

HOUSE BILL 150

R6

4lr1361

(PRE-FILED)

By: **Delegate Fraser-Hidalgo**

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Emissions Inspection Program and Diesel Vehicle Emissions Control**
3 **Program – Fees and Fines**

4 FOR the purpose of establishing a recurring fee on each motor vehicle registered in the
5 State that is granted a waiver from, exempted from, or not subject to the Vehicle
6 Emissions Inspection Program and on certain diesel vehicles; requiring the fee to be
7 deposited in the Maryland Strategic Energy Investment Fund and used to provide
8 incentives to expand electric vehicle ownership and to expand electric vehicle
9 infrastructure; requiring a certain percentage of all fines collected under the Diesel
10 Vehicle Emissions Control Program to be deposited in the Maryland Strategic
11 Energy Investment Fund and used to provide incentives to expand electric vehicle
12 ownership and to expand electric vehicle infrastructure; and generally relating to
13 the Vehicle Emissions Inspection Program and the Diesel Vehicle Emissions Control
14 Program.

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 13–616(b)(1) and (3), 23–202(a) through (c), 23–206, 23–206.1,
18 23–206.2(a)(1), (b)(1), and (c)(1), and 23–401 through 23–404
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 13–616(d)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 23–205.1 and 23–405
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–05(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(e)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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.

(3) (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

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

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

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

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

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

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

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

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

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

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

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

36 **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;

(3) EXEMPTED FROM MANDATORY INSPECTIONS UNDER § 23-206.1 OR § 23-206.2 OF THIS SUBTITLE; OR

(4) POWERED BY A COMPRESSION IGNITION ENGINE AND HAS A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF 10,000 POUNDS OR LESS.

(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 INCENTIVES TO EXPAND ELECTRIC VEHICLE OWNERSHIP; AND

(II) 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.

1 23–206.1.

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

7 23–206.2.

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

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

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

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

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

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

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

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

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

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

28 1. For deployment outside the United States; or

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

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

1 23–401.

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

3 (b) “Diesel vehicle” means a motor vehicle that:

4 (1) Is powered by a compression ignition engine; and

5 (2) Has a manufacturer’s gross vehicle weight rating or gross combination
6 weight rating over 10,000 pounds.

7 (c) “Emissions inspector” means a person who is certified by the Department of
8 State Police to perform an emissions test.

9 (d) “Emissions standard” means a measurement of acceptable diesel emissions.

10 (e) “Emissions test” means the sampling and measurement of certain components
11 of diesel vehicle exhaust to determine if the diesel vehicle complies with an emissions
12 standard.

13 (f) “Police officer” means any uniformed law enforcement officer.

14 23–402.

15 (a) (1) The Secretary of the Environment, the Secretary of State Police, and
16 the Secretary of Transportation shall jointly establish, by regulation, a Diesel Vehicle
17 Emissions Control Program.

18 (2) The Secretary of the Environment, the Secretary of State Police, and
19 the Secretary of Transportation shall jointly adopt regulations to implement, administer,
20 regulate, and enforce the provisions of this subtitle.

21 (b) Regulations adopted under this subtitle shall establish requirements for:

22 (1) Establishing diesel vehicle emissions standards;

23 (2) Emissions tests for diesel vehicles that may include direct emissions
24 measurements;

25 (3) Emissions test equipment;

26 (4) Subject to § 23–403 of this subtitle, establishing emissions test
27 procedures, based on information available from the U.S. Environmental Protection Agency
28 and information regarding standards issued by the Society of Automotive Engineers, that
29 provide for conducting an emissions test; and

(5) Establishing certification requirements for emissions inspectors.

23–403.

(a) The operation of a diesel vehicle on any highway in this State constitutes the consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under this subtitle.

(b) The driver of a diesel vehicle shall obey any sign or direction of a police officer to stop the diesel vehicle and submit it to an emissions test administered by an emissions inspector:

(1) When a diesel vehicle is required to submit to:

(i) Weighing and measuring under § 24–111 of this article; or

(ii) A motor carrier safety inspection under § 25–111 of this article;

or

(2) At any location or time, when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under this subtitle.

(c) A person convicted of a violation of subsection (b) of this section is subject to:

(1) For a first offense, a fine not exceeding \$1,000;

(2) For a second offense, a fine not exceeding \$2,000; and

(3) For a third or subsequent offense, a fine not exceeding \$3,000.

23–404.

(a) If a diesel vehicle fails an emissions test established and administered under this subtitle, the driver of the diesel vehicle at the time of testing shall be issued:

(1) If the diesel vehicle is registered under this article, a safety equipment repair order that directs the registered owner of the vehicle to repair the vehicle to comply with emissions standards; or

(2) If the diesel vehicle is a foreign registered vehicle, notice indicating that the vehicle is not in compliance with emissions standards in this State.

(b) (1) A driver of a diesel vehicle who is issued a safety equipment repair order under subsection (a) of this section shall forward the order to the registered owner of the vehicle.

(2) A registered owner of a diesel vehicle who receives a safety equipment repair order under this section shall repair the vehicle to comply with emissions standards established under this subtitle and shall be retested for emissions standards in accordance with regulations adopted under this subtitle.

(3) (i) If a registered owner fails to comply with the requirements of paragraph (2) of this subsection within 30 days of the issuance of the safety equipment repair order, the registration of the diesel vehicle may be suspended by the Administration.

(ii) The registration of a diesel vehicle that is suspended under this paragraph may be reinstated by the Administration if the vehicle is retested for emissions standards in accordance with regulations adopted under this subtitle and complies with emissions standards.

(iii) If the registration of a diesel vehicle is suspended under this paragraph, the owner of the diesel vehicle is subject to a fine not exceeding \$1,000 for a violation of paragraph (2) of this subsection.

(4) (i) The owner of a foreign registered diesel vehicle who receives notice indicating that the diesel vehicle has failed to comply with emissions standards in this State shall repair the vehicle to comply with emissions standards established under this subtitle and shall provide evidence required under regulations adopted under this subtitle that demonstrates compliance with emissions standards.

(ii) If the owner fails to comply with the requirements of subparagraph (i) of this paragraph within 30 days of the issuance of the notice:

1. The Department of State Police shall provide notice to the Federal Highway Administration of the United States Department of Transportation that the owner has violated State law in violation of 49 C.F.R. § 392.2; and

2. The owner of the diesel vehicle is subject to a fine not exceeding \$1,000.

23-405.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 30% OF ALL FINES COLLECTED UNDER THIS SUBTITLE 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) OFFER INCENTIVES TO EXPAND ELECTRIC VEHICLE

1 OWNERSHIP; AND

2 (II) EXPAND ELECTRIC VEHICLE INFRASTRUCTURE.

3 Article – State Government

4 9–20B–05.

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

6 (e) The Fund consists of:

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

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

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

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

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

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

16 (7) money transferred from the Public Service Commission under §
17 7–207.2(c)(3) of the Public Utilities Article;

18 (8) MONEY COLLECTED FROM THE FEE ON MOTOR VEHICLES UNDER
19 § 23–205.1 OF THE TRANSPORTATION ARTICLE; AND

20 (9) MONEY COLLECTED FROM FINES ASSESSED UNDER THE DIESEL
21 VEHICLE EMISSIONS CONTROL PROGRAM UNDER § 23–405 OF THE
22 TRANSPORTATION ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2024.