

# SENATE BILL 103

M3, R7

(71r0176)

## ENROLLED BILL

— Judicial Proceedings / Environmental Matters —

Introduced by **The President (By Request – Administration) and ~~Senator Frosh~~ Senators Frosh, Britt, Brochin, Conway, Garagiola, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Zirkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Clean Cars Act of 2007**

3 FOR the purpose of requiring the Department of the Environment ~~and~~, in consultation  
4 with the Motor Vehicle Administration, to establish by regulation and maintain  
5 a certain low emissions vehicle program applicable to certain vehicles by a  
6 certain date; *authorizing a modification concerning the applicability of the*  
7 *program to vehicles of certain model years; ~~authorizing a modification~~*  
8 ~~concerning the applicability of the program to vehicles of certain model years;~~

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 requiring ~~the Administration and~~ the Department to establish certain motor  
 2 vehicle emissions standards and certain compliance requirements; ~~prohibiting~~  
 3 ~~the Department or any other State agency from adopting a regulation that~~  
 4 ~~requires the sale or use of certain gasoline; authorizing and requiring the~~  
 5 ~~adoption of certain regulations; authorizing the Department to work with~~  
 6 ~~certain jurisdictions for certain purposes; prohibiting the Administration from~~  
 7 ~~titling, registering, or transferring the registration of certain vehicles under~~  
 8 ~~certain circumstances; *exempting a certain zero-emission vehicle from certain*~~  
 9 ~~*emissions testing and inspection requirements; extending the termination of a*~~  
 10 ~~*certain exemption for qualified hybrid vehicles from certain emissions testing*~~  
 11 ~~*and inspection requirements; requiring the Administration and the Secretary to*~~  
 12 ~~*adopt certain regulations; providing that a qualified hybrid vehicle is not*~~  
 13 ~~*required to submit to a certain exhaust emissions test and emissions equipment*~~  
 14 ~~*and misfueling inspection until a certain time after the vehicle was first*~~  
 15 ~~*registered in the State; prohibiting*~~ authorizing the Department, in consultation  
 16 ~~*with the Administration, to prohibit*~~ certain acts related to certain vehicles or  
 17 vehicle engines under certain circumstances; ~~authorizing the Department, in~~  
 18 ~~consultation with the Administration, to adopt regulations to exempt certain~~  
 19 ~~motor vehicles from the program; requiring the Administration to note~~  
 20 ~~exemptions for certain motor vehicles on the title of the motor vehicle; providing~~  
 21 for the application of certain enforcement and penalty provisions; ~~requiring the~~  
 22 ~~Department to submit a certain report to the Administrative, Executive, and~~  
 23 ~~Legislative Review Committee on or before a certain date each year;~~  
 24 ~~establishing a Maryland Clean Car and Energy Policy Task Force; specifying~~  
 25 ~~the chair, membership, staffing, and duties of the Task Force; requiring the~~  
 26 ~~Task Force to make legislative recommendations; requiring the Task Force to~~  
 27 ~~provide a certain annual report to the Governor and the General Assembly;~~  
 28 ~~defining certain terms; *requiring the Department, in consultation with the*~~  
 29 ~~*Administration, to consult with certain stakeholders, consider the*~~  
 30 ~~*implementation of efforts of certain states, and consider the needs of certain*~~  
 31 ~~*individuals in adopting regulations under this Act; specifying that certain*~~  
 32 ~~*provisions of federal law apply to a certain extent; *providing for the effective**~~  
 33 ~~*date of certain provisions of this Act; providing for the termination of certain*~~  
 34 ~~*provisions of this Act; and generally relating to the establishment of a low*~~  
 35 ~~*emissions vehicle program.*~~

36 BY adding to

37 Article – Environment

38 Section 2-1101 through ~~2-1106~~ 2-1108 to be under the new subtitle “Subtitle

39 11. Low Emissions Vehicle Program”

40 Annotated Code of Maryland

41 (1996 Replacement Volume and 2006 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article – Transportation  
 3 Section 13–110 ~~and 13–406~~, *13–406, and 23–202(b)*  
 4 Annotated Code of Maryland  
 5 (2006 Replacement Volume and 2006 Supplement)

6 *BY repealing and reenacting, without amendments,*  
 7 *Article – Transportation*  
 8 *Section 23–206.3*  
 9 *Annotated Code of Maryland*  
 10 *(2006 Replacement Volume and 2006 Supplement)*

11 *BY adding to*  
 12 *Article – Transportation*  
 13 *Section 23–206.4*  
 14 *Annotated Code of Maryland*  
 15 *(2006 Replacement Volume and 2006 Supplement)*

16 *BY repealing and reenacting, with amendments,*  
 17 *Chapter 273 of the Acts of the General Assembly of 2003, as amended by Chapter*  
 18 *370 of the Acts of the General Assembly of 2005*  
 19 *Section 2*

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

22 **Article – Environment**

23 **SUBTITLE 11. LOW EMISSIONS VEHICLE PROGRAM.**

24 **2–1101.**

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

27 (B) “ADMINISTRATION” MEANS THE MOTOR VEHICLE  
 28 ADMINISTRATION.

29 (C) “PROGRAM” MEANS THE LOW EMISSIONS VEHICLE PROGRAM  
 30 ESTABLISHED UNDER THIS SUBTITLE.

31 (D) “TRANSFER” INCLUDES ACQUIRE, PURCHASE, SELL, AND LEASE.

1 **2-1102.**

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

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

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

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

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

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

20 **2-1103.**

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

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

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

1 **2-1104.**

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

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

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

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

21 **2-1105.**

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

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

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

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



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

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

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

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

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

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

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

15           **(C) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION**  
16 **AS A MEMBER OF THE TASK FORCE BUT IS ENTITLED TO REIMBURSEMENT FOR**  
17 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED**  
18 **IN THE STATE BUDGET.**

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

21           **(E) THE TASK FORCE SHALL:**

22           **(1) STUDY:**

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

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

1                   **(III) EMERGING ENERGY TECHNOLOGIES;**

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

5                   **(3) MAKE LEGISLATIVE RECOMMENDATIONS; AND**

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

8                   **(F) THE TASK FORCE SHALL SUBMIT THE FINDINGS AND**  
 9 **RECOMMENDATIONS OF THE TASK FORCE TO THE GOVERNOR AND, SUBJECT TO**  
 10 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON**  
 11 **OR BEFORE DECEMBER 31 OF EACH YEAR.**

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

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

16   **Article - Transportation**

17                   13-110.

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

- 19                   (1) The application contains any false or fraudulent statement;
- 20                   (2) The applicant has failed to furnish information or documents  
 21 required by statute or regulations adopted by the Administration;
- 22                   (3) Any required fee has not been paid;
- 23                   (4) The applicant is not entitled to a certificate of title under the  
 24 Maryland Vehicle Law; or
- 25                   (5) The Administration has reasonable grounds to believe:

- 1 (i) That the applicant is not the owner of the vehicle; [or]
- 2 (ii) That the issuance of a certificate of title to the applicant  
3 would be a fraud against another person; **OR**
- 4 (iii) **THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2,**  
5 **SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATION ADOPTED**  
6 **UNDER THAT SUBTITLE.**
- 7 13–406.
- 8 The Administration shall refuse to register or transfer the registration of any  
9 vehicle if:
- 10 (1) The application contains any false or fraudulent statement;
- 11 (2) The applicant has failed to furnish information or documents  
12 required or requested by the Administration;
- 13 (3) Any required fee has not been paid;
- 14 (4) The applicant is not entitled to registration of the vehicle under the  
15 Maryland Vehicle Law;
- 16 (5) The vehicle is mechanically unfit or unsafe to be operated on the  
17 highways;
- 18 (6) The registration of the vehicle is suspended or revoked;
- 19 (7) A warrant for a motor vehicle violation under the Maryland  
20 Vehicle Law has been issued against the applicant and has not been served on the  
21 applicant;
- 22 (8) Subject to § 13–406.1 of this subtitle, the applicant is named in an  
23 outstanding arrest warrant;
- 24 (9) The Administration has reasonable grounds to believe:
- 25 (i) That the vehicle is stolen; [or]
- 26 (ii) That the grant or transfer of registration would be a fraud  
27 against another person; **OR**

1                   (III) **THAT THE VEHICLE DOES NOT COMPLY WITH TITLE 2,**  
2 **SUBTITLE 11 OF THE ENVIRONMENT ARTICLE OR ANY REGULATIONS ADOPTED**  
3 **UNDER THAT SUBTITLE; OR**

4                   (10) The gross vehicle weight is 55,000 pounds or over and the  
5 applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

6                   23-206.3.

7                   (a) In this section, “qualified hybrid vehicle” has the meaning stated in §  
8 13-815(a)(6) of this article.

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

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

15                   23-206.4.

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

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

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

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

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

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

1                   **(2) IMPLEMENT THE PROVISIONS OF THIS SECTION.**

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

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

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

9   **Article – Transportation**

10                   23–202.

11                   (b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
 12 emissions program shall provide for a biennial exhaust emissions test and emissions  
 13 equipment and misfueling inspection for all vehicles of the 1977 model year and each  
 14 model year thereafter.

15                   (2) The emissions control program may not authorize an exhaust  
 16 emissions test or emissions equipment and misfueling inspection for any vehicle of a  
 17 model year earlier than the 1977 model year.

18                   (3) (I) IN THIS PARAGRAPH, “QUALIFIED HYBRID VEHICLE”  
 19 HAS THE MEANING STATED IN § 13–815(A)(6) OF THIS ARTICLE.

20   (II) A QUALIFIED HYBRID VEHICLE IS NOT REQUIRED TO  
 21 SUBMIT TO A FIRST EXHAUST EMISSIONS TEST AND EMISSIONS EQUIPMENT AND  
 22 MISFUELING INSPECTION UNTIL 3 YEARS AFTER THE DATE ON WHICH THE  
 23 VEHICLE WAS FIRST REGISTERED IN THE STATE.

24                   SECTION ~~2~~ ~~4~~ 5. AND BE IT FURTHER ENACTED, That, on or before  
 25 December 31, 2007, the Department of the Environment ~~and~~, in consultation with the  
 26 Motor Vehicle Administration, shall ~~jointly~~ adopt regulations under Title 2, Subtitle  
 27 11 of the Environment Article, as enacted by Section 1 of this Act.

28                   SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That in adopting  
 29 regulations under Title 2, Subtitle 11 of the Environment Article, as enacted by  
 30 Section 1 of this Act, the Department of the Environment, in consultation with the  
 31 Motor Vehicle Administration, shall:

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

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

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

6           SECTION ~~3~~ ~~6~~ 7. AND BE IT FURTHER ENACTED, That, to the extent that  
7 any portion of this Act may be construed to be in conflict with federal law, the  
8 provisions of federal law shall prevail.

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

15           SECTION ~~4~~ ~~7~~ 9. AND BE IT FURTHER ENACTED, That, subject to the  
16 provisions of Section 8 of this Act, this Act shall take effect June 1, 2007. Section 2 of  
17 this Act shall remain effective for a period of 3 years and 7 months and, at the end of  
18 December 31, 2010, with no further action required by the General Assembly, Section  
19 2 of this Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.