

# SENATE BILL 104

R6

(PRE-FILED)

2lr1169  
CF HB 46

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By: **Senator Kramer**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program – Not Subject to Inspection – Fee**

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

9 BY repealing and reenacting, without amendments,  
10 Article – Transportation  
11 Section 13–616(b)(1) and (3), 23–202(a) through (c), 23–206, 23–206.1, and  
12 23–206.2(a)(1), (b)(1), and (c)(1)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 13–616(d)  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2021 Supplement)

20 BY adding to  
21 Article – Transportation  
22 Section 23–205.1  
23 Annotated Code of Maryland  
24 (2020 Replacement Volume and 2021 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–20B–05(a)  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume)

4 BY repealing and reenacting, with amendments,  
5 Article – State Government  
6 Section 9–20B–05(e)  
7 Annotated Code of Maryland  
8 (2021 Replacement Volume)

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

11 **Article – Transportation**

12 13–616.

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

19 (i) Has lung disease to such an extent that forced (respiratory)  
20 expiratory volume for one second when measured by spirometry is less than one liter, or  
21 arterial oxygen tension (PO<sub>2</sub>) is less than 60 mm/hg on room air at rest;

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

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

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

27 (v) Requires a wheelchair for mobility;

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

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

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

31 1. The central visual acuity is 20/200 or less in the better eye,  
32 with corrective glasses; or

1                   2.     There is a field defect in which the peripheral field has  
2 contracted to such an extent that the widest diameter of visual field subtends an angular  
3 distance no greater than 20 degrees in the better eye; or

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

8                   (3)     This section applies only to:

9                   (i)     A Class A (passenger) vehicle;

10                  (ii)    A Class D (motorcycle) vehicle;

11                  (iii)   A Class M (multipurpose) vehicle;

12                  (iv)    A Class E (truck) vehicle with a one ton or less manufacturer's  
13 rated capacity; or

14                  (v)     A Class H, I, or J vehicle that is specially equipped for the  
15 transportation of individuals with disabilities and is used exclusively for the transportation  
16 of individuals with disabilities.

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

20 23-202.

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

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

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

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

32                  (3)     (i)     In this paragraph, "qualified hybrid vehicle" means an  
33 automobile that:

- 1                   1.     Meets all applicable regulatory requirements;
- 2                   2.     Meets the current vehicle exhaust standard set under the  
3 federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.;
- 4 and
- 5                   3.     Can draw propulsion energy from both of the following  
6 sources of stored energy:
  - 7                   A.     Gasoline or diesel fuel; and
  - 8                   B.     A rechargeable energy storage system.

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

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

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

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

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

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

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

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

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

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

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

29                   (iii)   The vehicle fails a retest, except that if the vehicle owner has  
30 exhibited evidence acceptable to the Administration that the vehicle owner actually  
31 incurred the minimum expenditure as required under item (ii) of this item for the emissions

1 related repair to the vehicle within 30 days before the initial exhaust emissions test or the  
2 period allowed under federal law, whichever is longer, a retest is not required; and

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

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

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

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

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

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

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

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

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

30 **23-205.1.**

31 (A) THE ADMINISTRATION SHALL ESTABLISH A FEE OF \$14 TO BE  
32 COLLECTED ONCE EVERY 2 YEARS ON EACH MOTOR VEHICLE REGISTERED IN THE  
33 STATE THAT IS:

1           **(1) GRANTED A WAIVER FROM MANDATORY INSPECTIONS UNDER §**  
2 **23-202 OF THIS SUBTITLE;**

3           **(2) NOT SUBJECT TO MANDATORY INSPECTIONS UNDER §**  
4 **23-202(B)(2) OF THIS SUBTITLE; OR**

5           **(3) EXEMPTED FROM MANDATORY INSPECTIONS UNDER § 23-206.1**  
6 **OR § 23-206.2 OF THIS SUBTITLE.**

7           **(B) REVENUES COLLECTED FROM THE FEE ON MOTOR VEHICLES UNDER**  
8 **THIS SECTION SHALL BE:**

9           **(1) DEPOSITED INTO THE MARYLAND STRATEGIC ENERGY**  
10 **INVESTMENT FUND ESTABLISHED UNDER § 9-20B-05 OF THE STATE GOVERNMENT**  
11 **ARTICLE; AND**

12           **(2) USED TO:**

13                   **(I) PROVIDE REBATES ON THE SALE OF ELECTRIC VEHICLES;**

14                   **(II) PURCHASE ELECTRIC TRANSIT AND SCHOOL BUSES; AND**

15                   **(III) EXPAND ELECTRIC VEHICLE INFRASTRUCTURE.**

16 23-206.

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

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

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

25 23-206.1.

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

1 23-206.2.

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

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

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

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

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

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

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

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

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

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

22 1. For deployment outside the United States; or

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

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

26 **Article – State Government**

27 9-20B-05.

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

29 (e) The Fund consists of:

1 (1) all of the proceeds from the sale of allowances under § 2–1002(g) of the  
2 Environment Article;

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

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

6 (4) interest and investment earnings on the Fund;

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

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

10 (7) money transferred from the Public Service Commission under §  
11 7–207.2(c)(3) of the Public Utilities Article; AND

12 (8) **MONEY COLLECTED FROM THE FEE ON MOTOR VEHICLES UNDER**  
13 **§ 23–205.1 OF THE TRANSPORTATION ARTICLE.**

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