

# HOUSE BILL 806

R6

6lr1989

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By: **Delegate Hornberger**

Introduced and read first time: February 4, 2026

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Vehicle Emissions Inspection Program – Modifications**

3 FOR the purpose of requiring the Motor Vehicle Administration and the Secretary of the  
4 Environment to establish an application process and requirements to certify  
5 facilities to conduct tests or inspections under the Vehicle Emissions Inspection  
6 Program; establishing a certificate for certain facilities to conduct tests or inspections  
7 under the Program; and generally relating to the Vehicle Emissions Inspection  
8 Program.

9 BY repealing

10 Article – Transportation

11 Section 23–203 and 23–205

12 Annotated Code of Maryland

13 (2020 Replacement Volume and 2025 Supplement)

14 BY adding to

15 Article – Transportation

16 Section 23–203, 23–203.1, and 23–205

17 Annotated Code of Maryland

18 (2020 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Transportation

21 Section 23–201 and 23–204

22 Annotated Code of Maryland

23 (2020 Replacement Volume and 2025 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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **23-203.1.**

2 **THE ADMINISTRATION AND THE SECRETARY SHALL ESTABLISH AN**  
3 **APPLICATION PROCESS AND REQUIREMENTS TO CERTIFY FACILITIES TO CONDUCT**  
4 **TESTS OR INSPECTIONS UNDER THIS SUBTITLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
6 as follows:

7 **Article – Transportation**

8 **23-201.**

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

10 (b) **“CERTIFIED EMISSIONS INSPECTION FACILITY” MEANS AN EMISSIONS**  
11 **INSPECTION FACILITY CERTIFIED UNDER § 23-203 OF THIS SUBTITLE.**

12 (C) “Emissions control program” means the program requiring and implementing  
13 the exhaust emissions test and the emissions equipment and misfueling inspection.

14 [(c)] (D) “Emissions equipment” means any emissions control device that has  
15 been installed on a motor vehicle by a manufacturer of motor vehicles.

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

19 (F) **“EMISSIONS INSPECTION FACILITY” MEANS A FACILITY EQUIPPED TO**  
20 **CONDUCT TESTS OR INSPECTIONS UNDER THIS SUBTITLE.**

21 [(e)] (G) (1) “Emissions related repair” means the inspection, adjustment,  
22 repair, or replacement of motor vehicle engine systems, subsystems, or components as  
23 necessary to bring a motor vehicle into compliance with emissions standards adopted in  
24 accordance with the provisions of this subtitle.

25 (2) “Emissions related repair” does not include adjustment, repair, or  
26 replacement necessitated by tampering or misfueling.

27 [(f)] (H) (1) “Emissions standard” means a requirement that limits the  
28 quantity, quality, rate, or concentration of emissions from a motor vehicle.

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

1           [(g)] (I)       “Exhaust emissions test” means the sampling and measurement of  
2 certain components of motor vehicle exhaust to determine whether the motor vehicle is in  
3 compliance with an emissions standard.

4           [(h)] (J)       “Misfueling” means the introduction of leaded fuel into a motor vehicle  
5 designed by the motor vehicle manufacturer to use unleaded fuel.

6           [(i)] (K)       “Secretary” means the Secretary of the Environment.

7 [23–203.

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

11                   (2)   If the Administration and the Secretary determine that the system can  
12 be installed and operated more effectively and economically by an independent contractor  
13 than if installed and operated by the Administration and the Secretary, the Administration  
14 and the Secretary may award the installation and operation of the inspection facilities to  
15 an independent contractor selected in accordance with the bidding procedures established  
16 by the laws of this State.

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

23                               1.   Award the installation and operation of the inspection  
24 facilities to one independent contractor for the installation and operation of all inspection  
25 facilities in this State; or

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

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

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

35           (b)   If the program is awarded to an independent contractor to operate centralized  
36 inspection facilities, the facilities shall be provided, equipped, and maintained by the

independent contractor, and the operating personnel of the facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23–201 of this subtitle.

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

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

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

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

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

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

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

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

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

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee,

determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

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

**23-203.**

(A) IN THIS SECTION, "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE ADMINISTRATION AND THE SECRETARY TO AN EMISSIONS INSPECTION FACILITY FOR CONDUCTING TESTS OR INSPECTIONS UNDER THIS SUBTITLE.

(B) AN EMISSIONS INSPECTION FACILITY MUST BE CERTIFIED IN ACCORDANCE WITH THIS SECTION TO CONDUCT TESTS OR INSPECTIONS UNDER THIS SUBTITLE.

(C) (1) TO APPLY FOR A CERTIFICATE AN APPLICANT SHALL:

(I) SUBMIT AN APPLICATION TO THE ADMINISTRATION AND THE SECRETARY ON THE FORM THAT THE ADMINISTRATION AND THE SECRETARY REQUIRE; AND

(II) PAY ANY APPLICATION FEE SET BY THE ADMINISTRATION AND THE SECRETARY.

(2) AN APPLICANT SHALL FILE A SEPARATE APPLICATION FOR EACH EMISSIONS INSPECTION FACILITY.

(D) THE ADMINISTRATION AND THE SECRETARY SHALL ISSUE A CERTIFICATE TO EACH EMISSIONS INSPECTION FACILITY THAT MEETS THE REQUIREMENTS ESTABLISHED UNDER § 23-203.1 OF THIS SUBTITLE.

(E) THE FEDERAL GOVERNMENT, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE MAY OWN AND OPERATE AN EMISSIONS INSPECTION FACILITY.

(F) A CERTIFICATE IS VALID FOR 5 YEARS.

(G) AN EMPLOYEE OF A CERTIFIED EMISSIONS INSPECTION FACILITY MAY NOT PERFORM EMISSIONS-RELATED REPAIRS AS DEFINED IN § 23-201 OF THIS SUBTITLE.

(H) THE ADMINISTRATION AND THE SECRETARY SHALL ADOPT REGULATIONS TO:

(1) ALLOW THE OWNER OF A VEHICLE THAT FAILS AN EXHAUST EMISSIONS TEST OR EMISSIONS EQUIPMENT AND MISFUELING INSPECTION AT A CERTIFIED EMISSIONS INSPECTION FACILITY TO HAVE THE VEHICLE RETESTED AT EITHER A CERTIFIED EMISSIONS INSPECTION FACILITY OR AN APPROVED CERTIFIED REPAIR FACILITY;

(2) ALLOW A CERTIFIED REPAIR FACILITY TO RETEST VEHICLES IF APPROVED FOR THAT PURPOSE BY THE DEPARTMENT OF THE ENVIRONMENT;

(3) REQUIRE THE INITIAL EXHAUST EMISSIONS TEST AND EMISSIONS EQUIPMENT AND MISFUELING INSPECTION IN EACH BIENNIAL TEST CYCLE TO BE PERFORMED AT A CERTIFIED EMISSIONS INSPECTION FACILITY;

(4) ESTABLISH CRITERIA FOR TESTING EQUIPMENT, PROCEDURES, AND REPORTING OF RETESTS FOR APPROVED CERTIFIED REPAIR FACILITIES;

(5) PROVIDE FOR THE SUSPENSION, REVOCATION, OR DENIAL OF RENEWAL OF APPROVAL FOR A CERTIFIED REPAIR FACILITY TO PERFORM RETESTS IF THE SECRETARY, OR THE SECRETARY'S DESIGNEE, DETERMINES THAT THE FACILITY HAS PERFORMED FRAUDULENT RETESTS OR IS NOT IN COMPLIANCE WITH THE REGULATIONS ADOPTED UNDER THIS SUBSECTION; AND

(6) ESTABLISH A REASONABLE FEE FOR APPROVAL OF A CERTIFIED REPAIR FACILITY TO PERFORM RETESTS, COVERING THE COSTS OF THE APPROVALS AND OVERSIGHT OF THE DECENTRALIZED RETESTING PROGRAM.

23–204.

[The facilities established or] **CERTIFIED EMISSIONS INSPECTION FACILITIES OR CERTIFIED REPAIR FACILITIES** approved under § 23–203 of this subtitle shall conduct the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles to determine whether each vehicle complies with emissions standards established under this subtitle for that vehicle.

[23–205.

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

(2) The fee established under this subsection:

(i) During the period from May 31, 1997, through June 30, 2025, may not exceed \$14;

(ii) During the period from July 1, 2025, through June 30, 2026, may not exceed \$30; and

(iii) Except as provided in paragraph (4)(iii) of this subsection, during the period after July 1, 2026, shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (3) of this subsection.

(3) During the period after June 30, 2026, the fee established under this subsection shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (4) of this subsection.

(4) (i) The inflation adjustment shall equal the product of multiplying the amount of funding in the immediately preceding fiscal year by the percentage increase in the Consumer Price Index for All Urban Consumers.

(ii) The percentage increase in the Consumer Price Index for All Urban Consumers shall be determined by comparing the average of the index for the 12 months ending April 30 immediately preceding the fiscal year for which the funding amount is being calculated to the average index for the prior 12 months.

(iii) If there is a decline or no growth in the Consumer Price Index for All Urban Consumers, the fee amount under this paragraph shall remain unchanged.

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

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

**23-205.**

**A CERTIFIED EMISSIONS INSPECTION FACILITY SHALL CHARGE A FEE TO COVER THE COST OF INSPECTING AND TESTING A VEHICLE UNDER THIS SUBTITLE.**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2035.

SECTION 4. AND BE IT FURTHER ENACTED, That notwithstanding Section 2 of this Act, this Act shall take effect October 1, 2026.