

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1391 (Delegate Howard, *et al.*)
Environment and Transportation

Vehicle Emissions Inspection Program - Testing and Inspection - Grounds for
Failure

This bill prohibits an emissions testing facility operating under the Vehicle Emissions Inspection Program (VEIP) from determining that a motor vehicle has failed to pass a test or inspection for any reason other than a determination that: (1) for an emissions equipment and misfuelling inspection, required emissions equipment is not present or the vehicle has been misfuelled, or (2) for an exhaust emissions test, the motor vehicle is not in compliance with an applicable emissions standard.

Fiscal Summary

State Effect: The bill may conflict with federal law and, as a result, likely has no material impact on State finances or operations, as discussed below. However, to the extent that the bill can be implemented, operations and finances for the Motor Vehicle Administration (MVA) and Department of the Environment (MDE) may be affected, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Title 23, Subtitle 2 of the Transportation Article generally requires all model year 1977 and newer vehicles in the State to be inspected and tested every two years, unless specifically exempt. MVA and MDE must set the VEIP fee for each vehicle to be inspected and tested, which may not exceed \$30 through June 30, 2026. The current fee is \$30 but must be adjusted in future fiscal years to account for changes in the

Consumer Price Index, as required by the Budget Reconciliation and Financing Act of 2025.

Statutory Waivers/Exemptions

A vehicle owner must be granted a waiver from the VEIP inspection requirement if the vehicle fails to pass the exhaust emissions test but the owner provides specified evidence of payment for emissions-related repairs.

Persons with special disability registration plates, persons age 70 or older, and deployed military personnel are eligible for an exemption from the inspection requirement under specified circumstances (MVA/MDE regulations refer to these exemptions as “waivers”).

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, registered as an emergency vehicle is exempt from VEIP inspections.

Regulations

Section 23-207 of the Transportation Article authorizes MVA and the Secretary of the Environment to jointly adopt rules and regulations for purposes of implementation, administration, regulation, and enforcement of the provisions of the VEIP statute, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under the program.

MVA/MDE regulations establish various additional exemptions, including exempting vehicles not registered in the “emissions inspection area” (Baltimore City and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George’s, Queen Anne’s, and Washington counties). Diesel vehicles are regulated under a separate program.

State Fiscal Effect: MVA and MDE advise that VEIP testing standards and procedures are mandated by the federal Clean Air Act and, pursuant to the Act, VEIP must be administered in accordance with applicable U.S. Environmental Protection Agency regulations. Because those regulations include specifications for testing procedures and pass/fail criteria, the bill’s limitations on the circumstances under which a vehicle may fail an emissions inspection likely conflict with these federally required inspection standards. Due to the conflict, the bill may not be able to be implemented and, therefore, is anticipated to have no impact on State finances or operations.

Nevertheless, if the bill is implemented, State operations and finances may be affected in various ways as MVA and MDE modify VEIP and fewer fees are collected from vehicles

that fail an initial emissions test and are required to retest. Moreover, the bill may result in federal penalties that could result in the withholding of otherwise eligible federal aid dollars. However, any such impact cannot be reliably predicted and is not accounted for in this analysis.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of the Environment; Maryland Department of Transportation; Department of Legislative Services

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