

requiring the Administration and the Secretary to adopt certain regulations concerning decentralized retesting of certain motor vehicles under certain circumstances and subject to certain conditions; authorizing certain fees for administering and overseeing certain programs; and generally relating to vehicle emissions inspection and repair.

BY repealing and reenacting, with amendments,

Article - Transportation

Section 23-202(c), 23-203, and 23-204

Annotated Code of Maryland

(1992 Replacement Volume and 1996 Supplement)

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

Article - Transportation

23-202.

(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 1995 through 1997 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the exhaust emissions test; and

2. On or after January 1, 1998, has actually incurred the minimum expenditure required by federal law towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test; [and]

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (1)(ii) of this subsection for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; AND

(IV) THE VEHICLE OWNER EXHIBITS EVIDENCE THAT THE EMISSIONS RELATED REPAIRS QUALIFYING FOR A WAIVER UNDER ITEMS (1)(II) AND (III) OF THIS SUBSECTION WERE PERFORMED BY A REPAIR TECHNICIAN AND AT A REPAIR FACILITY BOTH CERTIFIED UNDER ITEM (4) OF THIS SUBSECTION;

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