

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION — VEHICLE INSPECTIONS

Chapter 08 Vehicle Emissions Inspection Program

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, and 2-301—2-303; Transportation Article, §§12-104(b), 23-202(a), 23-206.2, 23-206.4, and 23-207; Annotated Code of Maryland

.01 Scope and Applicability.

A. Scope. The Vehicle Emissions Inspection Program requires all subject vehicles to be inspected biennially as scheduled by the [Motor Vehicle] Administration.

B. Applicability.

- (1) Unless exempt under Regulation .04 of this chapter, a vehicle is subject to the provisions of this chapter if it is:
 - (a) [Titled and registered] *Registered* within the emissions inspection area;
 - (b) — (c) (text unchanged)
- (2) (text unchanged)

.02 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

- A. Clean Air Act, 42 U.S.C §7521, §7541, and §7545, [January 3, 2006,] as amended;
- B. 40 CFR §85.1902(d), [July 1, 2005,] as amended;
- C. 40 CFR §85.2207, [July 1, 2007,] as amended;
- D. 40 CFR §85.2222, [July 1, 2007,] as amended;
- E. 40 CFR §85.2231, [July 1, 2007,] as amended; [and]
- F. 40 CFR Part 51, Subpart S, [July 1, 2007,] as amended; *and*
- G. 42 U.S.C. §9902(2), *as amended*.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1) "Administration" means the *Maryland Department of Transportation* Motor Vehicle Administration [of the Maryland Department of Transportation].
- (2) (text unchanged)
- (3) "Audit" means a periodic quality assurance check, performed by the Administration or the Department, on equipment, records, and personnel regulated under this chapter.
- (4) "Auditor" means an employee *or designee* of the Administration or the Department who performs audits.
- (5) "Certificate" means a vehicle inspection report issued *electronically or on paper* by the [contractor, a fleet inspection station, or the] Administration *or a designee of the Administration*, which certifies that:
 - (a) A] *a* vehicle has undergone an emissions inspection]; or
 - (b) Emissions inspection standards have been waived for a vehicle.]
- (6) "Certified emissions repair facility" means a business certified by the Department which:
 - (a) (text unchanged)
 - (b) Meets the requirements of [Regulation .18] *Regulation .19* of this chapter.
- (7) "Contractor" means a business under contract with the State to operate and manage the vehicle emissions inspection [stations] *program*.
- (8) — (14) (text unchanged)
- (15) "Emissions standard" means a requirement that [limits the quantity, quality, rate, or concentration of emissions from a vehicle] *relates to the operation or maintenance of a motor vehicle to ensure continuous emissions reduction*.
- (16) (text unchanged)
- (17) "Fleet inspection station" means an establishment licensed by the Department to perform certain emissions inspections [and that is either:
 - (a) An establishment that owns or operates at least 25 vehicles subject to this chapter; or
 - (b) A dealer with annual sales of at least 25 vehicles subject to this chapter.
- (18) "Gross vehicle weight rating (GVWR)" means the total vehicle weight, including load, as designated by the vehicle manufacturer.
- (19) "Highway" has the meaning stated in Transportation Article, §11-127, Annotated Code of Maryland].
- [(20)] (18) — [(21)] (19) (text unchanged)

[(22)] (20) "Inspector" means [an employee of the contractor who performs emissions inspections at a vehicle emissions inspection station, or a master certified emissions technician who performs emissions inspections at a fleet inspection station] *a person authorized to perform official vehicle emissions inspections under this chapter.*

[(23)] (21) "Master certified emissions technician" means an individual who meets the provisions of [Regulation .17] *Regulation .18* of this chapter.

[(24)] (22) — [(26)] (24) (text unchanged)

[(25)] (25) "Motorist assistance center" means *a resource center operated by the contractor that provides technical emissions-related repair guidance to motorists and vehicle repair technicians.*

[(27)] (26) — [(28)] (27) (text unchanged)

[(29)] "Period of permitted operation" means the period beginning with the Wednesday on or before an initial inspection failure and ending 17 weeks after the Wednesday on or before the initial inspection failure.

[(30)] "Qualified hybrid vehicle" has the meaning stated in Transportation Article, §23-202(b)(3)(i), Annotated Code of Maryland.]

[(31)] (28) "Recognized repair technician" means a person who:

(a) Performs vehicle repairs as a profession, or is certified as a *master* certified emissions technician under this chapter; and

(b) (text unchanged)

[(32)] "Referee inspection" means an emissions inspection conducted by the Administration or the Department for the purpose of resolving disputes or gathering data.]

[(33)] (29) (text unchanged)

[(34)] "Remote sensing equipment" means equipment capable of measuring vehicle exhaust emissions as the vehicle is driven past the equipment.

[(35)] "Sample dilution" means an inspection result where an exhaust sample contains less than 6 percent carbon monoxide plus carbon dioxide, preventing a valid idle exhaust emissions test, as described in 40 CFR Part 51, Subpart S.]

[(36)] (30) (text unchanged)

[(37)] (31) "Vehicle emissions inspection station" means a facility [operated by the contractor and] approved by the Administration to conduct emissions inspections pursuant to this chapter.

[(38)] "Vehicle emissions inspection program customer service representative" means an employee of the Administration or the contractor who is assigned to a vehicle emissions inspection station and who is responsible for processing waiver applications, issuing waivers, and resolving technical issues and differences.]

[(39)] (32) "Waiver [certificate]" means a [certificate which indicates] *determination made by the Administration or a designee of the Administration* that [a vehicle has met] the [waiver] provisions set forth in [Regulation .06] *Regulation .07* of this chapter *have been met.*

[(40)] (33) (text unchanged)

.04 Exemptions.

A. (text unchanged)

B. Exempt vehicles include the following vehicles:

(1) [Before October 1, 2012, a qualified hybrid vehicle;]

[(2)] A zero-emission vehicle;

[(3)] (2) A fire or rescue apparatus or ambulance, owned or leased by a state or local government, by a rescue squad, or by a volunteer fire or ambulance company, registered as an emergency vehicle as defined in Transportation Article, §11-118, Annotated Code of Maryland;

[(4)] A motorcycle registered] (3) *A vehicle registered* as a Class D motorcycle;

[(5)] (4) [Registered] *A vehicle registered* as a Class E truck with a registered gross vehicle weight greater than 26,000 pounds;

[(6)] (5) [Registered] *A vehicle registered* as a Class E farm truck;

[(7)] (6) [Registered] *A vehicle registered* as a Class F truck tractor;

[(8)] (7) [Registered] *A vehicle registered* as a Class F farm truck tractor;

[(9)] (8) [Registered] *A vehicle registered* as a Class H school vehicle;

[(10)] (9) [Registered] *A vehicle registered* as a Class K farm area vehicle;

[(11)] (10) [Registered] *A vehicle registered* as a Class L historic vehicle;

[(12)] (11) [Registered] *A vehicle registered* as a Class N street rod vehicle;

[(13)] (12) [Registered] *A vehicle registered* as a Class P passenger bus;

[(14)] Not self-propelled] (13) *A vehicle registered as a Class R low speed vehicle;*

[(15)] (14) [Powered] *A vehicle powered* solely by electricity or diesel fuel;

[(16)] Of a model year earlier than 1977];

[(17)] (15) [Of] *A vehicle with* a gross vehicle weight of 8,500 pounds or less and [a] *of* model year earlier than 1996; or

[(18)] (16) (text unchanged)

.05 Schedule of the Program.

A. (text unchanged).

B. Schedule for Vehicle Inspection.

(1) The Administration shall assign each vehicle required to be inspected a date of scheduled inspection for each inspection cycle, and shall send a notice to the vehicle owner [approximately 8 weeks] before the assigned date.

(2) A vehicle owner shall present the vehicle for a scheduled inspection after receipt of notification, but not later than the date of scheduled inspection. [Presenting the vehicle for inspection at any other time does not alter the date of a future scheduled inspection.]

(3) Unscheduled Inspection.

[(a) A used vehicle owned by a dealer for which a date of scheduled inspection has not been established by the Administration may be inspected without notification, and the date the vehicle is initially inspected becomes the date of scheduled inspection.]

[(b)] (a) — [(c)] (b) (text unchanged)

[(d)] (c) The Administration shall have sole discretion in granting a request under [§B(3)(c)] §B(3)(b) of this regulation.

[(e)] (d) (text unchanged)

(4) New Vehicles.

[(a) Qualified Hybrid Vehicles. On or after October 1, 2012, for a qualified hybrid vehicle of the current or preceding model year that has not been previously titled or registered in any jurisdiction and for which the ownership document is a manufacturer's certificate of origin, the Administration shall assign a date of scheduled inspection which is at least 36 months after the model year of the vehicle.

(b) Except as required in §B(4)(a) of this regulation, for] *For* a vehicle [of the current or preceding model year] that has not been previously titled or registered in any jurisdiction and for which the ownership document is a manufacturer's certificate of origin, the Administration shall assign a date of scheduled inspection which is at least [36 months] *72 months* after the model year of the vehicle.

(5) — (7) (text unchanged)

[(8) Vehicles Owned or Leased by the Federal Government. A department, agency, or instrumentality of the federal government with jurisdiction over any property or facility within the emissions inspection area shall provide to the Administration, in a format approved by the Administration:

(a) A list of all vehicles at each property or facility which are required to be inspected under this chapter;

(b) Information on any additions or deletions to the list by the end of the calendar quarter in which the additions or deletions occurred; and

(c) An updated list biennially.

C. On-Highway Emissions Test.

(1) The owner of a vehicle which fails to meet on-highway emissions test standards, as specified in Regulation .09F of this chapter, upon two occasions in a 2-year period, shall present the vehicle for an out-of-cycle inspection at a vehicle emissions inspection station as scheduled by the Administration, unless the vehicle:

(a) Is scheduled for inspection under §§A and B of this regulation within 6 months from the date of the second on-highway emissions test failure;

(b) Has failed an inspection and is operating during the period of permitted operation; or

(c) Has been issued a waiver certificate for the assigned inspection cycle.

(2) An out-of-cycle inspection required under §C(1) of this regulation does not alter the schedule for vehicle inspection specified in §§A and B of this regulation.]

[D.] C. (text unchanged)

[E.] D. Reinspection.

(1) The owner of a vehicle which has failed an inspection shall present the vehicle for reinspection on or before the [end of the period of permitted operation] *date of scheduled inspection or, if applicable, the extension expiration date* and after emissions-related repairs have been performed on the vehicle.

(2) The vehicle owner shall provide documentation, in a form prescribed by the Administration, indicating all of the following information for the vehicle:

(a) The *emissions-related* repairs which were performed;

(b) By whom the *emissions-related* repairs were performed; and

(c) (text unchanged)

(3) A vehicle presented for reinspection without the documentation required in [§E(2)] §D(2) of this regulation shall be rejected from reinspection.

[F.] E. (text unchanged)

.06 Certificates.

A. General Requirements.

[(1)] During each inspection cycle, a vehicle inspected under this chapter shall be issued a certificate that indicates the inspection status of the vehicle [for the inspection cycle] *in a manner prescribed by the Administration.*

[(2) Except for a waiver certificate, which may only be issued by the contractor or the Administration, a certificate may be issued by the contractor, a fleet inspection station, or the Administration.

(3) For a vehicle inspected at a vehicle emissions inspection station, the Contractor shall issue a certificate which contains the following information:

(a) The inspection station number, test lane number, and inspector identification number;

- (b) The date of inspection;
 - (c) The inspection start time and end time;
 - (d) The vehicle identification number (VIN);
 - (e) The license plate number, if applicable;
 - (f) The gross vehicle weight rating, for a vehicle other than a passenger vehicle;
 - (g) The vehicle model year and vehicle make;
 - (h) The odometer reading;
 - (i) The category of inspection performed (initial inspection, first reinspection, or subsequent reinspection);
 - (j) The fuel type of the vehicle;
 - (k) The overall pass/fail status for the inspection;
 - (l) The idle exhaust emissions test pass/fail status for hydrocarbons, carbon monoxide, and sample dilution, if applicable;
 - (m) The exhaust emissions measurements and the applicable standards for hydrocarbons and carbon monoxide, if applicable;
 - (n) The pass/fail status for the catalytic converter check, if applicable;
 - (o) The pass/fail status for the gas cap leak test, if applicable;
 - (p) The pass/fail status for the on-board diagnostics test and stored on-board diagnostics fault codes, if applicable;
 - (q) The valid through date; and
 - (r) Other information the Administration or the Department may specify.
- (4) For a vehicle inspected at a fleet inspection station, the fleet inspection station shall issue a certificate in a form and content established by the Administration and the Department.
- (5) A vehicle owner shall ensure that the most recent certificate is carried at all times in the vehicle for which it was issued.]

B. Pass Certificate. If a vehicle [inspected at a vehicle emissions inspection station] meets all applicable standards [specified in Regulation .09 of this chapter] during an inspection, the vehicle is considered to be in compliance for the assigned inspection cycle, and [the contractor] shall [issue] *be issued* a pass certificate which includes a statement certifying that the inspection was performed in accordance with the provisions of this chapter.

C. Fail Certificate.

[(1)] If a vehicle [inspected at a vehicle emissions inspection station] does not meet all applicable standards [specified in Regulation .09 of this chapter] during an inspection, the vehicle is considered not to be in compliance and [the contractor] shall [issue] *be issued* a fail certificate which includes the following information:

[(a) — (b)] (1) — (2) (text unchanged)

[(2)] A vehicle issued a fail certificate may be operated through the period of permitted operation.

(3) A person may not operate a vehicle after the end of the period of permitted operation unless a pass certificate or a waiver certificate has been issued for the vehicle or the vehicle owner has been granted a time extension.

D. Waiver Certificate.

(1) The owner of a vehicle for which a fail certificate has been issued may apply to the Administration for a waiver from inspection standards for the assigned inspection cycle if all of the following requirements are met:

(a) All applicable warranty coverage has been used, or the vehicle manufacturer or a dealer has issued written denial of the warranty coverage provided for vehicles by the Clean Air Act, 42 U.S.C. §7541;

(b) The vehicle has received emissions-related repairs appropriate to the cause of inspection failure, and the repairs have been performed by a recognized repair technician;

(c) Emissions control devices have not been tampered with or removed, and the vehicle has not been misfueled; and

(d) The owner satisfies the requirements of State law, except for provisions which are superseded by federal law.

(2) The vehicle owner shall submit proof of expenditures for repairs with the waiver application in a form and content acceptable to the Administration. Repair costs, including parts and labor, are limited to only those repairs necessary to bring the vehicle into compliance with applicable emissions standards, and do not include costs:

(a) Determined to be necessary to correct tampering with or the removal of an emissions control device, or to repair damage resulting from misfueling; or

(b) Associated with the repair or replacement of the exhaust system or any of its components.

(3) The Administration or the contractor shall evaluate each waiver application, examine the vehicle for verification of repairs and the presence of required emissions control devices, and may issue a waiver certificate if the owner has acted in good faith to bring the vehicles into compliance with the provisions of this chapter.

(4) The Administration may grant a time extension to a waiver applicant so that additional repairs may be obtained, or to adequately evaluate and verify the contents of the waiver application.

(5) A waiver certificate is valid until the next date of scheduled inspection.

(6) Senior Citizens.

(a) A waiver certificate may be granted to a vehicle owner who is 70 years old or older at the time of the scheduled inspection for a vehicle that is driven 5,000 miles or less per year.

(b) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the age requirement.

(c) All information provided by the vehicle owner is subject to verification by the Administration.

(7) Disabled Persons.

(a) A waiver certificate may be granted to the owner of a vehicle for which special registration plates have been issued under Transportation Article, §13-616, Annotated Code of Maryland, and which is driven 5,000 miles or less per year.

(b) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the disability requirements.

(c) All information provided by the vehicle owner is subject to verification by the Administration.]

.07 Waivers.

A. *General requirements.* A waiver is valid until the next date of scheduled inspection.

B. *Repair Waiver.*

(1) The owner of a vehicle for which a fail certificate has been issued may apply to the Administration for a waiver from inspection standards for the assigned inspection cycle if all of the following requirements are met:

(a) All applicable warranty coverage has been used, or the vehicle manufacturer or a dealer has issued written denial of the warranty coverage provided for vehicles by the Clean Air Act, 42 U.S.C. §7541;

(b) The vehicle has received emissions-related repairs appropriate to the cause of inspection failure, and the repairs have been performed by a recognized repair technician;

(c) Emissions control devices have not been tampered with or removed, and the vehicle has not been misfueled; and

(d) The owner satisfies the requirements of State law, except for provisions which are superseded by federal law.

(2) The vehicle owner shall submit proof of expenditures for repairs with the waiver application in a form and content acceptable to the Administration. Repair costs, including parts and labor, are limited to only those repairs necessary to bring the vehicle into compliance with applicable emissions standards, and do not include costs:

(a) Determined to be necessary to correct tampering with or the removal of an emissions control device, or to repair damage resulting from misfueling; or

(b) Associated with the repair or replacement of the exhaust system or any of its components.

(3) The Administration or the contractor shall evaluate each waiver application, examine the vehicle for verification of repairs and the presence of required emissions control devices, and may issue a waiver if the provisions of this chapter are met.

(4) The Administration or the contractor may require approval by the motorist assistance center prior to issuing a waiver.

(5) The Administration may grant a time extension to a waiver applicant so that additional repairs may be obtained, or to adequately evaluate and verify the contents of the waiver application.

C. *Senior Citizens.*

(1) A waiver may be granted to a vehicle owner who is 70 years of age or older at the time of the scheduled inspection for a vehicle that is driven 5,000 miles or less per year.

(2) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the age requirement.

(3) All information provided by the vehicle owner is subject to verification by the Administration.

D. *Disabled Persons.*

(1) A waiver may be granted to the owner of a vehicle for which special registration plates have been issued under Transportation Article, §13-616, Annotated Code of Maryland, and which is driven 5,000 miles or less per year.

(2) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the disability requirements.

(3) All information provided by the vehicle owner is subject to verification by the Administration.

E. *Deployed Military Personnel.*

(1) A waiver may be granted to a vehicle owner who is an active duty member of the armed services of the United States if the following requirements are met:

(a) The vehicle owner has received military orders:

(i) For deployment outside the United States; or

(ii) To a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program.

(b) All owners listed on the vehicle title have certified that at least one owner of the vehicle has met the criteria of §E(1)(a) of this regulation.

(2) All information provided by the vehicle owner is subject to verification by the Administration.

[.07] .08 Extensions.

A. The Administration may grant a time extension for a vehicle owner to comply with the requirements of this chapter. An extension may be granted only if the Administration determines that the vehicle owner has made [good faith] efforts to have the vehicle inspected or repaired and circumstances have developed which are beyond the reasonable control of the vehicle owner. An extension shall be of the shortest duration possible, as determined by the Administration.

B. (text unchanged)

C. *Economic Hardship.* The Administration may grant a time extension, not to exceed the period of the inspection cycle, to a motorist to obtain needed repairs on a vehicle in the case of economic hardship. *The vehicle owner shall submit documentation, subject to verification by the Administration, that all vehicle owners listed on the vehicle title meet the Federal Poverty Level Guidelines as updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. §9902(2).*

[.08] .09 Enforcement.

A. (text unchanged)

B. If the vehicle is not issued a pass certificate, a waiver [certificate], or an extension on or before the date of scheduled inspection or, if applicable, the [end of the period of permitted operation] *extension expiration date*, a notice of suspension of registration shall be forwarded to the vehicle owner of record by the Administration. The notice shall:

(1) — (2) (text unchanged)

C. Suspension.

(1) — (2) (text unchanged)

(3) If the vehicle registration is suspended and a pass certificate, a waiver [certificate], or an extension has not been issued, the vehicle registration remains suspended and subsequent renewal of registration shall be denied until the vehicle is in compliance with the requirements of this chapter.

[.09] .10 Test Standards.

A. — C. (text unchanged)

[D. On-Highway Emissions Test. On-highway emissions test standards shall be specified by the Administration and the Department.]

[.10] .11 General Requirements for Inspection and Preparation for Inspection.

A. Emissions Related Recall. An inspector shall reject from inspection a vehicle which has not had repairs performed as required by an emissions-related recall notice, as specified in [Regulation .05D] *Regulation .05C* of this chapter.

B. (text unchanged)

[.11] .12 Test Equipment and Test Procedures.

A. — D. (text unchanged)

[.12] .13 Failed Vehicle and Reinspection Procedures.

A. Failed Vehicle. The [inspector] *contractor* shall [refer] *provide information as to the reason for the vehicle failure to the operator of a failed vehicle [to the vehicle emissions inspection program customer service representative for further information].*

B. *The contractor or the Administration may refer the vehicle operator to the motorist assistance center.*

[B.] C. Reinspection.

(1) The inspector shall reject from reinspection a vehicle:

- (a) For which the documentation required in [Regulation .05E(2)] *Regulation .05D(2)* of this chapter is not provided; or
- (b) (text unchanged)

(2) The inspector shall collect the documentation required in [Regulation .05E(2)] *Regulation .05D(2)* of this chapter from the operator of each vehicle which is reinspected.

(3) For reinspection, the inspector shall perform the same inspection procedures as the initial inspection and apply the same inspection [standards, including the idle exhaust emissions test, catalytic converter check, and gas cap leak test, or the on-board diagnostics test, as applicable, regardless of the reason for initial failure].

[.13] .14 Quality Assurance and Maintenance.

A. The Contractor shall develop, maintain, and modify as required by the Administration and the Department a comprehensive quality assurance and maintenance plan for vehicle emissions inspection stations [and fleet inspection stations] complying with the provisions of this chapter, and shall implement the quality assurance plan after approval of the plan by the Administration and the Department.

B. — E. (text unchanged)

[F. Blind Sample Program Participation. The contractor shall participate in a nationally recognized blind gas sample program which has been approved by the Department, and shall:

- (1) Analyze four samples each year;
- (2) Analyze a sample once each year in each test lane; and
- (3) Ensure that the blind sample vendor makes the results directly available to the Department.]

[G.] F. (text unchanged)

[.14] .15 Vehicle Emissions Inspection Station.

A. General Requirements.

(1) [The contractor shall operate each vehicle emissions inspection station with contractor personnel, with overall supervision by the Administration and the Department.

(2) The contractor shall make available to the Administration or the Department, as required, vehicle emissions inspection station equipment and personnel to perform quality assurance checks[,] *and program evaluation functions*], and referee inspections].

[(3)] (2) (text unchanged)

[(4) The contractor, or a person employed by the contractor for inspection station operation, may not:

- (a) Engage in, or have an interest in, the operation of automotive repair facilities located within the State;
- (b) Perform emissions-related repairs for compensation;
- (c) Recommend specific repairs or repair facilities to owners or operators of vehicles being inspected; or
- (d) Promote the sale of vehicle diagnostic or repair equipment through the vehicle emissions inspection program.]

B. Fees.

(1) The [contractor shall collect the] fee established in COMAR 11.11.05 [from the vehicle owner for] *shall be paid during or before* an initial inspection or a second or subsequent reinspection.

(2) The [contractor shall collect the] late fee established in COMAR 11.11.05 [from a vehicle owner for] *shall be paid during or before* an initial inspection *or reinspection* [which is] performed after the date of scheduled inspection, or *if applicable*, [for a reinspection which is performed] after the [period of permitted operation] *extension expiration date*.

(3) The [contractor shall collect the] fee established in COMAR 11.11.05 [from the vehicle owner for] *shall be paid during or before* an inspection performed but not required under this chapter.

(4) (text unchanged)

[(5) If a certificate is lost or damaged, a vehicle owner may obtain certification from the Administration as to whether the vehicle is in compliance with emissions inspection requirements. The vehicle owner shall pay the fee established in COMAR 11.11.05.]

[.15] .16 Inspector Training and Performance Review.

A. — B. (text unchanged)

[.16] .17 Vehicle Data for Vehicle Repair Assistance.

A. — B. (text unchanged)

C. The contractor shall include [the] information specified [in Regulation .06A(3) of this chapter] *by the Administration and the Department* in the report.

[.17] .18 Master Certified Emissions Technician.

A. Initial Application and Certification.

(1) To qualify for certification, an individual shall:

(a) (text unchanged)

(b) Demonstrate 5 years of full-time employment experience as an automotive technician performing emissions-related repairs on on-road vehicles [not powered by diesel fuel or electricity], except that an individual with 2 full years of full-time education related to the repair of on-road vehicles [not powered by diesel fuel or electricity] need only demonstrate 4 years of the required employment; and

(c) (text unchanged)

(2) An individual qualifying for certification may submit an application to the Department. Upon approval of the application, the Department shall provide documentation of certification. Certification is valid through the earliest of the following dates:

[(a) 3 years from the date the certification is issued;]

[(b)] (a) — [(d)] (c) (text unchanged)

B. —D. (text unchanged)

[.18] .19 Certified Emissions Repair Facility.

A. Initial Application and Certification.

[(1)] (text unchanged)

[(a)] (1) — [(b)] (2) (text unchanged)

[(c)] (3) Possess all required equipment as listed in [§D] §C of this regulation;

[(d)] (4) Pass an audit as defined in [§G] §F of this regulation; and

[(e)] (5) Employ all required personnel as listed in [§E] §D of this regulation.

[(2) Certification under this section is valid for 3 years.]

[B. Certification Renewal.

(1) At least 60 days before expiration of certification, a person may apply for certification renewal. Upon approval of the completed application, the Department may extend the certification for an additional 3-year period.

(2) A certification which expires before receipt of the application by the Department may not be renewed. If a certification expires, a person may reapply according to the procedures of §A of this regulation.]

[C.] B. Suspension, Revocation, and Denial of [Renewal of] Certification.

(1) The Department may suspend, revoke, or deny [renewal of] a certification under any of the following conditions:

(a) — (b) (text unchanged)

(c) An audit under [§G] §F of this regulation is failed; or

(d) (text unchanged)

(2) — (4) (text unchanged)

[D.] C. Equipment and Tool Requirements.

[(1) An on-board diagnostics] A certified emissions repair facility shall possess and update as required [all of the following] *diagnostic equipment and tools as specified by the Department, including but not limited to:*

(a) — (g) (text unchanged)

[(2) In addition to the equipment specified in §D(1) of this regulation, an on-board diagnostics and idle test certified emissions repair facility shall possess an exhaust emissions analyzer approved by the Department.

(3) The list of approved exhaust emissions analyzers shall be available from the Department upon request.]

[E.] D. Personnel Requirements.

- (1) (text unchanged)
- (2) A certified emissions repair facility shall employ at least one full-time master certified emissions technician at each certified emissions repair facility location and ensure that a master certified emissions technician:
 - (a) (text unchanged)
 - (b) [Fills out completely the vehicle repair form] *Provides documentation, in a form prescribed by the Administration and the Department, on the vehicle repairs performed* and certifies [by signature on the vehicle repair form] that the repairs have been performed or supervised by a *master* certified emissions technician.

[F.] E. (text unchanged)

[G.] F. Audits.

- (1) (text unchanged)
- (2) An audit shall include:
 - (a) (text unchanged)
 - (b) Checks of record-keeping, equipment, [calibration gas,] and compliance with personnel requirements.
- (3) Audit failure is cause for suspension, revocation, or denial of [renewal of] facility certification.
- [(4) Uncooperative or abusive behavior by an employee, representative, or individual at a certified emissions repair facility is cause for audit failure.
- (5) A certified emissions repair facility may not use any piece of equipment which fails an audit until a subsequent audit is passed.
- (6) A certified emissions technician shall be present for the audit. An audit is failed if a certified emissions technician who is present at the facility fails to begin the audit within 30 minutes of the arrival of an auditor.
- (7) The certified emissions repair facility shall allow further monitoring at the discretion of the Department to ensure quality control or to determine compliance with this chapter.]

[H.] G. Record Keeping.

- (1) A certified emissions repair facility shall maintain the following records, separately and in chronological order, for a period of 3 years, at the facility or at an alternative location approved by the Department:
 - (a) Records of quality assurance procedures in compliance with the provisions of this chapter; *and*
 - (b) [Records of audits conducted by the Department; and
 - (c)] Vehicle repair records.
- (2) (text unchanged)

[.19 On-Highway Emissions Test.

A. General Requirements.

- (1) For on-highway emissions tests, the Contractor shall measure vehicle exhaust emissions of hydrocarbons, carbon dioxide, carbon monoxide, and oxides of nitrogen emissions.
- (2) The contractor shall conduct testing in each jurisdiction in the inspection area at least once each year, or as directed by the Administration and the Department, and shall test at least 0.5 percent of the affected vehicles in each jurisdiction.
- (3) The contractor shall submit the schedule of the test date, time, and location to the Administration and the Department not less than 5 days and not more than 15 days in advance of the test date.

B. Test Procedure. The contractor shall follow the test procedures specified by the equipment manufacturer, the Administration, and the Department.

C. Test Equipment. The contractor shall use remote sensing equipment which has been approved by the U.S. Environmental Protection Agency, the Administration, and the Department.

D. Quality Assurance and Maintenance. The contractor shall submit a quality assurance and maintenance plan for on-highway emissions testing equipment and procedures to the Administration and the Department for approval. The plan shall include test assurance procedures, periodic quality assurance checks, and, at a minimum, the maintenance procedures specified by the equipment manufacturer.

E. Data Collection and Reporting.

- (1) The contractor shall submit a data collection and reporting plan for on-highway emissions testing to the Administration and the Department for approval. At a minimum, the contractor shall collect the following data:
 - (a) Vehicle exhaust emissions measurements specified in §A(1) of this regulation;
 - (b) The date, time, and location of the test; and
 - (c) The license plate number of the test vehicle.
- (2) Within the time frame approved by the Administration and the Department in the data collection and reporting plan, the Contractor shall report the test data specified in §E(1) of this regulation to the Administration and the Department in a format approved by the Administration and the Department.
- (3) Within 15 days after the end of the calendar year, the contractor shall submit a report of all on-highway emissions tests for the calendar year to the Administration and the Department, including, by jurisdiction, the number of vehicles tested and the dates, times, and locations of the tests.]

.20 Fleet Inspection Station.

A. Initial Application and Licensure.

- (1) — (2) (text unchanged)

- (3) To qualify for licensure, an establishment shall comply with the following requirements:
- (a) (text unchanged)
 - (b) Possess [the following] *and update as required* diagnostic equipment and tools *as specified by the Department, including but not limited to:*
 - (i) — (vi) (text unchanged)
 - (c) — (f) (text unchanged)
- B. (text unchanged)
- C. Audits.
- (1) — (2) (text unchanged).
 - (3) The Department may:
 - (a) Monitor the emissions inspections conducted by a fleet inspection station; [and]
 - (b) Require re-inspection of a vehicle as a quality control or compliance measure; *and*
 - (c) *Evaluate the ability of a master certified emissions technician to correctly perform an inspection.*
- D. (text unchanged)
- E. Inspection Fees.
- (1) A fleet inspection station shall pay to the contractor the fee established in [COMAR 11.11.05] *COMAR. 11.11.05.06* for each official test conducted by the fleet inspection station.
 - (2) A fleet inspection station shall pay to the contractor the fee specified in [Regulation .14B] *Regulation .15* of this chapter for an inspection or a reinspection conducted at a vehicle emissions inspection station.
 - (3) (text unchanged)
- F. Test Equipment and Test Procedures. A fleet inspection station shall:
- (1) Own or lease test equipment provided by the contractor that meets the requirements of [Regulation .11] *Regulation .12* of this chapter;
 - (2) — (5) (text unchanged)
- G. (text unchanged)

HORACIO A. TABLADA

Secretary

Maryland Department of the Environment

CHRISTINE NIZER

Administrator

Motor Vehicle Administration