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By: **Senators Grosfeld, Britt, Conway, Frosh, Garagiola, Giannetti, Gladden,  
Jones, Lawlah, Pinsky, and Teitelbaum**

Introduced and read first time: February 2, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Clean Cars Act of 2005**

3 FOR the purpose of requiring the Department of the Environment and the Motor  
4 Vehicle Administration to establish by regulation and maintain a certain low  
5 emissions vehicle program applicable to certain vehicles by a certain date;  
6 authorizing a modification concerning the applicability of the program to  
7 vehicles of certain model years under certain circumstances; requiring the  
8 Administration and the Department to establish certain motor vehicle emissions  
9 standards and certain compliance requirements; authorizing the adoption of  
10 certain regulations; prohibiting the adoption of certain regulations; prohibiting  
11 certain requirements regarding the sale or use of certain gasoline; requiring the  
12 Department to work with certain jurisdictions for certain purposes; prohibiting  
13 the Administration from titling or registering certain vehicles under certain  
14 circumstances; prohibiting certain acts related to certain vehicles or vehicle  
15 engines under certain circumstances; providing for the application of certain  
16 enforcement and penalty provisions; defining certain terms; specifying that  
17 certain provisions of federal law apply to a certain extent; providing for the  
18 effective date of this Act; and generally relating to the establishment of a low  
19 emissions vehicle program.

20 BY adding to

21 Article - Environment

22 Section 2-1001 through 2-1006, inclusive, to be under the new subtitle "Subtitle  
23 10. Low Emissions Vehicle Program"

24 Annotated Code of Maryland

25 (1996 Replacement Volume and 2004 Supplement)

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

1 **Article - Environment**

## 2 SUBTITLE 10. LOW EMISSIONS VEHICLE PROGRAM.

3 2-1001.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "ADMINISTRATION" MEANS THE MOTOR VEHICLE ADMINISTRATION.

7 (C) "COMMISSION" MEANS THE OZONE TRANSPORT COMMISSION  
8 ESTABLISHED UNDER THE FEDERAL CLEAN AIR ACT.9 (D) "PROGRAM" MEANS THE LOW EMISSIONS VEHICLE PROGRAM  
10 ESTABLISHED UNDER THIS SUBTITLE.

11 (E) "TRANSFER" INCLUDES ACQUIRE, PURCHASE, SELL, AND LEASE.

12 2-1002.

13 (A) IN CONJUNCTION WITH THE ADMINISTRATION AND AS PROVIDED UNDER  
14 THIS SUBTITLE, THE DEPARTMENT SHALL ESTABLISH BY REGULATION AND  
15 MAINTAIN A LOW EMISSIONS VEHICLE PROGRAM THAT:16 (1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, IS AUTHORIZED BY § 177  
17 OF THE FEDERAL CLEAN AIR ACT; AND18 (2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IS APPLICABLE TO  
19 VEHICLES OF THE 2009 MODEL YEAR AND EACH MODEL YEAR THEREAFTER.20 (B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH NEW  
21 MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS FOR  
22 EACH MODEL YEAR INCLUDED IN THE PROGRAM AS AUTHORIZED BY § 177 OF THE  
23 FEDERAL CLEAN AIR ACT.24 (C) AS PART OF THE COMPLIANCE REQUIREMENTS ESTABLISHED UNDER  
25 THIS SUBTITLE, THE DEPARTMENT MAY ADOPT BY REGULATION MOTOR VEHICLE  
26 EMISSIONS INSPECTION, RECALL, AND WARRANTY REQUIREMENTS.27 (D) THE DEPARTMENT MAY NOT ADOPT REGULATIONS UNDER THIS SUBTITLE  
28 OR ANY OTHER PROVISIONS OF LAW THAT REQUIRE THE SALE OR USE OF ANY TYPE  
29 OF REFORMULATED GASOLINE IN THE STATE OTHER THAN THE FEDERAL  
30 REFORMULATED GASOLINE THAT IS CERTIFIED BY THE U.S. ENVIRONMENTAL  
31 PROTECTION AGENCY UNDER 42 U.S.C. § 7545(K) FOR SALE AND USE IN STATES OTHER  
32 THAN CALIFORNIA.33 (E) NOTWITHSTANDING SUBSECTION (A)(2) OF THIS SECTION, IF, BY JANUARY  
34 1, 2006, THE COMMISSION RECOMMENDS THAT ALL MEMBER JURISDICTIONS ADOPT  
35 A LOW EMISSIONS VEHICLE PROGRAM THAT IS AUTHORIZED BY § 177 OF THE

1 FEDERAL CLEAN AIR ACT, THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED  
2 UNDER THIS SECTION MAY BE MADE APPLICABLE TO VEHICLES BEGINNING WITH:

3 (1) THE 2010 MODEL YEAR; OR

4 (2) THE 2011 MODEL YEAR.

5 2-1003.

6 TO MINIMIZE THE ADMINISTRATIVE IMPACT OF THE PROGRAM AND TO  
7 MINIMIZE THE IMPACT OF MOTOR VEHICLE EMISSIONS GENERATED OUT OF STATE  
8 ON THE AIR QUALITY OF THIS STATE, THE DEPARTMENT:

9 (1) MAY ADOPT CALIFORNIA REGULATIONS, PROCEDURES, AND  
10 CERTIFICATION DATA BY REFERENCE;

11 (2) MAY WORK IN COOPERATION WITH, AND ENTER INTO CONTRACTS  
12 OR AGREEMENTS WITH CALIFORNIA, OTHER STATES, AND THE DISTRICT OF  
13 COLUMBIA TO ADMINISTER CERTIFICATION, IN-USE COMPLIANCE, INSPECTION,  
14 RECALL, AND WARRANTY REQUIREMENTS FOR THE PROGRAM; AND

15 (3) SHALL WORK IN CONJUNCTION WITH OTHER STATES AND THE  
16 DISTRICT OF COLUMBIA TO PROMOTE AND FACILITATE THE REGIONAL ADOPTION OF  
17 LOW EMISSIONS VEHICLE PROGRAMS THAT ARE AUTHORIZED BY § 177 OF THE  
18 FEDERAL CLEAN AIR ACT.

19 2-1004.

20 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
21 ADMINISTRATION MAY NOT TITLE OR REGISTER UNDER TITLE 13 OF THE  
22 TRANSPORTATION ARTICLE A NEW MOTOR VEHICLE THAT IS SUBJECT TO THE  
23 PROVISIONS OF THIS SUBTITLE IF THE MOTOR VEHICLE DOES NOT COMPLY WITH  
24 THE PROVISIONS OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS  
25 SUBTITLE.

26 (B) (1) THE ADMINISTRATION MAY, IN CONSULTATION WITH THE  
27 DEPARTMENT, ADOPT REGULATIONS TO EXEMPT MOTOR VEHICLES FROM THE  
28 PROGRAM.

29 (2) EXEMPTIONS ESTABLISHED UNDER PARAGRAPH (1) OF THIS  
30 SUBSECTION SHALL BE LIMITED TO:

31 (I) MOTOR VEHICLES SOLD FOR REGISTRATION OUT OF THE  
32 STATE;

33 (II) MOTOR VEHICLES SOLD FROM A LICENSED DEALER TO  
34 ANOTHER LICENSED DEALER; AND

35 (III) ANY MOTOR VEHICLES THAT WOULD BE EXEMPTED FROM THE  
36 LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER CALIFORNIA LAW.

1 (3) ANY MOTOR VEHICLE EXEMPTED UNDER PARAGRAPH (1) OF THIS  
2 SUBSECTION SHALL BE EXEMPT FROM PROGRAM REQUIREMENTS FOREVER, AND  
3 THE ADMINISTRATION SHALL NOTE THE EXEMPTION ON THE TITLE OF THE MOTOR  
4 VEHICLE.

5 (C) THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT,  
6 SHALL ADOPT REGULATIONS TO PROHIBIT THE TRANSFER OF NEW MOTOR  
7 VEHICLES OR NEW MOTOR VEHICLE ENGINES THAT ARE NOT IN COMPLIANCE WITH  
8 THE PROVISIONS OF THIS SUBTITLE, IF SUCH REGULATIONS ARE NECESSARY TO  
9 COMPLY WITH § 177 OF THE FEDERAL CLEAN AIR ACT.

10 2-1005.

11 (A) A PERSON MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR  
12 VEHICLE OR MOTOR VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF  
13 THIS SUBTITLE IF THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE PROGRAM.

14 (B) A PERSON MAY NOT PROCURE OR ATTEMPT TO PROCURE THROUGH  
15 FRAUD OR MISREPRESENTATION THE TITLE OR REGISTRATION OF A MOTOR  
16 VEHICLE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF THE VEHICLE  
17 DOES NOT COMPLY WITH THE PROGRAM.

18 2-1006.

19 (A) THE ENFORCEMENT AND PENALTY PROVISIONS OF SUBTITLE 6 OF THIS  
20 TITLE SHALL APPLY TO A VIOLATION OF THIS SUBTITLE.

21 (B) EACH TRANSFER AND EACH ATTEMPTED TRANSFER OF A MOTOR VEHICLE  
22 OR MOTOR VEHICLE ENGINE, SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THAT  
23 DOES NOT COMPLY WITH THE PROGRAM SHALL CONSTITUTE A SEPARATE  
24 VIOLATION OF THE PROVISIONS OF THIS SUBTITLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1,  
26 2006, the Department of the Environment and the Motor Vehicle Administration shall  
27 jointly adopt regulations under Title 2, Subtitle 10 of the Environment Article, as  
28 enacted by Section 1 of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That, to the extent that any  
30 portion of this Act may be construed to be in conflict with federal law, the provisions  
31 of federal law shall prevail.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
33 effect June 1, 2005.