SENATE BILL 104

By: Senator Kramer
Requested: November 1, 2021
Introduced and read first time: January 12, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Vehicle Emissions Inspection Program – Not Subject to Inspection – Fee

FOR the purpose of establishing a recurring fee on each motor vehicle registered in the State that is granted a waiver from, exempted from, or not subject to the Vehicle Emissions Inspection Program; requiring the fee to be deposited in the Maryland Strategic Energy Investment Fund and be used to incentivize and purchase electric vehicles and expand electric vehicle infrastructure; and generally relating to the Vehicle Emissions Inspection Program.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–616(b)(1) and (3), 23–202(a) through (c), 23–206, 23–206.1, and 23–206.2(a)(1), (b)(1), and (c)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–616(d)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 23–205.1
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
BY repealing and reenacting, with amendments,

Article – State Government
Section 9–20B–05(e)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Transportation

13–616.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO2) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or
2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(3) This section applies only to:

(i) A Class A (passenger) vehicle;
(ii) A Class D (motorcycle) vehicle;
(iii) A Class M (multipurpose) vehicle;
(iv) A Class E (truck) vehicle with a one ton or less manufacturer’s rated capacity; or
(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(d) Except as provided under §§ 13–951 and 13–952 of this title AND § 23–205.1 OF THIS ARTICLE, no fee in addition to the annual registration fee otherwise required by this title is required for special registration under this section.

23–202.

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

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

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

(i) In this paragraph, “qualified hybrid vehicle” means an automobile that:
1. Meets all applicable regulatory requirements;

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

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

   A. Gasoline or diesel fuel; and

   B. A rechargeable energy storage system.

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

(c) By rules and regulations, the Administration and the Secretary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

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

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and

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

23–205.1.

(A) The Administration shall establish a fee of $14 to be collected once every 2 years on each motor vehicle registered in the State that is:
(1) Granted a waiver from mandatory inspections under § 23–202 of this subtitle;

(2) Not subject to mandatory inspections under § 23–202(B)(2) of this subtitle; or

(3) Exempted from mandatory inspections under § 23–206.1 or § 23–206.2 of this subtitle.

(B) Revenues collected from the fee on motor vehicles under this section shall be:

(1) Deposited into the Maryland Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article; and

(2) Used to:

   (I) Provide rebates on the sale of electric vehicles;

   (II) Purchase electric transit and school buses; and

   (III) Expand electric vehicle infrastructure.

23–206.

(a) An owner of a motor vehicle that is registered in this State shall have the vehicle inspected and tested as required under this subtitle.

(b) A motor vehicle registered in this State, unless exempted or given a waiver under this subtitle, shall meet the standards and requirements of this subtitle.

(c) Notwithstanding any rule or regulation to the contrary, the owner of any gasoline powered motor vehicle registered under § 13–916 of this article, with a maximum gross weight up to and including 26,000 pounds, shall have the vehicle inspected and tested as required under this subtitle.

23–206.1.

Notwithstanding any rule or regulation to the contrary and unless otherwise prohibited by federal law, any fire or rescue apparatus or ambulance owned or leased by a political subdivision of the State, or by a volunteer fire company, rescue squad, or volunteer ambulance company, that is registered as an emergency vehicle as defined in § 11–118 of this article, is exempt from mandatory inspections under this subtitle.
SENATE BILL 104

23–206.2.

(a) (1) A motor vehicle for which special registration plates have been issued under § 13–616 of this article is exempt from the mandatory inspections required by this subtitle if:

   (i) All of the owners of the motor vehicle meet the disability requirements of § 13–616(b)(1) of this article;

   (ii) The motor vehicle is driven 5,000 miles or less annually; and

   (iii) The exemption is not otherwise prohibited by federal law.

(b) (1) A motor vehicle owned by an individual who is at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

   (i) All of the owners of the motor vehicle are at least 70 years of age at the time of the scheduled mandatory inspection under this subtitle;

   (ii) The motor vehicle is being driven 5,000 miles or less annually; and

   (iii) The exemption is not otherwise prohibited by federal law.

(c) (1) A motor vehicle owned by at least one active duty member of the armed services of the United States at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

   (i) An owner of the motor vehicle who is a member of the armed services of the United States has received military orders:

       1. For deployment outside the United States; or

       2. To a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program; and

   (ii) The exemption is not otherwise prohibited by federal law.

Article – State Government

9–20B–05.

(a) There is a Maryland Strategic Energy Investment Fund.

(e) The Fund consists of:
(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utilities Article;

(6) money received from any public or private source for the benefit of the Fund; [and]

(7) money transferred from the Public Service Commission under § 7–207.2(c)(3) of the Public Utilities Article; AND

(8) MONEY COLLECTED FROM THE FEE ON MOTOR VEHICLES UNDER § 23–205.1 OF THE TRANSPORTATION ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.