

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 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) Registered within the emissions inspection area;

(b) Owned or leased by a federal, State, or local government, and assigned and operated within the emissions inspection area for more than 60 days in a calendar year; or

(c) Owned or leased by an employee of the federal government, and operated on any property or facility owned by the federal government within the emissions inspection area for more than 60 days in a calendar year.

(2) Table 1. Test Procedure Applicability.

	Gross Vehicle Weight (pounds)	Vehicle Model Year	Test Type
(a)	8,500 and under		
		1996 and newer	On-board diagnostics test
(b)	8,501—14,000	1977—2007	Idle exhaust emissions test, catalytic converter check, and gas cap leak test
		2008 and newer	On-board diagnostics test
(c)	14,001—26,000	1977 and newer	Idle exhaust emissions test, catalytic converter check, and gas cap leak test

.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, as amended;
- B. 40 CFR §85.1902(d), as amended;
- C. 40 CFR §85.2207, as amended;
- D. 40 CFR §85.2222, as amended;
- E. 40 CFR §85.2231, as amended;
- F. 40 CFR Part 51, Subpart S, as amended; and
- G. 42 U.S.C. §9902(2), as amended.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Maryland Department of Transportation Motor Vehicle Administration.

(2) "ASE" means the National Institute for Automotive Service Excellence.

(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 Administration or a designee of the Administration, which certifies that a vehicle has undergone an emissions inspection

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- (6) "Certified emissions repair facility" means a business certified by the Department which:
- (a) Engages in emissions-related repairs to vehicles; and
 - (b) Meets the requirements of Regulation .19 of this chapter.
- (7) "Contractor" means a business under contract with the State to operate and manage the vehicle emissions inspection program.
- (8) "Date of scheduled inspection" means a specific date, as assigned by the Administration, by which a vehicle shall be inspected.
- (9) "Dealer" means a person licensed under Transportation Article, §15-302, Annotated Code of Maryland.
- (10) "Department" means the Maryland Department of the Environment.
- (11) "Emissions control device" means a design element or device installed on a motor vehicle by the vehicle manufacturer to comply with the standards of the Clean Air Act, 42 U.S.C. §7521, including, but not limited to, the oxygen sensor, catalytic converter, the fuel inlet restrictor; and devices integral to the:
- (a) On-board diagnostics system;
 - (b) Exhaust gas recirculation (EGR) system;
 - (c) Evaporative emissions control system;
 - (d) Positive crankcase ventilation (PCV) system;
 - (e) Air injection system;
 - (f) Fuel metering system; and
 - (g) Ignition system.
- (12) "Emissions inspection area" means Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, and Washington counties, and Baltimore City.
- (13) "Emissions-related recall" means a manufacturer plan to remedy vehicle emissions-related defects or nonconformity with new vehicle emissions standards through either a voluntary emissions recall as defined in 40 CFR §85.1902(d), or a remedial plan determination made pursuant to the Clean Air Act, 42 U.S.C. §7541.
- (14) "Emissions-related repair" means the inspection, adjustment, repair, or replacement of motor vehicle engine systems, subsystems, or components necessary to bring a vehicle into compliance with the emissions standards set forth in this chapter.
- (15) "Emissions standard" means a requirement that relates to the operation or maintenance of a motor vehicle to ensure continuous emissions reduction.
- (16) "Fail certificate" means a certificate which indicates that a vehicle is not in compliance with an emissions inspection standard.
- (17) "Fleet inspection station" means an establishment licensed by the Department to perform certain emissions inspections.
- (18) "Initial inspection" means the first inspection of a vehicle in an inspection cycle.
- (19) "Inspection cycle" means an approximate 2-year period which begins with the date of scheduled inspection.
- (20) "Inspector" means a person authorized to perform official vehicle emissions inspections under this chapter.
- (21) "Master certified emissions technician" means an individual who meets the provisions of Regulation .18 of this chapter.
- (22) "Misfueling" means the introduction of improper fuel into a vehicle as prohibited under the Clean Air Act, 42 U.S.C. §7545.
- (23) "Model year" means the vehicle model year as designated by the manufacturer or the model year designated by the Administration for a vehicle constructed by other than the original manufacturer.
- (24) "Motor vehicle" has the meaning stated in Transportation Article, §11-135, Annotated Code of Maryland.

(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.

(26) "On-board diagnostics" means an emissions control diagnostics system installed on a vehicle as required by the Clean Air Act, 42 U.S.C. §7521(m), which identifies deterioration or malfunction of vehicle systems and stores the information for retrieval.

(27) "Pass certificate" means a certificate which indicates that a vehicle is in compliance with all applicable emissions standards.

(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) Is employed at a facility whose purpose is vehicle repair.

(29) "Registered gross vehicle weight" means the total vehicle weight including load as designated on the vehicle registration record of the Administration.

(30) "Vehicle" means motor vehicle.

(31) "Vehicle emissions inspection station" means a facility approved by the Administration to conduct emissions inspections pursuant to this chapter.

(32) "Waiver" means a determination made by the Administration or a designee of the Administration that the provisions set forth in Regulation .07 of this chapter have been met.

(33) "Zero-emission vehicle" has the meaning stated in Transportation Article, §23-206.4, Annotated Code of Maryland.

.04 Exemptions.

A. The vehicles in §B of this regulation are exempt from the provisions of this chapter.

B. Exempt vehicles include the following vehicles:

(1) A zero-emission vehicle;

(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;

(3) A vehicle registered as a Class D motorcycle;

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

(5) A vehicle registered as a Class E farm truck;

(6) A vehicle registered as a Class F truck tractor;

(7) A vehicle registered as a Class F farm truck tractor;

(8) A vehicle registered as a Class H school vehicle;

(9) A vehicle registered as a Class K farm area vehicle;

(10) A vehicle registered as a Class L historic vehicle;

(11) A vehicle registered as a Class N street rod vehicle;

(12) A vehicle registered as a Class P passenger bus;

(13) A vehicle registered as a Class R low speed vehicle;

(14) A vehicle powered solely by electricity or diesel fuel;

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

(16) A military vehicle owned by the federal government and used for tactical, combat, or relief operations, or for training for these operations.

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.05 Schedule of the Program.

A. The owner of a nonexempt vehicle shall present the vehicle for a biennial inspection as scheduled by the Administration.

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 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.

(3) Unscheduled Inspection.

(a) A new resident of Maryland who owns a vehicle for which a date of scheduled inspection has not been established by the Administration, and who chooses to have the vehicle inspected before titling and registration of the vehicle, may present the vehicle for inspection without notification, and the date the vehicle is initially inspected becomes the date of scheduled inspection.

(b) An existing resident who wishes to change a date of a scheduled inspection may request that the Administration change the scheduled date.

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

(d) A vehicle that is registered out-of-State or a federal government vehicle may be presented for inspection as required by the state or the federal government, and an unscheduled inspection will be performed.

(4) New Vehicles. For a vehicle 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 72 months after the model year of the vehicle.

(5) Change of Address.

(a) Transportation Article, §13-414, Annotated Code of Maryland, requires the owner of a vehicle to notify the Administration of a change of address within 30 days of the change. For purposes of this subsection, the term "address" means the bona fide domicile of the vehicle owner, as defined in COMAR 11.11.06.

(b) If a vehicle owner moves from an address outside of the emissions inspection area to an address within the emissions inspection area, the Administration shall establish a date of scheduled inspection.

(6) Transfer of Ownership. If a vehicle undergoes transfer of ownership within the emissions inspection area, the Administration shall establish a date of scheduled inspection upon vehicle registration.

(7) Out-of-State Vehicles. Unless otherwise exempt, a vehicle which has been previously titled or registered in a jurisdiction outside Maryland shall be assigned a date of scheduled inspection upon registration in the emissions inspection area.

C. Compliance With Emissions-Related Recalls.

(1) The owner of a vehicle scheduled for inspection under this chapter shall have vehicle repairs performed as required by an emissions-related recall notice before presenting the vehicle for inspection.

(2) A vehicle found not to have had repairs performed as required by an emissions-related recall notice shall be rejected from inspection. The vehicle owner shall demonstrate compliance to the satisfaction of the Administration before the vehicle is inspected.

D. Reinspection.

(1) The owner of a vehicle which has failed an inspection shall present the vehicle for reinspection on or before the 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) Any emissions-related repairs recommended by the repair technician which were not performed.

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

E. Rejection from Inspection or Reinspection. Rejection from inspection or reinspection does not alter the schedule for vehicle inspection specified in §§A and B of this regulation.

.06 Certificates.

A. General Requirements. 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.

B. Pass Certificate. If a vehicle meets all applicable standards during an inspection, the vehicle is considered to be in compliance for the assigned inspection cycle, and shall 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. If a vehicle does not meet all applicable standards during an inspection, the vehicle is considered not to be in compliance and shall be issued a fail certificate which includes the following information:

- (1) The type of failure and the reason for failure; and
- (2) A statement indicating any availability of warranty coverage as provided by the Clean Air Act, 42 U.S.C. §7541.

.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.

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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.

.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 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. The Administration may grant a time extension for a vehicle registered in the emissions inspection area but operated in or assigned to an area outside of the emissions inspection area. The vehicle owner shall present the vehicle for inspection upon its return to the emissions inspection area.

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).

.09 Enforcement.

A. The requirements of this chapter relating to vehicle inspection shall be enforced by the Administration through the use of administrative sanctions in the form of:

(1) Suspension of vehicle registration;

(2) Denial of vehicle registration renewal; or

(3) Confiscation of the vehicle registration plates.

B. If the vehicle is not issued a pass certificate, a waiver, or an extension on or before the date of scheduled inspection or, if applicable, the 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) Contain vehicle identification information and a suspension date which is at least 15 days after the date of the notice; and

(2) Provide a means for the owner to resolve, to the satisfaction of the Administration, any issues so that the Administration may cancel the impending suspension.

C. Suspension.

(1) If the issues which led to the notice of suspension of registration are not resolved before the suspension date, the vehicle registration shall be suspended and the owner shall forward the vehicle registration plates to the Administration.

(2) If the vehicle owner fails to comply with the suspension, the Administration may issue an order to confiscate the vehicle registration plates.

(3) If the vehicle registration is suspended and a pass certificate, a waiver, 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.

.10 Test Standards.

A. Idle Exhaust Emissions Test.

(1) A vehicle shall fail if sample dilution occurs.

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

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

	Vehicle Model Year	HC (parts per million)	CO (percent)
(i)	1977	580	7.00
(ii)	1978	550	6.70
(iii)	1979	470	5.00
(iv)	1980	350	5.00
(v)	1981	250	3.00
(vi)	1982	220	2.50
(vii)	1983	220	1.50
(viii)	1984—1990	220	1.20
(ix)	1991—1992	200	1.00
(x)	1993—1995	175	1.00
(xi)	1996—2000	125	1.00
(xii)	2001 and newer	100	0.75

(b) Table 3. Gross vehicle weight greater than 10,000 pounds:

	Vehicle Model Year	HC (parts per million)	CO (percent)
(i)	1977	650	7.00
(ii)	1978	650	7.00
(iii)	1979	650	6.50
(iv)	1980	500	6.00
(v)	1981	500	6.00
(vi)	1982	500	6.00
(vii)	1983	500	3.50
(viii)	1984—1985	440	3.00
(ix)	1986	280	2.50
(x)	1987—1992	220	1.20
(xi)	1993—1995	200	1.00
(xii)	1996—2000	125	1.00
(xiii)	2001 and newer	100	0.75

B. Gas Cap Leak Test.

(1) A vehicle shall fail if the gas cap is missing, broken, or the wrong style for the vehicle.

(2) The gas cap leak rate may not exceed 60 cubic centimeters per minute at a pressure of 30 inches of water column.

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C. On-Board Diagnostics Test.

- (1) A vehicle shall fail if a component of the on-board diagnostics system is missing or damaged.
- (2) Standards for the on-board diagnostics test are specified in 40 CFR §85.2207 and 40 CFR §85.2222.

.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 .05C of this chapter.

B. Vehicle Preparation.

(1) Before vehicle inspection, the inspector shall visually check the vehicle for a condition which has potential to cause injury, damage the inspection station or the test equipment, or invalidate the inspection, including, but not limited to:

- (a) Overheating;
- (b) Leaks of coolant, oil, or fuel;
- (c) Visible tailpipe emissions other than steam; or
- (d) A missing, damaged, or leaking exhaust system.

(2) If an unsafe condition or an exhaust leak is found, the inspector shall reject the vehicle from testing. If an unsafe condition develops during a test, the inspector shall abort the inspection.

- (3) The inspector shall ensure that all vehicle accessories are turned off.

.12 Test Equipment and Test Procedures.

A. Idle Exhaust Emissions Test.

(1) Test Equipment. Idle exhaust emission test equipment shall be approved by the Administration and the Department.

(2) Test Procedures.

(a) The inspector shall fail the vehicle if sample dilution occurs.

(b) Except as provided in §A(2)(a) of this regulation, the inspector shall conduct the idle exhaust emissions test in accordance with the procedures specified in 40 CFR Part 51, Subpart S.

B. Catalytic Converter Check. If the vehicle is required to be equipped with a catalytic converter, the inspector shall check for the presence of the catalytic converter, and fail the vehicle if a catalytic converter is not present.

C. Gas Cap Leak Test.

(1) Test Equipment. Gas cap leak test equipment shall be approved by the Administration and the Department.

(2) Test Procedures. The inspector shall remove the gas cap from the vehicle, attach the gas cap to the test equipment, perform the leak test, return the gas cap to the vehicle, and properly tighten the gas cap on the vehicle.

D. On-Board Diagnostics Test.

(1) Test Equipment. On-board diagnostics test equipment shall:

- (a) Be approved by the Administration and the Department; and
- (b) Meet the requirements and functions specified in 40 CFR §85.2231.

(2) Test Procedures.

(a) The inspector shall fail the vehicle if a component of the on-board diagnostics system is missing or damaged.

(b) Except as provided in §D(2)(a) of this regulation, the inspector shall conduct the on-board diagnostics test following the test procedure specified by the equipment manufacturer, and in accordance with the procedures specified in 40 CFR §85.2222.

.13 Failed Vehicle and Reinspection Procedures.

A. Failed Vehicle. The contractor shall provide information as to the reason for the vehicle failure to the operator of a failed vehicle

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

C. Reinspection.

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

(a) For which the documentation required in Regulation .05D(2) of this chapter is not provided; or

(b) Which had failed with an on-board diagnostics fault code related to the catalyst or evaporative emissions control system, and the applicable readiness monitor is not set.

(2) The inspector shall collect the documentation required in 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.

.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 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. The contractor shall include the following information in the quality assurance plan:

(1) Test assurance procedures to be conducted by the contractor for each test;

(2) Periodic quality assurance check procedures and precision check procedures to be conducted by the contractor on the test equipment;

(3) For each test assurance procedure, periodic quality assurance check, and precision check conducted by the contractor, the:

(a) Primary standard to which each instrument, device, or material used for a check is traceable,

(b) Acceptable tolerance for each check,

(c) Corrective action to be taken for a check result outside of the acceptable tolerance, and

(d) Recheck procedure to follow corrective action;

(4) Maintenance procedures to be conducted by the contractor on the test equipment, which follow the equipment manufacturers' specifications at a minimum; and

(5) Record-keeping practices to be conducted by the contractor.

C. If a test assurance procedure is failed, the contractor shall record the event and void the test.

D. If a periodic quality assurance check or precision check is failed, the contractor shall record the event, automatically prevent official testing, and take immediate corrective action.

E. Maintenance Log.

(1) The contractor shall keep a maintenance log for each test system, in a form which has been approved by the Administration and the Department, and shall record each maintenance event in the log.

(2) Failure of the contractor to properly maintain equipment or to properly keep a maintenance log may be cause for the Administration or the Department to suspend official testing until the contractor takes corrective action which has been approved by the Administration or the Department.

(3) The contractor shall keep each maintenance log for the duration of the vehicle emissions inspection program unless otherwise directed by the Department.

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F. The contractor shall allow access to inspection equipment, personnel, and records for Administration or Department personnel to perform quality assurance audits. Failure of a quality assurance audit may be cause for the Administration or the Department to suspend official testing until the contractor takes corrective action which has been approved by the Administration or the Department.

.15 Vehicle Emissions Inspection Station.

A. General Requirements.

(1) 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.

(2) The contractor shall collect, maintain, and make available to the Administration and the Department, as required, inspection data and inspection station operation data in compliance with the provisions of this chapter.

B. Fees.

(1) The fee established in COMAR 11.11.05 shall be paid during or before an initial inspection or a second or subsequent reinspection.

(2) The late fee established in COMAR 11.11.05 shall be paid during or before an initial inspection or reinspection performed after the date of scheduled inspection, or if applicable, after the extension expiration date.

(3) The fee established in COMAR 11.11.05 shall be paid during or before an inspection performed but not required under this chapter.

(4) The contractor shall accept payment of inspection, reinspection, and late fees in cash or personal check, or with a major credit card which has been approved for use by the Administration.

.16 Inspector Training and Performance Review.

A. Inspector Training.

(1) The contractor shall develop, maintain, and modify, as required by the Administration and the Department, an inspector training program to include both classroom and hands-on training, with provisions for initial and periodic in-service training.

(2) The contractor shall use the training program after the program has been approved by the Administration and the Department.

(3) The contractor shall provide training that meets the provisions of this chapter to each inspector before the inspector may perform inspections.

(4) The contractor shall provide periodic in-service inspector training over a period established by the Administration and the Department.

B. Inspector Performance.

(1) The performance of an inspector may be periodically reviewed by the Administration and the Department, either overtly or covertly.

(2) Correction.

(a) The contractor shall ensure that any failure of an inspector at a vehicle emissions inspection station to adequately implement the provisions of this chapter is corrected.

(b) Correction may include retraining or dismissal of the inspector.

.17 Vehicle Data for Vehicle Repair Assistance.

A. The contractor shall issue a report containing information on test results of a vehicle which has failed an emissions inspection to an individual seeking to have repairs performed on the vehicle.

B. The contractor shall:

(1) Make the report available electronically to vehicle owners, certified emissions repair facilities, and master certified emissions technicians; and

(2) Provide read-only, convenient, and standardized access.

C. The contractor shall include information specified by the Administrator and the Department in the report.

.18 Master Certified Emissions Technician.

A. Initial Application and Certification.

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

(a) Successfully complete an orientation course approved by the Department;

(b) Demonstrate 5 years of full-time employment experience as an automotive technician performing emissions-related repairs on on-road vehicles, except that an individual with 2 full years of full-time education related to the repair of on-road vehicles need only demonstrate 4 years of the required employment; and

(c) Possess all of the following current, valid ASE certifications:

(i) Electrical Systems (A-6),

(ii) Engine Performance (A-8), and

(iii) Advanced Engine Performance Specialist (L-1).

(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) The expiration date of the individual's ASE Electrical Systems (A-6) certification;

(b) The expiration date of the individual's ASE Engine Performance (A-8) certification; or

(c) The expiration date of the individual's ASE Advanced Engine Performance Specialist (L-1) certification.

B. Certification Renewal.

(1) An individual with current, valid certification may apply for certification renewal within 60 days before certification expiration.

(2) To renew a certification, an individual shall:

(a) Submit an application to the Department; and

(b) Possess current, valid applicable ASE certifications as required in §A of this regulation.

(3) Certification renewed under this section is valid through the applicable date defined in §A of this regulation.

C. Suspension, Revocation, and Denial of Certification.

(1) The Department may suspend, revoke, or deny renewal of a certification if the certified individual:

(a) Knowingly communicates any false, inaccurate, or misleading information to any person or in any certificate, record, or document regarding the vehicle emissions inspection program;

(b) Fraudulently or deceptively obtains or attempts to obtain a certification; or

(c) Fails an audit under this regulation.

(2) An individual whose certification has been suspended may be subject to:

(a) Additional training or testing as approved by the Department before the certification is reinstated; or

(b) Revocation of a certification for which suspension has exceeded 6 months.

(3) An individual whose certification has been revoked may reapply for certification according to the procedures of §A of this regulation, if:

(a) At least 90 days have elapsed since the revocation; and

(b) The individual has taken corrective action approved by the Department.

D. Performance Audit. The Department shall conduct an audit of the performance of a master certified emissions technician periodically. The audit shall include an evaluation of vehicle repair history.

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.19 Certified Emissions Repair Facility.

A. Initial Application and Certification. To qualify for certification, a person shall:

- (1) Submit an application to the Department;
- (2) Maintain a repair facility capable of making emissions-related adjustments and repairs;
- (3) Possess all required equipment as listed in §C of this regulation;
- (4) Pass an audit as defined in §F of this regulation; and
- (5) Employ all required personnel as listed in §D of this regulation.

B. Suspension, Revocation, and Denial of Certification.

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

(a) False, inaccurate, or misleading information is knowingly communicated to any person or in any certificate, record, or document regarding the vehicle emissions inspection program;

(b) Certification is obtained, or attempted to be obtained, fraudulently or deceptively;

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

(d) Evidence is exhibited that vehicles repaired by the facility under this chapter have repeatedly failed reinspections.

(2) The Department may reinstate a suspended certification upon the resumption of compliance by the facility with the requirements of this chapter.

(3) Upon revocation of certification a person shall, within 10 business days, return to the Department all materials which were issued as a result of the certification, including any signs and documents, and remove any other materials which may lead the public to believe that the facility continues to be certified.

(4) A person whose certification has been revoked may reapply for certification according to the procedures of §A of this regulation if:

(a) At least 90 days have elapsed since the revocation; and

(b) Corrective action approved by the Department has been taken.

C. Equipment and Tool Requirements. A certified emissions repair facility shall possess and update as required diagnostic equipment and tools as specified by the Department, including but not limited to:

- (1) Emissions diagnostic and repair information for affected model year vehicles;
- (2) A scan tool to extract fault codes from any vehicle equipped with on-board diagnostics;
- (3) A multimeter;
- (4) A fuel or hydraulic pressure gauge;
- (5) A vacuum gauge;
- (6) A vacuum pump; and
- (7) A compression tester or cylinder leak down tester.

D. Personnel Requirements.

(1) A certified emissions repair facility shall ensure that only a master certified emissions technician diagnoses emissions-related faults, and supervises or performs emissions-related repairs and adjustments to bring vehicles into compliance with the provisions of this chapter.

(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) Is routinely scheduled to work during the advertised operating hours of the facility; and

(b) Provides documentation, in a form prescribed by the Administration and the Department, on the vehicle repairs performed and certifies that the repairs have been performed or supervised by a master certified emissions technician.

E. Equipment Quality Assurance. For all equipment required under this regulation, a certified emissions repair facility shall follow, at a minimum, the manufacturer's specifications for maintenance and calibration, and the procedures established by the Department.

F. Audits.

(1) A certified emissions repair facility shall allow access to Department personnel to conduct audits of the facility. Audits will be conducted at random and with no prior notification.

(2) An audit shall include:

(a) A review of vehicle repair history; and

(b) Checks of record-keeping, equipment, and compliance with personnel requirements.

(3) Audit failure is cause for suspension, revocation, or denial of facility certification.

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) Vehicle repair records.

(2) A certified emissions repair facility shall make the records available for inspection or for duplication upon request of the Department.

.20 Fleet Inspection Station.

A. Initial Application and Licensure.

(1) A fleet inspection station license authorizes the licensee to inspect those vehicles that are part of the fleet designated by the licensee.

(2) A person seeking licensure of an establishment as a fleet inspection station shall apply on forms provided by the Department.

(3) To qualify for licensure, an establishment shall comply with the following requirements:

(a) Maintain a repair facility capable of making emissions-related adjustments and repairs;

(b) Possess *and update as required* diagnostic equipment and tools *as specified by the Department, including but not limited to:*

(i) Emissions diagnostic and repair information for affected model year vehicles;

(ii) A multimeter;

(iii) A fuel or hydraulic pressure gauge;

(iv) A vacuum gauge;

(v) A vacuum pump; and

(vi) A compression tester or cylinder leak down tester.

(c) Allow access to Department personnel to perform quality assurance checks on equipment and personnel;

(d) Employ at least one master certified emissions technician;

(e) Ensure that a master certified emissions technician performs all inspections, adjustments, and repairs required to bring vehicles into compliance with the provisions of this chapter; and

(f) Ensure that each master certified emissions technician undergoes initial test equipment operation and maintenance training, and periodic re-training as required by the Department.

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B. License Suspension and Revocation.

- (1) The Department may suspend or revoke a license if the licensee:
 - (a) Fraudulently or deceptively obtains a license;
 - (b) Fails at any time to meet the qualifications for a license or to fulfill any requirement, procedure, or standard established in this chapter; or
 - (c) Fails an audit under §C of this regulation.
- (2) A licensee whose license has been suspended may be subject to additional personnel training or inspection as approved by the Department before the license is reinstated.
- (3) A licensee whose license has been revoked may reapply if:
 - (a) At least 90 days have elapsed since the revocation; and
 - (b) The licensee has taken corrective action approved by the Department.
- (4) Upon revocation of a license, a licensee shall deliver to the Department within 10 working days of the revocation all materials which were issued as a result of the licensing.

C. Audits.

- (1) A fleet inspection station shall allow access to Department personnel to conduct audits of the facility, equipment, and personnel.
- (2) Audits shall be conducted at random and with no prior notification.
- (3) The Department may:
 - (a) Monitor the emissions inspections conducted by a fleet inspection station;
 - (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. Record-Keeping Requirements.

- (1) A fleet inspection station shall maintain the following records, separately and in chronological order, for a period of 3 years:
 - (a) One copy of each certificate issued to each vehicle inspected;
 - (b) Records of quality assurance procedures performed in compliance with the provisions of this regulation;
 - (c) Vehicle repair records; and
 - (d) Additional vehicle test data as required by the Department.
- (2) The records required in §D(1) of this regulation shall be made available for inspection upon the request of the Department.

E. Inspection Fees.

- (1) A fleet inspection station shall pay to the contractor the fee established in 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 .15 of this chapter for an inspection or a reinspection conducted at a vehicle emissions inspection station.
- (3) A fleet inspection station operated by the State or a county or local government is exempt from the fee in §E(1) of this regulation.

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 .12 of this chapter;
- (2) Provide the Internet and electrical connections needed to operate the test equipment and transmit required data to and from the contractor's central data system;

(3) Operate the test equipment according to procedures specified by the Contractor and approved by the Department, using contractor supplied or approved consumables;

(4) Allow access to the test equipment for the contractor to perform service or upgrades as needed; and

(5) Acquire and maintain any additional equipment specified by the Department as necessary to adequately inspect vehicles.

G. Quality Assurance and Maintenance.

(1) A fleet inspection station shall comply with the contractor's quality assurance and maintenance plan, including quality assurance and maintenance procedures conducted by the master certified emissions technician and the contractor.

(2) If the test equipment fails any quality assurance checks required under §G(1) of this regulation, the fleet inspection station may not conduct vehicle inspections until all quality assurance checks are subsequently passed.

Administrative History

Effective date: August 17, 1981 (8:16 Md. R. 1366)

Regulations .03B, .05—.09, .11—.16 amended effective September 26, 1983 (10:19 Md. R. 1691)

Regulations .03B, .08C, D, .09C, .15, and .16 amended effective December 5, 1983 (10:24 Md. R. 2190)

Regulations .02, .03, .05, .06, .08, .15, and .16 amended as an emergency provision effective January 25, 1989 (16:3 Md. R. 337) (Emergency provisions are temporary and not printed in COMAR)

Regulations .01—.16 repealed effective June 26, 1989 (16:10 Md. R. 1110)

Annotation: COMAR 11.14.06 cited in Attorney General Opinion No. 83-042 (September 28, 1983)

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Regulations .01—.21 repealed and new Regulations .01—.42 adopted effective January 2, 1995 (21:26 Md. R. 2189)

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