

SENATE BILL 922

R6

2lr3101
CF HB 1079

By: Senator Watson

Introduced and read first time: February 11, 2022

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program – Standards, Requirements, and**
3 **Application**

4 FOR the purpose of requiring, beginning on a date determined by the Motor Vehicle
5 Administration and the Secretary of the Environment, the Vehicle Emissions
6 Inspection Program to provide for a biennial exhaust emissions test only on vehicles
7 that are equipped in a certain manner and are at least a certain age in model years;
8 repealing the requirement that the emissions equipment and misfueling inspection
9 be performed under the Program; altering the grace period for qualified hybrid
10 vehicles under the Program; altering the circumstances under which certain findings
11 prohibit the grant of a waiver from Program requirements; authorizing a vehicle
12 owner to take the biennial exhaust emissions test at an approved certified repair
13 facility; authorizing a certified repair facility to charge a certain additional fee
14 approved by the Administration for performing an exhaust emissions test under the
15 Program; authorizing the Administration to close centralized test facilities operated
16 under the Program under certain circumstances; and generally relating to standards
17 and requirements for and the application of the Vehicle Emissions Inspection
18 Program.

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 23–201 through 23–206 and 23–207
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2021 Supplement)

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

26 **Article – Transportation**

27 23–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) "Emissions control program" means the program requiring and implementing exhaust emissions test and the emissions equipment and misfueling inspection.

(c) "Emissions equipment" means any emissions control device that has been installed on a motor vehicle by a manufacturer of motor vehicles.

(d) [“Emissions equipment and misfueling inspection” means an inspection to the presence of required emissions equipment and an inspection to determine that vehicle has not been misfueled.

13 (2) "Emissions related repair" does not include adjustment, repair, or
14 replacement necessitated by tampering or misfueling.

15 [(f)] (E) (1) "Emissions standard" means a requirement that limits the
16 quantity, quality, rate, or concentration of emissions from a motor vehicle.

(2) "Emissions standard" includes a requirement that relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction.

19 **(g) (F)** "Exhaust emissions test" means the sampling and measurement of
20 certain components of motor vehicle exhaust to determine whether the motor vehicle is in
21 compliance with an emissions standard.

22 [h] (G) "Misfueling" means the introduction of leaded fuel into a motor vehicle
23 designed by the motor vehicle manufacturer to use unleaded fuel.

[(i)] (H) "Secretary" means the Secretary of the Environment.

25 23-202.

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

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

31 (b) (1) Subject to [paragraph (3)] PARAGRAPHS (3) AND (4) of this

1 subsection, the emissions control program shall provide for a biennial exhaust emissions
2 test [and emissions equipment and misfueling inspection] for all vehicles of the 1977 model
3 year and each model year thereafter.

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

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

9 1. Meets all applicable regulatory requirements;

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

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

15 A. Gasoline or diesel fuel; and

16 B. A rechargeable energy storage system.

17 (ii) A qualified hybrid vehicle is not required to submit to a first
18 exhaust emissions test [and emissions equipment and misfueling inspection] until **THE**
19 **LATER OF:**

20 1. 3 years after the date on which the vehicle was first
21 registered in the State; OR

22 2. **THE YEAR THAT THE VEHICLE IS 7 MODEL YEARS OLD.**

23 (4) **BEGINNING ON A DATE DETERMINED BY THE ADMINISTRATION**
24 **AND THE SECRETARY, THE EMISSIONS CONTROL PROGRAM SHALL PROVIDE FOR A**
25 **BIENNIAL EXHAUST EMISSIONS TEST ONLY ON VEHICLES THAT ARE:**

26 (I) **EQUIPPED WITH AN ON-BOARD DIAGNOSTIC II SYSTEM;**
27 **AND**

28 (II) **7 MODEL YEARS OLD AND OLDER.**

29 (c) By [rules and regulations] **REGULATION**, the Administration and the
30 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

4 Administration that the owner[1, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred
wards emissions related repairs to the vehicle within 60 days after
ons test;

2. In calendar years 2000 through 2001 has actually incurred emissions related repairs to the vehicle within 120 days after the 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
ards emissions related repairs to the vehicle within 120 days after
st;

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

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

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

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

10 [8] Shall adopt a schedule for the emissions equipment and misfueling
11 inspections; and

12 (9)] (7) Shall establish, under Title 2 of the Environment Article,
13 emissions standards to be used for the exhaust emissions tests [and emissions equipment
14 and misfueling inspections] of motor vehicles under this subtitle.

15 [(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision
16 of law, during the period from January 1, 1995 through May 31, 1997, the emissions control
17 program established under this subtitle may not require for any vehicle other than a
18 State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

19 (i) Transient mass–emission testing using the IM 240 driving cycle
20 referenced under 40 C.F.R. Part 51;

25 (iii) Removal of the driver from a vehicle being tested or inspected; or

26 (iv) On-road testing.

1 other cost-effective incentive that is consistent with State and federal law and is
2 reasonably expected by the Administration to increase the number of vehicles that undergo
3 the test described in paragraph (1)(i) of this subsection.

4 (iii) 1. The Administration shall notify vehicle owners of the
5 opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of
6 this paragraph.

7 2. The notice required under this subparagraph shall be:

10 B. Included by the Administration in test notices and other
11 mailings related to the emissions control program that are directed to vehicle owners.]

12 23-203.

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

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

9 (c) The Administration and the Secretary [shall] **MAY** determine[, on or before
10 March 1, 1998,] whether the following criteria for establishing a decentralized [retesting]
11 **EXHAUST EMISSIONS TESTING** program have been satisfied:

17 (2) The establishment of a decentralized [retesting] **TESTING** option in the
18 State does not result in a loss of emissions reduction benefits to the State under the federal
19 Clean Air Act.

20 (d) If the Administration and the Secretary determine that the criteria listed in
21 subsection (c) of this section have not been met in a given year, they [shall] **MAY**
22 determine[, on or before March 1 of the succeeding year,] whether the criteria have been
23 satisfied in [the intervening period] **A SUBSEQUENT YEAR**.

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

33 (2) Allow a certified repair facility to [retest] TEST vehicles if approved for
34 that purpose by the Department of the Environment;

35 (3) [Require the initial exhaust emissions test and emissions equipment
36 and misfueling inspection in each biennial test cycle to be performed at a centralized

1 inspection facility;

2 (4)] Establish criteria for testing equipment, procedures, and reporting of
3 [retests] TESTS for approved certified repair facilities;

4 [(5)] (4) Provide for the suspension, revocation, or denial of renewal of
5 approval for a certified repair facility to perform [retests] TESTS if the Secretary, or the
6 Secretary's designee, determines that the facility has performed fraudulent [retests]
7 TESTS or is not in compliance with the regulations adopted under this subsection; and

8 [(6)] (5) Establish a reasonable fee for approval of a certified repair
9 facility to perform [retests] TESTS, covering the costs of the approvals and oversight of the
10 decentralized [retesting] TESTING program.

11 (F) THE ADMINISTRATION MAY CLOSE A CENTRALIZED TEST FACILITY IF:

12 (1) THE TEST VOLUME AT THE TEST FACILITY FALLS BELOW A
13 THRESHOLD ESTABLISHED BY THE ADMINISTRATION; AND

14 (2) THE ADMINISTRATION DETERMINES THERE ARE AN ADEQUATE
15 AMOUNT OF DECENTRALIZED TEST FACILITIES IN THE AREA TO SERVE VEHICLE
16 OWNERS WHO ARE SUBJECT TO THE TEST.

17 23–204.

18 The facilities established or approved under § 23–203 of this subtitle shall conduct
19 the exhaust emissions tests [and emissions equipment and misfueling inspections] of motor
20 vehicles to determine whether each vehicle complies with emissions standards established
21 under this subtitle for that vehicle.

22 23–205.

23 (a) (1) Subject to paragraph (2) of this subsection, the Administration and the
24 Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a
25 facility.

26 (2) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH, THE fee established under this subsection[:]

28 (i) During the period from January 1, 1995 through May 31, 1997,
29 may not exceed \$12; and

30 (ii) During the period after May 31, 1997,] may not exceed \$14.

31 (II) A DECENTRALIZED TEST FACILITY MAY CHARGE A

1 **CUSTOMER CONVENIENCE FEE APPROVED BY THE ADMINISTRATION IN ADDITION**
2 **TO THE INSPECTION FEE.**

3 (b) The fee shall be collected in a manner established by the Administration and
4 the Secretary.

5 (c) A specific portion of the fee shall be paid to or retained by the Administration
6 to cover the cost of administration and enforcement of the emissions control program, as
7 provided in the contract between the contractor and the State.

8 23–206.

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

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

13 (c) [Notwithstanding any rule or regulation to the contrary, the] **THE** owner of
14 any gasoline powered motor vehicle registered under § 13–916 of this article[, with a
15 maximum gross weight up to and including 26,000 pounds,] shall have the vehicle
16 inspected and tested as required under this subtitle **IF THE MOTOR VEHICLE:**

17 (1) **HAS A MAXIMUM GROSS WEIGHT NOT EXCEEDING 26,000 POUNDS;**
18 **AND**

19 (2) **IS EQUIPPED WITH AN ON-BOARD DIAGNOSTIC II SYSTEM.**

20 23–207.

21 The Administration and the Secretary may jointly adopt [rules and] regulations as
22 required for purposes of implementation, administration, regulation, and enforcement of
23 the provisions of this subtitle, including rules and regulations that, consistent with federal
24 law, exempt certain vehicles from the inspections and tests under this subtitle.

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