

Article - Transportation

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.

(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; [and]

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

3. On or after January 1, [2000] 2002, has actually incurred [the minimum expenditure required by federal law] AN EXPENDITURE OF \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(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;