

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 09

### DEPARTMENT OF LABOR, LICENSING, AND REGULATION

#### Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

#### 09.03.12 Foreclosure Procedures for Residential Property

##### Notice of Change to Opportunity for Public Comment [17-197-P]

The Opportunity for Public Comment which appeared in 44:17 Md. R. 840 (August 18, 2017) has been changed. The corrected notice follows.

##### Opportunity for Public Comment

Comments may be sent to Jedd Bellman, Assistant Commissioner, Commissioner of Financial Regulation, 500 North Calvert Street, Suite 402, or call 410-230-6390, or email to jedd.bellman@maryland.gov, or fax to 410-333-0475. Comments will be accepted through October 1, 2017. A public hearing has not been scheduled.

**NOTE: Appendix H-6, referenced in COMAR 09.03.12.08E, was inadvertently omitted from the above-referenced Notice of Proposed Action. The Appendix appears at the end of the Proposed Action on Regulations section of this issue of the Maryland Register.**

ANTONIO P. SALAZAR  
Commissioner of Financial Regulation

## Title 11

### DEPARTMENT OF TRANSPORTATION

#### Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

#### 11.14.08 Vehicle Emissions Inspection Program

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

##### Notice of Proposed Action [17-234-P]

The Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly propose to amend Regulations .01, .03—05, and .09 under **COMAR 11.14.08 Vehicle Emissions Inspection Program**. This action will be considered on October 3, 2017, at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

##### Statement of Purpose

The purpose of this action is to modernize and enhance the Vehicle Emissions Inspection Program (VEIP) to improve motorist convenience while minimizing the impact on air quality. This action delays the initial VEIP inspection date for new vehicles and exempts pre-on board diagnostics (OBD) light duty vehicles from inspection. These enhancements improve customer service, and allow Marylanders to benefit from recent air quality progress in the State. In addition, this action corrects an obsolete statutory reference and a typographical error.

Submission to EPA as a Revision to Maryland's SIP

This action will be submitted to the U.S. Environmental Protection Agency as a State Implementation Plan Revision.

Regulation Amendments

The amendments delay the initial VEIP inspection for new vehicles by one year. Currently, new (not previously titled) vehicles undergo an inspection at two years of age. The amendments change the initial inspection date to at least 36 months after the vehicle's model year.

The amendments also exempt pre-1996 model year light duty vehicles (cars and light trucks) from VEIP inspection. The OBD test is conducted on 1996 and newer light duty vehicles and 2008 and newer medium-heavy duty vehicles. The idle test and gas cap leak test will continue to be conducted on older and heavier vehicles.

Background

VEIP has been a cornerstone air quality program in Maryland for three decades. Several key programs and advancements in technology have resulted in cleaner air in Maryland since VEIP began in 1984. These recent improvements in air quality allow Maryland to move forward with the current customer service enhancements to the VEIP.

There have been several advancements in vehicle technology since the VEIP program started. New vehicle emissions standards have grown more stringent and VEIP testing methods have also grown more advanced. Today's computerized OBD testing is much more thorough, while less complicated to perform than older test types.

Additionally, other key programs in Maryland have resulted in improvements in air quality. Maryland has implemented aggressive pollution controls on Maryland power plants, cars and trucks, and many other sources. There are also other emerging opportunities to further clean the air with electric vehicles and other technological advances on emissions controls for many other mobile sources.

Sources Affected and Location

Approximately 1.6 million vehicles are inspected in the VEIP annually. In 2018, it is expected that 208,571 new vehicles will be affected by the one year delay of the initial inspection, and a similar number in future years. An estimated 23,988 vehicles will be affected by the exemption of pre-1996 light duty vehicles. These vehicles are now over 20 years old and retiring from the vehicle population at a rapid rate.

Emissions

The air quality impact from delaying the initial inspection for new vehicles by one year is expected to be negligible. The exemption of pre-1996 light duty vehicles will result in an increase of less than 1 ton per day of volatile organic compounds, an effect that will quickly decrease to negligible over future years.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

**I. Summary of Economic Impact.** This proposed action would delay the initial VEIP inspection of new vehicles by one year and exempt passenger vehicles and light duty trucks manufactured prior to model year 1996 from VEIP inspection. Based on the assumptions and information contained in this fiscal impact statement, the estimated economic impacts for fiscal year 2018 are: to MDOT/MVA, an estimated \$2,159,143 net loss; and to the public, an estimated \$2,249,868 cost savings. (See Section III for assumptions used in the fiscal impact calculations.) The cost savings to the public would continue annually thereafter under this regulation change.

The proposed action is not expected to have significant economic impact on any other entity.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1)	(E-)	90,725 (FY 18)
(2)	(R-)	\$2,249,868 (FY 18)
B. On other State agencies:	(E-)	Minimal
C. On local governments:	(E-)	Minimal
	Benefit (+) Cost (-)	
	Magnitude	
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	\$2,249,868 (FY 18)

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A.(1) This proposal would have a small impact on MDOT/MVA expenditures in fiscal year 2018, in reduced credit card fees and postage costs.

(a) MDOT/MVA incurs credit card fees when a customer chooses to pay for their VEIP transaction with a credit card. The reduced number of emissions inspections administered under this action would reduce the credit card fees incurred by MDOT/MVA. Recent program data (2016) shows that credit card fees equate to 1.5% of all VEIP fees assessed (inspection and late fees). Based on a reduction in VEIP fees assessed of \$2,249,868, the estimated reduction (savings) in credit card fees would be (\$2,249,868 x 1.5%) = \$33,748 in fiscal year 2018.

(b) MDOT/MVA currently incurs postage charges of \$0.49 for each inspection notice mailed. The reduced number of VEIP inspections as result of this action would reduce the number of notices mailed. It is estimated that in fiscal year 2018, there would be 208,571 vehicles of the third newest model year, and 23,988 pre-1996 model year passenger vehicles and light duty trucks, for a total of 232,559 vehicles. Therefore, postage charges would be reduced by (232,559 vehicles x \$0.49) x 50% (January 1, 2018 effective date) = \$56,977 (savings) in fiscal year 2018.

In summary, fiscal year 2018 cost savings to the MDOT/MVA from this action are estimated at (\$33,748 + \$56,977) = \$90,725.

NOTE: Modest cost savings associated with supplies/materials would also result from this proposal. However, these cost savings would be minimal in nature.

A(2). Based on an analysis of current statistical data, it is estimated that in fiscal year 2018, there would be 208,571 vehicles of the third newest model year, and 23,988 pre-1996 model year passenger vehicles and light duty trucks, for a total of 232,559 vehicles. The inspection fees are \$14 at the VEIP inspection station and \$10 at the VEIP self-service kiosk. Current data as of February 2017 shows that 98% of vehicle inspections are conducted at the VEIP stations, and 2% are conducted at the kiosks. VEIP program

statistics (2016) show that late fee revenue is equivalent to approximately 39% of inspection fee revenue. The estimated revenue impact (loss) in fiscal year 2018 to MDOT/MVA from the reduction in inspection/late fees is calculated as follows:

(a) VEIP station inspection fee revenue loss: (232,559 vehicles x 98% x \$14) x 50% (January 1, 2018 effective date) = \$1,595,354

(b) VEIP kiosk inspection fee revenue loss: (232,559 vehicles x 2% x \$10) x 50% (January 1, 2018 effective date) = \$23,256

Subtotal of a + b = \$1,618,610

(c) Late fee revenue loss: (\$1,618,610 x 39%) = \$631,258

(d) Total fiscal year 2018 revenue loss from this action: (\$1,618,610 + \$631,258) = \$2,249,868.

A similar effect on MDOT/MVA revenues is expected in future years.

B. Other State agencies and local governments would experience minimal reductions in costs due to the reduced number of vehicles they must have inspected.

C. Other State agencies and local governments would experience minimal reductions in costs due to the reduced number of vehicles they must have inspected.

D. There would be minimal impact on automotive repair facilities that are Certified Emissions Repair Facilities (CERFs) due to lost income from potentially fewer motorists seeking emissions-related repairs.

F. Based on the assumptions and calculations included in part A, above, the public would realize estimated cost savings of \$2,249,868 in fiscal year 2018 through reductions in VEIP inspection/late fees paid.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

The Department of the Environment and the Motor Vehicle Administration will hold a public hearing on the proposed action on October 3, 2017 at 10 a.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments must be received by 5 pm on October 3, 2017 or submitted at the hearing. For more information or to submit comments, contact Ms. Marcia Ways, Mobile Sources Control Program Manager, Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230-1720; telephone (410) 537-3270; email marcia.ways@maryland.gov; fax (410) 537-4435.

Copies of the proposed action and supporting documents are available for review at the Department of the Environment's website at <http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomment.aspx> and the Air and Radiation Management Administration, 1800 Washington Blvd, Baltimore, MD 21230.

Persons needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

**Open Meeting**

Final action on the proposal will be considered by The Department of the Environment and the Motor Vehicle Administration during a public meeting to be held on October 3, 2017 at 10 a.m., at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720.

**.01 Scope and Applicability.**

A. (text unchanged)

B. Applicability.

(1) (text unchanged)

(2) Table 1. Test Procedure Applicability.

	Gross Vehicle Weight (pounds)	Vehicle Model Year	Test Type
(a)	8,500 and under	[1977—1995]	Idle exhaust emissions test, catalytic converter check, and gas cap leak test]
		1996 and newer	On-board diagnostics test
(b)—(c) (text unchanged)			

**.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(29) (text unchanged)

(30) "Qualified hybrid vehicle" has the meaning stated in Transportation Article, [§13-815(a)] §23-202(b)(3)(i), Annotated Code of Maryland.

(31)—(40) (text unchanged)

**.04 Exemptions.**

A. (text unchanged)

B. Exempt vehicles include the following vehicles:

(1)—(15) (text unchanged)

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

(17) Of a gross vehicle weight of 8,500 pounds or less and a model year earlier than 1996; or

[(17)] (18) (text unchanged)

**.05 Schedule of the Program.**

A. (text unchanged)

B. Schedule for Vehicle Inspection.

(1)—(3) (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 [a] at least 36 months after the model year of the vehicle.

(b) Except as required in §B(4)(a) of this regulation, 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 [24] 36 months after the model year of the vehicle.

(5)—(8) (text unchanged)

C.—F. (text unchanged)

**.09 Test Standards.**

A. Idle Exhaust Emissions Test.

(1) (text unchanged)

(2) Hydrocarbon (HC) and carbon monoxide (CO) emissions may not exceed the following values:

[(a) Table 2. Gross vehicle weight less than or equal to 6,000 pounds.]

(table proposed for repeal)

[(b)] (a) [Table 3] Table 2. Gross vehicle weight greater than [6,000] 8,500 pounds but less than or equal to 10,000 pounds.

(table unchanged)

[(c)] (b) [Table 4] Table 3. Gross vehicle weight greater than 10,000 pounds:  
 (table unchanged)  
 B.—D. (text unchanged)

CHRISTINE NIZER  
 Administrator  
 Motor Vehicle Administration  
 BENJAMIN H. GRUMBLES  
 Secretary  
 Maryland Department of the Environment

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 04 SPECIFIC SUBJECTS

### 13A.04.16 Programs in Fine Arts

Authority: Education Article, §2-205, Annotated Code of Maryland

#### Notice of Proposed Action [17-230-P]

The Maryland State Board of Education proposes to repeal Regulations .01 and .02 and adopt new Regulations .01—.03 under **COMAR 13A.04.16 Programs in Fine Arts**. This action was considered by the State Board of Education at their meeting held on June 27, 2017.

#### Statement of Purpose

The purpose of this action is to incorporate the new National Core Arts Standards that focus on the artistic process of creating, presenting, responding, and connecting.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** Additional requirements for Fine Arts education that could potentially require additional staff include: (1) the addition of Prekindergarten in the curricular sequence; and (2) programs that encompass all five arts disciplines (dance, media arts, music, theatre, and visual art).

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: NONE  
 F. Direct and indirect effects on public: NONE

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Local school systems may reappropriate fine arts staffing and/or phase in possible additional instructional positions in one or more art forms.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Susan C. Spinnato, Director of Instructional Programs, Maryland State Department of Education, Division of Curriculum, Research, Assessment, and Accountability, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov, or fax to 410-333-1146. Comments will be accepted through October 2, 2017. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on October 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### *.01 Requirements for Fine Arts (Dance, Media Arts, Music, Theatre, Visual Art) Instructional Programs for Grades Prekindergarten—12.*

A. Each local school system shall:

(1) Provide an instructional program in fine arts each year for all students in grades prekindergarten—8 as follows:

(a) Within the prekindergarten—5 grade span, students shall have experiences in the fine art forms of dance, media arts, music, theatre, and visual art; and

(b) Within grades 6—8, students may specialize in one or more of the fine art forms of dance, media arts, music, theatre, and visual art; and

(2) Provide an instructional program that enables all students in grades 9—12 to meet graduation requirements, and to select from among fine arts elective courses of dance, media arts, music, theatre, and visual art that will prepare them for post-secondary education and careers.

B. Maryland Fine Arts Program. The school system must allot dedicated time in the instructional program aligned to the content standards set forth in §C of this regulation and must adhere to the Universal Design for Learning (UDL) principles to maximize learning opportunities for all diverse learners, including students with disabilities, students who are English learners, and students who are gifted and talented. UDL shall guide local school systems in the development of curriculum, instructional planning, instructional delivery, material selection, and assessment.

C. Content Standards. Students shall demonstrate the ability to:

- (1) Generate and conceptualize artistic ideas and work;
- (2) Organize and develop artistic ideas and work;
- (3) Refine and complete artistic work;
- (4) Analyze, interpret, and select artistic work for presentation;
- (5) Develop and refine artistic work for presentation;
- (6) Convey meaning through the presentation of artistic work;