 inspection facility or an approved certified repair facility;

30 (2) Allow a certified repair facility to [retest]:

31 (I) **RETEST** vehicles if approved for that purpose by the Department
32 of the Environment; **AND**

1 **(II) RE-INSPECT VEHICLE TIRES, EXTERIOR LIGHTS, AND**
2 **WINDSHIELD WIPERS CONSISTENT WITH § 23-202(B)(4) OF THIS SUBTITLE;**

3 (3) Require the initial exhaust emissions test [and], emissions equipment
4 and misfueling inspection, **AND ADDITIONAL INSPECTION OF VEHICLE TIRES,**
5 **EXTERIOR LIGHTS, AND WINDSHIELD WIPERS** in each biennial test cycle to be performed
6 at a centralized inspection facility;

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

9 (5) Provide for the suspension, revocation, or denial of renewal of approval
10 for a certified repair facility to perform retests **OR RE-INSPECTIONS** if the Secretary, or
11 the Secretary's designee, determines that the facility has performed fraudulent retests **OR**
12 **RE-INSPECTIONS** or is not in compliance with the regulations adopted under this
13 subsection; and

14 (6) Establish a reasonable fee for approval of a certified repair facility to
15 perform retests **OR RE-INSPECTIONS**, covering the costs of the approvals and oversight of
16 the decentralized retesting program.

17 23-204.

18 The facilities established or approved under § 23-203 of this subtitle shall conduct
19 [the]:

20 **(1) THE** exhaust emissions tests and emissions equipment and misfueling
21 inspections of motor vehicles to determine whether each vehicle complies with emissions
22 standards established under this subtitle for that vehicle; **AND**

23 **(2) THE ADDITIONAL INSPECTIONS OF VEHICLE TIRES, EXTERIOR**
24 **LIGHTS, AND WINDSHIELD WIPERS.**

25 23-207.

26 The Administration and the Secretary may jointly adopt [rules and] regulations as
27 required for purposes of implementation, administration, regulation, and enforcement of
28 [the provisions of] this subtitle, including rules and regulations that, consistent with
29 federal law, exempt certain vehicles from the **EMISSIONS** inspections and tests under this
30 subtitle.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2016.