

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually [expended \$75] ~~INCURRED THE MINIMUM EXPENDITURE AS REQUIRED BY FEDERAL LAW UNDER ITEM (1)(II) OF THIS SUBSECTION~~ for the ~~engine tune-up~~ EMISSIONS RELATED REPAIR to the vehicle within 30 days before the initial exhaust emissions test, a retest is not required;

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

(3) [May] ~~UNLESS OTHERWISE PROHIBITED BY FEDERAL LAW,~~ MAY grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair facilities for the purpose of bringing vehicles into compliance with the applicable emission standards;

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

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

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

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

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

23-203.

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed on an annual or biennial basis.

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