

CHAPTER 112

(House Bill 131)

AN ACT concerning

Maryland Clean Cars Act of 2007

FOR the purpose of requiring the Department of the Environment ~~and the~~, in consultation with the Motor Vehicle Administration, to establish by regulation and maintain a certain low emissions vehicle program applicable to certain vehicles by a certain date; authorizing a modification concerning the applicability of the program to vehicles of certain model years; requiring ~~the Administration and~~ the Department to establish certain motor vehicle emissions standards and certain compliance requirements; prohibiting the Department or any other State Agency from adopting a regulation that requires the sale or use of certain gasoline; authorizing *and requiring* the adoption of certain regulations; authorizing the Department to work with certain jurisdictions for certain purposes; prohibiting the Administration from titling, registering, or transferring the registration of certain vehicles under certain circumstances; exempting a certain zero-emission vehicle from certain emissions testing and inspection requirements; extending the termination of a certain exemption for qualified hybrid vehicles from certain emissions testing and inspection requirements; requiring the Administration and the Secretary to adopt certain regulations; providing that a qualified hybrid vehicle is not required to submit to a certain exhaust emissions test and emissions equipment and misfueling inspection until a certain time after the vehicle was first registered in the State; ~~prohibiting~~ authorizing the Department, in consultation with the Administration, to prohibit certain acts related to certain vehicles or vehicle engines under certain circumstances; providing for the application of certain enforcement and penalty provisions; requiring the Department to submit a certain report to the Administrative, Executive, and Legislative Review Committee on or before a certain date each year; *establishing a Maryland Clean Car and Energy Policy Task Force; specifying the chair, membership, staffing, and duties of the Task Force; requiring the Task Force to make legislative recommendations; requiring the Task Force to provide a certain annual report to the Governor and the General Assembly*; defining certain terms; requiring the Department, in consultation with the Administration, to consult with certain stakeholders, consider the implementation efforts of certain states, and consider the needs of certain individuals in adopting regulations under this Act; specifying that certain provisions of federal law apply to a certain extent;

~~requiring the Department to enter into a certain contract to conduct a certain study; requiring the Department to submit a certain report on or before a certain date; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the establishment of a low emissions vehicle program.~~

BY adding to

Article – Environment

Section 2-1101 through ~~2-1106 2-1107 2-1108~~ to be under the new subtitle
“Subtitle 11. Low Emissions Vehicle Program”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13-110 ~~and 13-406~~, 13-406, and 23-202(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 23-206.3

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Transportation

Section 23-206.4

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 273 of the Acts of the General Assembly of 2003, as amended by

Chapter 370 of the Acts of the General Assembly of 2005

Section 2

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

Article – Environment

SUBTITLE 11. LOW EMISSIONS VEHICLE PROGRAM.

2-1101.

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

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

(C) "PROGRAM" MEANS THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER THIS SUBTITLE.

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

2-1102.

(A) ~~IN CONJUNCTION~~ CONSULTATION WITH THE ADMINISTRATION AND AS PROVIDED UNDER THIS SUBTITLE, THE DEPARTMENT SHALL ESTABLISH BY REGULATION AND MAINTAIN A LOW EMISSIONS VEHICLE PROGRAM THAT:

(1) IS AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT;
AND

(2) IS APPLICABLE TO VEHICLES OF THE 2011 MODEL YEAR AND EACH MODEL YEAR THEREAFTER.

(B) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL ESTABLISH NEW MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS FOR EACH MODEL YEAR INCLUDED IN THE PROGRAM AS AUTHORIZED BY § 177 OF THE FEDERAL CLEAN AIR ACT.

(C) AS PART OF THE COMPLIANCE REQUIREMENTS ESTABLISHED UNDER THIS SUBTITLE, THE DEPARTMENT MAY ADOPT BY REGULATION MOTOR VEHICLE EMISSIONS INSPECTION, RECALL, AND WARRANTY REQUIREMENTS.

(D) THE DEPARTMENT OR ANY OTHER STATE AGENCY MAY NOT ADOPT A REGULATION UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF LAW THAT REQUIRES THE SALE OR USE OF CALIFORNIA REFORMULATED GASOLINE IN THE STATE.

2-1103.

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

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

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

2-1104.

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

(B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT TRANSFER OR ATTEMPT TO TRANSFER A MOTOR VEHICLE OR MOTOR VEHICLE ENGINE THAT IS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE IF THE VEHICLE OR ENGINE DOES NOT COMPLY WITH THE PROGRAM.

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

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

2-1105.

(A) THE DEPARTMENT ~~MAY~~ **SHALL**, IN CONSULTATION WITH THE ADMINISTRATION, ADOPT REGULATIONS TO EXEMPT MOTOR VEHICLES FROM THE PROGRAM.

(B) EXEMPTIONS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE LIMITED TO:

(1) MOTOR VEHICLES SOLD FOR REGISTRATION OUT OF THE STATE;

(2) MOTOR VEHICLES SOLD FROM A LICENSED DEALER TO ANOTHER LICENSED DEALER; AND

(3) MOTOR VEHICLES THAT WOULD BE EXEMPTED FROM THE LOW EMISSIONS VEHICLE PROGRAM ESTABLISHED UNDER CALIFORNIA LAW.

(C) FOR ANY MOTOR ~~VEHICLES~~ VEHICLE EXEMPTED UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION SHALL NOTE THE EXEMPTION ~~OF~~ ON THE TITLE OF THE MOTOR VEHICLE.

2-1106.

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

(B) EACH TRANSFER OR ATTEMPTED TRANSFER OF A MOTOR VEHICLE OR MOTOR VEHICLE ENGINE IN VIOLATION OF § 2-1104(B) OF THIS SUBTITLE SHALL CONSTITUTE A SEPARATE VIOLATION OF THE PROVISIONS OF THIS SUBTITLE.

2-1107.

ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT, TO THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE FOR THE COMMITTEE'S REVIEW, A LIST AND SUMMARY OF ALL CHANGES TO THE CALIFORNIA MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS PROPOSED OR ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD IN THE PRIOR 12 MONTHS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

2-1108.

(A) THERE IS A MARYLAND CLEAN CAR AND ENERGY POLICY TASK FORCE.

(B) THE TASK FORCE SHALL BE COMPOSED OF:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE TO SERVE AS A COCHAIR;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE TO SERVE AS A COCHAIR;

(3) THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES, OR A DESIGNEE OF THE SECRETARY;

(4) THE SECRETARY OF THE DEPARTMENT OF THE ENVIRONMENT, OR A DESIGNEE OF THE SECRETARY;

(5) THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, OR A DESIGNEE OF THE SECRETARY;

(6) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, OR A DESIGNEE OF THE SECRETARY;

(7) A REPRESENTATIVE OF THE MARYLAND ENERGY RESOURCE CENTER; AND

(8) A REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE.

(C) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE BUT IS ENTITLED TO REIMBURSEMENT FOR

EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

(D) THE TASK FORCE SHALL MEET AT THE TIMES AND PLACES THAT THE COCHAIRS DETERMINE.

(E) THE TASK FORCE SHALL:

(1) STUDY:

(I) THE ACTIVITIES OF NEIGHBORING STATES, RELATING TO VEHICLE EMISSION STANDARDS;

(II) REGULATORY ACTIONS BY THE STATE OF CALIFORNIA AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY RELATED TO VEHICLE EMISSION STANDARDS; AND

(III) EMERGING ENERGY TECHNOLOGIES;

(2) REVIEW STATE ENERGY POLICIES AND CONSIDER PROPOSALS AND STRATEGIES TO DEVELOP ALTERNATIVE VEHICLE FUELS AND EFFICIENCY MEASURES THAT WOULD IMPROVE THE STATE'S AIR QUALITY;

(3) MAKE LEGISLATIVE RECOMMENDATIONS; AND

(4) PREPARE A REPORT SUMMARIZING THE FINDINGS AND RECOMMENDATIONS OF THE TASK FORCE.

(F) THE TASK FORCE SHALL SUBMIT THE FINDINGS AND RECOMMENDATIONS OF THE TASK FORCE TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(G) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE STAFF TO THE TASK FORCE.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Transportation

13-110.

The Administration shall refuse to issue a certificate of title of a vehicle if:

- (1) The application contains any false or fraudulent statement;
- (2) The applicant has failed to furnish information or documents required by statute or regulations adopted by the Administration;
- (3) Any required fee has not been paid;
- (4) The applicant is not entitled to a certificate of title under the Maryland Vehicle Law; or
- (5) The Administration has reasonable grounds to believe:
 - (i) That the applicant is not the owner of the vehicle; [or]
 - (ii) That the issuance of a certificate of title to the applicant would be a fraud against another person; **OR**

(iii) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2, SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATION ADOPTED UNDER THAT SUBTITLE.

13-406.

The Administration shall refuse to register or transfer the registration of any vehicle if:

- (1) The application contains any false or fraudulent statement;
- (2) The applicant has failed to furnish information or documents required or requested by the Administration;
- (3) Any required fee has not been paid;
- (4) The applicant is not entitled to registration of the vehicle under the Maryland Vehicle Law;

- (5) The vehicle is mechanically unfit or unsafe to be operated on the highways;
- (6) The registration of the vehicle is suspended or revoked;
- (7) A warrant for a motor vehicle violation under the Maryland Vehicle Law has been issued against the applicant and has not been served on the applicant;
- (8) Subject to § 13-406.1 of this subtitle, the applicant is named in an outstanding arrest warrant;
- (9) The Administration has reasonable grounds to believe:
- (i) That the vehicle is stolen; [or]
 - (ii) That the grant or transfer of registration would be a fraud against another person; **OR**
- (III) THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2, SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATIONS ADOPTED UNDER THAT SUBTITLE; OR**
- (10) The gross vehicle weight is 55,000 pounds or over and the applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

23-206.3.

(a) In this section, “qualified hybrid vehicle” has the meaning stated in § 13-815(a)(6) of this article.

(b) A qualified hybrid vehicle is exempt from the mandatory tests and inspections required by this subtitle if the vehicle obtains a rating from the U.S. Environmental Protection Agency of at least 50 miles per gallon during city fuel economy tests.

(c) The Administration shall adopt regulations necessary to implement the provisions of this section.

23-206.4.

(A) IN THIS SECTION, “ZERO-EMISSION VEHICLE” MEANS ANY VEHICLE THAT:

(1) IS DETERMINED BY THE SECRETARY TO BE OF A TYPE THAT DOES NOT PRODUCE ANY TAILPIPE OR EVAPORATIVE EMISSIONS; AND

(2) HAS NOT BEEN ALTERED FROM THE MANUFACTURER’S ORIGINAL SPECIFICATIONS.

(B) A ZERO-EMISSION VEHICLE IS EXEMPT FROM THE MANDATORY TESTS AND INSPECTIONS REQUIRED BY THIS SUBTITLE.

(C) THE ADMINISTRATION AND THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO:

(1) PROVIDE FOR THE DETERMINATION OF WHICH VEHICLES ARE ZERO-EMISSION VEHICLES; AND

(2) IMPLEMENT THE PROVISIONS OF THIS SECTION.

Chapter 273 of the Acts of 2003, as amended by Chapter 370 of the Acts of 2005

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003. It shall remain effective for a period of [6] 9 years and, at the end of September 30, [2009] 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Transportation

23-202.

(b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE emissions 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" HAS THE MEANING STATED IN § 13-815(A)(6) OF THIS ARTICLE.

(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.

SECTION ~~2~~ ~~3~~ 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2007, the Department of the Environment ~~and~~, in consultation with the Motor Vehicle Administration, shall ~~jointly~~ adopt regulations under Title 2, Subtitle 11 of the Environment Article, as enacted by Section 1 of this Act.

SECTION ~~3~~ ~~4~~ 6. AND BE IT FURTHER ENACTED, That in adopting regulations under Title 2, Subtitle 11 of the Environment Article, as enacted by Section 1 of this Act, the Department of the Environment, in consultation with the Motor Vehicle Administration, shall:

(a) Consult with all stakeholders, including representatives of the State's automotive industry; ~~and~~

(b) Consider the implementation efforts of each state bordering the State that have adopted the California Low Emissions Vehicle Program; and

(c) Consider the needs of individuals with visual impairments.

SECTION ~~3~~ ~~4~~ ~~5~~ 7. AND BE IT FURTHER ENACTED, That, to the extent that any portion of this Act may be construed to be in conflict with federal law, the provisions of federal law shall prevail.

~~SECTION 5. 6. AND BE IT FURTHER ENACTED, That:~~

~~(a) The Department of the Environment shall contract with an academic institution in the State for a study of whether there has been an adverse impact on the State's economy, businesses, and citizens as a result of the implementation of the Low Emissions Vehicle Program established under Title 2, Subtitle 11 of the Environment Article.~~

~~(b) On or before December 1, 2013, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the findings of the study contracted for under this section.~~

SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That Section ~~2~~ 4 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 273 of the Acts of the General Assembly of 2003, as amended by Chapter 370 of the Acts of the General Assembly of 2005 and Section ~~1~~ 3 of this Act. Except as provided in Section ~~1~~ 3 of this Act, this Act may not be interpreted to have any effect on that termination provision.

SECTION ~~4~~ ~~6~~ ~~8~~ 9. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section ~~7~~ 8 of this Act, this Act shall take effect June 1, 2007. *Section 2 of this Act shall remain effective for a period of 3 years and 7 months and, at the end of December 31, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, April 24, 2007.