

Appendix 1:
Legal Authority

Maryland General Assembly Website

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May 22, 2026 Website Download

Maryland Statutes

Environment Title 1 - Definitions; General Provisions; Enforcement

Subtitle 1 - Definitions

Section 1-101 – Definitions

- (a) In this article the following words have the meanings indicated.
- (b) “Contested case hearing” means an adjudicatory hearing in accordance with the contested case procedures of Subtitle 2 of the Maryland Administrative Procedure Act.
- (c) “County” means a county of this State and, unless expressly provided otherwise, Baltimore City.
- (d) “Department” means the Department of the Environment.
- (e) “EJ Score” means an overall evaluation of an area’s environment and existing environmental justice indicators, as defined by the Department in regulation, including:
 - (1) Pollution burden exposure;
 - (2) Pollution burden environmental effects;
 - (3) Sensitive populations; and
 - (4) Socioeconomic factors.
- (f) “Environmental justice” has the meaning stated in § 1–701 of this title.
- (g) “Health officer” means the Baltimore City Commissioner of Health or the health officer of a county.
- (h) “Includes” or “including” means includes or including by way of illustration and not by way of limitation.
- (i) “Informational meeting” means a meeting, open to the public, at which the applicant or the Department presents information concerning a permit application. An informational meeting is not a contested case hearing nor an agency hearing under § 10–202(d) of the State Government Article.
- (j) “Maryland EJ tool” means a publicly available State mapping tool that allows users to:

- (1) Explore layers of environmental justice concern;
- (2) Determine an overall EJ Score for census tracts in the State; and
- (3) View additional context layers relevant to an area.

(k) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(l) “Physician” means an individual who is authorized under the Maryland Medical Practice Act to practice medicine in this State.

(m) “Public hearing” means a meeting, open to the public, at which the Department receives oral and written comments concerning a tentative determination. A public hearing is not a contested case hearing nor an agency hearing under § 10–202(d) of the State Government Article.

(n) “Secretary” means the Secretary of the Environment.

(o) “State” means:

- (1) A state, possession, or territory of the United States;
- (2) The District of Columbia; or
- (3) The Commonwealth of Puerto Rico.

(p) “Substantively” means in a manner substantially affecting the rights, duties, or obligations of a member of the public.

Maryland Statutes

Environment

Title 1 - Definitions; General Provisions; Enforcement

Subtitle 4 - Organization and General Authority of Department

Section 1-404 - Secretary's Duties, Powers, and Functions; Units to Report to Secretary; Interference With Secretary's or His Agent's Right to Entry; Penalty

(a) The Secretary is responsible for the budget of the office of the Secretary and for the budget of each unit in the Department.

(b) (1) The Secretary may adopt rules and regulations to carry out the provisions of law that are within the jurisdiction of the Secretary.

(2) The Secretary shall review and may revise the rules and regulations of:

(i) Each unit in the Department that is authorized by law to adopt rules and regulations;
and

(ii) The Department.

(c) The Secretary may create an advisory board for the Department. The Secretary shall determine the size of the advisory board. The members shall be representative of the different professional areas or fields of endeavor with which the Department is concerned.

(d) The Secretary may create any advisory council that the Secretary considers necessary and assign appropriate functions to it.

(e) (1) The Secretary is responsible for the coordination and direction of all planning that the office of the Secretary initiates.

(2) The Secretary shall keep fully apprised of plans, proposals, and projects of each unit in the Department and, except as expressly provided otherwise, may approve, disapprove, or modify any of them.

(f) Each unit in the Department shall report to the Secretary as provided in the rules, regulations, or written directives that the Secretary adopts.

(g) Except as expressly provided otherwise, the Secretary may transfer, by rule, regulation, or written directive, any function, staff, or funds from any unit in the Department to the office of the Secretary or another unit in the Department. Any staff transferred to the office of the Secretary shall be provided space, equipment, and services by the unit from which it was transferred, unless the Secretary orders removal to another location for the proper and efficient functioning of that office.

(h) The Secretary may apply for, receive, and spend grants-in-aid by the federal government or any of its agencies or any other federal funds made available to the Department for use in carrying out the powers and duties of the Secretary or the Department.

(i) Except as otherwise provided by law, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(j) (1) The Secretary or a designee of the Secretary may subpoena any person or evidence, administer oaths, and take depositions and other testimony.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Secretary or designee, a court of competent jurisdiction may compel obedience to the order or subpoena or compel testimony or the production of evidence.

(3) A witness who is subpoenaed at the request of the Secretary or designee is entitled to

receive the same fees and mileage provided for by law in civil cases. However, a witness who is subpoenaed at the request of any other party is not entitled to fees or mileage, unless the Secretary or designee certifies that the testimony was material to the matter investigated. The fee and mileage paid under this subsection shall be audited and paid by this State in the same way other expenses are audited and paid and shall be charged to the general appropriation for the Department.

(k) (1) The Secretary or any agent or employee of the Secretary may enter, at any reasonable hour, a place of business or public premises if the entry is necessary to carry out a duty under this article.

(2) A person may not deny or interfere with an entry under this subsection.

(3) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(l) The Secretary shall carry out and enforce the provisions of this article, the rules and regulations of the Department, and any other provisions of law that relate to the Secretary or the Department.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 1 - Definitions; General Provisions

Section 2-101 – Definitions

(a) In this title the following words have the meanings indicated.

(b) “Air pollution” means the presence in the outdoor atmosphere of any substance that is present in such quantities and is of such duration that it:

(1) May be predicted with reasonable certainty to be injurious to property or to human, plant, or animal life; or

(2) Unreasonably interferes with the proper enjoyment of the property of others because of the emission of odors, solids, vapors, liquids, or gases.

(c) “Council” means the Air Quality Control Advisory Council.

(d) “Emergency” means:

(1) A condition of such public gravity and urgency that it requires immediate response; or

(2) A condition that is predicted to a reasonable degree of certainty to require immediate action to carry out the provisions of this title.

(e) (1) “Emission standard” means a requirement that limits the quantity, quality, rate, or concentration of emissions from a source.

(2) “Emission standard” includes any requirement that relates to the operation or maintenance of a source to assure continuous emission reduction.

(f) “Person” includes any public or municipal corporation and any agency, bureau, department, or instrumentality of federal, State, or local government.

(g) “Political subdivision” means a county or municipal corporation of this State.

(h) “Regulated emissions” means the actual rate of emissions, in tons per year, of any registered pollutant emitted by a source, to be calculated using criteria consistent with 40 C.F.R. Part 70 (Operating Permit Program).

(i) “Source” means any person or property that contributes to air pollution.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 1 - Definitions; General Provisions

Section 2-102 - Legislative Policy

It is the policy of this State to maintain the degree of purity of the air necessary to protect the health, the general welfare, and property of the people of this State.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 1 - Definitions; General Provisions

Section 2-103 - Powers and Duties of Department

(a) In addition to the powers set forth elsewhere in this title, the Department may obtain any federal or other funds that are available to this State for purposes that are within the scope of this title.

(b) In addition to the duties set forth elsewhere in this title, the Department:

(1) Has jurisdiction over emissions into the air and ambient air quality in this State;

(2) Is responsible for monitoring ambient air quality in this State; and

(3) Shall coordinate all State agency programs on ambient air quality control.

(c) The Department may contract for or otherwise arrange for the use of the facilities and services of appropriate agencies of political subdivisions in carrying out the Department's monitoring duties under this title.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 3 – Rulemaking

Section 2-301 - Air Quality Rules and Regulations – Adoption

(a) The Department:

(1) May adopt rules and regulations for the control of air pollution in this State, including testing, monitoring, record keeping, and reporting requirements; and

(2) Shall adopt rules and regulations that establish standards and procedures to be followed whenever pollution of the air reaches an emergency condition.

(b) In adopting any rule or regulation under this title, the Department shall consider, among other things:

(1) The residential, commercial, or industrial nature of the area affected;

(2) Zoning;

(3) The nature and source of various kinds of air pollution;

(4) The problems of any commercial or industrial establishment that may be affected by the rule or regulation; and

(5) The environmental conditions, population density, and topography of any area that may be affected by the rule or regulation.

(c) Any rule or regulation adopted under this title that relates to grain drying operations shall be adopted with the advice and consent of the State Department of Agriculture.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 3 - Rulemaking

Section 2-302 - Air Quality Rules and Regulations -- Air Quality Control Areas

(a) The Department shall determine and may alter air quality control areas into which this State is divided.

(b) The Department shall adopt rules and regulations that set emission standards and ambient air quality standards for each of the air quality control areas in this State.

(c) (1) Unless a political subdivision requests a more restrictive standard under § 2-104 of this title, the Department shall set ambient air quality standards for pollutants that are identical to the standards for pollutants for which national primary or secondary ambient air quality standards have been set by the federal government.

(2) To protect the public health, the general welfare, and property of the people of this State, the Department may set State ambient air quality standards for substances for which national ambient air quality standards have not been set by the federal government.

(3) If the Secretary finds that transportation through the air is a significant factor in the buildup of a pollutant in a substance other than air and that monitoring the substance facilitates control of the pollutant, a State ambient air quality standard may establish a maximum concentration of the pollutant in that substance.

(d) (1) Except as provided in paragraph (2) of this subsection, if national ambient air quality standards are attained in an air quality control area, the Department shall set emission standards for that area based on the goal of achieving emission levels that are not more restrictive than necessary to attain and maintain the ambient air quality standards in that area.

(2) The limitations of paragraph (1) of this subsection do not apply to the extent that:

(i) A political subdivision requests a more restrictive standard under § 2-104 of this title; or

(ii) New source performance standards, national prevention of significant deterioration

requirements, national emission standards for hazardous pollutants, or any other requirements of the federal Clean Air Act apply.

(3) For those emissions for which no national ambient air quality standards have been set, the Secretary may set emission standards and requirements for various classes of sources.

Maryland Statutes

Environment

Title 2 - Ambient Air Quality Control

Subtitle 3 - Rulemaking

Section 2-303 - Air Quality Rules and Regulations -- Procedures for Adoption

(a) The Department may not adopt any rule or regulation under this title unless the requirements of this section and the Administrative Procedure Act are met.

(b) (1) Before adopting any rule or regulation under this title, the Department shall announce and hold a public hearing on the subject.

(2) A public hearing required under this subtitle may be held using teleconference or Internet-based conferencing technology.

(c) (1) At least 30 days before the public hearing, the Department shall publish notice of the hearing in a newspaper of general circulation in the area concerned or on the Department's website.

(2) The notice required under paragraph (1) of this subsection shall state:

(i) The date, time, and place of the hearing; and

(ii) The purpose of the hearing.

(d) The Department shall publish annually a notice in a newspaper of general circulation to inform the public of:

(1) The types of public notices required under this title that are available on the Department's website; and

(2) A phone number or electronic mail address at the Department that a person can contact to arrange for the receipt of future public notices required under this title by first-class mail or electronic mail.

(e) After the public hearing, the Department may adopt the rule or regulation with or without modification.

Maryland Statutes

Transportation

Title 23 – Vehicle Laws – Inspection of Used Vehicles and Warnings for Defective

Equipment

Subtitle 2 – Motor Vehicle Emissions Inspection

- § 23-201. Definitions
- § 23-202. Emissions Control Program
- § 23-203. Testing Facilities to Conduct Tests or Inspections
- § 23-204. Conduct of Exhaust Emissions Tests and Emissions Equipment
Misfueling Inspections
- § 23-205. Fee Charged for Inspection and Testing of Vehicles
- § 23-206. Duty of Motor Vehicle Owner to Have Vehicle Inspected and Tested
- § 23-206.1. Emergency Vehicles
- § 23-206.2. Exemptions to Vehicle Emissions Inspection
- § 23-206.4. Zero-Emission Vehicles
- § 23-207. Rules and Regulations
- § 23-209. Fraud or Misrepresentation Relating to Documentation Prohibited

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-201 – Definitions

(a) In this subtitle the following words have the meanings indicated.

(b) “Emissions control program” means the program requiring and implementing the exhaust emissions test and the emissions equipment and misfueling inspection.

(c) “Emissions equipment” means any emissions control device that has been installed on a motor vehicle by a manufacturer of motor vehicles.

(d) “Emissions equipment and misfueling inspection” means an inspection to verify the

presence of required emissions equipment and an inspection to determine that the vehicle has not been misfueled.

(e) (1) “Emissions related repair” means the inspection, adjustment, repair, or replacement of motor vehicle engine systems, subsystems, or components as necessary to bring a motor vehicle into compliance with emissions standards adopted in accordance with the provisions of this subtitle.

(2) “Emissions related repair” does not include adjustment, repair, or replacement necessitated by tampering or misfueling.

(f) (1) “Emissions standard” means a requirement that limits the quantity, quality, rate, or concentration of emissions from a motor vehicle.

(2) “Emissions standard” includes a requirement that relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction.

(g) “Exhaust emissions test” means the sampling and measurement of certain components of motor vehicle exhaust to determine whether the motor vehicle is in compliance with an emissions standard.

(h) “Misfueling” means the introduction of leaded fuel into a motor vehicle designed by the motor vehicle manufacturer to use unleaded fuel.

(i) “Secretary” means the Secretary of the Environment.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-202 - Emissions Control Program for Metropolitan Baltimore Intrastate Air Quality Control Region and Maryland Portion of National Capital Interstate Air Quality Control Region

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

(b) (1) Subject to paragraph (3) of this subsection, the emissions control program shall

provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

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

(3) (i) In this paragraph, “qualified hybrid vehicle” means an automobile that:

1. Meets all applicable regulatory requirements;
2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and
3. Can draw propulsion energy from both of the following sources of stored energy:
 - A. Gasoline or diesel fuel; and
 - B. A rechargeable energy storage system.

(ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3 years after the date on which the vehicle was first registered in the State.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

- (i) The vehicle fails to pass the exhaust emissions test;
- (ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred an expenditure of \$150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;

2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:

- A. \$200 for vehicles of model years 1990 and older;
- B. \$300 for vehicles of model years 1991 through 1997; or
- C. \$450 for vehicles of model years 1998 and newer; and

3. On or after January 1, 2002, has actually incurred an expenditure of \$450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; and

(iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory-installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling

inspection;

(7) Shall adopt a schedule for the exhaust emissions test;

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and

(9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.

(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State-owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

(i) Transient mass-emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On-road testing.

(2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.

(ii) Notwithstanding the provisions of § 23-205(a)(2) of this subtitle and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost-effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

Maryland Statutes

Transportation

Title 23- Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-203 - Establishment of Facilities for Annual or Biennial Tests

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed under this subtitle.

(2) If the Administration and the Secretary determine that the system can be installed and operated more effectively and economically by an independent contractor than if installed and operated by the Administration and the Secretary, the Administration and the Secretary may award the installation and operation of the inspection facilities to an independent contractor selected in accordance with the bidding procedures established by the laws of this State.

(3) (i) If, on or after July 1, 1991, the Administration and Secretary are required by federal law to extend the emissions control program to additional areas of the State and the Administration and Secretary determine that the inspection facilities can be installed and operated more effectively and economically by one or more independent contractors than if installed and operated by the Administration and Secretary, the Administration and Secretary may:

1. Award the installation and operation of the inspection facilities to one independent contractor for the installation and operation of all inspection facilities in this State; or

2. Create separate regions of the areas of the State required to participate in an emissions control program for the purpose of separately awarding contracts for the installation and operation of the inspection facilities required for each region to one or more independent contractors.

(ii) All independent contractors shall be selected in accordance with the procedures established under the State Finance and Procurement Article.

(iii) The Administration and the Secretary may establish a statewide centralized or decentralized program or any combination of centralized and decentralized programs in separate regions of the State.

(b) If the program is awarded to an independent contractor to operate centralized inspection facilities, the facilities shall be provided, equipped, and maintained by the independent contractor, and the operating personnel of the facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23–201 of this subtitle.

(c) The Administration and the Secretary shall determine, on or before March 1, 1998, whether the following criteria for establishing a decentralized retesting program have been satisfied:

(1) Testing equipment and procedures, yielding results that correlate to tests and inspections performed at centralized inspection facilities in the State within 95% accuracy or within a different degree of accuracy approved by the Administration and the Secretary, are feasible for use in certified repair facilities approved for retesting of vehicles; and

(2) The establishment of a decentralized retesting option in the State does not result in a loss of emissions reduction benefits to the State under the federal Clean Air Act.

(d) If the Administration and the Secretary determine that the criteria listed in subsection (c) of this section have not been met in a given year, they shall determine, on or before March 1 of the succeeding year, whether the criteria have been satisfied in the intervening period.

(e) Notwithstanding subsections (a) and (b) of this section, if the program is awarded to an independent contractor to operate centralized inspection facilities and if the Administration and the Secretary have determined that the criteria listed in subsection (c) of this section have been satisfied, the Administration and the Secretary shall propose regulations to:

(1) Allow the owner of a vehicle that fails an exhaust emissions test or emissions equipment and misfueling inspection at a centralized inspection facility to have the vehicle retested at either a centralized inspection facility or an approved certified repair facility;

(2) Allow a certified repair facility to retest vehicles if approved for that purpose by the Department of the Environment;

(3) Require the initial exhaust emissions test and emissions equipment and misfueling inspection in each biennial test cycle to be performed at a centralized inspection facility;

(4) Establish criteria for testing equipment, procedures, and reporting of retests for approved certified repair facilities;

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee, determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

(6) Establish a reasonable fee for approval of a certified repair facility to perform retests, covering the costs of the approvals and oversight of the decentralized retesting program.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-204 - Inspections to Be Conducted by Facilities

The facilities established or approved under § 23-203 of this subtitle shall conduct the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles to determine whether each vehicle complies with emissions standards established under this subtitle for that vehicle.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-205 - Inspection Fees

(a) (1) Subject to paragraph (2) of this subsection, the Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

(2) The fee established under this subsection:

(i) During the period from May 31, 1997, through June 30, 2025, may not exceed \$14;

(ii) During the period from July 1, 2025, through June 30, 2026, may not exceed \$30;

and

(iii) Except as provided in paragraph (4)(iii) of this subsection, during the period after July 1, 2026, shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (3) of this subsection.

(3) During the period after June 30, 2026, the fee established under this subsection shall equal at least the amount in the immediately preceding fiscal year adjusted for inflation in accordance with paragraph (4) of this subsection.

(4) (i) The inflation adjustment shall equal the product of multiplying the amount of funding in the immediately preceding fiscal year by the percentage increase in the Consumer Price Index for All Urban Consumers.

(ii) The percentage increase in the Consumer Price Index for All Urban Consumers shall be determined by comparing the average of the index for the 12 months ending April 30 immediately preceding the fiscal year for which the funding amount is being calculated to the average index for the prior 12 months.

(iii) If there is a decline or no growth in the Consumer Price Index for All Urban Consumers, the fee amount under this paragraph shall remain unchanged.

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-206 - Duty to Have Vehicle Inspected and Tested; Vehicles to Meet Standards and Requirements

(a) An owner of a motor vehicle that is registered in this State shall have the vehicle inspected and tested as required under this subtitle.

(b) A motor vehicle registered in this State, unless exempted or given a waiver under this

subtitle, shall meet the standards and requirements of this subtitle.

(c) Notwithstanding any rule or regulation to the contrary, the owner of any gasoline powered motor vehicle registered under § 13-916 of this article, with a maximum gross weight up to and including 26,000 pounds, shall have the vehicle inspected and tested as required under this subtitle.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-206.1 – Emergency Vehicles

Notwithstanding any rule or regulation to the contrary and unless otherwise prohibited by federal law, any fire or rescue apparatus or ambulance owned or leased by a political subdivision of the State, or by a volunteer fire company, rescue squad, or volunteer ambulance company, that is registered as an emergency vehicle as defined in § 11-118 of this article, is exempt from mandatory inspections under this subtitle.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-206.2 - Exemption From Inspection for Certain Vehicles

(a) (1) A motor vehicle for which special registration plates have been issued under § 13-616 of this article is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle meet the disability requirements of § 13-616(b)(1) of this article;

(ii) The motor vehicle is driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That the owner of the motor vehicle meets the disability requirements of § 13-616(b)(1) of this article;

(ii) That the motor vehicle has been issued a special disabled person's registration number and special registration plates under § 13-616 of this article;

(iii) That the motor vehicle is driven 5,000 miles or less annually; and

(iv) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(b) (1) A motor vehicle owned by an individual who is at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle are at least 70 years of age at the time of the scheduled mandatory inspection under this subtitle;

(ii) The motor vehicle is being driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That all of the owners of the motor vehicle are at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle;

(ii) That the motor vehicle is being driven 5,000 miles or less annually; and

(iii) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(c) (1) A motor vehicle owned by at least one active duty member of the uniformed services at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

(i) An owner of the motor vehicle who is a member of the uniformed services has

received official orders:

1. For deployment outside the United States; or
2. To a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program; and

(ii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify that at least one owner of the motor vehicle has received official orders for deployment outside the United States or to a duty station in a jurisdiction that is not subject to a vehicle emissions control inspection and maintenance program.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(d) The Administrator may adopt regulations as necessary to administer or enforce the provisions of this section.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-206.4 - Zero-Emission Vehicles

(a) In this section, “zero–emission vehicle” means any vehicle that:

(1) Is determined by the Secretary to be of a type that does not produce any tailpipe or evaporative emissions; and

(2) Has not been altered from the manufacturer’s original specifications.

(b) A zero–emission vehicle is exempt from the mandatory tests and inspections required by this subtitle.

(c) The Administration and the Secretary shall adopt regulations necessary to:

(1) Provide for the determination of which vehicles are zero–emission vehicles; and

(2) Implement the provisions of this section.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-207 - Rules and Regulations for Implementation, Administration, Regulation, and Enforcement of Subtitle; Required Progress Reports

The Administration and the Secretary may jointly adopt rules and regulations as required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under this subtitle.

Maryland Statutes

Transportation

Title 23-Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment

Subtitle 2 - Motor Vehicle Emissions Inspection

Section 23-209 - Fraud or Misrepresentation

A person may not commit any fraud or make any misrepresentation in applying for or preparing documentation relating to this subtitle.

Miscellaneous Transportation Sections for VEIP SIP

Maryland General Assembly Website

<https://mgaleg.maryland.gov/mgawebsite/Laws/Statutes>

May 22, 2026 Website Download

Maryland Statutes

Transportation

Title 13 - Vehicle Laws -- Certificates of Title and Registration of Vehicles

Subtitle 4-Registration of Vehicles Part 1

Section 4-402-Vehicles subject to registration; exceptions.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(2) If a motor vehicle required to be registered under this subtitle is not registered, a person may not park the unregistered motor vehicle on any:

(i) Public alley, street, or highway; or

(ii) Private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.

(3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13-402.1 of this subtitle.

(b) Except as otherwise expressly authorized in this title, the Administration may not register or renew the registration of a vehicle unless the Administration has issued to the owner a certificate of title of the vehicle or has received an application for the certificate of title.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or

Miscellaneous Transportation Sections for VEIP SIP

employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway in accordance with § 21–104.2 of this article;

(12) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article;

(13) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government; or

(14) A personal delivery device that is operated on a roadway, sidewalk, shoulder, or crosswalk in accordance with § 21–104.3 of this article.

(d) (1) If a motor vehicle, trailer, or semitrailer is registered in another state, displays

Miscellaneous Transportation Sections for VEIP SIP

current registration plates issued for it by that state, and is brought into this State by a nonresident for transporting seasonal farm workers to be employed on farms in this State or for work incidental to seasonal crop operations on farms in this State, the vehicle need not be registered in this State if:

(i) The vehicle is being used as an incidental part of harvesting operations within a distance of not more than 35 miles from the source of the crop; and

(ii) The owner of the vehicle has obtained an exemption permit for the vehicle, as provided in this subsection.

(2) When the Administration receives a certification by the Secretary of State Police that a vehicle is entitled to an exemption under this subsection, the Administration shall issue an exemption permit on the form the Secretary of State Police approves. The form shall be carried at all times by the driver of the vehicle for which it is issued or in a conspicuous place on the vehicle.

(3) The exemption permit is:

(i) Valid for a period of 90 days from the date of issue; and

(ii) Eligible for renewal under the procedure set forth in this subsection for an additional period of not more than 90 days in any 1 calendar year.

(4) The Secretary of State Police:

(i) May require a certificate of inspection of the equipment of the vehicle; and

(ii) Shall require a certificate of insurance by a company authorized to do business in this State, certifying that the vehicle is insured to the same extent as required of vehicles registered in this State.

(e) Except for members elected from this State, if a member of the United States Congress resides in this State during his term of office in the Congress, he need not register his vehicles in this State during that time.

(f) A trailer or semitrailer operated in intrastate service need not be registered in this State if:

Miscellaneous Transportation Sections for VEIP SIP

(1) It is registered in another state;

(2) The truck tractor or other vehicle that is towing it is registered in this State; and

(3) The registered owner of the truck tractor or other towing vehicle has at least one trailer or semitrailer registered in this State for each truck tractor also registered in this State.

(g) (1) A trailer or semitrailer rented or leased in intrastate service need not be registered in this State if, subject to paragraph (2) of this subsection:

(i) The trailer or semitrailer has a chassis weight of 1,000 pounds or less;

(ii) The trailer or semitrailer is registered in another state; and

(iii) The owner of the trailer or semitrailer annually has registered in this State a number of these trailers and semitrailers that is at least equal to the average number of these trailers and semitrailers that the owner annually will have available in this State for rent or lease in intrastate service.

(2) If a person claims exemption for a trailer or semitrailer under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such trailers and semitrailers that the person has available in all states for rent or lease:

(i) The total number annually registered in all states;

(ii) The total number annually registered in this State; and

(iii) The average total number annually available for rent or lease in this State.

(h) (1) A motor vehicle rented in intrastate service need not be registered in this State if, subject to paragraph (3) of this subsection:

(i) The motor vehicle is registered in another state; and

(ii) The owner of the motor vehicle annually has registered in this State a percentage of the total number of these motor vehicles in a rental fleet as determined under paragraph (2) of this subsection.

Miscellaneous Transportation Sections for VEIP SIP

(2) The percentage of the total number of motor vehicles in a rental fleet that must be registered in this State is determined by dividing the gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in this State by the total gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions in which the rental fleet is operated. The resulting percentage shall be applied to the total number of motor vehicles in the rental fleet and that figure, to the nearest whole number, shall be the number of rental motor vehicles that shall be fully registered and titled in this State.

(3) If a person claims exemption for a motor vehicle under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such motor vehicles that the person has available in all states for rent:

(i) The gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in Maryland; and

(ii) The total gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions.

(i) (1) A person may not rent to another person a motor vehicle or attempt to rent to another person a motor vehicle in this State in violation of this section.

(2) A person may not drive or attempt to drive a vehicle on any highway in this State in violation of this section.

Maryland Statutes

Transportation

Title 13-Vehicle Laws—Certificates of Title and Registration of Vehicles

Subtitle 7-Offenses Against Registration or Certificate of Title Laws; Cancellation, Suspension, and Revocation

Part 1-Offenses

Section 7-701-Driving Vehicle without Evidence of Registration

(a) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless the vehicle

Miscellaneous Transportation Sections for VEIP SIP

displays current registration plates and a current registration card is carried as required in this title.

(b) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, an owner of the vehicle may not knowingly permit the vehicle to be driven on a highway in this State, unless the vehicle displays current registration plates and a current registration card is carried as required in this title.

Maryland Statutes

Transportation

Title 13-Vehicle Laws—Certificates of Title and Registration of Vehicles

Subtitle 7-Offenses Against Registration or Certificate of Title Laws; Cancellation, Suspension, and Revocation

Part 1-Offenses

Section 13-702-Driving Vehicle When Registration Canceled, Suspended, or Revoked

(a) A person may not drive a vehicle on any highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

(b) An owner of a vehicle may not knowingly permit the vehicle to be driven on a highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

Maryland Statutes

Transportation

Title 27 - Vehicle Laws -- Penalties; Disposition of Fines and Forfeitures

Section 27-101-Misdemeanor-Penalties; Exceptions

(a) A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

(1) Is a felony under the Maryland Vehicle Law; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a

Miscellaneous Transportation Sections for VEIP SIP

misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding \$500.

Appendix 2:

Code of Maryland Regulations (COMAR)

Title 11, Subtitle 14, Chapter 08

Vehicle Emissions Inspection Program

DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION MANAGEMENT ADMINISTRATION

RESPONSE TO COMMENTS

for the

PUBLIC HEARING held on September 16, 2009
in BALTIMORE, MD

related to Proposed Changes to
the Vehicle Emissions Inspection Program under COMAR 11.14.08

Purpose of Hearing: The purpose of the hearing was to allow for public comment on the Department's proposal to make changes to the Vehicle Emissions Inspection Program (VEIP) Program .

The primary purpose of the proposed action is to update the Vehicle Emissions Inspection Program (or VEIP) regulations to reflect changes to the program that will be initiated in Fall 2009, including:

- Elimination of the IM240 dynamometer test;
- Mandatory gas cap testing for vehicles undergoing the idle test;
- Revised idle test standards for certain model year vehicles;
- Re-establishment of the Fleet Inspection Station program; and
- New equipment requirements for Certified Emissions Repair Facilities.

Date and Location: The public hearing was held on September 16, 2009 at 10:00 a.m., at 1800 Washington Boulevard, 1st Floor Aeris Conference Room, Baltimore MD 21230.

Hearing Officer: Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, served as Hearing Officer.

Attendance: No one attended the public hearing.

Statement: The Department's statement was submitted into the record by Marcia Ways, Program Manager for the Mobile Sources Control Program of the Air and Radiation Management Administration, Department of the Environment.

Comments Received: The only comments received during the 30-day comment period were from Region 3 of the Environmental Protection Agency.

Comments and Responses: The comments received by the Department during the 30-day comment period that relate to the proposed action have been summarized and the Department's responses are given below.

1. COMMENT: The Environmental Protection Agency (EPA) wanted to raise one issue that is not addressed in the proposed VEIP modification rulemaking, regarding Maryland's waiver cost limits for vehicles qualifying for a waiver, under the waiver criteria of the Clean Air Act (the Act) in Section 182(3)(C)(iii) and the Federal inspection and maintenance (I/M) program rule at 40 CFR 51.360(a). Specifically, EPA's I/M rule requires that enhanced I/M programs, such as Maryland's VEIP, require motorists to make an expenditure of at least \$450 in repairs (as adjusted by the Consumer Price Index). In a recent audit of state I/M programs by EPA's Inspection General (IG) on Report No. 2007-P-00001 - "EPA's Oversight of the Vehicle Inspection and Maintenance Program Needs Improvement," dated October 5, 2006, the IG specifically identified Maryland's lower waiver rate, and recommended that Maryland revise its legal authority for the VEIP program to allow a higher limit. In response to the IG report, the Maryland Department of the Environment (MDE) indicated that it would pursue the necessary legal authority change with the Maryland General Assembly, and that MDE anticipated that the change to its waiver limit requirements would coincide with other program adjustments upon renegotiation of its VEIP testing contract. MDE has not obtained the necessary legal authority change in any of the legislative sessions dating to 2007.

RESPONSE: The regulation revision reflects current Maryland VEIP statute. Section 23-202(c) of the Transportation Article, Annotated Code of Maryland, requires a minimum repair expenditure of \$450. Should the enabling statute be changed by the Maryland General Assembly, the VEIP regulations will be changed accordingly.

2. COMMENT: We also want to comment on the modification of the program inspection regimen, in particular the move from transient, IM240 testing to steady-state, idle testing for 1984-1995 model year vehicles. It is unclear if Maryland has analyzed the impact of the various inspection method changes, in terms of their impacts on the emissions reductions associated with the program. While EPA's policy does encourage states to incorporate on-board diagnostic (OBD) testing, and does not prohibit states from elimination of tailpipe testing, when states can do so without adverse impact, it is not clear if MDE has conducted such an analysis. The elimination of pre-1996 IM240 testing will result in some loss of nitrogen oxide (NOx) emissions reductions, as the replacement idle test for these older vehicles does not measure NOx. The proposed rule and accompanying technical support document does not contain a demonstration that the program continues to achieve the reductions expected of an enhanced I/M program.

At a minimum, the revised VEIP should be evaluated to ensure that it meets the anti-backsliding requirements under section 110(l) of the Clean Air Act. Section 110(l) states that "the Administrator shall not approve a revision of a SIP if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171) or any other applicable requirement of the Act." Anti-backsliding is further discussed in EPA's Provisions for Implementation of the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) in 40 CFR 51, Subpart X.

Specifically, 40 CFR 51.905(a)(1) defines which 1-hour ozone requirements remain applicable in an area designated nonattainment at the time the 1-hour standard was revoked and designated nonattainment for the 1997 8-hour standard. This includes the Maryland portions of the Washington, Baltimore and Philadelphia (Cecil County) areas. The applicable requirements are defined by 40 CFR 51.900(f)(1)-(12) and include I/M programs in §51.900(f)(2). In essence, Maryland needs to demonstrate that it will continue to have an enhanced I/M program that meets the definition for such a program, under EPA's I/M Rule in 40 CFR Part 51, Subpart S.

RESPONSE: The Department is working on a 110(l) demonstration to ensure that these program changes will not impede Maryland's overall ability to meet the ozone air quality standard.

3. COMMENT: Another concern we have is the use of more stringent idle testing cutpoints for 1991-1995 model year vehicles, on the basis of a study based on measurement data from the VEIP and from other idle testing states. EPA's studies in the past have shown that while more stringent idle cutpoints reduce false pass results, they also can result in false fail results for a small portion of tests. EPA has taken a conservative approach in the past to attempt to minimize these false failures. There is also the possibility that setting tighter cutpoints based only on program comparison data, rather than certification-style testing could result in setting cutpoints tighter than the resolution of idle test equipment, leading to uncertainty of the validity of the resulting tests. EPA recommends you monitor the use of these more stringent cutpoints very closely, paying particular attention to unexpectedly large increases in failure rates among newer, pre-OBD vehicles.

RESPONSE: MDE will monitor failure rates, and notes that more stringent idle test cutpoints have been in place in other Region 3 states – Virginia and Pennsylvania.

4. COMMENT: With respect to the increase in time a vehicle can be operated after failing an initial test, from 8 to 17 weeks, we ask for an explanation to justify the change. Is this a mechanism to lower the rate of disappearing vehicles, a customer service benefit, or is it being done for some other reason. Seventeen weeks seems an inordinate amount of time to complete repairs and to obtain a retest.

RESPONSE: The regulation revision reflects current VEIP statute. Section 23-202(c) of the Transportation Article, Annotated Code of Maryland, provides 120 days for repairs following the initial test failure. When the Maryland General Assembly changed the statute to allow the \$450 waiver expenditure for the enhanced VEIP, it also increased the time a vehicle can be operated after failing an initial test to 120 days, to reduce the financial impact. The change was overlooked in the 2002 SIP revision; this action corrects the oversight.

5. COMMENT: Self-testing using leased idle test equipment from your testing contractor is another potential area of concern. There is little information on the number of vehicles that will be tested outside the centralized network, and no analysis presented as to potential impact on the results to the program.

RESPONSE: The fleet program is small, currently affecting at most 20,000 vehicles per year. Moderate growth is expected as the program is made available to the counties added to the VEIP area in 1995. The fleet facilities will be subject to stringent quality assurance monitoring and auditing, very similar to the central testing stations, including monthly onsite equipment audits. The contractor-supplied test system also provides the State the ability to analyze and run trigger reports on fleet vehicle test records as well as equipment quality control records through the central data system.

6. COMMENT: The change of ownership test requirement will lead to a reduction in the number and frequency of tests.

RESPONSE: It was determined that the State registration enforcement system proposed for the enhanced program did not provide adequate test history tracking for vehicles that undergo transfer of ownership. Therefore, the State modified the change of ownership test requirement, so that a VEIP test is scheduled approximately 3 months after the date of registration following change of ownership. Future tests are scheduled in 2-year increments from that due date. This procedure does not result in fewer tests and does not alter program effectiveness; therefore, it was handled administratively, outside the scope of regulatory action. The regulation is now being updated as the major program modifications taking place provide the opportunity to bring the entire chapter up to date as necessary.

7. COMMENT: Another item of concern is the inclusion of NO_x testing in the on-highway emissions test (COMAR 11.14.08.19). If NO_x testing is being eliminated from the VEIP (for pre-1996 vehicles not equipped with OBD), for what purpose will MDE use this data? Is this exclusively for fleet characterization, or does MDE envision its use for follow-up testing, clean/dirty screening, or some other purpose?

RESPONSE: The data is for fleet characterization.

[[*(i)*]] (*j*) (proposed text unchanged)
 (4) — (5) (proposed text unchanged)

JOHN M. COLMERS
 Secretary of Health and Mental Hygiene

**Subtitle 54 SPECIAL SUPPLEMENTAL
 NUTRITION PROGRAM FOR WOMEN,
 INFANTS, AND CHILDREN (WIC)**

10.54.03 Retail Food and Pharmacy Vendors

Authority: Health-General Article, §§2-104(b), 18-107(a), and 18-108,
 Annotated Code of Maryland

Notice of Final Action

[09-316-F]

On November 16, 2009, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.06, .13 — .16, .18, and .19** under **COMAR 10.54.03 Retail Food and Pharmacy Vendors**. This action, which was proposed for adoption in 36:20 Md. R. 1541 — 1544 (September 25, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 14, 2009.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .14A(11)(a): In this paragraph, the words “in two varieties” were inadvertently omitted following “Three 1-pound bags dry type.” The addition of the omitted three words into the final language of the regulation does not make it differ substantively from the proposed text in that no appreciable disadvantage or increased burden is placed upon the regulated entity with the inclusion of the omitted words. The requirement in the regulation before the current emergency and proposed text was for three varieties of dry beans or peas; thus, with the addition of “in two varieties,” the onus on the regulated entity is less than it was before.

.14 Minimum Required Stock.

A. A food store or food store/pharmacy combination vendor shall maintain in the store during regular business hours the following minimum stock:

- (1) — (10) (proposed text unchanged)
- (11) Dry and canned beans:
 - (a) *Three 1-pound bags dry type in two varieties; and*
 - (b) (proposed text unchanged)
- (12) — (15) (proposed text unchanged)

B. (proposed text unchanged)

JOHN M. COLMERS
 Secretary of Health and Mental Hygiene

**Title 11
 DEPARTMENT OF
 TRANSPORTATION**

**Subtitle 14 MOTOR VEHICLE
 ADMINISTRATION — VEHICLE INSPECTION**

11.14.08 Vehicle Emissions Inspection Program

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

Notice of Final Action

[09-255-F]

On October 30, 2009, the Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly adopted:

- (1) The repeal of Regulations **.01, .03, .09, .11-1, .12, .14 — .16, .18 — .25, .28, and .33 — .42;**
- (2) New Regulations **.01, .02, .09, .15, and .16;**
- (3) Amendments to Regulations **.04, .05, .06, .10, and .11;** and
- (4) Amendments to and recodification of existing Regulations **.02, .13, .17, .26, .27, .29, .30, .31, and .32,** respectively, to be Regulations **.03, .12, .13, .14, .16, .17, .18, .19, and .20,** respectively, under **COMAR 11.14.08 Vehicle Emissions Inspection Program.**

This action, which was proposed for adoption in 36:17 Md. R. 1344 — 1352 (August 14, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 14, 2009.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Repeal of Regulation 11.14.08.11-1: This change corrects a typographical error in the list of regulations being affected by this action. There is no Regulation .01-1 under the current Vehicle Emissions Inspection Program. The intent was to repeal Regulation .11-1 Transient Exhaust Emissions Test and Evaporative Purge Test Sequence.

SHARI T. WILSON
 Secretary of the Environment

JOHN T. KUO
 Administrator
 Motor Vehicle Administration

21, 2009, notice of which was given by publication in 36:9 Md. R. 683 (April 24, 2009), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow continuing education credits for pro bono work related to dietetic practice. In addition, the proposed regulation gives the Board the authority to grant an extension for the continuing education unit (CEU) requirement at the discretion of the Board for extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through September 14, 2009. A public hearing has not been scheduled.

.04 Qualifying Continuing Education.

A. — J. (text unchanged)

K. *Category 9 — Pro Bono Work.*

(1) *This category may not exceed 5 hours of pro bono work related to dietetic practice.*

(2) *Continuing education units may be earned for pro bono work at the rate of 1 continuing education unit for 1 hour of Board-approved pro bono work.*

(3) *The licensee shall provide to the Board a written application for approval of pro bono work. The application shall include:*

(a) *The location of the pro bono work;*

(b) *The type of work related to dietetic practice to be provided;*

(c) *The number of hours of actual work to be provided for which the licensee desires continuing education hours;*

(d) *A statement guaranteeing that the work provided no financial benefit to the licensee; and*

(e) *A description of how the work will enhance the licensee's ongoing education.*

(4) *Upon completion of the pro bono work, the licensee shall submit written documentation from the facility as evidence of completion of pro bono hours to the Board.*

(5) *Continuing education units may not be granted for work that did not receive prior approval from the Board.*

.05 Obtaining Board Approval for Continuing Education Activities.

A. — D. (text unchanged)

E. *Extension of Time.*

(1) *A licensed dietitian-nutritionist shall file a request in writing with the Board for an extension of time within*

which to complete continuing education requirements before October 1 of the renewal year.

(2) *The Board shall consider and render a decision on the request within 60 days of receiving the written request.*

(3) *The Board may grant an extension until January 31 of the following year and conditionally renew a license if the Board determines that:*

(a) *Failure to fulfill the requirements is clearly a result of illness or other circumstances beyond the control of the licensed dietitian-nutritionist; and*

(b) *The licensed dietitian-nutritionist readily and appropriately attempted to meet the requirements.*

(4) *Continuing education units earned after October 31 of the second year to fulfill the conditions of an extension may be credited only to the preceding 2-year period.*

(5) *The Board shall audit a licensed dietitian-nutritionist who has been granted an extension of time for the completion of continuing education requirements.*

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

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), 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

[09-255-P]

The Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly propose to:

(1) Repeal Regulations **.01, .01-1, .03, .09, .12, .14 — .16, .18 — .25, .28, and .33 — .42;**

(2) Adopt new Regulations **.01, .02, .09, .15, and .16;**

(3) Amend Regulations **.04, .05, .06, .10, and .11;** and

(4) Amend and recodify existing Regulations **.02, .13, .17, .26, .27, .29, .30, .31, and .32** to be Regulation **.03, .12, .13, .14, .16, .17, .18, .19, and .20** under **COMAR 11.14.08 Vehicle Emissions Inspection Program.**

Statement of Purpose

The purpose of this action is to modify the Vehicle Emissions Inspection Program regulations by:

(1) Eliminating the IM240 dynamometer exhaust emissions test;

(2) Making gas cap testing mandatory for vehicles undergoing the idle exhaust emissions test;

(3) Revising idle exhaust emissions test standards for certain model year vehicles;

(4) Re-establishing the Fleet Inspection Station program, and implementing new equipment requirements; and

(5) Setting new equipment requirements for Certified Emissions Repair Facilities.

This action also includes various minor procedural changes to reflect operational developments, and various organizational and editorial changes to improve readability and structure.

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

Background.

The VEIP operations contract expires on July 31, 2009. After a competitive bidding process, the incumbent vendor, Environmental Systems Products (ESP), was selected for the upcoming contractual period of August 1, 2009 — July 31, 2014, plus an optional 5-year extension.

To provide the most cost-effective means of testing into the future years, the new contract consists of on-board diagnostics (OBD) testing and idle testing; the dynamometer test will be eliminated. This is because over 80 percent of the current vehicle population is OBD-equipped and can be tested with the OBD test, while the number eligible for the dynamometer test is about 12 percent and declining as older vehicles are replaced with newer models. Further, the dynamometer equipment is 14 years old and maintenance-intensive. Non-OBD-equipped vehicles will be idle tested.

Also, the gas cap test will be mandatory for idle-tested vehicles. This is a functional test that checks for leaks and proper seal to reduce fuel evaporation. The gas cap test results are currently advisory only. The mandatory gas cap test will not be conducted on OBD-equipped vehicles because the OBD system checks the entire fuel system, including the cap.

Requirements.

Current test procedures:

- OBD test for 1996 and newer light duty passenger cars and trucks.
 - IM240 dynamometer test for 1984 — 1995 light duty passenger cars and trucks.
 - Idle test and catalytic converter tampering check for 1977 — 1983 model year light duty passenger cars and trucks, and 1977, and newer heavy duty vehicles up to 26,000 pounds.
 - Advisory gas cap leak test for all subject vehicles.
- Test procedures effective August 1, 2009:
- OBD test for 1996 and newer light duty passenger cars and trucks, and 2008 and newer heavy duty vehicles up to 14,000 pounds.
 - Idle test, catalytic converter tampering check, and mandatory gas cap leak test for 1977 — 1995 light duty passenger cars and trucks, and 1977 — 2007 heavy duty vehicles up to 14,000 pounds, and 1977 and newer heavy duty vehicles 14,000 — 26,000 pounds.

Idle Test Standards.

Idle test standards will be updated, primarily for newer light duty passenger vehicles and trucks that had previously been subject to the IM240 test. While the existing idle test standards are appropriate for the 1984 — 1990 range, revised idle test standards are being adopted for 1991 — 1995 models, reflecting advances in emissions control system design and durability.

Fleet Inspection Stations.

The change in test procedures allows the re-establishment of the Fleet Inspection Station (FIS) program, which permits organizations with centrally maintained fleets to test their own vehicles. Frozen to new applicants since 1995, the FIS Program will be expanded to

include additional facilities, and updated to replace outdated reporting methods and stand-alone equipment. Previously, the Department of the Environment provided a list of approved test equipment that FIS facilities may purchase. Under this action, Fleet Inspection Stations must purchase or lease a testing system from the central VEIP contractor, which will be connected into the central data system. The equipment will be automated and include the fraud and error prevention functions that are found in the State VEIP stations. The purchase price is estimated at \$7,900, plus annual maintenance costs of approximately \$1,150. Benefits to the fleet inspection stations include improvements in testing operations, automatic vehicle compliance reporting, and electronic purchase of testing authorizations.

Certified Emissions Repair Facilities.

The Department of the Environment administers the Certified Emissions Repair Facility (CERF) Program, a certification program for vehicle repair businesses, to ensure the availability of high quality emissions related repairs for motorists whose vehicles fail the VEIP inspection. CERFs currently must own an exhaust emissions gas analyzer in addition to other diagnostic equipment. However, most repairs are now for OBD failures, which do not require a gas analyzer to diagnose. These amendments establish an alternative repair facility certification without a gas analyzer, suitable for shops that do not normally repair older passenger vehicles or heavy duty vehicles. Such CERFs will be advertised to motorists as equipped to repair OBD failures. A CERF that chooses to retain the current certification and keep the gas analyzer will be advertised as equipped to repair both idle test and OBD test failures. A gas analyzer costs approximately \$5,000; the alternative certification should encourage more repair businesses to become CERFs, thereby raising the overall quality of emissions related repairs.

Sources Affected and Location.

About 3 million vehicles in 14 jurisdictions are tested in the VEIP as an ozone control measure.

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. Under this proposed action, Fleet Inspection Stations must purchase or lease a testing system from the VEIP operations contractor, Environmental Systems Products, at an estimated cost of \$7,900 plus annual maintenance costs of approximately \$1,150.

This proposed action will also affect Certified Emissions Repair Facilities by making possession of an exhaust emissions gas analyzer optional. Vehicle repair businesses that choose the new optional certification level will not need to purchase a gas analyzer, resulting in savings of approximately \$5,000.

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

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	

C. On local governments:			
Local gov'ts licensed as Fleet Inspection Stations	(E+)	\$7,900 initial cost and \$1,150 annually	
			Benefit (+) Cost (-)
D. On regulated industries or trade groups:			
(1) Fleet Inspection Stations	(-)	\$7,900 initial cost and \$1,150 annually	Magnitude
(2) Certified Emissions Repair Facilities	(+)	Approximately \$5,000 savings	
E. On other industries or trade groups:			
F. Direct and indirect effects on public:	NONE		

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

C. Local governments that are licensed as fleet inspection stations must purchase or lease a testing system at an estimated cost of \$7,900 plus annual maintenance costs of approximately \$1,150.

D(1). Businesses licensed as fleet inspection stations must purchase or lease a testing system at an estimated cost of \$7,900 plus annual maintenance costs of approximately \$1,150.

D(2). Vehicle repair businesses that are certified emissions repair facilities may choose an option certification level that does not require possession of an exhaust emissions gas analyzer, resulting in savings of approximately \$5,000.

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 September 16, 2009, at 10 a.m. at the Department of the Environment, 1800 Washington Blvd., 1st Floor Aeris Conference Room, Baltimore, MD 21230-1720. Interested persons are invited to attend and express their views.

Comments may be sent to Deborah Rabin, Regulations Coordinator, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, MD 21230-1720, or email drabin@mde.state.md.us, or call (410) 537-3240. Comments must be received not later than September 16, 2009, or be submitted at the hearing.

Copies of the proposed action and supporting documents are available for review at the following locations: The Air and Radiation Management Administration; regional offices of the Department in Cumberland and Salisbury; all local air quality control offices; and local health departments in those counties not having separate air quality control offices.

Anyone 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.

.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 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.*

	<i>Gross Vehicle Weight (pounds)</i>	<i>Vehicle Model Year</i>	<i>Test Type</i>
(a)	<i>8,500 and under</i>	<i>1977 — 1995</i>	<i>Idle exhaust emissions test, catalytic converter check, and gas cap leak test</i>
		<i>1996 and newer</i>	<i>On-board diagnostics test</i>
(b)	<i>8,501 — 14,000</i>	<i>1977 — 2007</i>	<i>Idle exhaust emissions test, catalytic converter check, and gas cap leak test</i>
		<i>2008 and newer</i>	<i>On-board diagnostics test</i>
(c)	<i>14,001 — 26,000</i>	<i>1977 and newer</i>	<i>Idle exhaust emissions test, catalytic converter check, and gas cap leak test</i>

.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.*

[.02].03 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - [(2) "Analyzer" means equipment that measures the chemical composition of motor vehicle exhaust.]
 - [(3)] (2) — [(5)] (4) (text unchanged)
 - [(6) "Basic certified emissions technician" means an individual who meets the provisions of Regulation .29A(1) of this chapter.]
 - [(7)] (5) (text unchanged)
 - [(8) (6) "Certified emissions repair facility" means a business certified by the Department which:
 - (a) (text unchanged)
 - (b) Meets the requirements of Regulation [.30].18 of this chapter.
 - [(9) "Certified emissions technician" means an individual certified by the Department who diagnoses emissions-related faults and supervises or performs emissions-related repairs and adjustments to bring vehicles into compliance with the requirements of this chapter.

(10) "Chemiluminescent analyzer" means an analyzer which measures the intensity of chemiluminescent radiation from the reaction of nitric oxide with ozone and, when used in conjunction with a nitrogen dioxide converter, permits the measurement of oxides of nitrogen.

(11) "Composite exhaust emissions test" means the entire exhaust emissions test, consisting of Phase 1 and Phase 2.

(12) "Constant volume sampler" means a device which:

(a) Is used for collecting samples of diluted exhaust gas; and

(b) Maintains a constant flow rate of exhaust gas and dilution air.]

[(13)] (7) — [(16)] (10) (text unchanged)

[(17)] "Dynamometer" means a power absorption unit which allows the road operation of a vehicle to be simulated by reproducing the inertia and road load power developed by the vehicle.]

[(18)] (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;*

[(a)] (b) — [(f)] (g) (text unchanged)

[(19)] (12) (text unchanged)

[(20)] (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), [1992 edition, which is incorporated by reference,] or a remedial plan determination made pursuant to the Clean Air Act, 42 U.S.C. §7541 [, which is incorporated by reference].

[(21)] (14) — [(23)] (16) (text unchanged)

[(24)] "Flame ionization detector" means an analyzer which uses a hydrogen-air flame detector to produce a signal proportional to the mass flow rate of hydrocarbons.]

[(25)] (17) "Fleet inspection station" means an establishment licensed by the Department [as of December 31, 1994] 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.*

[(26)] (18) — [(29)] (21) (text unchanged)

[(30)] (22) "Inspector" means an employee of the contractor who performs emissions inspections [, or an employee of the Administration or the Department who performs referee or other inspections,] at a vehicle emissions inspection station, *or a master certified emissions technician who performs emissions inspections at a fleet inspection station.*

[(31)] "Loaded vehicle weight (LVW)" means the weight of the vehicle in operational status and the weight of fuel at nominal tank capacity, plus 300 pounds.]

[(32)] (23) "Master certified emissions technician" means an individual who meets the provisions of Regulation [.29B(1)] .17 of this chapter.

[(33)] (24) — [(35)] (26) (text unchanged)

[(36)] "Nondispersive infrared analyzer" means an analyzer which uses the nondispersive infrared analytical technique to measure components of motor vehicle exhaust.]

[(37)] (27) — [(38)] (28) (text unchanged)

[(39)] "Passenger vehicle" means a vehicle which is registered or may be registered as a Class A passenger vehicle.]

[(40)] (29) "Period of permitted operation" means the period beginning with the Wednesday on or before an initial inspection failure and [, for an initial inspection performed:

(a) In 1998 and 1999, ending 8 weeks after the Wednesday on or after the initial inspection failure; and

(b) After December 31, 1999,] ending 17 weeks after the Wednesday on or before the initial inspection failure.

[(41)] "Phase" means a portion of the exhaust emissions test. Phase 1 is seconds 0 through 93 of the test, and Phase 2 is seconds 94 through 239 of the test.]

(30) "Qualified hybrid vehicle" has the meaning stated in *Transportation Article, §13-815(a), Annotated Code of Maryland.*

[(42)] (31) — [(45)] (34) (text unchanged)

(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.

[(46)] (36) "Vehicle" [, for the purposes of this chapter, is synonymous with the definition of motor vehicle in §B(35) of this regulation] means motor vehicle.

[(47)] (37) (text unchanged)

[(48)] (38) "Vehicle emissions inspection program [station] 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.

[(49)] (39) (text unchanged)

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

.04 Exemptions.

[A vehicle is exempt form the provisions of this chapter if it is:]

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

B. *Exempt vehicles include the following vehicles:*

- (1) *Before October 1, 2012, a qualified hybrid vehicle;*
- (2) *A zero-emission vehicle;*

[A.] (3) — [O.] (17) (text unchanged)

.05 Schedule of the Program.

A. [After December 31, 1994, the] *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 [notify] send a notice to the vehicle owner approximately 8 weeks before the assigned date.*

(2) (text unchanged)

(3) *Unscheduled Inspection.*

(a) — (b) (text unchanged)

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

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

(e) *A vehicle that is registered out-of-State or a federal government vehicle may be presented for inspection as re-*

quired by the state or the federal government, and an unscheduled inspection will be performed.

(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) [For] 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 months after the [date of titling] model year of the vehicle.

(5) (text unchanged)

[(6) Transfer of Ownership.

(a) Unless exempt under Regulation .04 of this chapter, upon transfer of ownership, a used vehicle shall undergo an emissions inspection in accordance with the provisions of this chapter if the date of scheduled inspection is not sufficiently later than the date of transfer of ownership to ensure that the new owner will receive notification.

(b) A dealer located in the emissions inspection area who sells a used vehicle to a person residing in the emissions inspection area shall have the vehicle inspected as required in §B(6)(a) of this regulation.

(c) A dealer located outside the emissions inspection area who sells a used vehicle to a person residing in the emissions inspection area may follow the requirements of §B(6)(b) of this regulation or may transfer the inspection requirements to the purchaser, if the transfer of requirements is disclosed to the purchaser in writing on a form approved by the Administration.]

(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) (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) A list of all vehicles at each property or facility which are required to be inspected under [Regulation .03 of] this chapter [, shall provide information];

(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 [shall provide an]

(c) An updated list biennially.

C. — F. (text unchanged)

.06 Certificates.

A. General Requirements.

(1) (text unchanged)

(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) — (b) (text unchanged)

(c) The [exhaust emissions test] inspection start time and [the time final exhaust emissions scores are determined] end time;

(d) — (g) (text unchanged)

[(h) Indication that the vehicle has full-time, four-wheel drive, if applicable;]

[(i) (h) — [(j) (i) (text unchanged)

[(k) Indication that a second-chance emissions test was performed, as provided in Regulation .11-1B(5) of this chapter, if applicable;]

[(l) (j) — [(m) (k) (text unchanged)

[(n) (l) The idle exhaust emissions test pass/fail status for hydrocarbons, carbon monoxide, [oxides of nitrogen, and carbon monoxide plus carbon dioxide,] and sample dilution, if applicable;

[(o) (m) The exhaust emissions measurements and the applicable standards for hydrocarbons[,] and carbon monoxide, [oxides of nitrogen, and carbon monoxide plus carbon dioxide, carried out to the appropriate number of significant digits as specified in Regulation .09 of this chapter] if applicable;

[(p) (n) [If applicable, the] The pass/fail status for the [evaporative purge test and the applicable standard] catalytic converter check, if applicable;

[(q) (o) [If applicable, the] The pass/fail status for the [evaporative integrity test and the applicable standard] gas cap leak test, if applicable;

[(r) (p) [Effective July 1, 2002, the] The pass/fail status for the on-board diagnostics [interrogation] test and stored on-board diagnostics fault codes [related to the emissions control equipment and to the power train for 1996 and newer model year vehicles], if applicable;

[(s) If applicable, the pass/fail status for the gas cap leak test and the applicable standard;]

[(t) (q) — [(u) (r) (text unchanged)

(4) — (5) (text unchanged)

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 a pass certificate which includes a statement certifying that the inspection was performed in accordance with the provisions of this chapter [and, if a vehicle passes a reinspection, the change in:

(1) Fuel economy resulting from emissions-related repairs; and

(2) Exhaust emissions, in pounds of pollutant per 10,000 miles of vehicle operation, resulting from emissions-related repairs].

C. (text unchanged)

D. *Waiver Certificate.*

(1) — (2) (text unchanged)

(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 provision of this chapter.

(4) (text unchanged)

[(5) A waiver certificate may be issued only by the Administration.]

[(6) (5) (text unchanged)

[(7) (6) Senior Citizens.

(a) A waiver certificate may be granted to a vehicle [owners] owner who [are] is 70 years old or older at the time of the scheduled inspection [and drive less than] 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.

.09 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 less than or equal to 6,000 pounds.

	Vehicle Model Year	HC (parts per million)	CO (percent)
(i)	1977	500	6.00
(ii)	1978	430	5.50
(iii)	1979	400	4.00
(iv)	1980	220	1.70
(v)	1981 — 1990	220	1.20
(vi)	1991 — 1992	200	1.00
(vii)	1993 — 1995	175	1.00

(b) Table 3. Gross vehicle weight greater than 6,000 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

(c) Table 4. 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

	Vehicle Model Year	HC (parts per million)	CO (percent)
(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.

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.

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

.10 General Requirements for Inspection and Preparation for Inspection.

A. [General Requirements.] Emissions Related Recall.

[(1)] 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 of this chapter.

[(2)] Unless a fast-pass procedure is used, once an official test is initiated, the inspector shall conduct the test in its entirety.

(3) If a vehicle stalls during a test, the inspector shall void the test.

(4) The inspector shall repeat a test which is void for a reason other than an unsafe condition, except that if a vehicle stalls more than three times, the inspector shall reject the vehicle from inspection.]

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) — (b) (text unchanged)

[(c) Excessively worn or deflated tires on a drive axle (transient emissions test only);

(d) The use of a space-saver spare tire on a drive axle (transient emissions test only);]

[(e)] (c) — [(f)] (d) (text unchanged)

[(2)] The inspector shall check the vehicle for exhaust system leaks by a procedure approved by the Administration and the Department. Aural assessment while the exhaust flow is blocked, or measurement of exhaust emissions of carbon dioxide or other gases, is acceptable.]

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

[(4)] The inspector shall precondition the vehicle as specified by the Administration and the Department.]

[(5)] (3) (text unchanged)

[(6)] — [(7)] (proposed for repeal)

[C.] — [E.] (proposed for repeal)

.11 [Idle Exhaust Emissions] Test [and] Equipment [Checks] and Test Procedures.

A. Idle Exhaust Emissions Test. [The]

(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 [, Appendix B(I) (July 1, 1997 edition), which is incorporated by reference] .

B. (text unchanged)

C. Gas Cap [Seal Check] 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 [check the gas cap to ensure it is present and seals properly, and fail the vehicle if a gas cap is not present or not sealing properly] 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] .12 Failed Vehicle and Reinspection Procedures.

A. Failed Vehicle. The inspector shall refer the operator of a failed vehicle to the vehicle emissions inspection program [station] customer service representative for further information.

B. Reinspection.

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

(a) For which the documentation required in Regulation .05E(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) (text unchanged)

(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 [and evaporative purge and integrity tests, and] test, catalytic converter check, and gas cap leak test, or the on-board diagnostics [interrogation] test, as applicable, regardless of the reason for initial failure.

[.17] .13 Quality Assurance and Maintenance [— General Requirements].

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. — G. (text unchanged)

[.26] .14 Vehicle Emissions Inspection Station.

A. (text unchanged)

[B.] — [D.] (proposed for repeal)

[E.] B. (text unchanged)

.15 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.

[.27] .16 [Technician's Vehicle Report.] Vehicle Data for Vehicle Repair Assistance.

A. (text unchanged)

B. The contractor shall:

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

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

C. The contractor shall include the [following] information specified in Regulation .06A(3) of this chapter in the report[:].

[(1) The information specified in Regulation .06A(3) of this chapter;

(2) For a transient exhaust emissions failure, second-by-second emission levels in grams per second for each pollutant, and the corresponding average values for passing vehicles of the same model year, manufacturer, and engine family; and

(3) For an on-board diagnostics interrogation failure, fault codes stored in the vehicle's on-board diagnostics system related to the emissions control equipment and to the power train.]

[.29] .17 Master Certified Emissions Technician.

[A.] (proposed for repeal)

[B.] A. [Master Certified Emissions Technician.] Initial Application and Certification.

(1) (text unchanged)

(2) An individual qualifying for certification [as specified in §B(1) of this regulation] 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) — (d) (text unchanged)

[C.] B. Certification Renewal.

(1) An individual with current, valid certification [as issued under §B of this regulation] 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 [§B(1)(c)] §A of this regulation.

(3) Certification renewed under this section is valid through the applicable date defined in [§B(2)] §A of this regulation.

[D.] C. Suspension, Revocation, and Denial of Certification.

(1) — (2) (text unchanged)

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

- (a) — (b) (text unchanged)

[E.] 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.

[.30].18 Certified Emissions Repair Facility.

A. — C. (text unchanged)

D. Equipment and Tool Requirements.

(1) **[A]** *An on-board diagnostics* certified emissions repair facility shall [maintain] *possess* and update as required all of the following equipment and tools:

(a) Emissions diagnostic and repair information for affected model year vehicles [, the most current of which applies to vehicles of model years not more than 2 years older than the current calendar year, and the information may be stored on magnetic media if a device to read the media is maintained at the facility];

(b) [Scanner capability to interrogate systems of vehicles, the most current of which applies to vehicles of model years not more than 2 years older than the current calendar year] *A scan tool to extract fault codes from any vehicle equipped with on-board diagnostics;*

(c) **A** [voltmeter with AC and DC capability] *multimeter;*

[(d) A DC ammeter;

(e) An ohmmeter;

(f) An engine performance analyzer with a lab scope or an oscilloscope;

(g) A pyrometer;]

[(h) (d) — (i) (e) (text unchanged)

[(j) (f) A vacuum pump; and

[(k) (g) A compression tester or cylinder leak down tester [;].

[(l) A timing light with advance capability;

(m) An exhaust emissions analyzer which conforms, at a minimum, to the “California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, 1979”, also known as the BAR-80 specifications, which is incorporated by reference;

(n) A tachometer;

(o) A dwell meter or duty cycle meter; and

(p) Capability to access information via facsimile during operating hours.]

[(2) After December 31, 1997, in addition to the requirements of §D(1) of this regulation, a certified emissions repair facility shall, with the approval of the Department, maintain and update as required the following equipment and tools to test the function and integrity of the vehicle evaporative system:

(a) Gas pressure measuring equipment; and

(b) Gas flow measuring equipment.]

(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. 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) — (b) (text unchanged)

F. — H. (text unchanged)

[.31].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, [and] carbon monoxide [. When technologically feasible, the contractor shall also measure] , 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) (text unchanged)

B. — D. (text unchanged)

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) — (c) (text unchanged)

(2) Within [5 working days after a test] *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) (text unchanged)

[.32].20 Fleet Inspection Station.

[A. A fleet inspection station with a current, valid license as of December 31, 1997, may continue to be licensed as a fleet inspection station through December 31, 1998, and is authorized to:

(1) Inspect the vehicles that are part of the fleet designated by the licensee and are required to be inspected; and

(2) If the licensee is a dealer, inspect vehicles owned by other dealers, if a written agreement is in effect on December 31, 1994.]

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:

[B. A licensee described in §A of this regulation shall:]

[(1)] (a) (text unchanged)

[(2)] (b) Possess [all required equipment in compliance with the provisions of Regulation .35 of this chapter;] the following diagnostic equipment and tools:

(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.

[(3)] (c) (text unchanged)

[(4)] (d) Employ at least one master certified emissions technician; [and]

[(5) Present 25 percent of the vehicles that are part of the fleet designated by the licensee and that are required to be inspected in 1998, or 500 vehicles, whichever is less, for inspection and any subsequent reinspections, at a vehicle emissions inspection station as scheduled by the Administration.]

(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.

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; and

(b) Require re-inspection of a vehicle as a quality control or compliance measure.

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 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 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 .11 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.

SHARI T. WILSON
Secretary of the Environment

JOHN T. KUO
Administrator
Motor Vehicle Administration



TECHNICAL SUPPORT DOCUMENT

COMAR 11.14.08 Vehicle Emissions Inspection Program

Purpose of Amendments

The primary purpose of these amendments is to update the Vehicle Emissions Inspection Program (VEIP) regulations to reflect changes to the program initiated in Fall 2009, including:

- Elimination of the IM240 dynamometer test;
- Mandatory gas cap testing for vehicles undergoing the idle test;
- Revised idle test standards for certain model year vehicles;
- Updated and expanded Fleet Inspection Station program; and
- Modified equipment requirements for Certified Emissions Repair Facilities.

Background

Since its inception in 1984, the VEIP has played a key role in Maryland's overall plan to achieve healthy air for all citizens. Motor vehicles produce over one-third of the emissions that contribute to Maryland's air quality problem of ground-level ozone. By requiring inspection of vehicle emissions systems every two years, and repair of vehicles that fail to meet emissions standards, VEIP significantly reduces ozone-forming emissions.

The VEIP is a centralized vehicle emissions inspection and maintenance program operated by a contractor and jointly administered by the Maryland Department of the Environment (MDE) and Motor Vehicle Administration (MVA). Generally, significant program modifications are timed to coincide with a new operations contract period. The latest VEIP operations contract expired on July 31, 2009, and the State determined that the timing was appropriate to implement some modifications to provide the most cost effective means of testing into the future years. A key change is the elimination of the IM240 dynamometer test.

The dynamometer test is being eliminated because over 85% of the current vehicle population is now subject to the on-board diagnostics (OBD) test, while the number that would be eligible for the dynamometer test is about 10% and declining as older vehicles are replaced with newer models. The dynamometer equipment is also almost 15 years old and maintenance-intensive. Accordingly, the VEIP operations contract effective August 1, 2009 – July 31, 2014 specifies OBD testing and idle testing.

Sources Affected and Location

Under the 2009 operations contract, the VEIP testing network consists of 18 inspection stations located in 13 counties and Baltimore City. Approximately 3 million vehicles are tested every two years. Vehicles that fail the emissions test must be repaired and pass a re-inspection at one of the centralized inspection stations.



Requirements

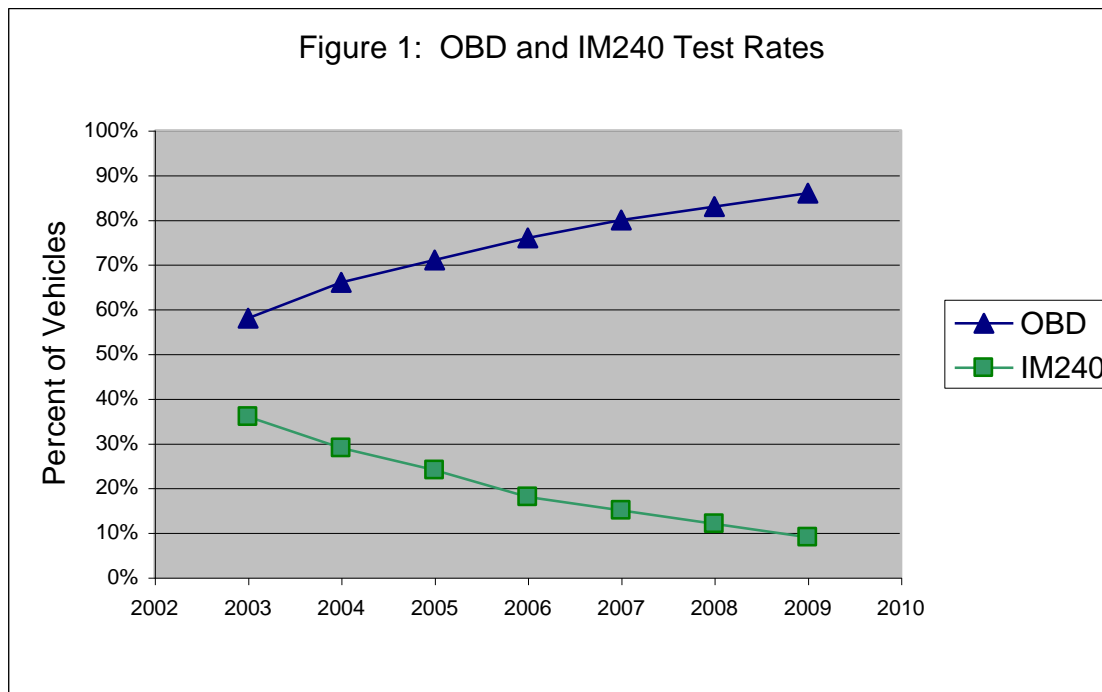
Test Procedures Prior to August 1, 2009

- OBD test for 1996 and newer passenger cars and light duty trucks.
- IM240 dynamometer test for 1984 – 1995 passenger cars and light duty trucks.
- Idle test and catalytic converter tampering check for 1977 – 1983 model year passenger cars and light duty trucks, and 1977 and newer heavy duty vehicles up to 26,000 lb.
- Advisory gas cap leak test for all subject vehicles.

Revised Test Procedures Effective August 1, 2009

- OBD test for 1996 and newer passenger cars and light duty trucks, and 2008 and newer heavy duty vehicles up to 14,000 lb.
- Idle test, catalytic converter tampering check, and mandatory gas cap leak test for 1977 – 1995 passenger cars and light duty trucks, 1977 – 2007 heavy duty vehicles up to 14,000 lb., and 1977 and newer heavy duty vehicles 14,000 – 26,000 lb.

Maryland initiated mandatory pass/fail OBD testing for model year 1996 and newer passenger vehicles and light duty trucks in July 2002. As shown in Figure 1, the percentage of vehicles subject to the OBD test has risen steadily, and OBD tested vehicles now comprise the vast majority of the VEIP population, while the number eligible for the IM240 dynamometer test continues to decline. The State has determined that the most cost effective approach at this juncture is to cease dynamometer testing and conduct the idle test on vehicles not equipped with OBD systems.



Also, heavy duty vehicles between 8,501 and 14,000 pounds became fully compliant with federal OBD requirements in model year 2008; therefore, model year 2008 and newer vehicles in this weight range are now subject to the OBD test rather than the idle test.

Mandatory Gas Cap Test for Idle Tested Vehicles

Under this action, idle tested vehicles must undergo a gas cap test. The gas cap test is a functional test that checks for leaks and proper seal of the gas cap, to reduce fuel evaporation. This test had previously been advisory only; however, vehicles that fail the gas cap test on August 1 and later must be fitted with a new gas cap and returned for retesting. The retest consists of the entire test procedure, including the idle test and gas cap test.

The mandatory gas cap test is not conducted on OBD-equipped vehicles because the OBD system checks the entire fuel system, including the cap.

Revised Idle Test Standards

Idle test standards have been updated, primarily for certain model year passenger vehicles and light duty trucks that had previously been subject to the IM240 test. The new standards were developed as result of a study of idle test standards and emissions measurements. In the study, VEIP idle test standards, and the distribution of vehicles exceeding the standards, were compared with those of other states. Several scenarios were tested with emissions measurement data from VEIP and other states.

The findings of the study were that the existing idle test standards are appropriate for passenger vehicles and light duty trucks in the 1984 – 1990 model year range, but revised idle test standards are needed for 1991 – 1995 models. The revised standards are necessary to reflect advances in emissions control system design and durability, and related lower emissions levels of the newer vehicles. Heavy duty vehicle idle test standards have also been revised, as the stringency of the manufacturer certification standards for newer model years has increased and emissions levels decreased.

Updated and Expanded Fleet Inspection Station Program

The change in test procedures allows the re-establishment of the Fleet Inspection Station (FIS) program, which licenses organizations with centrally maintained fleets to test their own vehicles. Frozen to new applicants since 1995, the FIS program will be expanded to include additional facilities, and updated to replace outdated reporting methods and stand-alone equipment.

Under the new program, each FIS will purchase or lease the FIS test equipment from the contractor that operates the centralized program. The equipment will include the fraud and error prevention functions found in the State VEIP stations, replacing the paper-based compliance system currently in place. The equipment will be fully automated and connected into the central data system, providing improvements in testing operations, automatic vehicle compliance reporting, and electronic purchase of testing authorizations. FIS program modifications will begin in Spring 2010, following the transition of the central VEIP stations.



Certified Emissions Repair Facility Program Revisions

The Certified Emissions Repair Facility (CERF) program is administered by MDE to ensure that motorists failing the VEIP test have access to high quality emissions-related repairs. CERFs employ highly skilled Master Certified Emissions Technicians and have the proper tools and reference information to perform effective repairs.

A CERF was previously required to own an exhaust emissions gas analyzer in addition to other repair equipment. However, most repairs are now for OBD failures, which do not require a gas analyzer for diagnostic or repair verification purposes. These amendments establish an alternative repair facility certification without a gas analyzer, suitable for shops that do not normally repair older passenger vehicles or heavy duty vehicles. Such CERFs will be advertised to motorists as equipped to repair OBD failures.

A CERF that chooses to retain the previous certification and keep the gas analyzer will be advertised as equipped to repair both idle test and OBD test failures. A gas analyzer costs approximately \$5,000; the alternative certification should encourage more repair businesses to become CERFs, thereby raising the overall availability of effective emissions-related repairs to the public.

Summary of Economic and Environmental Impact

This action establishes a requirement for Fleet Inspection Stations (FIS) to purchase or lease a testing system from the VEIP operations contractor, Environmental Systems Products, at an estimated purchase price of \$7,900 plus annual maintenance costs of approximately \$1,150. Previously, MDE provided a list of approved analyzers that a FIS could purchase. However, the equipment was stand-alone, not connected to the central VEIP stations, and compliance documentation was hand written. The new equipment corrects these inadequacies by providing full automation, and fraud and error prevention functions equal to those of the State VEIP station test equipment.

Vehicle repair businesses seeking Certified Emissions Repair Facility (CERF) licensing that choose the new optional certification level established by this action will not need to purchase an exhaust emissions gas analyzer, resulting in savings of approximately \$5,000. An existing CERF may choose to forego the analyzer it already possesses for licensing, and will experience minor savings in maintenance and operations costs, and future savings by not having to replace the analyzer at the end of its useful life.

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

This action replaces the idle test with the more appropriate OBD test for model year 2008 and newer heavy duty vehicles up to 14,000 pounds. This action also implements more stringent idle test standards for newer model year passenger vehicles and light duty trucks previously subject to the IM240 dynamometer test, as well as for newer heavy duty vehicles. The cessation of IM240 dynamometer testing, given the composition of the Maryland fleet as well as the concurrent start of a new operations contract period, reflects current EPA guidance. In total, the

changes are consistent with Maryland's ongoing efforts toward maximizing emissions reductions through a cost effective inspection and maintenance program that provides the high motorist acceptance necessary for success.

Submission to EPA as Revision to Maryland's SIP

This action will be submitted to EPA for approval as a revision to Maryland's Enhanced Vehicle Inspection and Maintenance SIP.

Applicable Federal Requirements

- Federal enhanced vehicle emissions inspection and maintenance requirements are specified in the Clean Air Act as amended in 1990 and in 40 CFR parts 51 and 85. The federal laws and regulations require certain elements while delegating authority to the State to design and implement a vehicle emissions inspection program.
- These amendments are not more restrictive than the federal requirements.

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 01 OFFICE OF THE SECRETARY

09.01.04 Public Information Act Requests

Authority: Business Regulation Article, §2-105; *General Provisions Article, Title 4*; Annotated Code of Maryland

Notice of Final Action

[17-239-F]

On November 14, 2017, the Secretary of Labor, Licensing, and Regulation adopted amendments to Regulations .01, .02, and .04, the repeal of existing Regulations .05—.07, .15, and .16, amendments to and the recodification of existing Regulations .08—.12, .13, .14, and .17 to be Regulations .05—.09, .11, .12, and .13, respectively, and new Regulation .10 under COMAR 09.01.04 Public Information Act Requests. This action, which was proposed for adoption in 44:20 Md. R. 949—952 (September 29, 2017), has been adopted as proposed.

Effective Date: December 18, 2017.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.79 Presumptive Eligibility for Correctional Facilities

Authority: *Health-General Article, §15-103(b)*, Annotated Code of Maryland

Notice of Final Action

[17-140-F]

On November 27, 2017, the Secretary of Health adopted new Regulations .01—.08 under a new chapter, COMAR 10.09.79 Presumptive Eligibility for Correctional Facilities. This action, which was proposed for adoption in 44:11 Md. R. 529—531 (May 26, 2017), has been adopted as proposed.

Effective Date: December 18, 2017.

DENNIS SCHRADER
Secretary of Health and Mental Hygiene

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

11.14.08 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

Notice of Final Action

[17-234-F]

On October 17, 2017, the Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly adopted amendments to Regulations .01, .03—.05, and .09 under COMAR 11.14.08 Vehicle Emissions Inspection Program. This action, which was proposed for adoption in 44:18 Md. R. 868 — 871 (September 1, 2017), has been adopted as proposed.

Effective Date: January 1, 2018.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

BENJAMIN H. GRUMBLES
Secretary
Maryland Department of the Environment

Title 31

MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.44 Network Adequacy

Authority: *Insurance Article, §§2-109(a)(1) and 15-112(a) — (d)*, Annotated Code of Maryland

Notice of Final Action

[17-199-F]

On November 21, 2017, the Insurance Commissioner adopted new Regulations .01—.09 under a new chapter, COMAR 31.10.44 Network Adequacy. This action, which was proposed for adoption



June 9, 2017

Facts About...

Amendments to the Vehicle Emissions Inspection Program (VEIP) under COMAR 11.14.08

A joint action of Maryland Department of Transportation/Motor Vehicle Administration (MDOT/MVA) and the Maryland Department of the Environment (MDE)

Purpose of this Action

The purpose of these amendments is to modernize and greatly enhance the Vehicle Emissions Inspection Program (VEIP) to improve motorist convenience while minimizing the impact on air quality. The amendments make a few key changes: delaying the initial VEIP test date and exempting pre-on board diagnostics (OBD) light duty vehicles. These common sense enhancements improve customer service, and allow Marylanders to benefit from the significant air quality progress in Maryland.

The amendments delay the initial VEIP inspection for new vehicles by one year. Currently, new vehicles undergo a VEIP test at two years of age. The amendments change the initial VEIP 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 inspections. 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.

Submission to EPA as Revision to Maryland's SIP

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland's State Implementation Plan.

Background

VEIP has been a cornerstone air quality program in Maryland for three decades. Several key programs and advancements in technology have resulted in much cleaner air in Maryland since VEIP began in 1984. These 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 emission standards have grown dramatically more stringent and vehicles now maintain the lower emissions levels over a longer period of time. VEIP testing methods have also grown more advanced. Computerized OBD testing is now possible on the vast majority of vehicles in Maryland. This type of testing is much more thorough, while much less complicated to perform than older test types.

Additionally, other key programs in Maryland have resulted in substantial improvements in air quality. Maryland has implemented aggressive pollution controls on Maryland power plants, cars and trucks, and many other sources. These controls have been very effective towards attaining and maintaining air quality standards. Maryland currently complies with the fine particulate standard statewide and is extremely close to meeting the new ozone standard that will begin to be implemented in the next year. There are also other emerging opportunities to further clean the air with electric vehicles, other “Zero Emission Vehicles” and other technological advances on emission controls for many other mobile sources.

Sources Affected

Approximately 1.6 million vehicles are inspected in the VEIP annually. In 2018, it is expected that the initial inspection would be delayed by one year for approximately 209,000 new vehicles, and a similar number in future years. An estimated 24,000 pre-1996 light duty vehicles would become exempt in 2018 as the first step toward implementing OBD-only testing. These vehicles are now over 20 years old and retiring from the vehicle population at a rapid rate.

Emissions

The amendment to delay the initial inspection for new vehicles by one year is expected to result in a negligible increase in emissions of nitrogen oxides (NO_x) (0.01 tons per day (tpd)) and volatile organic compounds (VOC) (0.02 tpd). Exempting pre-1996 light duty vehicles would have no effect on NO_x emissions and result in an increase of 0.93 tpd of VOC, which would quickly decrease to negligible over future years.

In comparison, the Tier 3 Low Sulfur Fuel program, in the 2015 to 2020 timeframe, will result in NOx reductions of 14 tpd in Maryland, while 9 tpd of NOx reductions are being achieved through the 2015 NOx regulations for coal-fired power plants. Similarly, Maryland's new consumer products (2017) and clean paint (2016) regulations are expected to reduce VOC emissions by 8.3 tpd.

The U.S. EPA supports the proposed amendments.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public

These enhancements will provide on-going economic benefits to the public by reducing the amount of inspection fees paid. The economic benefit to the public for fiscal year 2018 (January 1, 2018 start date) is an estimated \$2,250,000. MDOT/MVA will experience a loss of revenue of about \$2,160,000 because of the fee reductions. Cost savings to the public and loss in revenues to MDOT/MVA would continue thereafter under this regulation change. The proposed action is not expected to have significant economic impact on any other entity, including MDE.

Economic Impact on Small Businesses

The proposed action would have minimal economic impact on small businesses that are vehicle repair facilities due to potentially fewer vehicles requiring repairs.

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;

**MARYLAND DEPARTMENT OF THE ENVIRONMENT, AIR AND RADIATION ADMINISTRATION AND
MARYLAND DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE ADMINISTRATION**

Response to Comments

On the Proposed Amendments to Regulations under COMAR11.14.08 pertaining to Vehicle Emissions
Inspection Program.

Public Hearing Held on October 11, 2022

Purpose of Hearing: The purpose of the hearing was to give the public an opportunity to comment on the proposed amendments to regulations .01—.06 and .20, adoption of new regulation .07, and amendment and recodifying of existing regulations .07—.14 and .16—.18 to be regulations .08—.15 and .17—.19 respectively, recodifying existing regulation .15 to be regulation .16, and repealing existing regulation .19 under COMAR 11.14.08 Vehicle Emissions Inspection Program (VEIP). This is a joint proposal from the Secretary of the Environment and the Administrator of the Motor Vehicle Administration.

The proposed action implements the second phase of a VEIP modernization effort that began in 2018 with the goals of improving customer service and reducing financial and regulatory burden for Maryland motorists while minimizing the impact on air quality. These enhancements allow Marylanders to benefit from recent significant air quality progress in the State. The regulation was modified in 2018 and extended the date required for new, not previously titled, vehicles from two years to three years. The proposed regulation provides an additional three years for new, not previously titled, vehicles. Analysis by the Maryland Department of the Environment (MDE) shows that, due to the very low VEIP testing failure rate of new vehicles, the changes to delay the testing of new, not previously titled, vehicles from the current three model years of age to six model years of age has a negligible impact on air quality and will not affect the State's ability to attain or maintain the national ambient air quality standard (NAAQS) for any air pollutant.

This action will also establish VEIP Motorist Assistance Centers to support motorists in acquiring effective emissions repairs so their vehicles will pass VEIP testing and maintain the improved emissions performance into the future. The Centers will provide motorists with access to an emissions repair specialist to help ensure that vehicles are repaired correctly and in a timely manner, enhancing both customer service and air quality benefits. The proposal also includes minor clarifications and technical corrections to the regulations.

Date and Location: The public hearing was held virtually on October 11, 2022, at 10 a.m. GoToMeeting at <https://meet.goto.com/934722053> – Event Access Code 166-049-290 - the Maryland Department of the Environment (MDE).

Attendance: Carolyn Jones of the Maryland Department of the Environment (MDE) served as the hearing officer. Other MDE attendees were Daniel Newell, Megan Ulrich, Randy Mosier, Peggy Courtright, Katharine Daristotle, and Kathleen Field. Maryland Department of Transportation (MDOT) Motor Vehicle Administration (MDOT MVA) attendees were Leslie Dews, Philip Dacey, and Alan Holloway. The court recorder was Cameron Nelms. One member of the public was in attendance, Jonas Jacobson.

Statement: The Department's statement was read by Mr. Daniel Newell, Regulatory and Compliance Engineer of the Mobile Sources Control Program of the Air and Radiation Administration, MDE. A transcript of the meeting has been prepared by For the Record, Inc. located in White Plains, MD.

Comments and Responses:

Comments were received from Kelly McCrea, Alexandra Rickart, Richard Whitaker, Colleen Wilson, and the Baltimore Branch of the NAACP. A summary of the comments received and the Department's responses to the comments are below.

Comment: Three of the commenters asked about the timing of the regulation adoption. Specifically, when the proposed regulations, and therefore the program changes to VEIP, are intended to take effect and whether MDOT MVA and MDE intend to implement these VEIP changes prior to the start of the 2023 legislative session.

Response: The State urgently needs to proceed with a procurement to modernize the VEIP testing system. In July 2022, the Maryland Board of Public Works (BPW) approved an extension of the current contractor's VEIP contract. The original contract awarded in the amount of \$25,633,708.80, which expired in 2019, has now been extended multiple times for a total of \$191,702,908 and needs a new procurement.

Comment: Two of the commenters asked how the timing of the adoption of the regulations relates to the VEIP State Implementation Plan (SIP) revision that MDE will submit to the U.S. Environmental Protection Agency (EPA). Specifically, the questions center on when MDE will seek EPA approval for the regulatory changes, how long the process will take, whether MDOT MVA and MDE intend to implement these regulatory changes prior to formal EPA approval or only after approval is granted, and whether correspondence with EPA can be shared?

Response: MDE has been working with EPA Region III (EPA) on the planned VEIP modifications and will continue to do so moving forward. MDE has been consulting with EPA on an analysis to support a SIP revision to incorporate VEIP program updates. MDE's analysis shows that, due to the very low VEIP testing failure rate of newer vehicles, the changes to delay the testing of new, not previously titled vehicles from the current three model years of age to six model years of age has a negligible impact on air quality and will not affect the State's ability to attain or maintain the NAAQS for any air pollutant. Other states, including California, allow for longer delay in testing based on model years.

The federal Clean Air Act (CAA) sets forth a process by which a state may formally request that EPA amend its SIP after completion of the state's own regulatory process. Therefore, while MDE is working with EPA on possible SIP changes, MDE cannot seek approval and EPA's official approval cannot be obtained until the regulations are adopted at the state level. Accordingly, MDE does not have correspondence on EPA's approval of the proposed changes. After the regulations are adopted and effective at the State level, MDE will submit the SIP to EPA. The SIP approval process, while dependent on a number of factors, typically takes several years.

Comment: One commentator noted that the estimated impact to the Transportation Trust Fund (TTF) varies between the proposed regulations, the proposed regulations that were submitted to AELR in February of 2022, and the Department of Legislative Services' analysis of the February 2022 proposed regulations. The commentator asked that MDOT MVA confirm the estimated annual impact to the TTF and, if the impact is greater than the estimate contained in the current version of the proposed regulations, asked that MDOT MVA confirm that revenues will not adversely impact any planned TTF projects?

Response: The loss for the TTF associated with the proposed regulatory changes for Fiscal Year 2023 is \$2,323,998. The regulatory process to adopt these regulations has been underway for several years, and MDOT MVA and MDE have consistently re-evaluated impacts from the proposed regulations to ensure the most current information is provided. The projected revenue loss in the current Notice of Proposed Action is derived from more normalized testing data over time as the impact of COVID-19 has been absorbed and VEIP operations stabilized. While any excess VEIP revenue supports the TTF, every year the MDOT creates a six-year Consolidated Transportation Plan (CTP) to fund capital projects across all of the MDOT MVA Transportation Business Units. Annually, the CTP is adjusted based on projected revenues and expenditures.

Comment: One commentator noted that Chairman Barve, of the Maryland House of Delegates Environment and Transportation Committee, sent a letter to MDOT MVA and MDE advising that the Committee has 'voted to refer' HB 1079 *VEIP - Standards, Requirements, and Applications* introduced in the 2022 Maryland General Assembly to interim study. The commentator also notes that the Committee requested that "MDE/MVA withdraw the proposed regulations and resist making any significant program changes to VEIP until action is taken during the 2023 legislative session, if any." The commentator asks whether MDOT MVA and MDE are disregarding the Committee's request by publishing the proposed regulations in the Maryland Register?

Response: MDOT MVA and MDE have maintained consistent contact with the Committee and have received no notice of any action on the Committee's part to conduct an interim study beyond the letter from Chairman Barve. MDOT MVA and MDE sent a letter in response to Chairman Barve's letter. MDOT MVA and MDE have remained transparent and ready to provide information to the Committee during this process. In July 2022, the Board of Public Works (BPW) approved an extension of the current contractor's VEIP operations and maintenance contract for \$25,633,708.80. The original contract, which expired in 2019, has now been extended multiple times and is in urgent need of a new procurement. Prior to adopting the regulation, MDOT MVA and MDE are following all required steps listed in Title 10 Subtitle 1, Administrative Procedures Act – Regulations of the State Government Article, Annotated Code of Maryland.

Comment: One commentator noted that EPA recently reclassified ozone nonattainment areas in Maryland from "Marginal" to "Moderate" and that the federal CAA requires "that states implement additional measures to protect public health and to submit new plans to demonstrate how the area will attain as quickly as possible." The commentator asks that since areas of Maryland have "just been reclassified from Marginal to Moderate Non-Attainment, and since these proposed regulations were published prior to

this recent EPA announcement, are MDOT MVA and MDE required to revise these regulations to ensure compliance with the new EPA standards?"

Response: MDOT MVA and MDE are not required to revise these regulations per the recent reclassification by EPA. The reclassification requires the nonattainment areas to submit SIP revisions to EPA. These "Bump Up SIPs" require the nonattainment areas to comply with Clean Air Act requirements for Moderate Ozone Nonattainment Areas, which include emissions reductions estimates for 2023 from all sources and control programs within the nonattainment area. As long as the State's estimates show that the State is projected to reach attainment through its plan for emission reductions, Maryland has discretion over how to achieve those emissions reductions.

The recent reclassifications for various areas around the country are based on data from 2018-2020. As of this 2022 ozone season, Maryland is measuring attainment for all NAAQS, including ozone. Therefore, while Maryland still must submit the SIP, the State has achieved remarkable progress and is currently meeting all federal standards.

Comment: Two commenters stated that the regulations only benefit vehicle owners who are wealthy enough to purchase new vehicles. Specific concerns were the following: the proposal to exempt the six newest model year vehicles from VEIP fees will mean that people who can afford a new car will not have to pay VEIP fees or get a VEIP test for six years, whereas owners of cars older than six years will be subject to VEIP fees and up to \$450 in repairs; that this provision would increase the burdens on low income and minority communities and that the regulations do not take environmental justice considerations into account; and that the loss of VEIP fees collected will hurt the TTF and cause more impacts on those who can't afford new cars, and inquiring why Maryland does not require owners of exempt new vehicles to pay a clean air fee to assist poorer motorists in complying with VEIP, such as what is required in California.

Response: The loss to the TTF associated with the proposed regulatory changes for fiscal year 2023 is \$2,323,998. While any excess VEIP revenue supports the TTF, every year MDOT creates a six-year CTP to fund capital projects across all the MDOT Transportation Business Units. Annually, the CTP is adjusted based on projected revenues and expenditures.

MDOT MVA and MDE performed an extensive and detailed analysis of the proposed changes to determine if there would be a negative effect on a specific demographic, and determined that the programmatic change to a six-year initial testing delay does not transfer the economic impacts of the program to any specific demographic in the VEIP testing area. The economic impact will remain unchanged for customers with older model year vehicles. To mitigate the associated costs, program mechanisms such as waivers, extensions, and exemptions exist to provide relief to customers. The Motorist Assistance Centers established under the new regulations will provide additional resources to help customers achieve cost-effective, lasting emissions repairs. Further, Maryland's VEIP inspection fee of \$14 (\$10 at the self-service kiosk) biennially is among the lowest fees in the nation, compared to, for example, the average fee of \$71 paid by motorists in California. Though emissions inspection programs are federally mandated, each state has latitude in designing and implementing its program based on laws, regulations, and funding mechanisms as well as many other factors. Maryland is aware of how California implements its emissions program but has chosen a different approach.

Motorist assistance is a key component, and, as such the new regulation will add Motorist Assistance Centers which will have emissions repair specialists available to assist motorists and the repair industry in performing the correct emissions repairs work to avoid having to undergo repetitive repair attempts. The resulting improvements in repair success will carry through multiple VEIP test cycles and will reduce overall fail rates and customer inconvenience.

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

**OPENING REMARKS
PUBLIC HEARING ON
Proposed
Amendments under COMAR 11.14.08 Vehicle Emissions Inspection Program
held on October 11, 2022**

If the court reporter would turn on the equipment, we will begin. On behalf of the Department of the Environment Air and Radiation Administration, I would like to welcome you to this public hearing.

My name is Carolyn Jones and I am a Senior Engineer in the Air and Radiation Administration. I will serve as hearing officer for today's hearing. This hearing is being recorded as well as transcribed.

This hearing concerns proposed amendments to **Proposed Amendments under COMAR 11.14.08 Vehicle Emissions Inspection Program**

I will now check to see if we have any participants for this hearing.

Please state and spell your name and indicate if you would like to make a statement.

Please note that MDE is not using the webinar chat feature during this hearing.

(May need to ask phone numbers to state their name and if they wish to make a statement)

Note we will wait a few more minutes to see if additional persons join this virtual hearing.

****Wait for a few minutes****

Hello again. This is Carolyn Jones with MDE. Are there any members of the public on the line

who have not previously announced themselves?

Repeat periodically until 10 minutes has passed or when a new participant appears in the side bar. Begin hearing script if a member of the public announces that they are present.

(*If no one has shown up for this hearing, wait at least 15 minutes before reading this script and follow the instructions in the text below for the case where no one has joined the virtual hearing !!!)

Let the record show that the time is _____ a.m. on October 11, 2022. This hearing was scheduled for a 10:00 a.m. start time. We will now proceed with the public hearing.

My name is Carolyn Jones and I am a Senior Engineer in the Air and Radiation Administration. I will serve as hearing officer for today's hearing.

The purpose of this hearing is to give you, the public, the opportunity to comment on the regulatory proposal to amend existing **COMAR 11.14.08 Vehicle Emissions Inspection Program**.

Notice of the virtual public hearing for this action appeared as follows:

- (1) In the *Maryland Register*, Volume 49, Issue 19, page 878 – 885 on Friday September 9, 2022, corrections were printed in Volume 49, Issue 19, page 918 – 919 on Friday September 23, 2022.
- (2) On the Maryland Department of the Environment Air and Radiation Administration webpage titled “Air & Radiation Regulations Public Hearings, Meetings and Request for Comments”,
- (3) On the Maryland Department of the Environment's webpage title “Calendar of Events”

The public comment period began on September 9, 2022 for receipt of all comments to the proposal. Oral comments are being recorded today. Written comments for this proposal must be received by 5:00 p.m. this evening, October 11th. Comments may be sent to Marcia Ways, Maryland Department of the Environment, Air and Radiation Administration Mobil Sources Control Program at email marcia.ways@maryland.gov.

The hearing will proceed in the following order. First, I will introduce Mr. Daniel Newell, the representative of the Air and Radiation Administration, who will make a statement. After Mr. Newell is finished, I will call on members of the public who would like to make a statement.

I now call on Daniel Newell to make his statement.

(!!!From here, skip to “VVV” near the end of this script if no one has shown up to testify. Otherwise, continue with the next paragraph.)

(After XX finishes, say:)

Thank you. For the public, When giving your statement, please identify yourself, spell your name for the record, give your affiliation, and deliver your statement loudly and clearly. You will have three minutes for your statement. Are there any questions?

I will now call on the persons who indicated they would like to speak.

_____ *please begin.*

Would anyone like to comment on this action?

(allow officials and then anyone else to present his/her statement.)

(After each person speaks, say:)

“Thank you Mr./Ms. _____. Are there any other comments?”

(After all statements have been presented, say:)

Let the record reflect that a statement has been taken from all who wish to make one. This will conclude the public hearing for the amendments to COMAR 11.14.08.

Let the record reflect that it is now _____. And this will conclude the public hearing.

(*∇∇∇ In the case that no one has shown up to testify, continue & finish here*)

There are no persons in the audience wishing to make any statements on the record, so we request that the court reporter please enter the hearing statement into the record at this time.

This will conclude the public hearing for the amendments to COMAR 11.14.08.

(2) Suspension of the State Recognition of an electronic advance directives service for a definite period of time after which, depending upon the circumstances of the case and completion of appropriate corrective actions, the [vendor] *Vendor* may seek reinstatement of its State Recognition; or

(3) (text unchanged)

D.—E. (text unchanged)

F. In the event *that State Recognition status is not renewed, or the Commission suspends or revokes State Recognition status, the electronic advance directives service must notify each declarant who prepared an electronic advance directive through the service and health care agent named in an electronic advance directive about the impact of the action on accessibility of the advance directive.*

RANDOLPH S. SERGENT, ESQ.
Chair

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

Notice of Change to Estimate of Economic Impact and Opportunity for Public Comment

[22-171-P]

The Estimate of Economic Impact and Opportunity for Public Comment notices which appeared in 49:19 Md. R. 878—885 (September 9, 2022) have been changed. The correct notices follow.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will provide on-going economic benefits to the public by reducing the amount of inspection fees paid. Based on the assumptions and information contained in this fiscal impact statement, the estimated economic impacts for fiscal year 2023 (December 26, 2022 effective date) are: to the public, an estimated \$2,323,998 cost savings; and to the Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA), an estimated \$2,249,670 net loss. (See Section III. for assumptions used in the fiscal impact calculations.) 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)	(R-)		\$2,323,998 (FY 2023)
(2)	(E-)		\$74,328 (FY 2023)
B. On other State agencies:	(E-)		Minimal
C. On local governments:	(E-)		Minimal

	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:

CERFs and other repair facilities	(-)	Minimal
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E. On other industries or trade groups:

F. Direct and indirect effects on public:	(+)	Minimal
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III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). Based on an analysis of current statistical data, it is estimated that in fiscal year 2023 (December 26, 2022 effective date), 202,797 new vehicles will qualify for the additional three-year delay of the initial inspection. Used vehicles will continue to be subject to VEIP inspection upon transfer of ownership independently of vehicle age, and it is estimated that 78,916 vehicles in this age range will be sold and inspected, yielding a net change of 123,881 vehicles. The inspection fees are \$14 at the VEIP inspection station and \$10 at the VEIP self-service kiosk. Only the OBD test is available at the kiosk. Current data shows that 85% of OBD tests are conducted at the VEIP stations, and 15% are conducted at the kiosks. Additionally, late fee revenue is equivalent to approximately 40% of inspection fee revenue. The estimated revenue impact (loss) to MDOT MVA from the reduction in inspection/late fees is calculated as follows:

a. VEIP station inspection fee revenue loss: (123,881 vehicle tests x 85% x \$14 = \$1,474,178

b. VEIP kiosk inspection fee revenue loss: (123,881 vehicle tests x 15%) x \$10 = \$185,821

Subtotal of a + b = \$1,659,999

c. Late fee revenue loss: (\$1,659,999 x 40%) = \$663,999

d. Total fiscal year 2023 revenue loss from this action: (\$1,659,999 + 663,999) = \$2,323,998.

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

A(2). This proposal will have a small impact on MDOT MVA expenditures in postage costs for fiscal year 2023. MDOT MVA currently incurs postage charges of \$0.60 for each inspection notice mailed. The reduced number of VEIP inspections resulting from this action will reduce the number of notices mailed. In FY2023, based on an estimated 123,881 vehicles, the reduction in postage charges is (123,881 x \$0.60) = \$74,328 (savings).

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

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

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

D. There will be minimal impact on automotive repair facilities that are Certified Emissions Repair Facilities (CERFs) due to lost income from potentially fewer vehicles requiring repairs.

F. Based on the assumptions and calculations included in part A, above, the public will realize estimated cost savings of \$2,323,998 in fiscal year 2023 through reductions in VEIP inspection/late fees paid.

Savings to the public are expected to continue at a similar rate into future years.

Opportunity for Public Comment

Comments may be sent to Marcia Ways, Mobile Sources Control Program Manager, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230-1720, or call (410) 537-3270, or email to marcia.ways@maryland.gov, or fax to (410) 537-4435. Comments will be accepted through October 11, 2022. The Maryland Department of the Environment and the Maryland Department of Transportation Motor Vehicle Administration will hold a virtual public hearing on the proposed action on October 11, 2022 at 10:00 a.m. See the Maryland Department of the Environment’s website for virtual hearing information, <https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>. Interested persons are invited to attend and express their views. For more information or to submit comments, contact Marcia Ways, Mobile Sources Control Program Manager, Maryland 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 Maryland Department of the Environment’s website at <https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>.

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.

HORACIO A. TABLADA
Secretary of the Environment

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES
Subtitle 10 CORRECTIONAL
TRAINING COMMISSION

12.10.01 General Regulations

Authority: Correctional Services Article, §§2-109 and 8-208, Annotated Code of Maryland

Notice of Proposed Action

[22-183-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, proposes to amend Regulation .22 under **COMAR 12.10.01 General Regulations**. This action was considered and approved by the Correctional Training Commission at a public meeting held on July 14, 2022.

Statement of Purpose

The purpose of this action is to amend COMAR 12.10.01.22 to ensure that the provisions of the regulation apply to both State and local correctional officers, as well as to correct the unintended requirement for additional drug testing of an applicant who was

lawfully prescribed a controlled dangerous substance. Specifically, the Commission has removed the citation to COMAR 17.04.09.04 that applies only to correctional officers employed by the State of Maryland and replaced the citation with language that is applicable to both State and local correctional agencies. Additionally, by removing the reference to §C(2) from within §C(4) of the regulation, the Commission has eliminated the requirement that an applicant, who was lawfully prescribed a controlled dangerous substance, agree to complete an annual scheduled drug test for the two years following the date of hire.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Albert L. Liebno, Jr., Executive Director, Maryland Police and Correctional Training Center, 6852 4th Street, or call Sykesville, Maryland 21784, or email to albert.liebno@maryland.gov, or fax to 4108753584. Comments will be accepted through October 24, 2022. A public hearing has not been scheduled.

.22 Prior Substance Abuse by Applicants for Certification.

A.—B. (text unchanged)

C. Prior and Current Use Criteria.

(1)—(3) (text unchanged)

(4) [An applicant granted certification by the Commission under §C(2) or (3) of this regulation shall agree to complete an annual drug test to be scheduled at the discretion of the employing agency, and in accordance COMAR 17.04.09.04, during the 2 years following the applicant’s date of hire] *As a condition of being granted certification by the Commission under §C(3) of this regulation, an applicant shall agree to complete an annual drug test to be scheduled at the discretion of the employing agency during each of the 2 years following the applicant’s date of certification.*

(5) *An employing agency that conditionally hires an applicant under §C(4) of this regulation may require an applicant to submit to the employing agency’s drug testing procedures for suspicion of substance use during the 2 years following certification or as part of the employing agency’s procedures for random drug testing of its employees.*

[(5)] (6) (text unchanged)

D.—E. (text unchanged)

ROBERT L. GREEN
Secretary
Public Safety and Correctional Services

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.07 Electronic Toll Collection and Toll Violation Enforcement

Authority: Courts and Judicial Proceedings Article, §§7-301 and 7-302; Transportation Article, §§4-205, 4-312, 21-1414, 21-1415, 26-401, and 27-110; Annotated Code of Maryland

Notice of Final Action

[22-198-F]

On December 27, 2022, the Department of Transportation adopted amendments to Regulations **.02**, **.06**, and **.09** under **COMAR 11.07.07 Electronic Toll Collection and Toll Violation Enforcement**. This action, which was proposed for adoption in 49:23 Md. R. 1001—1002 (November 4, 2022), has been adopted as proposed.

Effective Date: January 23, 2023.

WILLIAM PINES
Executive Director

Subtitle 14 MOTOR VEHICLE ADMINISTRATION — VEHICLE INSPECTIONS

11.14.08 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

Notice of Final Action

[22-171-F]

On December 30, 2022, the Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly adopted amendments to Regulations **.01—06** and **.20**, new Regulation **.07**, amendments to and the recodification of existing Regulations **.07—14** and **.16—18** to be Regulations **.08—15** and **.17—19**, respectively, the recodification of existing Regulation **.15** to be Regulation **.16**, and the repeal of existing Regulation **.19** under **COMAR 11.14.08 Vehicle Emissions Inspection Program**. This action, which was proposed for

adoption in 49:19 Md. R. 878—885 (September 9, 2022), has been adopted as proposed.

Effective Date: January 23, 2023.

HORACIO A. TABLADA
Secretary of the Environment
CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Subtitle 17 MOTOR VEHICLE ADMINISTRATION—DRIVER LICENSING AND IDENTIFICATION DOCUMENTS

11.17.09 Proof of Age, Full Name, Identity, Maryland Residence, and Lawful Status

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, and 16-121—16-122, Annotated Code of Maryland; 6 CFR 37

Notice of Final Action

[22-243-F]

On January 4, 2023, the Department of Transportation adopted new Regulation **.08** under **COMAR 11.17.09 Proof of Age, Full Name, Identity, Maryland Residence, Social Security Number, and Lawful Status**. This action, which was proposed for adoption in 49:24 Md. R. 1031 (November 18, 2022), has been adopted as proposed.

Effective Date: January 23, 2023.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

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

DEPARTMENT OF TRANSPORTATION

11.14.08.03

- (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.

11.14.08.05

.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)

Chapter recodified from COMAR 11.14.06 to COMAR 11.14.08 and Regulations .01—.21 adopted effective June 26, 1989 (16:10 Md. R. 1110)

Regulation .10B amended effective July 1, 1990 (17:10 Md. R. 1220)

Regulation .16E amended effective January 1, 1992 (18:25 Md. R. 2753)

Regulation .18C amended effective January 1, 1992 (18:25 Md. R. 2753)

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

Regulation .03B amended and C adopted effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .05B amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .06D amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .09 amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .09-1 adopted effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .10B, C amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .11-1 adopted effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .12 amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .29A amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .30D amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .32 amended effective December 16, 1996 (23:25 Md. R. 1785)

Regulation .42 amended effective December 16, 1996 (23:25 Md. R. 1785)

Chapter revised effective October 19, 1998 (25:21 Md. R. 1574)

Regulation .03E adopted effective June 10, 2002 (29:11 Md. R. 889)

Regulation .06A amended effective June 10, 2002 (29:11 Md. R. 889)

Regulation .09F amended effective June 10, 2002 (29:11 Md. R. 889)

Regulation .12C amended effective June 10, 2002 (29:11 Md. R. 889)

Regulation .16D amended effective June 10, 2002 (29:11 Md. R. 889)

Chapter revised effective December 14, 2009 (36:25 Md. R. 1955)

Regulation .01B amended effective January 1, 2018 (44:25 Md. R. 1180)

Regulation .03B amended effective January 1, 2018 (44:25 Md. R. 1180)

Regulation .04B amended effective January 1, 2018 (44:25 Md. R. 1180)

Regulation .05B amended effective January 1, 2018 (44:25 Md. R. 1180)

Regulation .09A amended effective January 1, 2018 (44:25 Md. R. 1180)

Chapter revised effective January 23, 2023 (50:1 Md. R. 8)

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(2) Suspension of the State Recognition of an electronic advance directives service for a definite period of time after which, depending upon the circumstances of the case and completion of appropriate corrective actions, the [vendor] *Vendor* may seek reinstatement of its State Recognition; or

(3) (text unchanged)

D.—E. (text unchanged)

F. In the event *that State Recognition status is not renewed, or the Commission suspends or revokes State Recognition status, the electronic advance directives service must notify each declarant who prepared an electronic advance directive through the service and health care agent named in an electronic advance directive about the impact of the action on accessibility of the advance directive.*

RANDOLPH S. SERGENT, ESQ.
Chair

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

Notice of Change to Estimate of Economic Impact and Opportunity for Public Comment

[22-171-P]

The Estimate of Economic Impact and Opportunity for Public Comment notices which appeared in 49:19 Md. R. 878—885 (September 9, 2022) have been changed. The correct notices follow.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will provide on-going economic benefits to the public by reducing the amount of inspection fees paid. Based on the assumptions and information contained in this fiscal impact statement, the estimated economic impacts for fiscal year 2023 (December 26, 2022 effective date) are: to the public, an estimated \$2,323,998 cost savings; and to the Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA), an estimated \$2,249,670 net loss. (See Section III. for assumptions used in the fiscal impact calculations.) 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)	(R-)		\$2,323,998 (FY 2023)
(2)	(E-)		\$74,328 (FY 2023)
B. On other State agencies:	(E-)		Minimal
C. On local governments:	(E-)		Minimal

	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups:

CERFs and other repair facilities (R-) Minimal

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: (+) Minimal

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

A(1). Based on an analysis of current statistical data, it is estimated that in fiscal year 2023 (December 26, 2022 effective date), 202,797 new vehicles will qualify for the additional three-year delay of the initial inspection. Used vehicles will continue to be subject to VEIP inspection upon transfer of ownership independently of vehicle age, and it is estimated that 78,916 vehicles in this age range will be sold and inspected, yielding a net change of 123,881 vehicles. The inspection fees are \$14 at the VEIP inspection station and \$10 at the VEIP self-service kiosk. Only the OBD test is available at the kiosk. Current data shows that 85% of OBD tests are conducted at the VEIP stations, and 15% are conducted at the kiosks. Additionally, late fee revenue is equivalent to approximately 40% of inspection fee revenue. The estimated revenue impact (loss) to MDOT MVA from the reduction in inspection/late fees is calculated as follows:

a. VEIP station inspection fee revenue loss: (123,881 vehicle tests x 85% x \$14 = \$1,474,178

b. VEIP kiosk inspection fee revenue loss: (123,881 vehicle tests x 15%) x \$10 = \$185,821

Subtotal of a + b = \$1,659,999

c. Late fee revenue loss: (\$1,659,999 x 40%) = \$663,999

d. Total fiscal year 2023 revenue loss from this action: (\$1,659,999 + 663,999) = \$2,323,998.

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

A(2). This proposal will have a small impact on MDOT MVA expenditures in postage costs for fiscal year 2023. MDOT MVA currently incurs postage charges of \$0.60 for each inspection notice mailed. The reduced number of VEIP inspections resulting from this action will reduce the number of notices mailed. In FY2023, based on an estimated 123,881 vehicles, the reduction in postage charges is (123,881 x \$0.60) = \$74,328 (savings).

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

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

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

D. There will be minimal impact on automotive repair facilities that are Certified Emissions Repair Facilities (CERFs) due to lost income from potentially fewer vehicles requiring repairs.

F. Based on the assumptions and calculations included in part A, above, the public will realize estimated cost savings of \$2,323,998 in fiscal year 2023 through reductions in VEIP inspection/late fees paid.

Savings to the public are expected to continue at a similar rate into future years.

Opportunity for Public Comment

Comments may be sent to Marcia Ways, Mobile Sources Control Program Manager, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230-1720, or call (410) 537-3270, or email to marcia.ways@maryland.gov, or fax to (410) 537-4435. Comments will be accepted through October 11, 2022. The Maryland Department of the Environment and the Maryland Department of Transportation Motor Vehicle Administration will hold a virtual public hearing on the proposed action on October 11, 2022 at 10:00 a.m. See the Maryland Department of the Environment’s website for virtual hearing information, <https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>. Interested persons are invited to attend and express their views. For more information or to submit comments, contact Marcia Ways, Mobile Sources Control Program Manager, Maryland 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 Maryland Department of the Environment’s website at <https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>.

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.

HORACIO A. TABLADA
Secretary of the Environment

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES
Subtitle 10 CORRECTIONAL
TRAINING COMMISSION

12.10.01 General Regulations

Authority: Correctional Services Article, §§2-109 and 8-208, Annotated Code of Maryland

Notice of Proposed Action

[22-183-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Correctional Training Commission, proposes to amend Regulation .22 under **COMAR 12.10.01 General Regulations**. This action was considered and approved by the Correctional Training Commission at a public meeting held on July 14, 2022.

Statement of Purpose

The purpose of this action is to amend COMAR 12.10.01.22 to ensure that the provisions of the regulation apply to both State and local correctional officers, as well as to correct the unintended requirement for additional drug testing of an applicant who was

lawfully prescribed a controlled dangerous substance. Specifically, the Commission has removed the citation to COMAR 17.04.09.04 that applies only to correctional officers employed by the State of Maryland and replaced the citation with language that is applicable to both State and local correctional agencies. Additionally, by removing the reference to §C(2) from within §C(4) of the regulation, the Commission has eliminated the requirement that an applicant, who was lawfully prescribed a controlled dangerous substance, agree to complete an annual scheduled drug test for the two years following the date of hire.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Albert L. Liebno, Jr., Executive Director, Maryland Police and Correctional Training Center, 6852 4th Street, or call Sykesville, Maryland 21784, or email to albert.liebno@maryland.gov, or fax to 4108753584. Comments will be accepted through October 24, 2022. A public hearing has not been scheduled.

.22 Prior Substance Abuse by Applicants for Certification.

A.—B. (text unchanged)

C. Prior and Current Use Criteria.

(1)—(3) (text unchanged)

(4) [An applicant granted certification by the Commission under §C(2) or (3) of this regulation shall agree to complete an annual drug test to be scheduled at the discretion of the employing agency, and in accordance COMAR 17.04.09.04, during the 2 years following the applicant’s date of hire] *As a condition of being granted certification by the Commission under §C(3) of this regulation, an applicant shall agree to complete an annual drug test to be scheduled at the discretion of the employing agency during each of the 2 years following the applicant’s date of certification.*

(5) *An employing agency that conditionally hires an applicant under §C(4) of this regulation may require an applicant to submit to the employing agency’s drug testing procedures for suspicion of substance use during the 2 years following certification or as part of the employing agency’s procedures for random drug testing of its employees.*

[(5)] (6) (text unchanged)

D.—E. (text unchanged)

ROBERT L. GREEN
Secretary
Public Safety and Correctional Services

MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION

PUBLIC HEARING ON
PROPOSED AMENDMENTS UNDER COMAR 11.14.08
VEHICLE EMISSIONS INSPECTION PROGRAM

The hearing in the above matter commenced on
Tuesday, October 11, 2022, virtually from the the
Maryland Department of Environment, 1800 Washington
Boulevard, Baltimore, Maryland 21230.

BEFORE: Carolyn Jones, Hearing Officer

Reported by: Camaron Nelms

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A P P E A R A N C E S

ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:

CAROLYN JONES

Senior Engineer
Maryland Department of the Environment
Air and Radiation Administration
1800 Washington Boulevard, Suite 730
Baltimore, Maryland 21230

DANIEL NEWELL

Regulatory Compliance Engineer
Maryland Department of the Environment
Mobile Sources Control Program
Air and Radiation Administration
1800 Washington Boulevard, Suite 730
Baltimore, Maryland 21230

ALSO PRESENT

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- Peggy Courtright, MDE
- Katharine Daristotle, MDE
- Kathleen Field, MDE
- Randy Mosier, MDE
- Megan Ulrich, MDE
- Philip Dacey, MDOT MVA
- Leslie Dews, MDOT MVA
- Alan Holloway MVA
- Jonas Jacobson, Perry, White, Ross & Jacobson

I N D E X

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<u>Speaker:</u>	<u>Page:</u>
Opening Remarks, Carolyn Jones, MDE	5
Hearing Statement, Daniel Newell, MDE	8

P R O C E E D I N G S

- - - - -

(10:06 a.m.)

MS. JONES: All right. I will now ask the court reporter to please turn on the equipment, and we will begin.

On behalf of the Department of the Environment and the Air and Radiation Administration, I would like to welcome you to this public hearing.

My name is Carolyn Jones and I am a Senior Engineer in the Air and Radiation Administration. I will serve as hearing officer for today's hearing. This hearing is being recorded as well as transcribed.

This hearing concerns proposed amendments to COMAR 11.14.08, Vehicle Emissions Inspection Program.

I will now check to see if we have any participants for this hearing that would like to make a statement.

So please note that MDE is not using the webinar chat feature during this hearing.

All right, we've given some time to see if

1 anybody wanted to make a statement. Let the record show
2 that it is now 10:07, and this hearing was scheduled to
3 start at 10:00 a.m. We will now proceed with the public
4 hearing.

5 The purpose of this hearing is to give you, the
6 public, the opportunity to comment on the regulatory
7 proposal to amend existing COMAR 11.14.08, Vehicle
8 Emissions Inspection Program.

9 Notice of the virtual public hearing for this
10 action appeared as follows:

11 (1) In the Maryland Register, Volume 49,
12 Issue 19, page 878 through 885 on Friday September 9,
13 2022; corrections were printed in Volume 49, Issue 19,
14 page 918 through 919 on Friday September 23, 2022;

15 (2) On the Maryland Department of the
16 Environment Air and Radiation Administration webpage
17 titled "Air & Radiation Regulations Public Hearings,
18 Meetings and Request for Comments;"

19 (3) And on the Maryland Department of the
20 Environment's webpage titled "Calendar of Events."

21 The public comment period began on September

1 9th for receipt of all comments to the proposal. Oral
2 comments are being recorded today. Written comments for
3 this proposal must be received by 5:00 p.m. this evening,
4 October 11th. Comments may be sent to Marcia Ways with
5 the Maryland Department of the Environment, Air and
6 Radiation Administration Mobile Sources Control Program
7 at email marcia.ways@maryland.gov.

8 The hearing will proceed in the following
9 order. First, I will introduce Mr. Daniel Newell, the
10 representative of the Air and Radiation Administration,
11 who will make a statement. After Mr. Newell is finished,
12 I can call on members of the public who might like to
13 make a comment.

14 Hello? I see Alan Holloway has joined. We're
15 going to have the MDE make a statement, and then if you'd
16 like to speak, we can ask for that. But right now, I'm
17 going to ask you to mute your line.

18 Okay, for now, then, I will call on Daniel
19 Newell to make his statement.

20 MR. NEWELL: Okay, everything working fine
21 now?

1 MS. JONES: I hear you. Yes, thanks.

2 MR. NEWELL: Okay, great. I'll go ahead and
3 get started, then.

4
5 **Statement of the Air and Radiation Administration**
6 **Department of the Environment**
7 **for the Public Hearing Relating to Proposed**
8 **Amendments under COMAR 11.14.08 Vehicle Emissions**
9 **Inspection Program**
10 **held on October 11, 2022**
11 **Baltimore, MD**

12 My name is Daniel Newell. I am a Regulatory
13 Compliance Engineer in the Mobile Sources Control Program
14 of the Air and Radiation Administration, Maryland
15 Department of the Environment.

16 This public hearing is being held pursuant to
17 the requirements of 40 CFR Section 51.102 and Sections
18 2-301 et. seq. of the Environment Article, Annotated Code
19 of Maryland. It is also being held in conformance with
20 the State Administrative Procedure Act, Section 10-101 et
21 seq. of the State Government Article.

1 Notice of this hearing appeared in the Maryland
2 Register on September 9, 2022. Minor clarifying
3 corrections were printed in the Maryland Register on
4 September 23, 2022.

5 Copies of the proposed action and supporting
6 documents were made available for public inspection at
7 the Air and Radiation Administration offices in Baltimore
8 and at the Air and Radiation webpage titled "Air &
9 Radiation Regulations Public Hearings, Meetings and
10 Request for Comments" from September 9 to October 11,
11 2022.

12 The purpose of today's hearing is to give the
13 public an opportunity to comment on the proposed
14 amendments to Regulations .01-.06 and .20, adoption of
15 new Regulation .07, and amendment and recodifying of
16 existing Regulations .07 -.14 and .16-.18 to be
17 Regulations .08-.15 and .17-.19 respectively,
18 recodifying existing Regulation .15 to be Regulation
19 .16, and repealing existing Regulation .19 under COMAR
20 11.14.08, Vehicle Emissions Inspection Program. This
21 is a joint proposal from the Secretary of the Environment

1 and the Administrator of the Motor Vehicle
2 Administration.

3 The purpose of this action is to implement the
4 second phase of a Vehicle Emissions Inspection Program
5 (VEIP) modernization effort that began in 2018 with the
6 goals of improving customer service and reducing
7 financial and regulatory burden for Maryland motorists
8 while minimizing the impact on air quality. These
9 enhancements allow Marylanders to benefit from recent
10 significant air quality progress in the State.

11 The proposed amendments extend the initial VEIP
12 inspection date for new vehicles for an additional three
13 years over current requirements established in 2018, when
14 the first test for new, not previously titled vehicles
15 was delayed from two years to three years of age. These
16 amendments delay the initial testing of new vehicles to
17 six years of age.

18 VEIP test data shows that these vehicles are
19 very unlikely to fail VEIP testing or require emissions
20 repairs. Extending the initial testing requirement is a
21 practical program update that will yield significant

1 motorist convenience benefits.

2 This action will also establish VEIP Motorist
3 Assistance Centers to support motorists in acquiring
4 effective emissions repairs so their vehicles will pass
5 VEIP testing and maintain the improved emissions
6 performance into the future. The Centers will provide
7 motorists with access to an emissions repair specialist
8 to help ensure that vehicles are repaired correctly and
9 in a timely manner, enhancing both customer service and
10 air quality benefits.

11 The proposal also includes minor
12 clarifications and technical corrections to the
13 regulations.

14 Several key programs and advancements in
15 technology have resulted in much cleaner air in Maryland
16 since VEIP began in 1984. In the past, vehicles produced
17 much higher levels of pollution. Vehicle emissions
18 control systems were simple and deteriorated quickly,
19 resulting in increased emissions of pollutants over a
20 relatively short vehicle age. Since that time, there
21 have been remarkable advancements in emissions control

1 technology. Today's vehicles are dramatically cleaner
2 and equipped with emissions systems that are
3 significantly more capable of maintaining the lower
4 emissions levels over a longer period. VEIP testing
5 methods have also grown more advanced.

6 Maryland has also implemented aggressive
7 pollution controls on power plants, cars and trucks, and
8 many other sources of air pollution. These controls have
9 been very effective towards attaining and maintaining air
10 quality standards. Maryland currently complies with the
11 fine particulate air quality standard statewide and is
12 extremely close to meeting the ozone standard. Emerging
13 opportunities to further clean the air include electric
14 vehicles and other "Zero Emission Vehicles," as well as
15 technological advances on emissions controls for many
16 other mobile sources. The recent improvements in air
17 quality and emerging technological advancements allow
18 Maryland to move forward with these customer service
19 enhancements to the VEIP.

20 The Maryland Department of the Environment has
21 assessed the air quality effect from the proposed action

1 and has found the impact to be negligible. The vehicles
2 qualifying for the delay in initial testing have very low
3 VEIP failure rates. The Motorist Assistance Centers will
4 help improve testing outcomes for all vehicles subject to
5 the program.

6 Approximately 1.65 million vehicles are
7 inspected by VEIP annually. In Fiscal Year 2023
8 (December 26, 2022 effective date), it is expected that
9 approximately 203,000 new vehicles will qualify for the
10 additional three-year delay of the initial inspection.
11 Used vehicles will continue to be subject to VEIP
12 inspection upon transfer of ownership regardless of
13 vehicle age, and it is estimated that approximately
14 79,000 used vehicles in this age range will be sold and
15 inspected, resulting in a net reduction of about 124,000
16 in the number of vehicles tested. This action is
17 expected to save motorists approximately \$2.32 million
18 through reduced inspection and late fees in fiscal year
19 2023. The economic impact on the Maryland Department of
20 Transportation, Motor Vehicle Administration, which is
21 responsible for the operations of the VEIP, is an

1 estimated \$2.25 million net loss, due to reduced revenue
2 from inspection and late fees, offset by some savings in
3 administrative costs.

4 This action will be submitted to the U.S.
5 Environmental Protection Agency as a revision to the
6 Maryland State Implementation Plan.

7 The Departments of the Environment and
8 Transportation will consider all comments before making a
9 decision to adopt the amendments.

10 _____
11 MR. NEWELL: Thank you.

12 Carolyn?

13 MS. JONES: Thank you, Mr. Newell.

14 Is there anyone who would like to make a
15 statement today?

16 **(No response.)**

17 MS. JONES: Okay. Hearing none, let the record
18 reflect that a statement has been taken from all those
19 who wish to make one. It is now 10:16 a.m., and let the
20 record reflect that this will conclude the public hearing
21 for the amendments to COMAR 11.14.08. Thank you all for

1 attending.

2 We can end the recording now.

3 (Whereupon, at 10:16 a.m., the hearing was
4 concluded.)

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(3) [The] *If a written request was submitted under §E(1)(c) of this regulation, a payor may orally address the Commission before a determination is made by the Commission as to whether or not to issue or withdraw a waiver [after a request for review of denial of waiver by the Executive Director].*

(4) *After reviewing and considering a payor’s written request for review of the denial or withdrawal decision and any oral argument, if applicable, the full Commission shall issue a written decision affirming, reversing, or modifying the decision reviewed.*

[E.] F. (text unchanged)

RANDOLPH S. SERGENT, ESQ.
Chair

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 14 MOTOR VEHICLE ADMINISTRATION—VEHICLE INSPECTIONS

11.14.08 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

Notice of Proposed Action

[22-171-P]

The Secretary of the Environment and the Administrator of the Motor Vehicle Administration jointly propose to amend Regulations **.01—**.06 and **.20**, adopt new Regulation **.07**, amend and recodify existing Regulations **.07 —**.14 and **.16—**.18 to be Regulations **.08—**.15 and **.17—**.19 respectively, recodify existing Regulation **.15** to be Regulation **.16**, and repeal existing Regulation **.19** under **COMAR 11.14.08 Vehicle Emissions Inspection Program**.

Statement of Purpose

The purpose of this action is to modernize and enhance the Vehicle Emissions Inspection Program (VEIP) to improve motorist convenience while continuing to maintain the significant air quality progress that has been achieved since the program’s inception.

Several key programs and advancements in technology have resulted in much cleaner air in Maryland since VEIP began in 1984. In the past, vehicles produced much higher levels of pollution. Vehicle emissions control systems were simple and deteriorated quickly, resulting in increasing emissions of pollutants over a relatively short vehicle age. Since that time, there have been remarkable advancements in emissions control technology. Today’s vehicles are dramatically cleaner and equipped with emissions systems that are significantly more capable of maintaining the lower emissions levels over a longer period. VEIP testing methods have also grown more advanced.

Maryland has also implemented aggressive pollution controls on power plants, cars and trucks, and many other sources of air pollution. These controls have been very effective towards attaining and maintaining air quality standards. Maryland currently complies with the fine particulate air quality standard Statewide and is extremely close to meeting the ozone standard. Emerging opportunities to further clean the air include electric vehicles and

other “Zero Emission Vehicles”, as well as technological advances on emissions controls for many other mobile sources.

Submission to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland’s State Implementation Plan (SIP)

This action will be submitted to the EPA as an SIP Revision.

Regulation Amendments.

These enhancements are the second phase of a modernization effort that began in 2018 with the goals of improving customer service and reducing financial and regulatory burden for Maryland motorists so they may benefit from the vehicle technology advancements and air quality progress described above.

Other states around the country have also taken similar steps to modernize their VEIP programs.

The proposed amendments extend the initial VEIP inspection date for new vehicles for an additional three years over current requirements established in 2018, when the first test for new, not previously titled vehicles was delayed from two years to three years of age. This next step delays the initial testing of new vehicles to six years of age. Test data shows that these vehicles are very unlikely to fail VEIP testing or require emissions repairs. Extending the initial testing requirement is a practical program update that will yield significant motorist convenience benefits.

This action also establishes VEIP Motorist Assistance Centers to support motorists in acquiring effective emissions repairs so their vehicles will pass VEIP testing and maintain the improved emissions performance into the future. The Centers will provide motorists with access to an emissions repair specialist to help ensure that vehicles are repaired correctly and in a timely manner, enhancing both customer service and air quality benefits.

The proposal also includes minor clarifications and technical corrections to the regulations.

Emissions.

Approximately 1.65 million vehicles are inspected in the VEIP annually. In fiscal year 2023 (December 26, 2022 effective date), it is expected that 202,797 new vehicles will qualify for the additional three-year delay of the initial inspection. Used vehicles will continue to be subject to VEIP inspection upon transfer of ownership regardless of vehicle age, and it is estimated that 78,916 used vehicles in this age range will be sold and inspected, resulting in a net reduction of 123,881 in the number of vehicles tested.

The Maryland Department of the Environment has assessed the air quality effect from the proposed action and has found the impact to be negligible. The vehicles qualifying for the delay in initial testing have very low VEIP failure rates. The Motorist Assistance Centers will help improve testing outcomes for all vehicles subject to the program.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action will provide on-going economic benefits to the public by reducing the amount of inspection fees paid. Based on the assumptions and information contained in this fiscal impact statement, the estimated economic impacts for fiscal year 2023 (December 26, 2023 effective date) are: to the public, an estimated \$ 2,323,998 cost savings; and to the Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA), an estimated \$ 2,249,670 net loss. (See Section III. for assumptions used in the fiscal impact calculations.) The proposed action is not expected to have significant economic impact on any other entity.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1)	(R-)	\$2,323,998 (FY 2023)
(2)	(E-)	\$74,328 (FY 2023)
B. On other State agencies:	(E-)	Minimal
C. On local governments:	(E-)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
CERFs and other repair facilities	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Minimal

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

A(1). Based on an analysis of current statistical data, it is estimated that in fiscal year 2023 (December 26, 2022 effective date), 202,797 new vehicles will qualify for the additional three-year delay of the initial inspection. Used vehicles will continue to be subject to VEIP inspection upon transfer of ownership independently of vehicle age, and it is estimated that 78,916 vehicles in this age range will be sold and inspected, yielding a net change of 123,881 vehicles. The inspection fees are \$14 at the VEIP inspection station and \$10 at the VEIP self-service kiosk. Only the OBD test is available at the kiosk. Current data shows that 85% of OBD tests are conducted at the VEIP stations, and 15% are conducted at the kiosks. Additionally, late fee revenue is equivalent to approximately 40% of inspection fee revenue. The estimated revenue impact (loss) to MDOT MVA from the reduction in inspection/late fees is calculated as follows:

a. VEIP station inspection fee revenue loss: (123,881 vehicle tests x 85% x \$14 = \$ 1,474,178

b. VEIP kiosk inspection fee revenue loss: (123,881 vehicle tests x 15%) x \$10 = \$ 185,821

Subtotal of a + b = \$ 1,659,999 c. Late fee revenue loss: (\$ 1,659,999 x 40%) = \$ 663,999

d. Total fiscal year 2022 revenue loss from this action: (\$ 1,659,999 + 663,999) = \$ 2,323,998.

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

A(2). This proposal will have a small impact on MDOT MVA expenditures in postage costs for fiscal year 2023. MDOT MVA currently incurs postage charges of \$0.60 for each inspection notice mailed. The reduced number of VEIP inspections resulting from this action will reduce the number of notices mailed. In FY2023, based on an estimated 123,881 vehicles, the reduction in postage charges is (123,881 x \$0.60) = \$ 74,328 (savings).

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

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

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

D. There will be minimal impact on automotive repair facilities that are Certified Emissions Repair Facilities (CERFs) due to lost income from potentially fewer vehicles requiring repairs.

F. Based on the assumptions and calculations included in part A, above, the public will realize estimated cost savings of \$ 2,323,998 in fiscal year 2023 through reductions in VEIP inspection/late fees paid.

Savings to the public are expected to continue at a similar rate into future years.

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 Marcia Ways, Mobile Sources Control Program Manager, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230-1720, or call (410) 537- 3270, or email to marcia.ways@maryland.gov, or fax to (410) 537- 4435. Comments will be accepted through October 11, 2022. The Maryland Department of the Environment and the Maryland Department of Transportation Motor Vehicle Administration will hold a virtual public hearing on the proposed action on October 11, 2022 at 10:00 a.m. See the Maryland Department of the Environment’s website for virtual hearing information, <https://mde.maryland.gov/programs/Regulations/air/Pages/reqcomments.aspx>. Interested persons are invited to attend and express their views. Comments must be received by 5:00 pm on November 7, 2022 or submitted at the hearing. For more information or to submit comments, contact Marcia Ways, Mobile Sources Control Program Manager, Maryland 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 Maryland Department of the Environment’s website at <http://www.mde.state.md.us/programs/regulations/air/Pages/reqcomment.s.aspx>.

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.

.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) "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) (text unchanged)

[(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)] (1)—[(b)](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)

[.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.]

[.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)] To qualify for certification, a person shall:

[(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)

.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 of the Environment
CHRISTINE NIZER
Administrator
Motor Vehicle Administration

Title 14

INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

Notice of Proposed Action

[22-172-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend:

- (1) Regulations **.02**, **.07**, and **.09** under **COMAR 14.22.01 General Regulations**; and
- (2) Regulation **.02** under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

This action was considered at an open meeting held on July 12, 2022, notice of which was published in the Maryland Register pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to modify Regulations .02 and .07 under COMAR 14.22.01 General Regulations to limit the collection of sentencing guidelines worksheets for three-judge panel reviews to those involving a crime of violence and to clarify the definition of “reconsiderations.” Additionally, the purpose of this action is to modify Regulation .09 under COMAR 14.22.01 General Regulations to clarify the definition of “explosive” as it pertains to the assignment of weapon presence points in part C of the offense score. Lastly, the purpose of this action is to modify the table of seriousness categories (guidelines offense table) in Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The modifications include the addition of new offenses from the 2022 Legislative Session and minor edits to the table.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu. Comments will be accepted through October 11, 2022. A public hearing has not been scheduled.

14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(8) (text unchanged)
 - (9) Guidelines Offense.
 - (a) (text unchanged)

Appendix 3:
Interagency Agreements



Wes Moore
Governor
Aruna Miller
Lieutenant Governor
Paul J. Wiedefeld
Secretary
Christine Nizer
Administrator

Sent via Electronic Mail to: bill.dell@opusinspection.com and jim.sands@opusinspection.com

June 12, 2025

Mr. Bill Dell, Executive Director
Envirotest Corporation
1740 Twin Springs Road
Suite K
Baltimore, MD 21227

Subject: Contract No. V-HQ-24019-S
Vehicle Emissions Inspection Program (VEIP) Management and Operations

Dear Mr. Dell:

I am pleased to inform you that the above-referenced contract was executed on June 12, 2025, and is on file with this Organization. The start date for this contract is July 3, 2025.

The Point of Contact for this Contract is Mr. Alan Holloway. If you have any questions, you may contact Mr. Holloway via telephone at 410-424-3607 or email: aholloway@mdot.maryland.gov.

Returned herewith is your copy of the executed contract document. The Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) looks forward to working with your firm.

We look forward to continuing working with your team. Should you have any questions, please contact me at 410-768-7383 or via email at jmettle@mdot.maryland.gov. Thank you.

Sincerely,

DocuSigned by:


AC196191B91E439...

Jessica Mettle, Procurement Officer

cc: Alan Holloway

Contract No. - V-HQ-24019-S

Title - Vehicle Emissions Inspection Program Management and Operations

Proposals Opened - June 12, 2024

Awarded - 6/12/2025

Contractor - Envirotest Corporation A subsidiary of Opus Inspection, Inc.
1740 Twin Springs Road
Suite K
Baltimore, MD 21227

STATE OF MARYLAND



Wes Moore
Governor

Aruna Miller
Lieutenant Governor

Paul J. Wiedefeld
Secretary

Christine Nizer
Administrator

CONTRACT, PERFORMANCE BOND AND PAYMENT BOND

THIS CONTRACT (the "Contract") is made this 12th day of June, 2025 by and between Envirotest Corporation (the "Contractor") and the STATE OF MARYLAND, acting through the MARYLAND Department of Transportation Motor Vehicle Administration ("MDOT MVA").

In consideration of the promises and the covenants herein contained, the adequacy and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. Definitions

In this Contract, the following words have the meanings indicated:

- 1.1 "COMAR" means Code of Maryland Regulations.
- 1.2 "Contractor" means the entity first named above whose principal business address is 7 Kripes Road, East Granby, CT 06026 and whose principal office in Maryland is 1740 Twin Springs Road, Suite K, Baltimore, MD 21227, whose Federal Employer Identification Number or Social Security Number is 52-2096698, and whose eMaryland Marketplace Advantage vendor ID number is SUP004798.
- 1.3 "Financial Proposal" means the Contractor's Financial Proposal dated June 12, 2024, as modified by any Best and Final Offer thereto.
- 1.4 Minority Business Enterprise (MBE) – Any legal entity certified as defined at COMAR 21.01.02.01B (54) which is certified by the Maryland Department of Transportation under COMAR 21.11.03.
- 1.5 "RFP" means the Request for Proposals for Vehicle Emissions Inspection Program Management and Operations, Solicitation # V-HQ-24019-SV, and any amendments, addenda, and attachments thereto issued in writing by the State.
- 1.6 "State" means the State of Maryland.
- 1.7 "Technical Proposal" means the Contractor's Technical Proposal dated June 12, 2024, as modified and supplemented by the Contractor's responses to requests clarifications and requests for cure, and by any Best and Final Offer.
- 1.8 "Veteran-owned Small Business Enterprise" (VSBE) means A business that is verified by the Center for Verification and Evaluation (CVE) of the United States Department of Veterans Affairs as a veteran-owned small business. See Code of Maryland Regulations (COMAR) 21.11.13.
- 1.9 Capitalized terms not defined herein shall be ascribed the meaning given to them in the RFP.

2. Scope of Contract

- 2.1 The Contractor shall perform in accordance with this Contract and Exhibits A-D, which are listed below and incorporated herein by reference. If there is any conflict between this Contract and the Exhibits, the terms of the Contract shall control. If there is any conflict among the Exhibits, the following order of precedence shall determine the prevailing provision:

Exhibit A – The RFP

Exhibit B – The Contract Affidavit, executed by the Contractor and dated 4/16/2025.

Exhibit C – The Technical Proposal

Exhibit D – The Financial Proposal

- 2.2 The Procurement Officer may, at any time, by written order, make unilateral changes in the work within the general scope of the Contract. No other order, statement, or conduct of the Procurement

Officer or any other person shall be treated as a change or entitle the Contractor to an equitable adjustment under this section. Except as otherwise provided in this Contract, if any change under this section causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work, whether or not changed by the order, an equitable adjustment in the Contract price shall be made and the Contract modified in writing accordingly. The Contractor must assert in writing its right to an adjustment under this section within thirty (30) days of receipt of written change order and shall include a written statement setting forth the nature and cost of such claim. No claim by the Contractor shall be allowed if asserted after final payment under this Contract. Failure to agree to an adjustment under this section shall be a dispute under the Disputes clause. Nothing in this section shall excuse the Contractor from proceeding with the Contract as changed.

- 2.3 Without limiting the rights of the Procurement Officer under Section 2.2 above, the Contract may be modified by mutual agreement of the parties, provided: (a) the modification is made in writing; (b) all parties sign the modification; and (c) all approvals by the required agencies as described in COMAR Title 21, are obtained.

3. Period of Performance

- 3.1 The term of this Contract begins on the date the Contract is signed by the Department following any required prior approvals, including approval by the Board of Public Works, if such approval is required (the "Effective Date"). The Contractor shall provide services under this Contract as of the date contained in the written NTP. From this date, the Contract shall continue for a period of five (5) years ("Initial Base Term").
- 3.2 In its sole discretion, the Department shall have the unilateral right to extend the term of the Contract for one five (5) -year renewal option, (a "Renewal Term") at the prices established in the Contract. "Term" means the Initial Term and the Renewal Term.
- 3.3. The Contractor's performance under the Contract shall commence as of the date provided in a written NTP.
- 3.4 The Contractor's obligation to pay invoices to subcontractors providing products/services in connection with this Contract, as well as the audit; confidentiality; document retention; patents, copyrights & intellectual property; warranty; indemnification obligations; and limitations of liability under this Contract; and any other obligations specifically identified, shall survive expiration or termination of the Contract.

4. Consideration and Payment

- 4.1 In consideration of the satisfactory performance of the work set forth in this Contract, the Department shall pay the Contractor in accordance with the terms of this Contract and at the prices quoted in the Financial Proposal. Unless properly modified (see above Section 2), payment to the Contractor pursuant to this Contract, including the Initial Term and any Renewal Term, shall not exceed the Contracted amount.

The total payment under a fixed price Contract or the fixed price element of a combined fixed price – time and materials Contract shall be the firm fixed price submitted by the Contractor in its Financial Proposal.

- 4.2 Unless a payment is unauthorized, deferred, delayed, or set-off under COMAR 21.02.07, payments to the Contractor pursuant to this Contract shall be made no later than 30 days after the Department's receipt of a proper invoice from the Contractor as required by RFP section 3.3.

The Contractor may be eligible to receive late payment interest at the rate of 9% per annum if:

Contract No. V-HQ-24019-S

Vehicle Emissions Inspection Program Management and Operations

- (1) The Contractor submits an invoice for the late payment interest within thirty days after the date of the State's payment of the amount on which the interest accrued; and
- (2) A contract claim has not been filed under State Finance and Procurement Article, Title 15, Subtitle 2, Annotated Code of Maryland.

The State is not liable for interest:

- (1) Accruing more than one year after the 31st day after the agency receives the proper invoice; or
- (2) On any amount representing unpaid interest. Charges for late payment of invoices are authorized only as prescribed by Title 15, Subtitle 1, of the State Finance and Procurement Article, Annotated Code of Maryland, or by the Public Service Commission of Maryland with respect to regulated public utilities, as applicable.

Final payment under this Contract will not be made until after certification is received from the Comptroller of the State that all taxes have been paid.

Electronic funds transfer shall be used by the State to pay Contractor pursuant to this Contract and any other State payments due Contractor unless the State Comptroller's Office grants Contractor an exemption.

- 4.3 In addition to any other available remedies, if, in the opinion of the Procurement Officer, the Contractor fails to perform in a satisfactory and timely manner, the Procurement Officer may refuse or limit approval of any invoice for payment, and may cause payments to the Contractor to be reduced or withheld until such time as the Contractor meets performance standards as established by the Procurement Officer.
- 4.4 Payment of an invoice by the Department is not evidence that services were rendered as required under this Contract.

5. Rights to Records

- 5.1 The Contractor agrees that all documents and materials including, but not limited to, software, reports, drawings, studies, specifications, estimates, tests, maps, photographs, designs, graphics, mechanical, artwork, computations, and data prepared by the Contractor for purposes of this Contract shall be the sole property of the State and shall be available to the State at any time. The State shall have the right to use the same without restriction and without compensation to the Contractor other than that specifically provided by this Contract.
- 5.2 The Contractor agrees that at all times during the term of this Contract and thereafter, works created as a Deliverable under this Contract (as defined in **Section 7.2**), and services performed under this Contract shall be "works made for hire" as that term is interpreted under U.S. copyright law. To the extent that any products created as a Deliverable under this Contract are not works made for hire for the State, the Contractor hereby relinquishes, transfers, and assigns to the State all of its rights, title, and interest (including all intellectual property rights) to all such products created under this Contract, and will cooperate reasonably with the State in effectuating and registering any necessary assignments.
- 5.3 The Contractor shall report to the Contract Monitor, promptly and in written detail, each notice or claim of copyright infringement received by the Contractor with respect to all data delivered under this Contract.

- 5.4 The Contractor shall not affix any restrictive markings upon any data, documentation, or other materials provided to the State hereunder and if such markings are affixed, the State shall have the right at any time to modify, remove, obliterate, or ignore such warnings.
- 5.5 Upon termination or expiration of the Contract, the Contractor, at its own expense, shall deliver any equipment, software or other property provided by the State to the place designated by the Procurement Officer.

6. Exclusive Use

- 6.1 The State shall have the exclusive right to use, duplicate, and disclose any data, information, documents, records, or results, in whole or in part, in any manner for any purpose whatsoever, that may be created or generated by the Contractor in connection with this Contract. If any material, including software, is capable of being copyrighted, the State shall be the copyright owner and Contractor may copyright material connected with this project only with the express written approval of the State.
- 6.2 Except as may otherwise be set forth in this Contract, Contractor shall not use, sell, sub-lease, assign, give, or otherwise transfer to any third party any other information or material provided to Contractor by the Department or developed by Contractor relating to the Contract, except as provided for in **Section 8. Confidential or Proprietary Information and Documentation**.

7. Patents, Copyrights, and Intellectual Property

- 7.1. All copyrights, patents, trademarks, trade secrets, and any other intellectual property rights existing prior to the Effective Date of this Contract shall belong to the party that owned such rights immediately prior to the Effective Date (“Pre-Existing Intellectual Property”). If any design, device, material, process, or other item provided by Contractor is covered by a patent or copyright or which is proprietary to or a trade secret of another, the Contractor shall obtain the necessary permission or license to permit the State to use such item or items pursuant to its rights granted under the Contract.
- 7.2 Except for (1) information created or otherwise owned by the Department or licensed by the Department from third parties, including all information provided by the Department to Contractor; (2) materials created by Contractor or its subcontractor(s) specifically for the State under the Contract (“Deliverables”), except for any Contractor Pre-Existing Intellectual Property included therein; and (3) the license rights granted to the State, all right, title, and interest in the intellectual property embodied in the solution, including the know-how and methods by which the solution is provided and the processes that make up the solution, will belong solely and exclusively to Contractor and its licensors, and the Department will have no rights to the same except as expressly granted in this Contract. Any SaaS Software developed by Contractor during the performance of the Contract will belong solely and exclusively to Contractor and its licensors. For all Software provided by the Contractor under the Contract, Contractor hereby grants to the State a nonexclusive, irrevocable, unlimited, perpetual, non-cancelable, and non-terminable right to use and make copies of the Software and any modifications to the Software. For all Contractor Pre-Existing Intellectual Property embedded in any Deliverables, Contractor grants to the State a license to use such Contractor Pre-Existing Intellectual Property in connection with its permitted use of such Deliverable. During the period between delivery of a Deliverable by Contractor and the date of payment therefor by the State in accordance with this Contract (including throughout the duration of any payment dispute discussions), subject to the terms and conditions contained herein, Contractor grants the State a royalty-free, non-exclusive, limited license to use such Deliverable and to use any Contractor Materials contained therein in accordance with this Contract.
- 7.3. Subject to the terms of **Section 10**, Contractor shall defend, indemnify and hold harmless the State and its agents and employees, from and against any and all claims, costs, losses, damages, liabilities,

judgments and expenses (including without limitation reasonable attorneys' fees) arising out of or in connection with any third party claim that the Contractor-provided products/services infringe, misappropriate or otherwise violate any third party intellectual property rights. Contractor shall not enter into any settlement involving third party claims that contains any admission of or stipulation to any guilt, fault, liability or wrongdoing by the State or that adversely affects the State's rights or interests, without the State's prior written consent.

- 7.4 Without limiting Contractor's obligations under Section 5.3, if an infringement claim occurs, or if the State or the Contractor believes such a claim is likely to occur, Contractor (after consultation with the State and at no cost to the State): (a) shall procure for the State the right to continue using the allegedly infringing component or service in accordance with its rights under this Contract; or (b) replace or modify the allegedly infringing component or service so that it becomes non-infringing and remains compliant with all applicable specifications.
- 7.5 Except as otherwise provided herein, Contractor shall not acquire any right, title or interest (including any intellectual property rights subsisting therein) in or to any goods, Software, technical information, specifications, drawings, records, documentation, data or any other materials (including any derivative works thereof) provided by the State to the Contractor. Notwithstanding anything to the contrary herein, the State may, in its sole and absolute discretion, grant the Contractor a license to such materials, subject to the terms of a separate writing executed by the Contractor and an authorized representative of the State as well as all required State approvals.
- 7.6 Without limiting the generality of the foregoing, neither Contractor nor any of its subcontractors shall use any Software or technology in a manner that will cause any patents, copyrights or other intellectual property which are owned or controlled by the State or any of its affiliates (or for which the State or any of its subcontractors has received license rights) to become subject to any encumbrance or terms and conditions of any third party or open source license (including, without limitation, any open source license listed on <http://www.opensource.org/licenses/alphabetical>) (each an "Open Source License"). These restrictions, limitations, exclusions and conditions shall apply even if the State or any of its subcontractors becomes aware of or fails to act in a manner to address any violation or failure to comply therewith. No act by the State or any of its subcontractors that is undertaken under this Contract as to any Software or technology shall be construed as intending to cause any patents, copyrights or other intellectual property that are owned or controlled by the State (or for which the State has received license rights) to become subject to any encumbrance or terms and conditions of any open source license.
- 7.7 The Contractor shall report to the Department, promptly and in written detail, each notice or claim of copyright infringement received by the Contractor with respect to all Deliverables delivered under this Contract.
- 7.8 The Contractor shall not affix (or permit any third party to affix), without the Department's consent, any restrictive markings upon any Deliverables that are owned by the State, and if such markings are affixed, the Department shall have the right at any time to modify, remove, obliterate, or ignore such warnings.

8. Confidential or Proprietary Information and Documentation

- 8.1 Subject to the Maryland Public Information Act and any other applicable laws including, without limitation, HIPAA, the HI-TECH Act, and the Maryland Medical Records Act and regulations promulgated pursuant thereto, all confidential or proprietary information and documentation relating to either party (including without limitation, any information or data stored within the Contractor's computer systems or cloud infrastructure, if applicable) shall be held in confidence by the other party. Each party shall, however, be permitted to disclose, as provided by and consistent with applicable law, relevant confidential information to its officers, agents, and Contractor

Personnel to the extent that such disclosure is necessary for the performance of their duties under this Contract. Each officer, agent, and Contractor Personnel to whom any of the State's confidential information is to be disclosed shall be advised by Contractor provided that each officer, agent, and Contractor Personnel to whom any of the State's confidential information is to be disclosed shall be advised by Contractor of the obligations hereunder, and bound by, confidentiality at least as restrictive as those of set forth in this Contract.

- 8.2 The provisions of this section shall not apply to information that: (a) is lawfully in the public domain; (b) has been independently developed by the other party without violation of this Contract; (c) was already rightfully in the possession of such party; (d) was supplied to such party by a third party lawfully in possession thereof and legally permitted to further disclose the information; or (e) which such party is required to disclose by law.

9. Loss of Data

- 9.1 In the event of loss of any State data or records where such loss is due to the act or omission of the Contractor or any of its subcontractors or agents, the Contractor shall be responsible for restoring or recreating, as applicable, such lost data in the manner and on the schedule set by the Contract Monitor. The Contractor shall ensure that all data is backed up and recoverable by the Contractor. At no time shall any Contractor actions (or any failures to act when Contractor has a duty to act) damage or create any vulnerabilities in data bases, systems, platforms, and applications with which the Contractor is working hereunder.
- 9.2 In accordance with prevailing federal or state law or regulations, the Contractor shall report the loss of non-public data as directed in **RFP Section 3.7**.
- 9.3 Protection of data and personal privacy (as further described and defined in RFP Section 3.8) shall be an integral part of the business activities of the Contractor to ensure there is no inappropriate or unauthorized use of State information at any time. To this end, the Contractor shall safeguard the confidentiality, integrity and availability of State information and comply with the conditions identified in **RFP Section 3.7**.

10. Indemnification and Notification of Legal Requests

- 10.1. At its sole cost and expense, Contractor shall (i) indemnify and hold the State, its employees and agents harmless from and against any and all claims, demands, actions, suits, damages, liabilities, losses, settlements, judgments, costs and expenses (including but not limited to attorneys' fees and costs), whether or not involving a third party claim, which arise out of or relate to the Contractor's, or any of its subcontractors', performance of this Contract and (ii) cooperate, assist, and consult with the State in the defense or investigation of any such claim, demand, action or suit. Contractor shall not enter into any settlement involving third party claims that contains any admission of or stipulation to any guilt, fault, liability or wrongdoing by the State or that adversely affects the State's rights or interests, without the State's prior written consent. Neither Contractor nor its attorney(s) shall hold itself out as speaking on behalf of and/or representing the State.
- 10.2. The State has no obligation: (i) to provide legal counsel or defense to the Contractor or its subcontractors in the event that a suit, claim or action of any character is brought against the Contractor or its subcontractors as a result of or relating to the Contractor's obligations or performance under this Contract, or (ii) to pay any judgment or settlement of any such suit, claim or action. Notwithstanding the foregoing, the Contractor shall promptly notify the Procurement Officer of any such claims, demands, actions, or suits.
- 10.3. Notification of Legal Requests. In the event the Contractor receives a subpoena or other validly issued administrative or judicial process, or any discovery request in connection with any litigation, requesting State Pre-Existing Intellectual Property, of other information considered to be the

property of the State, including but not limited to State data stored with or otherwise accessible by the Contractor, the Contractor shall not respond to such subpoena, process or other legal request without first notifying the State, unless prohibited by law from providing such notice. The Contractor shall promptly notify the State of such receipt providing the State with a reasonable opportunity to intervene in the proceeding before the time that Contractor is required to comply with such subpoena, other process or discovery request. .

11. Non-Hiring of Employees

No official or employee of the State, as defined under Md. Code Ann., General Provisions Article, § 5-101, whose duties as such official or employee include matters relating to or affecting the subject matter of this Contract, shall, during the pendency and term of this Contract and while serving as an official or employee of the State, become or be an employee of the Contractor or any entity that is a subcontractor on this Contract.

12. Disputes

This Contract shall be subject to the provisions of Md. Code Ann., State Finance and Procurement Article, Title 15, Subtitle 2, and COMAR 21.10 (Administrative and Civil Remedies). Pending resolution of a claim, the Contractor shall proceed diligently with the performance of the Contract in accordance with the Procurement Officer's decision. Unless a lesser period is provided by applicable statute, regulation, or the Contract, the Contractor must file a written notice of claim with the Procurement Officer within thirty (30) days after the basis for the claim is known or should have been known, whichever is earlier. Contemporaneously with or within thirty (30) days of the filing of a notice of claim, but no later than the date of final payment under the Contract, the Contractor must submit to the Procurement Officer its written claim containing the information specified in COMAR 21.10.04.02.

13. Maryland Law Prevails

- 13.1 This Contract shall be construed, interpreted, and enforced according to the laws of the State of Maryland.
- 13.2 The Maryland Uniform Computer Information Transactions Act (Commercial Law Article, Title 22 of the Annotated Code of Maryland) does not apply to this Contract or any purchase order, task order, or Notice to Proceed issued thereunder, or any software, or any software license acquired hereunder.
- 13.3 Any and all references to the Maryland Code, annotated and contained in this Contract shall be construed to refer to such Code sections as are from time to time amended.

14. Nondiscrimination in Employment

The Contractor agrees: (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, sexual orientation, gender identification, marital status, national origin, ancestry, genetic information, or any otherwise unlawful use of characteristics, or disability of a qualified individual with a disability unrelated in nature and extent so as to reasonably preclude the performance of the employment, or the individual's refusal to submit to a genetic test or make available the results of a genetic test; (b) to include a provision similar to that contained in subsection (a), above, in any underlying subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.

15. Contingent Fee Prohibition

The Contractor warrants that it has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Contractor to solicit or secure the Contract, and that the Contractor has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of this Contract.

16. Non-Availability of Funding

If the General Assembly fails to appropriate funds or if funds are not otherwise made available for continued performance for any fiscal period of this Contract succeeding the first fiscal period, this Contract shall be canceled automatically as of the beginning of the fiscal year for which funds were not appropriated or otherwise made available; provided, however, that this will not affect either the State's or the Contractor's rights under any termination clause in this Contract. The effect of termination of the Contract hereunder will be to discharge both the Contractor and the State from future performance of the Contract, but not from their rights and obligations existing at the time of termination. The Contractor shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the Contract. The State shall notify the Contractor as soon as it has knowledge that funds may not be available for the continuation of this Contract for each succeeding fiscal period beyond the first.

17. Termination for Default

If the Contractor fails to fulfill its obligations under this Contract properly and on time, fails to provide any required annual and renewable bond 30 days prior to expiration of the current bond then in effect, or otherwise violates any provision of the Contract, the State may terminate the Contract by written notice to the Contractor. The notice shall specify the acts or omissions relied upon as cause for termination. All finished or unfinished work provided by the Contractor shall, at the State's option, become the State's property. The State shall pay the Contractor fair and equitable compensation for satisfactory performance prior to receipt of notice of termination, less the amount of damages caused by the Contractor's breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the State can affirmatively collect damages. Termination hereunder, including the termination of the rights and obligations of the parties, shall be governed by the provisions of COMAR 21.07.01.11B.

18. Termination for Convenience

The performance of work under this Contract may be terminated by the State in accordance with this clause in whole, or from time to time in part, whenever the State shall determine that such termination is in the best interest of the State. The State will pay all reasonable costs associated with this Contract that the Contractor has incurred up to the date of termination, and all reasonable costs associated with termination of the Contract. However, the Contractor shall not be reimbursed for any anticipatory profits that have not been earned up to the date of termination. Termination hereunder, including the determination of the rights and obligations of the parties, shall be governed by the provisions of COMAR 21.07.01.12A (2).

19. Delays and Extensions of Time

- 19.1 The Contractor agrees to prosecute the work continuously and diligently and no charges or claims for damages shall be made by it for any delays or hindrances from any cause whatsoever during the progress of any portion of the work specified in this Contract.
- 19.2 Time extensions will be granted only for excusable delays that arise from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the State in either its sovereign or contractual capacity, acts of another Contractor in the performance of a contract with the State, fires, floods,

epidemics, quarantine restrictions, strikes, freight embargoes, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of either the Contractor or the subcontractors or suppliers.

20. Suspension of Work

The State unilaterally may order the Contractor in writing to suspend, delay, or interrupt all or any part of its performance for such period of time as the Procurement Officer may determine to be appropriate for the convenience of the State.

21. Pre-Existing Regulations

In accordance with the provisions of Section 11-206 of the State Finance and Procurement Article, Annotated Code of Maryland, the regulations set forth in Title 21 of the Code of Maryland Regulations (COMAR 21) in effect on the date of execution of this Contract are applicable to this Contract.

22. Financial Disclosure

The Contractor shall comply with the provisions of Section 13-221 of the State Finance and Procurement Article of the Annotated Code of Maryland, which requires that every business that enters into contracts, leases, or other agreements with the State or its agencies during a calendar year under which the business is to receive in the aggregate, \$200,000 or more, shall within 30 days of the time when the aggregate value of these contracts, leases or other agreements reaches \$200,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

23. Political Contribution Disclosure

The Contractor shall comply with Election Law Article, Title 14, Annotated Code of Maryland, which requires that every person that enters into a procurement contract with the State, a county, or a municipal corporation, or other political subdivision of the State, during a calendar year in which the person receives a contract with a governmental entity in the amount of \$200,000 or more, shall file with the State Board of Elections statements disclosing: (a) any contributions made during the reporting period to a candidate for elective office in any primary or general election; and (b) the name of each candidate to whom one or more contributions in a cumulative amount of \$500 or more were made during the reporting period. The statement shall be filed with the State Board of Elections: (a) before execution of a contract by the State, a county, a municipal corporation, or other political subdivision of the State, and shall cover the 24 months prior to when a contract was awarded; and (b) if the contribution is made after the execution of a contract, then twice a year, throughout the contract term, on or before: (i) May 31, to cover the six (6) month period ending April 30; and (ii) November 30, to cover the six (6) month period ending October 31. Additional information is available on the State Board of Elections website: http://www.elections.state.md.us/campaign_finance/index.html.

24. Retention of Records

The Contractor and subcontractors shall retain and maintain all records and documents in any way relating to this Contract for (i) three (3) years after final payment by the State hereunder, or (ii) any applicable federal or State retention requirements (such as HIPAA) or condition of award, , whichever is longer, and shall make them available for inspection and audit by authorized representatives of the State, as designated by the Procurement Officer, at all reasonable times. The Contractor shall provide copies of all documents requested by the State, including, but not limited to itemized billing documentation containing the dates, hours spent and work performed by the Contractor and its subcontractors under the Contract. All records related in any way to the Contract are to be retained for the entire time provided under this section.

25. Right to Audit

- 25.1 The State reserves the right, at its sole discretion and at any time, to perform an audit of the Contractor's performance under this Contract. An audit is defined as a planned and documented independent activity performed by qualified personnel, including but not limited to State and federal auditors, to determine by investigation, examination, or evaluation of objective evidence from data, statements, records, operations and performance practices (financial or otherwise) the Contractor's compliance with the Contract, including but not limited to adequacy and compliance with established procedures and internal controls over the services performed pursuant to the Contract.
- 25.2 Upon three (3) Business Days' notice, the State shall be provided reasonable access to Contractor's records to perform any such audits. The Department may conduct these audits with any or all of its own internal resources or by securing the services of a third party accounting or audit firm, solely at the Department's election. The Department may copy any record related to the services performed pursuant to the Contract. The Contractor agrees to fully cooperate and assist in any audit conducted by or on behalf of the State, including, by way of example only, making records and employees available as, where, and to the extent requested by the State and by assisting the auditors in reconciling any audit variances. Contractor shall not be compensated for providing any such cooperation and assistance.
- 25.3 The right to audit shall include any of the Contractor's subcontractors including but not limited to any lower tier subcontractor(s). The Contractor shall ensure the Department has the right to audit such subcontractor(s).

26. Compliance with Laws

The Contractor hereby represents and warrants that:

- a. It is qualified to do business in the State and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;
- b. It is not in arrears with respect to the payment of any monies due and owing the State, or any department or unit thereof, including but not limited to the payment of taxes and employee benefits, and that it shall not become so in arrears during the Term;
- c. It shall comply with all federal, State and local laws, regulations, and ordinances applicable to its activities and obligations under this Contract; and
- d. It shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Contract.

27. Cost and Price Certification

- 27.1 The Contractor, by submitting cost or price information certifies that, to the best of its knowledge, the information submitted is accurate, complete, and current as of the date of its Proposal.
- 27.2 The price under this Contract and any change order or modification hereunder, including profit or fee, shall be adjusted to exclude any significant price increases occurring because the Contractor furnished cost or price information which, as of the date of its Proposal, was inaccurate, incomplete, or not current.

28. Subcontracting; Assignment

The Contractor may not subcontract any of its obligations under this Contract without obtaining the prior written approval of the Procurement Officer, nor may the Contractor assign this Contract or any of its rights or obligations hereunder, without the prior written approval of the Procurement Officer, each at the State's sole and absolute discretion; provided, however, that a Contractor may

assign monies receivable under a contract after written notice to the State. Any subcontracts shall include such language as may be required in various clauses contained within this Contract, exhibits, and attachments. The Contract shall not be assigned until all approvals, documents, and affidavits are completed and properly registered. The State shall not be responsible for fulfillment of the Contractor's obligations to its subcontractors.

29. Limitations of Liability

- 29.1 Contractor shall be liable for any loss or damage to the State occasioned by the acts or omissions of Contractor, its subcontractors, agents or employees as follows:
- (a) For infringement of patents, trademarks, trade secrets and copyrights as provided in **Section 7 "Patents, Copyrights, Intellectual Property"** of this Contract;
 - (b) Without limitation for damages for bodily injury (including death) and damage to real property and tangible personal property; and
 - (c) For all other claims, damages, loss, costs, expenses, suits or actions in any way related to this Contract and regardless of the basis on which the claim is made, Contractor's liability shall be unlimited.
 - (d) In no event shall the existence of a subcontract operate to release or reduce the liability of Contractor hereunder. For purposes of this Contract, Contractor agrees that all subcontractors shall be held to be agents of Contractor.
- 29.2 Contractor's indemnification obligations for Third party claims arising under Section 10 ("Indemnification") of this Contract are included in this limitation of liability only if the State is immune from liability. Contractor's indemnification liability for third party claims arising under Section 6 of this Contract shall be unlimited if the State is not immune from liability for claims arising under Section 6.
- 29.3. In no event shall the existence of a subcontract operate to release or reduce the liability of Contractor hereunder. For purposes of this Contract, Contractor agrees that it is responsible for performance of the services and compliance with the relevant obligations hereunder by its subcontractors.

30. Commercial Nondiscrimination

- 30.1 As a condition of entering into this Contract, Contractor represents and warrants that it will comply with the State's Commercial Nondiscrimination Policy, as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland. As part of such compliance, Contractor may not discriminate on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, sexual identity, genetic information or an individual's refusal to submit to a genetic test or make available the results of a genetic test or on the basis of disability, or otherwise unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall Contractor retaliate against any person for reporting instances of such discrimination. Contractor shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that this clause does not prohibit or limit lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the marketplace. Contractor understands that a material violation of this clause shall be considered a material breach of this Contract and may result in termination of this Contract, disqualification of Contractor from participating in State contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.
- 30.3 As a condition of entering into this Contract, upon the request of the Commission on Civil Rights, and only after the filing of a complaint against Contractor under Title 19 of the State Finance and

Procurement Article of the Annotated Code of Maryland, as amended from time to time, Contractor agrees to provide within 60 days after the request a complete list of the names of all subcontractors, vendors, and suppliers that Contractor has used in the past four (4) years on any of its contracts that were undertaken within the State of Maryland, including the total dollar amount paid by Contractor on each subcontract or supply contract. Contractor further agrees to cooperate in any investigation conducted by the State pursuant to the State Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, and to provide any documents relevant to any investigation that are requested by the State. Contractor understands that violation of this clause is a material breach of this Contract and may result in Contract termination, disqualification by the State from participating in State contracts, and other sanctions.

- 30.4 The Contractor shall include the language from 30.1, or similar clause approved in writing by the Department, in all subcontracts.

31. Prompt Pay Requirements

- 31.1 If the Contractor withholds payment of an undisputed amount to its subcontractor, the Department, at its option and in its sole discretion, may take one or more of the following actions:
- (a) Not process further payments to the Contractor until payment to the subcontractor is verified;
 - (b) Suspend all or some of the Contract work without affecting the completion date(s) for the Contract work;
 - (c) Pay or cause payment of the undisputed amount to the subcontractor from monies otherwise due or that may become due to the Contractor;
 - (d) Place a payment for an undisputed amount in an interest-bearing escrow account; or
 - (e) Take other or further actions as appropriate to resolve the withheld payment.
- 31.2 An “undisputed amount” means an amount owed by the Contractor to a subcontractor for which there is no good faith dispute. Such “undisputed amounts” include, without limitation: (a) retainage which had been withheld and is, by the terms of the agreement between the Contractor and subcontractor, due to be distributed to the subcontractor; and (b) an amount withheld because of issues arising out of an agreement or occurrence unrelated to the agreement under which the amount is withheld.
- 31.3 An act, failure to act, or decision of a Procurement Officer or a representative of the Department concerning a withheld payment between the Contractor and a subcontractor under this **section 31**, may not:
- (a) Affect the rights of the contracting parties under any other provision of law;
 - (b) Be used as evidence on the merits of a dispute between the Department and the Contractor in any other proceeding; or
 - (c) Result in liability against or prejudice the rights of the Department.
- 31.4 The remedies enumerated above are in addition to those provided under COMAR 21.11.03.13 with respect to subcontractors that have contracted pursuant to the MBE program.
- 31.5 To ensure compliance with certified MBE subcontract participation goals, the Department may, consistent with COMAR 21.11.03.13, take the following measures:

- (a) Verify that the certified MBEs listed in the MBE participation schedule actually are performing work and receiving compensation as set forth in the MBE participation schedule. This verification may include, as appropriate:
 - i. Inspecting any relevant records of the Contractor;
 - ii. Inspecting the jobsite; and
 - iii. Interviewing subcontractors and workers.Verification shall include a review of:
 - i. The Contractor's monthly report listing unpaid invoices over thirty (30) days old from certified MBE subcontractors and the reason for nonpayment; and
 - ii. The monthly report of each certified MBE subcontractor, which lists payments received from the Contractor in the preceding thirty (30) days and invoices for which the subcontractor has not been paid.
- (b) If the Department determines that the Contractor is not in compliance with certified MBE participation goals, then the Department will notify the Contractor in writing of its findings, and will require the Contractor to take appropriate corrective action. Corrective action may include, but is not limited to, requiring the Contractor to compensate the MBE for work performed as set forth in the MBE participation schedule.
- (c) If the Department determines that the Contractor is in material noncompliance with MBE Contract provisions and refuses or fails to take the corrective action that the Department requires, then the Department may:
 - i. Terminate the Contract;
 - ii. Refer the matter to the Office of the Attorney General for appropriate action; or
 - iii. Initiate any other specific remedy identified by the Contract, including the contractual remedies required by any applicable laws, regulations, and directives regarding the payment of undisputed amounts.
- (d) Upon completion of the Contract, but before final payment or release of retainage or both, the Contractor shall submit a final report, in affidavit form under the penalty of perjury, of all payments made to, or withheld from, MBE subcontractors.

32. Living Wage

If a Contractor subject to the Living Wage law fails to submit all records required under COMAR 21.11.10.05 to the Commissioner of Labor and Industry at the Department of Labor, Licensing and Regulation, the Department may withhold payment of any invoice or retainage. The Department may require certification from the Commissioner on a quarterly basis that such records were properly submitted.

33. Variations in Estimated Quantities

Unless specifically indicated otherwise in the State's solicitation or other controlling documents related to the Scope of Work, any sample amounts provided are estimates only and the Department does not guarantee a minimum or maximum number of units or usage in the performance of this Contract.

Where the quantity of a pay item in this Contract is an estimated quantity and where the actual quantity of such pay item varies more than 25 percent above or below the estimated quantity stated in this Contract, an equitable adjustment in the Contract price shall be made upon demand of either party. The equitable adjustment shall be based upon any increase or decrease in costs due solely to the variation above 125 percent or below 75 percent of the estimated quantity.

34. Risk of Loss; Transfer of Title

Risk of loss for conforming supplies, equipment, materials and Deliverables furnished to the State hereunder shall remain with the Contractor until such supplies, equipment, materials and Deliverables are received and accepted by the State, following which, title shall pass to the State.

35. Effect of Contractor Bankruptcy

All rights and licenses granted by the Contractor under this Contract are and shall be deemed to be rights and licenses to "intellectual property," and the subject matter of this Contract, including services, is and shall be deemed to be "embodiments of intellectual property" for purposes of and as such terms are used and interpreted under § 365(n) of the United States Bankruptcy Code ("Code") (11 U.S.C. § 365(n) (2010)). The State has the right to exercise all rights and elections under the Code and all other applicable bankruptcy, insolvency and similar laws with respect to this Contract (including all executory statement of works). Without limiting the generality of the foregoing, if the Contractor or its estate becomes subject to any bankruptcy or similar proceeding: (a) subject to the State's rights of election, all rights and licenses granted to the State under this Contract shall continue subject to the respective terms and conditions of this Contract; and (b) the State shall be entitled to a complete duplicate of (or complete access to, as appropriate) all such intellectual property and embodiments of intellectual property, and the same, if not already in the State's possession, shall be promptly delivered to the State, unless the Contractor elects to and does in fact continue to perform all of its obligations under this Contract.

36. Miscellaneous

- 36.1 Any provision of this Contract which contemplates performance or observance subsequent to any termination or expiration of this Contract shall survive termination or expiration of this Contract and continue in full force and effect.
- 36.2 If any term contained in this Contract is held or finally determined to be invalid, illegal, or unenforceable in any respect, in whole or in part, such term shall be severed from this Contract, and the remaining terms contained herein shall continue in full force and effect, and shall in no way be affected, prejudiced, or disturbed thereby.
- 36.3 The headings of the sections contained in this Contract are for convenience only and shall not be deemed to control or affect the meaning or construction of any provision of this Contract.
- 36.4 This Contract may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Signatures provided by facsimile or other electronic means, e.g., and not by way of limitation, in Adobe .PDF sent by electronic mail, shall be deemed to be original signatures.

37. Contract Monitor and Procurement Officer

- 37.1 The State representative for this Contract who is primarily responsible for Contract administration functions, including issuing written direction, invoice approval, monitoring this Contract to ensure compliance with the terms and conditions of the Contract, monitoring MBE and VSBE compliance, and achieving completion of the Contract on budget, on time, and within scope. The Contract Monitor may authorize in writing one or more State representatives to act on behalf of the Contract

Monitor in the performance of the Contract Monitor's responsibilities. The Department may change the Contract Monitor at any time by written notice to the Contractor.

- 37.2 The Procurement Officer has responsibilities as detailed in the Contract, and is the only State representative who can authorize changes to the Contract. The Department may change the Procurement Officer at any time by written notice to the Contractor.

38. Notices

All notices hereunder shall be in writing and either delivered personally or sent by certified or registered mail, postage prepaid, as follows:

If to the State:

Alan V. Holloway
MDOT Motor Vehicle Administration – VEIP
6601 Ritchie Highway, Suite 200
Glen Burnie, MD 21062
Phone Number: 410-424-3607
E-Mail: aholloway@mdot.state.md.us

With a copy to:

MDOT MVA Procurement
6601 Ritchie Highway, N.E., Room 223
Glen Burnie, MD 21063
Phone Number: 410-768-7383
E-Mail: mvapnc@mdot.maryland.gov

If to the Contractor:

Jim Sands
Envirotest Corporation
1740 Twin Springs Road, Suite K
Baltimore, MD 21227
Phone Number: 860-392-2174
E-Mail: jim.sands@opusinspection.com

Parent Company Guarantor

Contact: Opus Inspection, Inc.

Attn: Andy McIntosh, CEO

39. Liquidated Damages for MBE

- 39.1 The Contract requires the Contractor to comply in good faith with the MBE Program and Contract provisions. The State and the Contractor acknowledge and agree that the State will incur damages, including but not limited to loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the Contractor does not comply in good faith with the requirements of the MBE Program and MBE Contract provisions. The parties further acknowledge and agree that the damages the State might reasonably be anticipated to accrue as a result of such lack of compliance are difficult to ascertain with precision.

- 39.2 Therefore, upon issuance of a written determination by the State that the Contractor failed to comply in good faith with one or more of the specified MBE Program requirements or MBE Contract provisions, the Contractor shall pay liquidated damages to the State at the rates set forth below. The Contractor expressly agrees that the State may withhold payment on any invoices as a set-off against liquidated damages owed. The Contractor further agrees that for each specified violation, the agreed upon liquidated damages are reasonably proximate to the loss the State is anticipated to incur as a result of such violation.
- (a) Failure to submit each monthly payment report in full compliance with COMAR 21.11.03.13B (3): \$23 per day until the monthly report is submitted as required.
 - (b) Failure to include in its agreements with MBE subcontractors a provision requiring submission of payment reports in full compliance with COMAR 21.11.03.13B (4): \$82 per MBE subcontractor.
 - (c) Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the Contract.
 - (d) Failure to meet the Contractor's total MBE participation goal and sub goal commitments: the difference between the dollar value of the total MBE participation commitment on the MBE participation schedule and the MBE participation actually achieved.
 - (e) Failure to promptly pay all undisputed amounts to an MBE subcontractor in full compliance with the prompt payment provisions of the Contract: \$90 per day until the undisputed amount due to the MBE subcontractor is paid.

39.2 Notwithstanding the assessment or availability of liquidated damages, the State reserves the right to terminate the Contract and exercise any and all other rights or remedies which may be available under the Contract or Law.

40. Compliance with federal Health Insurance Portability and Accountability Act (HIPAA) and State Confidentiality Law

HIPAA clauses do not apply to this Contract.

41. Hiring Agreement

41.1 The Contractor agrees to execute and comply with the enclosed Maryland Department of Human Services (DHS) Hiring Agreement (Attachment O). The Hiring Agreement is to be executed by the Offeror and delivered to the Procurement Officer within ten (10) Business Days following receipt of notice by the Offeror that it is being recommended for Contract award. The Hiring Agreement will become effective concurrently with the award of the Contract.

41.2 The Hiring Agreement provides that the Contractor and DHS will work cooperatively to promote hiring by the Contractor of qualified individuals for job openings resulting from this procurement, in accordance with Md. Code Ann., State Finance and Procurement Article §13-224.

42. Limited English Proficiency

The Contractor shall provide equal access to public services to individuals with limited English proficiency in compliance with Md. Code Ann., State Government Article, §§ 10-1101 et seq., and

Contract No. V-HQ-24019-S
Vehicle Emissions Inspection Program Management and Operations

Policy Guidance issued by the Office of Civil Rights, Department of Health and Human Services,
and MDH Policy 02.06.07.

SIGNATURES ON NEXT PAGE

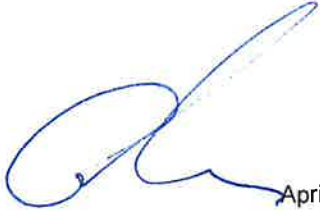
Contract No. V-HQ-24019-S
Vehicle Emissions Inspection Program Management and Operations

IN WITNESS THEREOF, the parties have executed this Contract as of the date hereinabove set forth.

Envirotest Corporation
1740 Twin Springs Road, Suite K
Baltimore, MD 21227

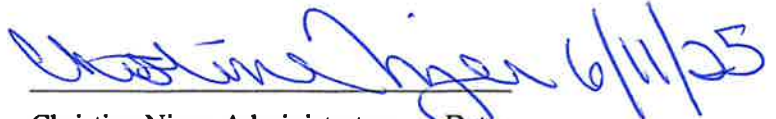
State of Maryland
Maryland Department of Transportation
Motor Vehicle Administration
(MDOT MVA)

By:


April 16, 2025

Andy McIntosh, President Date
Envirotest Corporation

By:


6/11/25

Christine Nizer, Administrator Date
Maryland Motor Vehicle Administration

Approved for form and legal sufficiency

this ^{29th} day of April, 2025


Assistant Attorney General

APPROVED BY BPW: 6/11/2025 19-S
(Date) (BPW Item #)

**FY 2026 AGREEMENT BETWEEN THE
MARYLAND MOTOR VEHICLE ADMINISTRATION
AND
THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
VEHICLE EMISSIONS INSPECTION PROGRAM
V-MUL-14032-S**

THIS AGREEMENT, dated as of _____, 2025, by and between the Maryland Motor Vehicle Administration (hereinafter "MDOT MVA"), a modal under the Maryland Department of Transportation (MDOT), and the Maryland Department of the Environment, (hereinafter "MDE") reflects the understanding of the respective parties hereto with regard to the funding of the Vehicle Emissions Inspection Program (hereinafter "VEIP") for Fiscal Year 2026, and subsequent fiscal years.

WITNESSETH THAT:

WHEREAS, pursuant to the Transportation Article, Annotated Code of Maryland, Title 23, Subtitle 2 (Motor Vehicle Emissions Inspection) and Title 2 of the Environment Article, the MDOT MVA and MDE are authorized, and have established, a VEIP and have joint responsibilities for administration and oversight of the VEIP; and

WHEREAS, MDOT MVA and MDE have mutually agreed on specific duties and activities to be conducted by each agency in order to fulfill this joint responsibility for administration and oversight of the VEIP. Specifically, MDOT MVA administers the vehicle scheduling and motorist enforcement aspects of VEIP, oversees program operations, and serves as VEIP contract administrator. MDE oversees program design; establishes test procedures and standards; administers the quality assurance auditing aspects of VEIP; performs vehicle test and repair data analysis as well as air quality benefits modeling; manages the preparation and submittal of the State Implementation Plan (SIP) to the United States Environmental Protection Agency ("EPA") and prepares and develops VEIP regulations; prepares and submits program reports to the EPA; administers the certification programs for repair facilities, repair technicians, and fleet operators; provides training classes for the repair community and fleets to improve repair effectiveness; and oversees other appropriate new VEIP projects; and

WHEREAS, funds were appropriated in the Fiscal Year 2026 MDOT MVA budget to reimburse MDE for the costs of the services provided in connection with the VEIP; and

WHEREAS, pursuant to Section 2-103(h) of the Transportation Article, the Secretary (MDOT) or their designee may contract with any person, including other units of the State, for any transportation related purpose.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the Secretary of Transportation and the Secretary of Environment agree as follows:

1. The recitals set forth above are incorporated herein.
2. In Fiscal Year 2026, MDOT MVA shall provide financial support for MDE's VEIP services as set forth herein.
3. MDE has submitted an estimated budget request to MDOT MVA, as reflected in Attachment 1.
4. MDOT MVA will pay to MDE a sum in Fiscal Year 2026 not to exceed \$1,252,004.

5. Payments to MDE in Fiscal Year 2026, shall not exceed the amount included in the Budget Bill appropriation to MDOT MVA for MDE's VEIP services unless MDOT MVA and MDE agree otherwise and so long as additional funds are appropriated in accordance with Section 7-209 of the State Finance and Procurement Article, Annotated Code of Maryland.
6. Payments shall be made by MDOT MVA to MDE and will be based on invoices submitted for expenditures incurred and work performed by MDE. Such invoices shall be submitted by MDE to MDOT MVA on a quarterly basis.
7. MDE agrees to provide a quarterly report to MDOT MVA regarding MDE's quality assurance audits and activities within the Certified Emissions Repair Facility (CERF), Master Certified Emissions Technician (MCET), and Fleet programs.
8. MDE agrees to provide to MDOT MVA an annual status report of MDE's VEIP projects and activities, to send to MDOT MVA a copy of VEIP State Implementation Plan Revisions and Submittals, and pertinent VEIP test procedures and data analysis reports.
9. MDOT MVA agrees to provide MDE with monthly vehicle waiver data and an annual fiscal year registration database update.
10. During the Fiscal Year 2026, MDE and MDOT MVA will work together in preparing any and all annual reports on the VEIP required by EPA.
11. MDE shall maintain separate and complete accounting records consistent with generally accepted accounting procedures and which accurately reflect all income and expenditures for MDE's VEIP services. MDE's records will provide detail sufficient for MDOT MVA to determine the nature of costs incurred by MDE for each program element. MDE accounting records shall be maintained for a period of three (3) years after the end of Fiscal Year 2026.
12. MDOT MVA may perform interim and final audits of the amounts paid to MDE under the terms of this Agreement. The final audit shall commence within three (3) years of the end of the term of this Agreement. If it is determined, as a result of any audit, that MDOT MVA has made payments in excess of the amount allowed pursuant to all the terms and conditions of this Agreement, such excess amounts shall be promptly remitted to MDOT MVA, or, as it relates to interim audits, MDOT MVA, in its discretion, shall reduce the amount of the next fiscal year's payment under this Agreement. If it is determined, as a result of an audit, that MDOT MVA has made payments that are less than the amount required pursuant to all the terms and conditions of this Agreement, such additional required amounts will be added to the next fiscal year's payment under this Agreement, subject to required budgetary appropriations.
13. MDE and MDOT MVA each reserve the right to suspend or terminate all or part of the financial assistance and services provided herein. Termination of this Agreement will not invalidate costs and expenses incurred by MDE prior to the date of termination to the extent they are non-cancelable. The acceptance of a remittance from MDOT MVA of any funds, or the closing out of MDOT MVA's financial participation under this Agreement, shall not constitute a waiver of any claim which MDOT MVA or MDE may otherwise have arising out of this Agreement.
14. In any fiscal year subsequent to Fiscal Year 2026, should funds not be appropriated, or made otherwise available, for the activities that come under this Agreement, the Agreement will terminate automatically as of the beginning of the fiscal year for which funds are not available.

15. This Agreement may be modified only by written instrument and executed by MDOT MVA and MDE.
16. This Agreement shall be construed in accordance with the Constitution and laws of the State of Maryland. MDOT MVA and MDE shall comply with the State's policy concerning drug and alcohol free workplaces, as set forth in COMAR 01.01.1988.05 and 21.11.08, and must remain in compliance throughout the term of this Agreement. MDOT MVA and MDE warrant that the signatories of this Agreement, and all personnel performing any duties pursuant to this Agreement, are familiar with all provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. Subsection 2721 et seq., and with Subsections 10-611, 10-616, 10-626 of the State Government Article Subsection 12-111 through 12-113 of the Transportation Article, Annotated Code of Maryland, which limit access to personal information from public records in Maryland. MDOT MVA and MDE further agree that all users will abide by the terms of both federal and state law including, but not limited to, those restricting access to personal information from MDOT MVA and MDE records only to those persons, and for those purposes, which are permitted under federal and state law. MDOT MVA and MDE shall keep a record for 5 years of the person to whom the information is disclosed and the purpose for which the information is to be used and make the record available to MDOT MVA and MDE.
17. MDOT MVA and MDE agree that if any of these provisions contravene or are held to be invalid under any applicable law, such provisions shall not invalidate this Agreement in its entirety, but the Agreement shall be construed as if not containing the particular provisions which have been so construed, and all remaining obligations of the parties shall remain in full effect to the maximum extent reasonable.
18. MDOT MVA and MDE certify that they prohibit and covenant that they will continue to prohibit, discrimination on the basis of: (i) political or religious opinion or affiliation, marital status, race, color, creed, or national origin, (ii) sex or age, except when age or sex constitutes a bona fide occupational qualification; and (iii) the physical or mental disability of a qualified individual with a disability. Upon request, MDOT MVA and MDE will submit to the other information relating to its operations with regard to political or religious opinion or affiliation, marital status, physical or mental disability, race, color, creed, sex, age, and national origin.
19. All payments hereunder by MDOT MVA to MDE are subject to, and must conform with, the appropriation requirements and budgetary provisions of Section 3-216(d) of the Transportation Article of the Annotated code of Maryland and any amendment thereof.
20. This Agreement and Attachments are the exclusive statement of the parties with respect to its subject matter and, except as stated otherwise herein, supersedes all prior agreements, negotiations, representations and proposals, written and oral, relating to its subject matter. Neither party shall be construed to be the primary drafter thereunder.

Effective date and term: This Agreement takes effect on July 1, 2025, and shall continue until June 30, 2026.

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IN WITNESS WHEREOF, the parties have executed this FY 2026 VEIP Agreement effective as of the date set forth above.

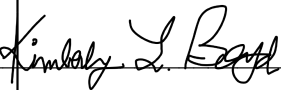
MARYLAND DEPARTMENT OF THE ENVIRONMENT



Date: 10/14/2025

Cia Cook, Director
Business Administration

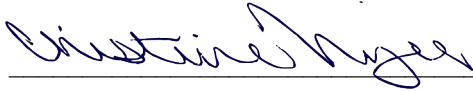
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Date: 10/14/25

Kimberly L. Boyd, Esquire
Office of the Attorney General

MARYLAND DEPARTMENT OF TRANSPORTATION



Date: 9/30/25

Christine Nizer, Administrator
Maryland Motor Vehicle Administration

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Date: September 29, 2025

Office of the Attorney General

ATTACHMENT 1

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
VEHICLE EMISSIONS INSPECTION PROGRAM
FY 2026 BUDGET BASED ON LEVEL FUNDING**

Object	Title	Amount
1	Salaries and Wages	\$ 1,249,406
3	Communications	0
4	Travel	0
7	Motor Vehicle Operation	0
8	Contractual Services	0
9	Supplies and Materials	\$2,598
10	Equipment-Replacement	0
13	Fixed Charges	0
Total		\$ 1,252,004

FY 2026 PERSONNEL COST

Employee	PIN	Percentage to VEIP	Personnel Cost (Salary plus Fringe Benefits)
Field	018358	100%	\$ 172,853
Daristotle	025701	100%	144,620
Ways	051724	50%	117,359
McNeil	060577	80%	775,126
Schmidt	060578	100%	134,903
Borst	060580	100%	87,642
Bowman	062869	100%	83,849
Newell	069491	100%	141,878
Munder	074052	100%	129,761
Miranda	074056	100%	138,244
Vacant RCE	060575	25%	23,333
Total Personnel Cost			\$ 1,249,406
Level Funding Limit			\$ 1,252,004

3.4 Liquidated Damages

3.4.1 MBE Liquidated Damages

MBE liquidated damages are identified in Attachment M.

3.4.2 Liquidated Damages other than MBE

A. The assessment of liquidated damages by the State against the Contractor does not supersede or affect the right of the State to impose other remedies available to it including, but not limited to, reductions in or withholding of payments to the Contractor, or imposition of monetary damages.

B. In addition to any other remedies available to it in law or under the Contract, in the event that the Contractor fails to provide the services, equipment, or other items required under the Contract within the prescribed time limits, the State may elect to provide or obtain services, equipment, or other items necessary to perform under the Contract. In that event, the Contractor will pay the total cost incurred by the State for obtaining replacement services, equipment and other items necessary to perform a fully functional VEIP program. The State will have the unilateral right of source selection when the Contractor is unable to perform. In addition to the replacement costs described above, the Contractor will also be required to pay the liquidated damages set forth below for any delay or failure in performance as well as other related damages sustained by the State.

3.4.3 Initial System Transition of VEIP Centralized, Kiosk, and FIS Stations

A. In the event that the Contractor fails to complete the transition phases from the existing program and commence a fully operational VEIP program at all centralized stations and kiosks by the date determined by the finalized Transition Plan agreed to by the MVA and the Contractor, damages will be sustained by the State. In such an event, the Contractor shall pay to the State, as liquidated damages, \$35,000 per calendar day for each day's delay beyond that date, including the day that operations commence.

B. In the event that the Contractor has failed to complete the centralized and kiosk transition process by the date determined by the finalized Transition Plan, and work has been completed to a degree that would permit partial implementation of the new VEIP program, the MVA in its sole discretion, may elect to give notice to the Contractor to proceed with partial operation. In such an event, however, damages will be sustained by the State to the extent that the program is not in full operation, and the Contractor shall pay to the State, as liquidated damages, \$425 per calendar day for each kiosk or lane that is not in full operation beyond the required date, including the day that the kiosk and lane operations commence.

C. In the event that the Contractor has failed to complete the FIS transition process by the milestone dates the MVA in its sole discretion, may elect to give notice to the Contractor to proceed with partial operation. In such an event, however, damages will be sustained by the State to the extent that the program is not in full operation, and the Contractor shall pay to the State, as liquidated damages, \$250 per calendar day for each milestone that has not been achieved.

3.4.4 VEIP Operations

A. The following are the minimum liquidated damages for Contractor violations of VEIP rules and procedures. The Contractor shall be responsible for any violation of program procedures and requirements by the Contractor's personnel, even if the Contractor had no direct knowledge of the violation. In the State's sole discretion, liquidated damages may be waived if the State determines that the Contractor has taken prompt corrective action.

1. Liquidated Damages for Conducting Improper Test Procedures or Improperly Passing a Vehicle: A finding of the Contractor's personnel or subcontractors intentionally using improper test procedures or improperly passing a vehicle for any required portion of the vehicle inspection shall result in liquidated damages of the equivalent of 100% of the inspector's salary for six (6) months per occurrence. Note that such an infraction may be cause for termination of the inspector.

B. Liquidated Damages for Other Serious Violations: Findings of serious violations of rules or procedural requirements, or findings of gross neglect that directly affect emissions reduction benefits shall result in minimum liquidated damages of \$500 per occurrence. Such findings include but are not limited to:

1. Emissions Testing Equipment: Performing vehicle inspections with equipment for which quality assurance procedures were not conducted as required, or which should have locked out from testing due to quality control parameters out of range: \$500 for every operational hour, or part thereof, that the equipment was used for testing in this condition.

2. Test Parameters and Procedures: Failure to test vehicle with correct test parameters, or adhere to test procedures; e.g., omitting steps in test procedures: \$500 per vehicle.

3. Vehicle Compliance Procedures: Failure to follow procedures for granting a vehicle waiver or exemption, or other process related to vehicle compliance status: \$500 per vehicle.

4. Quality Assurance and Maintenance Plan: Failure to submit or update the Quality Assurance and Maintenance Plan: \$500 per day beyond the due date of the plan/update, including the day the plan/update is submitted.

5. Quality Assurance and Maintenance Records: Failure to submit equipment quality assurance or maintenance records: \$500 per day beyond the due date of the records, including the day the records are submitted.
6. Test Equipment Maintenance and Repair: Failure to make a testing unit, kiosk, lane, or station operational and capable of testing vehicles within the required response time: \$500 for every operational hour, or part thereof, in excess of the required response time, where an operational hour is any hour, or part thereof, of the operating schedule until it is once again capable of testing vehicles. To include network downtime
7. Qualified Audit Personnel Present: Failure to have a qualified audit technician present at a VEIP station to begin an audit within the required response time: \$500 per occurrence.
8. Vehicle Control During Testing: Failure to comply with the Contractor's Traffic Management Plan, inside or outside of the VEIP station building: \$500 per occurrence.
9. Operating Schedule: Failure to adhere to the required operating schedule: \$500 per occurrence.
10. FIS Station Equipment Maintenance and Repair: Failure to adhere to FIS Station equipment maintenance and repair requirements and response times: \$500 per day per FIS where requirements are not met.

C. Wait Time Liquidated Damages

1. Wait time means the time period beginning upon the arrival of a vehicle at a public VEIP station to undergo the inspection procedures and ending when the vehicle actually enters the inspection lane to begin the inspection procedures. Excessive wait time means an amount of time exceeding the maximum wait time requirement of 15 minutes for 100% of all vehicles tested at each inspection station except when all lanes and test positions are operational, as agreed to by MVA.
2. The MVA shall be entitled to assess and withhold from any amount due to Contractor for that month's service a liquidated damage amount for any occurrence of test station operation during which the wait time for a vehicle to be tested exceeds fifteen (15) minutes or more. When such a wait time exceedance occurs, the Contractor will be subject to assessment of liquidated damages in the amount described below per-vehicle:
 - a) The Contractor may be assessed damages of \$25 for each additional minute in excess of 15 minutes per occurrence for wait-time of 16 minutes to 30 minutes.
 - b) The Contractor may be assessed damages of \$50 for each additional minute in excess of 31 minutes per occurrence.
3. All such occurrences shall be captured and maintained for a minimum of ninety (90) days by a wait time monitoring system. Actual assessment of wait time liquidated damages per

documented occurrence shall be the decision of the MVA. The MVA and the Contractor shall periodically review wait time exceedances in conjunction with test lane throughput and equipment downtime per station.

4. Additionally, it is expected that the Contractor shall keep vehicle wait times at any station to a minimum. The State reserves the option, in an effort to accommodate its citizens, to require the Contractor to issue test waivers when wait times become excessive at any station. Should the Contractor be required to place a vehicle(s) in test compliance as a result of excessive wait times at any station, the State shall withhold from the Contractor's management fee \$100.00 for each vehicle placed into test compliance due to excessive wait times.

3.4.5 Data Management and Communication Systems

A. If the State determines that the Contractor has failed to provide availability to the Data Management System as specified by the contract, the Contractor may be assessed damages of \$1,000 per day.

B. If the State determines that the Contractor has failed to provide vehicle test and transaction data as required by the contract, the Contractor may be assessed damages of \$1,000 per day.

C. If the State determines that any data has been lost or corrupted, or is inaccurate, the Contractor may be assessed damages of \$100 per record.

D. If the State determines that the Contractor or subcontractor failed to develop, maintain, or deliver accurate reports as required by the contract or as requested by the State the Contractor may be assessed damages of \$500.00 per occurrence daily.

E. Communications Systems: The Contractor shall maintain a bi-directional communications system connected with the State, central inspection stations, kiosks, and FIS. In the event in which the host computers or the communications systems malfunction, become inaccessible, or otherwise fail to operate or communicate, the Contractor may be assessed damages of \$1,000 per day except that:

1. This provision shall not apply to downtime due to updates that have received a 24-hour prior approval from the agencies. This exemption from liquidated damages shall only apply if the Contractor has scheduled maintenance at night, weekends, holidays, and such downtime does not prevent the data transfer to the State.

2. This provision shall not apply if such downtime is attributed to a force majeure. The failure of equipment owned or maintained by the Contractor shall not qualify as a force majeure.

2.3.1.24 Motorist Assistance Center (MAC)

2.3.1.24.1 The Contractor will propose a MAC Plan to reduce repair waiver rates, increase repair effectiveness and decrease the incidence of OBD “not ready” conditions, including, but not limited to the use of MACs, repair databases, repair industry training, and other means. This assistance program will include but not be limited to the elements listed in this section. Said plan shall be submitted to the State for review, any refinement and approval, and shall be implemented by the Contractor upon State approval.

2.3.1.24.2 The Contractor shall provide vehicle specific information to the vehicle repair industry to facilitate the proper and complete repair of vehicles that fail an emissions test.

2.3.1.24.4 The Contractor shall, upon request, make vehicle test results available via a web service to the vehicle repair industry seeking to repair a failed vehicle, including as applicable: information detailing the results of the OBD test, with MIL status, diagnostic trouble codes (DTCs), readiness status, Service Mode \$01, Service Mode \$09, Service Mode \$0A, and other information to help with repairing VEIP test failures.

2.3.1.24.5 The Contractor shall make the information directly available to the repair industry by secured electronic means (i.e., web site), and at no charge to the requestor. The electronic access from the Contractor to the vehicle repair industry shall be convenient, standardized, secured, and approved by the State. The Contractor shall consider the repair industry needs and equipment in selecting a convenient and cost effective (to the repair industry) data exchange protocol. The Contractor shall be responsible for determining and keeping up with demand for data by electronic means.

2.3.1.24.6. The Contractor shall collect all available vehicle repair data from motorists, repair technicians, and repair facilities. The Contractor shall implement methods, subject to approval by State, for collecting repair data, including scanning or transcription of motorist repair data at the VEIP Stations, and a web service to allow repair technicians to submit repair data electronically.

A. The Contractor shall collect vehicle repair data from motorists at the VEIP Stations. Repair information is currently submitted in paper format via the reverse side of the VEIC and repair receipts. The Contractor shall propose a method for recording the motorist repair data by scanning, transcription, or other method, and for implementing electronic data collection methods.

C. Repair data is required prior to the issuance of a repair waiver.

2.3.1.24.6 The repair data shall be maintained in a database, shall be linked with applicable test records, and shall include at a minimum:

A. Vehicle plate number;

B. VIN;

C. VEIC number for the failed test;

- D. Vehicle make;
- E. Vehicle model;
- F. Vehicle MY;
- G. Vehicle class;
- H. Test station/device identifier;
- I. Date and time of test;
- J. Description of repairs performed;
- K. DTCs found by the Repair Technician during diagnosis;
- L. Description of repairs recommended but not performed;
- M. Name and identification of who performed the repairs (repair technician or motorist);
- N. MCET number, if applicable;
- O. CERF number, if applicable;
- P. Repair facility name;
- Q. Repair facility address;
- R. Repair facility telephone number;
- S. Emissions related repair costs, broken down into parts and labor;
- T. Emissions related repair categories, and
- U. Repair Technician notes.

2.3.1.24.7 In addition to supplying on-line access to the data, the Contractor shall develop and provide quarterly summary reports of the collected repair data to State in a format to be approved by State.

2.3.1.24.8 The Contractor shall maintain all repair data on-line and provide access to the State.

2.3.1.24.9 The Contractor shall provide a mechanism whereby repair technicians and facilities can update, in a secure fashion, their individual and facility information in the database.

2.3.1.24.10 The Contractor shall provide a mechanism for simplifying the process and minimizing required data entry on the part of the technicians and facilities. For example, entry of a CERF or MCET number will trigger automatic entry of related data elements.

2.3.1.24.11 The web service shall allow repair technicians to access the subsequent test records of vehicles they repaired, in order to track their repair success.

2.3.1.24.12 The Contractor shall propose a method to consolidate repair data submitted by motorists and repair facilities for the same vehicle, and to avoid duplication or double counting of the repair expenses when processing repair waiver requests.

2.3.1.25 Data Management

2.3.1.25.1 Data Management Plan

- A. The Contractor, as part of its technical proposal response, shall provide a detailed Data Management Plan, which must include a detailed description of all aspects of the Contractor's central data system, including software and hardware, and a schedule for implementing its data management solution. The Data Management Plan shall describe how the Contractor will meet the requirements specified in the RFP, and, at a minimum, describe how the proposed system will:
1. Provide for ongoing system improvements as may be necessary for VEIP management or appropriate per changing technologies, including but not limited to new OBD protocols such as SAE J1979-2;
 2. Connect VEIP Stations and inspection equipment to the central data system, and transmit required real-time data between the central data system and these facilities;
 3. Connect MVA offices to the central data system, and transmit required data between the central data system and the MVA vehicle registration database;
 4. Connect other State offices to the central data system, and transmit required data between the central data system and the State offices;
 5. Connect all FIS to the data system, and transmit required data between the central data system and these facilities;
 6. Connect the vehicle repair industry to the central data system, and transmit required data between the central data system and repair facilities and technicians;
 7. Provide capabilities to allow authorized State personnel to access system databases and files for ad hoc data analysis and reporting purposes;
 8. Provide standard daily, weekly, monthly, quarterly, and annual management reports;
 9. Provide test monitoring and trigger reports;
 10. Migrate and integrate legacy inspection data from the incumbent's database to the new Contractor's central data system;
 11. Meet the specific performance requirements and metrics described in this section;
 12. Prevent the loss or corruption of data;
 13. Minimize disruptions in service in the event of hardware or software failure;
 14. Provide sufficient data backup and recovery systems to promptly reestablish normal system operations and service;

15. Employ measures and techniques to prevent unauthorized access to or use of the Contractor's data processing system and the state system;
16. Adhere to the State security and record retention requirements;
17. Perform hardware and software updates necessary to accommodate changes in program requirements and/or advances in technology (including internet browser updates that may affect users of the Contractor's web interfaces) while maintaining continuity of operation of the VEIP;
18. Test and demonstrate hardware and software updates prior to network deployment;
19. Provide for real-time access to the VID by Contractor and State personnel and FIS;
20. Provide uninterrupted access to all testing stations and kiosks, 24 hours per day, 7 days per week, including holidays and any other days on which the centralized lanes may be closed; and
21. Provide comprehensive technical documentation for use by the State.

- B. The Contractor's Data Management Plan shall identify the tasks to be accomplished by the Contractor in order to transition and operate the data management system, a date-specific timetable for completing those tasks and obtaining approval from the State, and the associated deliverable item(s) to be submitted as evidence of completion of each task and/or subtask.

The Contractor shall comply with Maryland Department of Information Technology (DoIT) policies, standards, and guidelines (located at: <http://doit.maryland.gov>). The Contractor must comply with all applicable laws, regulations, policies, standards, and guidelines affecting IT. It is the responsibility of the Contractor to ensure adherence to new or amended IT policies, standards, and guidelines affecting project execution. The Contractor will work with the State to determine other policies and guidelines, in addition to those listed on the DoIT website, requiring adherence.

The Contractor must apply best practices in software development to the data system design, development, testing, deployment, and maintenance.

The Contractor shall meet with the State to review its proposed solution to meeting the data system requirements. The Contractor and State shall work together to refine and revise, as needed, the Data Management Plan submitted in the technical proposal. The Contractor shall submit an updated Data Management Plan for State approval within two (2) weeks of receiving the State's comments/changes.

After approval of the Contractor's Data Management Plan, the Contractor shall conduct detailed sessions with appropriate State staff to clarify the high-level data management requirements. The Contractor shall prepare, maintain, and update as needed a VID Requirements Document so that the requirements are sufficiently detailed, documented, and readily understandable. The VID Requirements Document must be approved by the State. Upon approval by the State, the

Contractor shall proceed with its solutions for meeting the data system requirements.

2.3.1.25.2 Data Communications

- A. All data sent from any of the Contractor's central data system to the State must be sent via an encrypted secure connection that meets the security requirements of the Maryland DoIT.

The Contractor must provide a web interface to the central data system that shall support both internal and external users. External users include the State, FIS, and the vehicle repair industry.

The Contractor must electronically interface its central data system with the State via a RESTful JSON web service.

Contractor shall provide wireless internet connectivity at all VEIP centralized stations for State personnel and customers.

2.3.1.25.3 Data Collection and Transfers

A. MVA Registration Database Transactions

1. The Contractor's system will interface with the MVA database to identify vehicles that are due for VEIP.
2. The Contractor shall provide a daily real-time electronic update to the MVA of all vehicles inspected, re-inspected (per location), or issued a repair, disability or Senior Citizen waiver and time extension per a time schedule established by the State. System must allow waivers and extensions to be issued by authorized station personnel and State representatives. Extensions are done online, at VEIP stations and at MVA offices.

VEIP Station Data Collection and Transfers

1. The Contractor shall provide for real-time, on-line connection between the Contractor's central data system and the test equipment/software in each inspection position to provide information on vehicles for the purpose of identifying each vehicle, along with the appropriate test procedures, so that data entry at the station will be minimized.
2. The Contractor shall provide for real-time, on-line connection between the test equipment/software in each inspection position and the Contractor's central data system to collect and store emissions test information and other information.

FIS Stations Data Collection and Transfer

1. The Contractor shall connect all FIS Stations to the Contractor's central data system via the internet and transmit required data from the Contractor's central data system to the FIS stations. This system shall, at a minimum, provide information on vehicles for the purpose of identifying each vehicle so that data entry at the FIS station is minimized.

2. The Contractor shall electronically provide fleet vehicle test allocations and VEICs to the FIS.
3. The Contractor shall provide for real-time, on-line connection between the test equipment/software in each inspection position and the Contractor's central data system to collect and store emissions test information and other information from all FIS stations. Data collected include all the data elements collected for tests conducted in the VEIP Stations plus facility identification.

State Data Transfer

1. The Contractor shall electronically transfer all vehicle test data to the State daily via a secure file transfer protocol to the MDE secure FTP site.
2. Contractor shall provide a weekly electronic transfer of the following data: the "No-Show" list, the list of corrections to the No Show list and the date the corrections were made, vehicles granted extensions, and vehicles receiving test notices. The data shall be provided via a secure file transfer protocol to the MDE secure FTP site.
3. The Contractor shall provide a monthly transfer of the following data: test records for the subject month, the No Show list, the list of corrections and dates they were made to the No Show list, vehicles granted extensions, and vehicles receiving test notices.

Vehicle Repair Industry Technicians Data Transfer

1. The Contractor shall provide for real-time, on-line collection of repair data from repair facilities and technicians.
2. The Contractor shall provide for access by repair facilities and technicians via the internet to subsequent test results for vehicles repaired by the repair facilities and technicians.

This section is no longer applicable.

2.3.1.25.4. Reporting and Querying

The Contractor shall provide the State with capabilities and support for access to system databases and files for ad hoc querying, data analysis, and reporting purposes. This capability shall include but not be limited to providing for real-time and batch access to database records as required to generate statistics or data summaries, and to access and retrieve selected records or portions of records to provide data and information necessary to verify the quality and integrity of the system and the Contractor work. The system shall be designed to accommodate such State access and processing at any reasonable time, without impacting normal system operation, performance, or production.

B. Online Management Reporting

The system shall provide designated Contractor and State employees with on-line real-time data and statistics necessary to oversee VEIP operation, including

at a minimum, the following reports (the actual format of any and all reports required from the Contractor must be in a format approved by the State):

- a) Basic Network Activity Report. Display(s) of network-wide testing activity summarizing for each station, and network total, by hour for a user specified date (default to the current day):
 - a. Number of vehicles presented for testing;
 - b. Station utilization rate;
 - c. Total number of vehicles processed in under 15 minutes;
 - d. Total number of vehicles processed in over 15 minutes; and
 - e. Average vehicle wait-time and transaction time per day

- b) Station Activity Report. Display(s) of station specific testing activity summarizing for each lane, testing position, kiosk, and the station total, by hour for a user specified date (default to the current day):
 - a. Lane operational status (open, down for repair/maintenance, closed);
 - b. Number of vehicles presented for testing;
 - c. Number and percentage of vehicles rejected and reason for rejection (for other than OBD readiness reasons);
 - d. Number of tested vehicles by type (MY, EPA Class);
 - e. Number and percentage of vehicles failing by reason: MIL-On (with DTCs) Ready, MIL-On Not Ready, and the condition of MIL-Off Not Ready; and
 - f. Contractor shall propose a method to capture customer satisfaction data both in the lanes and at the kiosks.

- c) Expanded Network Activity Report. Display(s) of network-wide activity summarizing for each station, and network total, by hour for a user specified date (default to the current day):
 - a. Number of vehicles presented for testing;
 - b. Number and percentage of vehicles rejected from testing and reason for rejection (for other than OBD readiness reasons);
 - c. Station utilization rates;
 - d. Number of waivers granted;
 - i. Repair waivers
 - ii. Senior Citizen waivers
 - iii. Disability waivers
 - e. Number of edits;
 - f. Number of extensions;
 - g. Number of exemptions;
 - h. Number of vehicles sold claims;
 - i. Number of vehicles subject to paying late fees; and
 - j. Number of vehicles for which late fees were waived.

- d) Compliance Report. Display(s) of accumulated testing activity summarizing by selected date (month and year):
 - a. Number of vehicles presented for testing;
 - b. Number and percentage of vehicles complying (passes and waivers);
 - c. Number of waivers granted;
 - i. Repair waivers
 - ii. Senior Citizen waivers
 - iii. Disability waivers
 - d. Number of edits;
 - e. Number of extensions;
 - f. Number of exemptions;
 - g. Number of vehicles sold claims;
 - h. Number of vehicles subject to paying late fees; and
 - i. Number of vehicles for which late fees were waived.

- e) Quality Control Report. Display(s) of station specific quality control activity, summarized for each lane, testing position, and the station total, by hour for a user specified date (default to current day), including but not limited to operational status of lane and OBD communication rate.

- f) MAC Report. Display of information on repair effectiveness and MAC activities, including, at a minimum:
 - a. Number of vehicles presented at MACs;
 - b. Summary of vehicle issues by types;
 - c. Retest resolution;
 - d. Days and hours each MAC was open;
 - e. Number of motorists served per day and per hour of operation;
 - f. Reporting on programs to increase repair effectiveness, reduce readiness issues, and reduce repair waiver rates per station;
 - g. Reporting on measures of customer interest in MACs, i.e. assistance requests, phone calls, appointment requests, web traffic.

- g) *This section is no longer applicable.*

Data Summary Reports

The system shall provide for reports as designated by the State to oversee Maryland VEIP operation. These reports shall be on demand and in a format specified by the State.

Test Data Monitoring / Trigger Reports

- a) The Contractor shall monitor the test data in order to identify occurrences of improper or fraudulent test procedures, and/or inaccurate test results. Tests performed in the course of State audits, Contractor staff training, and Contractor technician activity shall be excluded from consideration. The data monitoring shall identify anomalies in vehicle test records; departure by

individual lane inspector personnel from the expected performance norm; and deviation in individual emissions test positions, lanes, and stations from overall network performance levels. The Contractor shall establish specific monitoring criteria and triggers that will prompt immediate investigation and corrective action, including, at a minimum:

- b) Vehicles with a changed OBD monitor support profile or communication protocol from a previous test (both in current test cycle and in previous test cycle);
- c) Vehicles with OBD results that do not match expected value for VIN Pattern;
- d) Consecutive OBD tests from an emissions test position or individual lane with identical scanned data;
- e) Vehicles tested more than once on a single day;
- f) Vehicles with monitor support profile and/or communication protocol that doesn't match look-up table for VIN Segment (characters 1-8 + 10, 11 of VIN);
- g) Vehicles with mismatches between valid VINs downloaded from OBD system and valid VINs for vehicle under test (any mismatches, mismatches with first 2 and last 3 VIN characters);
- h) 2005 and newer vehicles that do not provide VINs from OBD system;
- i) Vehicles with check-sum errors in the VIN downloaded from OBD system and/or VIN for vehicle under test;
- j) Lane inspectors logged in simultaneously at multiple testing positions;
- k) Lane inspectors with unusually high pass rates overall and for retests (minimum number of tests and pass rate limits to be defined);
- l) Test positions with unusually high OBD communication fail rate (minimum number of tests and fail rate to be defined); and
- m) Stations and lane inspectors with unusually high numbers of non-OBD vehicles without completed gas cap tests (minimum number of tests and fail rate to be defined based on Contractor's test and QA procedures);
- n) Test positions with gas cap test equipment deviating from the calibration standard by more than a given percentage (to be defined based on Contractor's test and QA procedures); and
- o) For lanes with at least 2 testing positions:
 - 1. Any Position 2 or 3 test with an overall start time before the overall end time of a Position 1 or 2 test and an overall end time after the test start time of a subsequent test at that same position.

2. Any Position 1 or 2 test with an overall start time before the overall end time of a Position 2 or 3 test and an overall end time after the overall start time of a subsequent test at that same position.
- p) Real-time triggers: Contractor must have the ability to interrupt tests when above triggers A to I and L are set.
 - q) The Contractor must have the ability to interrupt tests using all known simulators on a real-time basis.
 - r) The Contractor may suggest additional trigger anomalies or data elements that could be indicative of improper, fraudulent, or inaccurate testing.
 - s) The Contractor shall provide to the State a detailed description of the test data monitoring program, including the criteria and triggers to be used, and a description of the investigative procedures and steps to be taken when the need for action arises.
 - t) The Contractor shall:
 1. Provide the State with direct access to the test data monitoring information;
 2. Provide the State with daily reports on the monitoring of subject criteria elements and triggers;
 3. Notify the State within 24 hours upon discovery of improper or inaccurate testing and any evidence of fraud by testing locations, data processors, repair locations and technicians, or motorists; and
 4. Submit monthly reports summarizing the monitoring data, findings, and corrective actions taken.
 - u) The Contractor shall also have the capability to expand the monitoring criteria and triggers as required by the State to address changes and/or enhancements in testing procedures and technologies.

Annual Data for US EPA Reports

- a) The Contractor shall provide data to the State as needed for preparation of annual VEIP data reports.
- b) The data report shall be submitted to the State by January 31 of each contract year and cover the previous calendar year.
- c) The report shall contain, at a minimum, the following elements:
 1. To the extent that the Contractor performs overt and/or covert audits of inspection lanes and stations, the data shall include the number of inspection stations, lanes, test units, and FIS operating throughout the year:
 - i. Receiving overt performance audits in the year;
 - ii. Not receiving overt performance audits in the year;
 - iii. Receiving covert performance audits in the year;
 - iv. Not receiving covert performance audits in the year; and

- v. That have been shut down as a result of overt and/or covert performance audits.
- 2. The number of inspectors:
 - i. That were suspended, fired, or otherwise prohibited from testing as a result of covert and/or overt audits;
 - ii. That were suspended, fired, or otherwise prohibited from testing for other causes;
 - iii. That received fines as a result of covert and/or overt audits; and
 - iv. That received fines for other causes.
- 3. The number of Contractor inspectors certified to conduct testing.

Vehicles with No Final Outcome – Annual Survey Sample

In order to provide assistance to the State in tracking the compliance status of vehicles with no final outcome, i.e., vehicles that failed the initial test but did not pass a retest, receive a waiver, or achieve compliance in some other manner, the Contractor shall:

- 1. Obtain a sample from the State of 1,000 vehicles that are “no-final outcome”;
- 2. Arrange for an independent vehicle information service (e.g., CARFAX, AutoCheck) to obtain the most recent information and location for each vehicle; and
- 3. Submit the results to the State by on an annual basis by July 15th.

2.3.1.16.1 Performance Requirements

A. Data Accuracy

- 1. One-hundred (100%) percent of records transmitted by the Contractor shall be error free in all fields created, updated, or retransmitted, except for: data retransmitted to the State unchanged from when the State transmitted it to the Contractor, including MVA registration fields. The Contractor shall edit all records prior to transfer of data to the State. This editing process must not interfere with the timely transmission of records. It shall be the Contractor's continuing responsibility to immediately notify the State in any situation where data errors are discovered in, or have impact on, records which have already been transmitted.
- 2. When the State discovers errors or sources of error in the Contractor-transmitted data, the Contractor will promptly be notified. The Contractor must immediately take all necessary steps to correct the errors and their sources. The Contractor must utilize methods and sufficient resources for error correction and quality control to ensure that corrections are accurate,

completed and transmitted to the State within twenty-four (24) hours from the time of the error's occurrence.

3. The Contractor shall produce and transmit daily to the State daily control records per station that will allow the State to verify that the number of records received from the Contractor agrees with the number of records the Contractor processed for the work volume performed that day. The control record shall show tests performed per inspector, per testing position, and per station, with totals for number of tests, number of passes and failures, dollars collected per each payment category, fees waived or returned, and total test fees and late fees collected.

B. System Availability

1. The State shall be provided access to the Contractor's central data system on a 24/7 basis.
2. The Contractor's central data system shall not incur more than six (6) hours down time total for the entire program per calendar month, as subject to liquidated damages. Down time is defined as computer system inaccessibility to required or expected operations, inputs and outputs, as well as maintenance.
3. The Contractor's central data system and kiosks shall be accessible and capable of sustained required and expected operations for a minimum of 98% of the time.

C. System Access Performance - Regardless of the source of the request, the Contractor's central data system shall provide on-line interactive access to vehicle and test data within two-fifths (0.4) of a second of a request.

D. System Update Performance

1. The system shall be designed, operated, and maintained to provide for immediate (within one-half [0.5] of a second) updating of all necessary Contractor host databases with results of vehicle inspections and other transactions so this information is available immediately throughout the Contractor's system.
2. The system shall be designed and operated to prevent printing or issuance of any VEIC and/or other required reports or documentation until the transaction has been posted.
3. An emissions test or any other VEIP transaction (including manual mode transactions) shall not be considered complete until all relevant Contractor host databases have been updated with all required information from the test or transaction.
4. If an inspection device in a centralized facility cannot access the VID, it will be allowed to perform an inspection in offline mode and upload it to the VID when internet connectivity is restored.

Storage Requirements

1. The system and relevant peripheral hardware shall be of sufficient size and configuration to maintain for at least four (4) years (two [2] inspection cycles online in the Contractor's system all vehicle information. Following the four-year online storage, these records may be converted to another storage medium approved by the State at least forty-five (45) business days in advance of the Contractor's conversion of any record. Converted records must be retained in this format, form, and medium for the remainder of the required records retention period.
2. The system and relevant peripheral hardware shall be of sufficient size and configuration to maintain for at least four (4) years (two [2] inspection cycles) online in the Contractor's system all records of test equipment QA/QC and maintenance.

2.3.1.16.2 Security Requirements

- E. A multi-level access code and security system shall be utilized which shall permit normal testing by the Contractor's staff, control by the station manager, and access for changes by Contractor and State personnel. The Contractor's system will maintain a log of the log-in user id, terminal id, and date and time of usage for each system function. This log must be readily accessible to authorized State personnel and must be retained by the Contractor for a period of at least ten (10) years after the completion date of the contract. The Contractor's system will also be responsible for maintaining and changing the passwords.

The Contractor selected to perform the work of the Contract shall be responsible to ensure the enforcement of compliance with the (PCI) Payment Card Industry Standards governing the security of payment data and the security of the payment infrastructure that processes that data.

The same requirements apply to FIS Stations and their personnel.

The Contractor must comply with all provisions of the latest DoIT policies, standards and guidelines. The Contractor will work with the State to determine other policies and guidelines, in addition to those listed on the DBM website, requiring adherence.

1. System access shall be limited to authorized users controlled by IDs and passwords.
2. IDs and passwords shall be assigned to all system users (State, Contractor and appropriate subcontractor employees, and FIS personnel). The use of common IDs and/or passwords shall be prohibited.
3. Access in VEIP station Customer Service Offices shall allow for simultaneous access (on the same PC/terminal) by up to two authorized users.
4. Measures to prevent abuse and/or fraud by preventing a user from being logged-on to more than one device (PC/terminal or testing position).
5. Measures to automatically shut down or "put-to-sleep" access PCs/terminals after a specified time to prevent unauthorized use or access to data by unauthorized personnel.

6. Provisions to allow the State to place a security flag or lock on any VID record(s) that would, if set, alert specified State personnel of attempts to access the record and to prevent the application of a transaction (including the issuance of any compliance certificate) to the record without specific State authorization.
7. Provisions for a permanent audit trail of access (by State, Contractor, subcontractor, or FIS personnel) to individual vehicle database records. The following information shall be logged for all on-line requests for data from testing lanes, PCs, and terminals: 1) Access key (title number, VIN, plate, VEIC number); 2) Lane/PC/terminal address (location); 3) Date and time of request; and 4) User ID.

The Contractor, as part of its technical proposal response, shall provide a Data Management Plan which describes the measures and techniques which will be used to prevent unauthorized access to, or use of, the system; and a recommended format for a written report/notification to be sent to the State as soon as possible whenever an unauthorized access attempt is recorded.

2.3.1.16.3 System Backup and Disaster Recovery

- F. The data management system must be designed, operated, and maintained with sufficient features to prevent the loss or corruption of data and minimize disruptions in service in the event of hardware or software failure. Sufficient data backup, redundancy, off-site backups, and recovery systems shall be provided to prevent corruption or loss of all data including, at a minimum:
 - d) Vehicle data records;
 - e) Test data and records of other related transactions;
 - f) MVA enforcement clear records; and
 - g) Test equipment QA/QC and maintenance records.

The Contractor must also maintain data backup schedules for on-site backups and off-site data backups at third party hosts. Continuity of testing during operating hours shall be maintained for both a short-term outage and a long-term contingency/disaster recovery. The Contractor must perform a full system backup at least once per week with an incremental backup of all data occurring at least once every twenty-four (24) hours, with no disruptions to State business. All backups and system maintenance that require downtime shall be performed during non-business hours and with prior State approval, to provide minimum disruption to continuously operating testing such as via kiosks. Maintenance must follow the MVA's maintenance window, Sunday morning between 6:00 and 10:00 AM, local time. Back-ups should be done after normal business hours without disruption.

The Contractor shall include in the Data Management Plan the approach for data collection, processing, and report generation in the event of loss of communications service, computer system breakdown, or electrical power failure. The Data Management Plan shall describe in detail how the system will prevent

such losses, accomplish timely data recovery, and reestablish normal system operations and service. In the event of a disaster affecting the Contractor's system, State records must be, at a minimum, recovered intact. All Contractor-provided system capability must be completely functional within seventy-two (72) hours of the termination of the initial event creating the disaster.

Restore Services is when hardware is not available. Restore System Functionality is when the application is not available.

2.3.1.16.4 Documentation

- A. Utilizing a format, standards, and content which are mutually agreed upon by the State and the Contractor, the Contractor is required to supply and periodically update a master copy of the following levels of documentation relative to the Contractor's system:
 - h) End User Manual (identifying file names, record layouts, data dictionary, function descriptions, etc.);
 - i) Test Station Manual (identifying operating procedures, backup and recovery procedures, failed transmission procedures, etc.);
 - j) System Documentation (identifying the predominant program language(s), program functionalities, system flow, etc.).
- B. The State reserves the right to request any record or documentation or any part thereof pertaining to the management and operations of the program. This could include, but is not limited to, financial reports/statements, operational reports, maintenance reports/records, test data for analysis, procedures manuals, system design tests, etc.

2.3.1.16.5 System Updates

- A. The Contractor must secure State approval by written notification in advance of the desired implementation date for any new software, new versions of existing software, or deletion of software from the system. The network design document and all relevant documentation must be kept up to date and clearly show any software additions, changes, or deletions.
- B. Software updates shall not be performed during VEIP business hours.

**Appx X: Test Equipment Technical Specifications; Contractor
Requirements for Staff Training & Quality Assurance under Project # ____**

2.3.2 Scope of Work – Inspection Procedures, Equipment, and Operational Requirements

2.3.2.1 General

2.3.2.1.1 The inspection procedures specified below and described in detail later in this section shall be performed on the vehicles described in Section 2.2.

2.3.2.1.2 The following documents are listed for reference purposes and background information, and are requirements only where specified as such in this RFP:

C. Performing Onboard Diagnostic System Checks as Part of a Vehicle I/M Program, EPA 420-R-01-015;

Inspection /Maintenance Program Requirements, 40 CFR Part 51, Subpart S;

Annotated Code of Maryland, Title 23, Vehicle Laws, Subtitle 2, Motor Vehicle Emissions Inspection;

COMAR 11.14.08 VEIP regulations;

40 CFR Part 85, Subpart W, Control of Air Pollution from Mobile Sources;

40 CFR Part 86, Control of Air Pollution from New and In Use Motor Vehicles and New and In Use Vehicle Engines: Certification and Test Procedures;

SAE International Standards and Protocols; and

EPA420-R-00-007 Technical Guidance, April 2000.

2.3.2.2 Test Descriptions and Specifications

2.3.2.2.1 All inspection equipment shall be provided by the Contractor at its costs and must be integrated into one system that is tied into the central data system.

2.3.2.2.2 All additional and replacement equipment must be operationally compatible with, and able to be integrated with any remaining testing equipment to produce accurate and reliable test results; and must meet or exceed, at a minimum, the specifications of the existing equipment, and any future EPA, MDE, or MVA guidance or requirements.

2.3.2.2.3 Inspection Equipment

- D. Compatibility: All inspection equipment, OBD scanners, lane terminals, printers, and/or devices shall operate accurately and reliably under the full range of ambient and climatic conditions which may be experienced in the inspection area, i.e., -5° F to 110° F, and up to 100% humidity. This capability shall be confirmed by manufacturers' statements of functionality based on actual equipment testing; supported by manufacturers' warranties; and demonstrated by acceptance testing and additional testing over the course of one (1) full year. Note that the Contractor may enclose the test equipment in an environmentally controlled housing. Corrective action shall be taken by the Contractor, at no cost to the State, if requirements are not met as approved by the State.

At a minimum, emissions inspection equipment shall be:

- k) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;
- l) Secure from tampering and/or abuse; and
- m) Based upon written specifications.

C. The inspection system shall automatically:

- n) 1. Make pass/fail/reject decisions;
- o) 2. Perform system integrity checks before each test, as applicable;

- E. The emissions inspection system shall be able to inspect all covered vehicles, upon SAT acceptance, throughout the life of the Contract. Any updates necessary to inspect future vehicles as required by this RFP will be provided without cost to the State.

Idle Emissions Test

The Contractor shall provide equipment to perform the idle emissions test that meets the requirements of the California Department of Consumer Affairs, Bureau of Automotive Repair BAR-97 Hardware Specifications, Current Edition, with regard to:

- a. Section 2.2.6 Testing Throughput Capability;
- b. Section 2.4 Exhaust Gas Analysis Equipment for the Emissions Inspection System (EIS), with the exception that nitric oxide and opacity measurements are not required; and
- c. Section 2.10 Testing Heavy-Duty Gasoline-Powered Vehicles as applicable to the types of vehicles subject to the Maryland VEIP.

2.3.2.3 Onboard Diagnostic (OBD) Test

2.3.2.3.1 The Contractor shall provide equipment to perform the OBD-II inspection.

2.3.2.3.2 The OBD-II equipment must be able to communicate by using all KWP, VPW, PWM, ISO, and CAN Protocols, and any future communication protocols used by vehicle manufacturers.

- 2.3.2.3.3 The Contractor must achieve a communication success rate of at least 99.5 percent of all OBD tests. The Contractor will investigate and propose solutions to communication problems.
- 2.3.2.3.4 The interface module must comply with all applicable SAE specifications for all subject vehicles, including SAE J1979-2-compliant vehicles and SAE J1939-compliant HDT, and any future applicable specification documents.
- 2.3.2.3.5 OBD-II test data must be retrieved and stored during the OBD-II inspection process. The OBD-II equipment must be capable of reading and recording commanded MIL status, readiness monitors, diagnostic trouble codes, vehicle identification number, communication protocol, and other generic OBD parameters, including Mode \$0A, Mode \$01 and Mode \$09 data elements, as identified in Section 2.4.4. NOTE: Availability of some of these data elements is being phased in by vehicle manufacturers in future MYs. The Contractor must demonstrate data collection capability for all of the listed elements in Section 2.4.4 during initial SAT.
- 2.3.2.3.6 OBD-II equipment must show pictures of the DLC location.
- 2.3.2.3.7 OBD pass/fail standards, including lists of vehicles excluded from readiness and/or other pass/fail criteria, and the specified allowable number of consecutive OBD communication fails at a single testing position, must be easily updated, without requiring new software versions.
- 2.3.2.3.8 Each OBD-II test system must be supplied with a cable, not to exceed five (5) meters in length that meets applicable SAE specifications, for all subject vehicles. Alternatively, the Contractor can provide any Wireless/Bluetooth OBD-II communication equipment approved by the State. Wireless devices will be safeguarded from interference from nearby similar units or other signals from other devices.
- 2.3.2.3.9 For motorists rejected for readiness, the Contractor shall propose a method for:
- A. Recording the rejection as a unique test result;
 - B. Transaction order; and,
 - C. Providing the motorist with a printed or electronic form that:
 - a) Explains the reason for the rejection;
 - b) Recommends driving the vehicle normally for 1-2 weeks and returning for testing; and
 - c) Includes the motorist's due date, adjusted if necessary from the original date to allow adequate time for readiness monitors to set.

2.3.2.4 Data Collection

- 2.3.2.4.1 The system shall provide a mechanism for assuring accurate and easy entry of vehicle identification, inspector, and inspection data, including the following elements:

- A. Contractor's proposed specifications for barcode readers that shall be capable of reading 1-D and 2-D barcodes. Wireless devices will be safeguarded from interference from nearby similar units or other signals from other devices.
- B. Kiosks must be compliant with all barcodes generated by MVA.
- C. Vehicle Information Terminal: The vehicle identification data entry must be correct and visible to the inspector.
- D. 2-D barcode on failed VEIC providing test results (test number, items failed) and vehicle information (vehicle identification number [VIN], year, make, model). A similar barcode also must appear on VEICs issued for rejections.
- D. Software to decode VINs, as approved by the State.
- F. Optional Elements: Contractor is encouraged to propose additional features that will improve lane operation and data accuracy, including the following:
 - a) Remote control of data entry operations during inspections, and
 - b) Touch screen monitor.

2.3.2.4.2 Vehicle Test Data

- A. The Contractor shall transmit idle and OBD test data on a real-time basis, as the test is being performed, via a RESTful JSON web service.
- B. The Contractor shall provide the MVA and MDE with a data dictionary defining individual data field definitions, type, and length; codes and abbreviations used to designate units of measure and other indicators, e.g., g = gasoline, 4WD = four-wheel drive; and other codes utilized in presenting the required information.
- C. At a minimum, for each test conducted the Contractor shall collect and transmit to the general test record elements and repair waiver record elements listed below and any other elements that may be needed as defined by the State.
- D. At a minimum, for each test conducted the Contractor shall collect and transmit the OBD test record elements listed below and any other elements that may be needed, in the format as defined by the State.

Starting with MY 2023 vehicles, SAE J1979-2 will begin phasing in and will be required by MY2027. Vehicles that are J1979-2 compatible will not respond to any currently-used protocols. The Contractor shall test J1979-2 compatible vehicles as they enter into the program. In addition, J1979-2 vehicles will have multiple data enhancements including expanded readiness group categories, newly defined readiness completion requirements, and added DTC-specific information. These data enhancements will allow for new modes of fraud detection, as well as new definitions of readiness criteria.

J1979-2 compatible vehicles will be subject to testing on change of ownership and the Contractor should be anticipate testing J1979-2 compatible vehicles from NTP. All proposed equipment should be capable of testing these vehicles. These new data elements can include but are not limited to new fraud prevention flags, enhanced readiness criteria, and increased vehicle data to be included in the database.

OBD Functionality	SAE J1979	SAE J1979-2
DTC Byte	2-byte	3-byte (2-byte OBD + 2-byte Failure Type Byte)
ECU Addressing	Functional (i.e., broadcast)	Functional and Physical (i.e., broadcast and point-to-point)
DTC Status Byte	No support	Provides additional DTC info (i.e., pending, confirmed, complete, pass/fail)
Current Powertrain Data	Mode \$01	Service \$22
Freeze Frame Data	Mode \$02 (single freeze frame)	Service \$19 Subfunction \$04 (two freeze frames for at least 5 DTCs)
Confirmed DTCs	Mode \$03	Service \$19 Subfunction \$42 with status byte bit 3 mask
Clear Emission Data	Mode \$04	Service \$14
DTC Test Results	Mode \$06	Service \$19 Subfunction \$06
Pending DTCs	Mode \$07	Service \$19 Subfunction \$42 with status byte bit 2 mask
Bi-Directional Control	Mode \$08	Service \$31
Vehicle Information	Mode \$09	Service \$22
DTC IUMPR	Mode \$09 Infotype 08/0B	Service \$19 Subfunction \$06
Permanent DTCs	Mode \$0A	Service \$19 Subfunction \$55
List of DTCs within each Readiness Group	No support	Service \$19 Subfunction \$56
List of DTCs that support IUMPR	No support	Service \$19 Subfunction \$1A \$91
List of DTCs that support Test Results	No support	Service \$19 Subfunction \$1A \$92
Supplemental Monitor Activity Data	No support	Service \$19 Subfunction \$06

2.3.2.4.3 General Test Record Elements

- F. Test day
- G. Test date and time
- H. Test station name & number
- I. Station county

- J. Anniversary date
- K. Due date
- L. Expiration date
- M. Vehicle exempt from testing
- N. Test station manager's identification (ID)
- O. Lane and unit number
- P. Test type
- Q. Lane inspectors' ID
- R. Lane software ID, revision
- S. Vehicle wait time and data source
- T. Test number
- U. Overall test start time
- V. Overall test end time
- W. Overall test result (A [abort], F [fail], P [pass], W [waiver], R [rejected for readiness])
- X. Test voided
- Y. Test abort reason code (exempt, technical or safety problems, other)
- Z. Previous test data (date, time, station, lane, position, result)
- AA. Fleet identifier (used to identify Maryland registered vehicles)
- BB. Customer type (mandatory, voluntary, Contractor technician, State audit, federal, out-of-state)
- CC. Vehicle year, make, model
- DD. Vehicle type (passenger, truck)
- EE. Hybrid vehicle ID
- FF. Vehicle drive (4WD, all-wheel drive, etc.)
- GG. Vehicle class (alphanumeric code from MVA record)
- HH. Vehicle title number
- II. Vehicle plate number
- JJ. Vehicle VIN number
- KK. Vehicle weight class (LDGT1, HDGT1, etc.)
- LL. GVWR
- MM. Number of cylinders
- NN. Engine displacement
- OO. Transmission type
- PP. Fuel type
- QQ. Odometer reading
- RR. Indicator for unscheduled tests (dealers, unregistered, out-of-state, police, out-of-cycle, federal vehicles, other)
- SS. Test payment method
- TT. Brand of credit card
- UU. Coupon ID
- VV. Test fee
- WW. Test fee waiver
- XX. Test late fee
- YY. Test late fee waiver
- ZZ. Total paid

- AAA. Cash (tendered, change)
- BBB. Test fee waiver employee ID
- CCC. Test late fee waiver employee ID
- DDD. Unique test certificate number
- EEE. Lane to host communication result
- FFF. Reason code for aborted tests and failed attempts at testing
- GGG. Date test record received by VID
- HHH. Screen capture of video image for overrides relating to fraud, vehicle identification

2.3.2.4.4 Repair Waiver Record Elements (applicable to all vehicle repair records)

III. Repair facility contact information, or CERF Number

Repair technician name or MCET number

Repair costs (parts, labor, total)

Identification of vehicle systems receiving repairs

Repair Waiver unique number (if applicable)

Repair Waiver electronic copy of actual receipts (if applicable)

Time and Date

Representative ID who issued waiver

Station ID

Vehicle/Repair Details:

- a) Vehicle plate number;
- b) VIN;
- c) VEIC number for the failed test;
- d) Vehicle make;
- e) Vehicle model;
- f) Vehicle MY;
- g) Vehicle class;
- h) Test type;
- i) Date and time of test;
- j) DTCs present before repairs;
- k) Description of repairs performed and the related DTC(s) that necessitated the repair;
- l) Description of repairs recommended but not performed;
- m) Name and identification of who performed the repairs (repair technician or motorist);
- n) MCET number, if applicable;
- o) CERF number, if applicable;
- p) Repair facility name;
- q) Repair facility address;
- r) Repair facility telephone number;
- s) Emissions related repair costs, broken down into parts and labor;
- t) Emissions related repair categories;
- u) DTCs present after repairs.

2.3.2.4.5 OBD Test Record Elements: Contractor shall work with the state to update these test record elements as technology involves, and elements include, but are not limited to:

- A. OBD scanner software version and/or revision number
- B. OBD test start time
- C. OBD test end time
- D. OBD scan duration
- E. OBD test result
- F. DLC Pin 16 Voltage
- G. Engine RPM
- H. e-VIN
- I. OBD communications protocol
- J. Parameter Identification (PID) count
- K. Diagnostic trouble code (DTC) count
- L. Calibration ID (CAL ID) and associated engine control units (ECUs)
- M. CAL version number and associated ECUs
- N. ECU IDs for monitors, MIL, DTCs, and eVIN
- O. Service Mode \$01 information, including, at a minimum:
 - a) PID 0F Intake Air Temperature
 - b) PID 20 Time Since Engine Started
 - c) PID 03 Fuel System Status & Reason for Open
 - d) PID 06 Short Term Fuel Trim
 - e) PID 07 Long Term Fuel Trim
 - f) PID 0E Timing Advance
 - g) PID 13 Throttle Position Sensor
 - h) PID 14, 15 – Oxygen (O2) Sensor & Oxygen Sensor Voltage
 - i) PID 51 Fuel Level
 - j) PID 5B Hybrid Battery Pack Remaining Life
 - k) PID 1C OBD requirements per vehicle design (OBD compliance status)
 - l) PID 4D Minutes run by the engine while the MIL is activated
 - m) PID 4E Time since DTCs were cleared
 - n) PID 21 Distance traveled while MIL is activated
 - o) PID 30 Number of warm-ups since DTCs were cleared
 - p) PID 31 Distance traveled since DTCs were cleared
 - q) PID 46 Ambient air temperature

Service Mode \$09 information, including, at a minimum, PID 08 In-Use Performance Tracking Data (number of times the monitor runs and the number of times the conditions to run have been met) for the following monitors:

- a) Catalyst Monitor Bank 1
- b) Catalyst Monitor Bank 2
- c) O2 Sensor Monitor Bank 1
- d) O2 Sensor Monitor Bank 2
- e) EGR Monitor
- f) Secondary Air Monitor
- g) Evaporative emission control (EVAP) Monitor

Monitor type status/readiness (ready/not ready/not supported) for all monitors
 Overall readiness status
 Non-continuous monitor not-ready count
 Count of previous rejections
 DLC access result
 DLC inaccessible codes
 KOEO result
 KOER result
 MIL status result
 DLC tamper result
 Communication result
 DTCs (10 minimum), able to accommodate both 2- and 3-byte DTCs.
 Employee ID used for test integrity flags/any overrides (MIL mismatch, KOEO/KOER fails, inaccessible DLC, etc.)
 Expected and observed monitor support profile: A single string of Y/N characters indicating support of each monitor in the following order: Misfire, Fuel, Comp, Cat, HCat, Evap, SAir, ACSys, HOxy, EGR, PCV, Thermostat
 Expected communication protocol
 Previous test monitor support profile
 Previous test communication protocol
 DLC location indicator
 Indicator(s) for a fail with evaporative or catalytic converter codes
 Indicators for retest of a vehicle that failed with evaporative or catalytic converter codes
 e-Odometer when supported
 Readiness and MIL data reported by the first ECU
 DTC that caused the freeze frame
 Engine coolant temperature (min, avg, max)
 Number of times vehicle has been operated in specific OBD monitoring condition
 Ignition Counter
 Start and End time of actual OBD communication session
 OBD Firmware Version
 Count of all PIDs by all ECUs
 OBD Monitoring Profile
 ECU Count
 Communication time for each PID via J2534
 10 auxiliary slots for future use in exterior-to-OBD fraud prevention data
 Device type (central station, kiosk, etc.)
 Device make and model
 Device Serial Number
 Service Mode \$0A (permanent DTC) information, including but not limited to:

- a) If mode is supported
- b) DTCs present (10 minimum)

2.3.2.4.6 Idle Test Record Elements

- A. Idle test software version and/or revision number
- B. Idle test start time

- C. Idle test end time
 - D. Idle test measurement duration
 - E. Idle test result
 - F. Concentration of all measured emissions components. HC in parts per million; all others in percent
 - G. Standards for HC, CO & CO2
 - H. 2nd chance test indicator
 - I. Idle fast pass / fast fail indicators
 - J. HC, CO & CO2 results
 - K. Number of exhaust pipes
 - L. Visual inspection of the catalytic converter
 - M. CO + CO2 Result
- 2.3.2.4.7 Gas Cap Test Record Elements
- A. Gas cap test software version and/or revision number
 - B. Gas cap test result
 - C. Gas cap test duration (if not standard)
 - D. Measurement(s) used to make pass/fail determination
 - E. Standard
 - F. Gas cap adapter called out in the software
 - G. Scanned gas cap adaptor used
 - H. Identifier for vehicles exempt from gas cap testing

2.3.2.4.8 Voided Transactions: The Contractor must submit to the MVA a monthly report, which details the issued, un-issued, and voided transactions for the previous month at each station.

2.3.2.5 Quality Assurance

- A. The Contractor shall submit a Quality Assurance (QA) and Maintenance Plan, as outlined in their Transition Plan timeline, for the VEIP program operations, subject to MVA and MDE approval.
- B. The Plan shall be designed and implemented to identify all inaccuracies in tests conducted. The Contractor shall take immediate corrective action for identified test inaccuracies, at no cost to the State. All findings of test inaccuracies must be reported to the MDE and MVA within one (1) Business Day. The corrective action and results must be reported to the MDE and MVA within one (1) Business Day after initiation of the corrective action.
- C. The Plan shall describe the procedures and schedules for preventive maintenance of the testing equipment to assure reliability of the testing system over the life of the Contract. All maintenance and repair procedures performed by the Contractor shall be automatically documented for all equipment at all inspection facilities.

The Contractor is responsible for reporting to the MVA and MDE any equipment malfunction within one (1) business day of its discovery.

- D. The Contractor shall submit a quarterly summary report to the MVA and MDE on maintenance and repairs performed during the calendar quarter, with the costs and results.
- E. The Contractor shall allow State personnel access to the VEIP stations to observe QA procedures being performed during business and non-business hours.
- F. The Contractor shall provide user interface capability which allows MDE audit inspector's access to perform QA procedures and to review QA and maintenance records.
- G. As a minimum, the Contractor shall follow all manufacturers' QA procedures, and other QA procedures, including daily verification that scanners can communicate with all protocols, as approved by the EPA, MDE, and MVA.

2.3.2.6 Test Procedures

2.3.2.6.1 General Test Procedures

- A. The Contractor shall develop and maintain throughout the term of the contract written, up-to-date procedures for conducting the required vehicle emissions tests. The MVA and MDE shall approve all such written procedures.
- B. All written procedures shall be first provided to the MVA and MDE. MVA/MDE and Contractor will meet to discuss the proposed revisions, schedule live demonstrations, if applicable, and set a date to begin implementation in the network. Contractor shall review and include relevant elements of current VEIP procedures manuals.

2.3.2.6.2 Vehicle Preparation

- A. No repair or adjustments to any vehicle may be performed at a public VEIP Station.
- B. Unless there is an obvious reason to reject a vehicle (e.g., overheating; oil, coolant or fuel leaks; excessive visible smoke, etc.), the test will proceed. Vehicles with obvious overheating, coolant leaks, oil leaks, or any mechanical condition or other circumstance which may cause injury to inspection personnel, damage to the station or inspection equipment, or will affect the validity of the inspection, shall be rejected from inspection.
- B. Vehicle information shall be entered into the system as specified in the RFP.

2.3.2.6.3 Emissions Test Procedures

- A. The Contractor shall perform the Idle test (including the catalytic converter check) and the gas cap integrity test, or the OBD test on all vehicles. The Contractor shall perform the tests in accordance with procedures and requirements

provided by MDE and MVA. Failure of any part of the idle testing aspect is test failure

- B. All test procedures shall be conducted utilizing equipment that is properly calibrated and warmed up in accordance with the manufacturers' specifications. The OBD software shall include an automatic retry to establish communications with the subject vehicle if the first attempt fails.
- C. An Exceptions Table for handling problematic vehicles will be developed jointly by MDE, MVA and the contractor.
- D. Readiness requirements. Only one of either the catalyst or evaporative system monitors may be not ready in order for testing to proceed. In addition, Mode \$01 and Mode \$0A data may be used in the readiness determination. The first two (2) times a vehicle does not meet monitor readiness requirements it is rejected from testing; after two (2) times the vehicle fails inspection. Vehicles rejected for readiness shall be handled in accordance with procedures proposed by the Contractor and approved by MVA/MDE. Vehicles failing for catalyst or evaporative DTCs must have the applicable readiness monitor set upon return for a retest, in addition to meeting the overall readiness requirements.
- E. The Contractor shall be capable of testing J1979-2 compatible from NTP, due to testing on change of ownership.
- F. The OBD software shall flag and/or interrupt tests where triggers are set, per Section 2.3.25, and the inspector must be prompted to confirm that the correct vehicle is being tested. The reason for the interruption shall be included in the test record. The records of any tests aborted for this reason, shall be retained with an indicator of the reason for abort. The test system shall record the test results.
- G. The Contractor shall provide the vehicle operator with the inspection results.
- H. The Contractor shall refer the owner of a vehicle which has failed a test to a Customer Service Representative (CSR) assigned to the inspection station for further information concerning waivers, CERFs, MACs, and the clean air benefits of vehicle emissions inspection and vehicle maintenance. Contractor shall propose a remote CSR option to provide support for centralized lanes, kiosk, and FIS station inquiries.

2.3.2.7 Waivers

- A. All day-to-day functions concerning the issuance of waivers shall be performed by the Contractor or MVA representatives. The Contractor shall have the primary responsibility for the issuance of repair waivers. The waiver shall be printed at the station or electronically issued, using Customer Connect. The Contractor must provide system access to MVA for the issuance of waivers.
- B. The Contractor's data system shall allow the Contractor's and/or MVA representatives to enter waiver information into the Contractor's data base in a format prescribed by the State and print or electronically issue the waiver information at the station on a form approved by the MVA. The waiver transaction record will be transmitted to the MVA on the same day the waiver is

issued. Repair waiver records on both the Contractor's and the MVA's databases must be traceable to specific and corresponding test failures, for both initial and final emissions tests. Repair waivers and receipts shall be electronically stored and viewable by the State.

- C. The Contractor's system shall provide for the electronic logging, tracking, and auditing of waivers, as well as a self-evaluation and improvement process.
- D. The Contractor is to provide the following services:
 - 1. A MAC program for Maryland motorists.
 - 2. Monthly waiver document audits at all public VEIP stations designed to ensure the complete and proper documentation for emissions waivers is captured, issued, and stored for program record keeping purposes.
 - 3. The development of tools and documents to improve the consistency of the emissions waiver summary information and the issuance of waivers using a standard form and electronic file creation system.
 - 4. A comprehensive waiver evaluation guidance document, to assist personnel in making consistent, accurate, and appropriate assessments of repair waiver applications. The Contractor shall annually review and update the guidance document for State approval.

2.3.2.8 Vehicle Emission Inspection Certificate (VEIC)

- A. The Contractor shall provide the vehicle owner with a VEIC in a format approved by the MVA and MDE, which clearly indicates the pass/fail status, all test results, time period that certificate is valid, whether the inspection was an initial inspection or a re-inspection, and the Valid Through Date. The VEIC shall contain the general statement that, "Vehicle repairs may be covered by the manufacturer's warranty."
 - 1 *NOTE: The VEIC form is used for all vehicle emissions inspections. The MVA requires that each VEIC must have a unique number. The Contractor must keep an up-to-date record/copy at each station of any VEIC which is voided, damaged, spoiled, or otherwise not issued. The Contractor shall be responsible for printing the VEICs and maintaining control and security of the forms.*
 - 2 The VEIC for failed inspections and for rejected vehicles shall include a 2-D barcode providing test results (test number, items failed) and vehicle information (VIN, year, make, model).
- B. The Contractor's data system must be capable of allowing the reprinting of the VEIC.
- C. Outstanding emissions and safety-related recalls must be provided on the VEIC.
- D. VEICs and unique control numbers are currently issued electronically and printed

at each centralized inspection workstation or FIS site. No pre-printed, pre-numbered paper VEICs may be used. VEICs and their unique numbering are accountable items and shall be electronically tracked, logged, and auditable. The Contractor shall develop and implement measures to ensure the security of the VEICs.

- E. The Contractor shall also develop and submit for State approval a secure method of issuing VEICs to customers electronically, such as via email or text to the customer. Upon State approval, this method may be used, at a minimum, for FIS stations, and kiosks described in this RFP. Use of electronic delivery of VEICs in centralized lanes will be considered in conjunction with a Contractor-proposed method of doing so.

2.3.2.9 External Kiosk Operations

- A. The Contractor must achieve a communication success rate of at least 99.5 percent of all kiosk OBD-II tests. The Contractor will investigate and propose solutions to communication problems.
- B. The Contractor shall include kiosk repair support in the Maintenance Plan. The Contractor shall have the ability to remotely diagnose and reset kiosks and if unable to address remotely shall have a technician on-site within two (2) hours of issue notification and have a resolution within four (4) hours during principal operating hours. Principal operating hours are Mon-Fri 6:30 AM to 8:30 PM, local time, and Sat-Sun 6:30 AM to 6:00 PM, local time. It is the State's expectation when the kiosk goes down after principal operating hours the Contractor will address the issue by the start of the next business day. Contractor is responsible for maintenance and update costs, up to \$5,000 per kiosk.
- C. The Contractor shall provide notification to MVA within 10 minutes of any kiosk outage and restoration and provide information that can be used to notify the general public about kiosk availability.

There are currently 10 VEIP kiosks, located at MVA service centers and VEIP stations, that the Contractor will replace to be owned by the State. The MVA would like to expand the number of external kiosks available to our customers to ensure greater access and convenience in VEIP testing. The additional kiosks are to be located at MVA-owned facilities in inspection counties, as specified in Section 2.3.1.8 and 2.5.2. Upon SAT acceptance of these kiosks, the Vendor will be responsible for operating these kiosks per the other RFP requirements of the existing kiosk program.

2.3.2.10 MAC Operations

- A. The Contractor shall establish an online system to schedule MAC visits via CSRs. CSRs should be trained in prerequisites for using MACs.
- B. Every station must be capable of providing one VEIP inspection lane as a MAC lane, when needed. These lanes can be used for regular inspections when there are

no MAC appointments. The contractor should propose the appropriate MAC staffing across the VEIP area.

- C. In addition to meeting the training requirements specified in Section 2.3, each MAC must employ a MCET certified by MDE. Depending on the MAC utilization, these technicians can provide services to multiple MACs.
- D. The Contractor must provide 3 licenses for the State to use ALLDATA or equivalent online technical repair reference.

2.3.2.11 On-Road Testing

The Contractor shall conduct on-road remote sensing of 1% of the subject vehicle population on a biennial basis. The Contractor shall provide, after award, a plan to meet this requirement.

2.3.2.12 Emission Related Recalls

- A. If the EPA makes a database of recalls available, the Contractor shall provide and maintain it as part of its system. If not, at a minimum, the Contractor and the MVA shall have a capability to store, retrieve, and update recall data that consists of the VIN, the numbers of the recall campaigns(s), and the date(s) that the repairs were performed, if applicable. The system shall be designed and operated to ensure that:
 - 1. The State can provide owners of vehicles with unresolved recalls with information (via initial test notices) regarding the vehicles recall and test status; and
 - 2. The inspection system shall have the option to automatically reject from testing vehicles with unresolved emissions related recalls.
- B. Until an electronic database of recalls indexed by VIN is available, the Contractor shall propose an option to reference any pertinent recall information involving a customer's vehicle. The Contractor will:
 - 1. Advise the owner that they may wish to contact the vehicle manufacturer/dealership and determine whether their vehicle is involved.
 - 2. The Contractor must print a warning on the VEIC when the VIN for the vehicle under test triggers a safety recall.

2.3.3 Scope of Work – Fleet Inspection Station (FIS) Program

2.3.3.1 Program Description and State Agency Roles

The FIS program is intended to provide qualifying public and private fleets with the convenience and economy of including an official Maryland VEIP OBD and idle inspection within their maintenance capabilities. The current program, encompassing approximately ten (10) members, thirty-five (35) FIS and 4,000 annual inspections (8,000 vehicles). Contractor is encouraged to seek additional participation. The Contractor shall update the legacy system as appropriate and shall provide:

- A. Inspection equipment, on a private contract basis with each FIS:
 - a) Cashiering functions are not required; and
 - b) The Contractor shall continue the present or propose a new method to collect and retain electronic visual images of inspected vehicles, including a date and time-stamped photograph of the rear license plate and the dashboard VIN.
 - c) OBD testing equipment should be consistent with that being offered by the Contractor in the Centralized Station.
 - d) Contractor must propose an approach that will ensure that FIS test equipment provides for the testing of all subject vehicles, including heavy duty vehicles weighing up to 26,000 lbs.
- B. Continue and update as appropriate the existing automated data management processes, with data flow between the FIS and the Contractor's data system.
- C. Equipment quality assurance and maintenance services, sufficient to ensure inspection equipment functionality throughout the contract term.
- D. Training in correct operation of equipment and basic inspection procedures, as described below.
- E. Access to the Contractor's VID for the purpose of transmitting and retrieving data via secured internet connectivity.
- F. A web portal for entry of emissions repair data with access through the emissions inspection system or stand-alone PC.
- G. Propose a method for overt and covert audits of each FIS station in accordance with EPA requirements for audit types and frequency, and to ensure accuracy, equipment maintenance and use, QA/QC practices, check for fraudulent activities, and emissions repair reporting. The State may accompany Contractor staff on these audits.

Collection of fees for fleet inspections. Fees collected by the Contractor shall be deducted from the payments owed to the Contractor by MVA. An electronic fee and VEIC issuance method is desired. *Note: Under current State regulations, a FIS operated by a State, county, or local government is exempt from inspection fees.* The State will ensure that the Contractor meets its responsibilities to provide each FIS with adequate equipment, procedures, data services, and technical support for inspection operations.

2.3.3.2 FIS Integration Requirements

The Contractor, after award, shall provide a FIS Integration Plan that describes the below information. Only a high-level summary of this plan with deliverables and milestones, should be included as part of the Contractor's technical proposal response.

- A. The method for supplying emission inspection equipment, connectivity to the VID, FIS inspector training, and equipment maintenance to each FIS.

- B. The manner in which it will provide VEICs and collect inspection fees from the FIS.
- C. A plan and schedule for transitioning the FIS program to the new contractor.

2.3.3.2.1 The Contractor shall update the Integration Plan as needed to reflect equipment and procedure modifications. The Contractor shall supply to each FIS a complete emissions inspection system as described in Section 2.3, along with such data services and support required to install the equipment and ensure operations in conformance with program rules. The cost basis for the equipment and equipment maintenance shall be disclosed in the Price Proposal Form, with sufficient supporting information to convey a full description of the Contractor's approach to the equipment and services to be provided and associated costs. Each FIS is responsible for supporting elements such as internet access and electricity necessary to operate the equipment.

- A. The emissions inspection system shall be able to inspect all covered vehicles throughout the life of the Contract. Any updates necessary to inspect future vehicles as required by this RFP will be provided by the Contractor without cost to the State or FIS.

2.3.3.2.2 The Contractor shall design and build a data handling system which includes all provisions necessary to connect all FIS inspection systems to the data system via the internet and to transmit required data between the central data system and the FIS. This system shall, at a minimum, include the following functions:

- A. Provide the FIS information on vehicles for the purpose of identifying each vehicle so that data entry at the FIS will be minimized; and collect and store emissions test information and other information from all FIS inspection systems. Images of the VIN and license plate should be stored electronically.
- B. If unable to scan the VIN number from a vehicle, the VIN number can be entered manually into the VEIP system.
- C. Provide documentation and data (in a format approved by the State) for all inspections done by all FIS inspection systems.
- D. Provide electronic data for repair, inspections, QA/QC, or other required elements via the contractor provided web portal, with user access rights as assigned by the agencies, on an instantaneous and continuous basis throughout the contract term.
- E. Connect each FIS to the VID through a secured internet-based system. The FIS will be responsible for providing basic internet access from their location. The data network provided by the Contractor will allow the FIS to access the VID through entry of a vehicle's license plate number or VIN to obtain all vehicle specific information, including MY, make and model, fuel type, inspection status, and any other information needed to verify the identity of the vehicle and determine the appropriate test procedures and standards. At the completion of each test, the test information shall be transmitted to the VID. The data transmitted shall include, at a minimum, all information required in **Section 2.4.4.**

- F. Provide an adequate number of available internet connections with adequate bandwidth to minimize data transfer delays when FIS facilities attempt to perform testing. Because of the uncertainty of the number of FIS facilities the Contractor must commit to accommodating an increased or decreased number of connections if necessary.
 - G. Provide data transmission capability availability seven days per week, 24 hours per day, with the exception of any potential period during which the system is not available due to backup or data exchanges with the State.
 - H. Each inspection equipment unit shall be capable of receiving and sending information to and from the State agencies and the Contractor. Information may be broadcast to all inspection stations, or to specific stations to meet the State's needs. Individual FIS information shall not be sent or made available to any other FIS. Information shall appear on the inspection equipment monitor. Information provided in this manner shall be compiled to a database or folder accessible to the FIS inspector at that inspection station for review after the information has first appeared on the inspection equipment.
- 2.3.3.2.3 Issuance of VEICs by a FIS shall be restricted to the payment in advance of test fees by the FIS to the Contractor. Contractor may offer alternative methods. An electronic payment system is preferred over script or other methods. The Contractor, as part of its technical proposal response, shall provide a final method for state review and potential approval. The Contractor-supplied FIS system shall provide for a lockout from further testing when pre-payment of test fees is insufficient. The station menu shall contain a selection whereby the FIS can monitor the balance of pre-paid tests remaining in its account at any time. A warning flag shall appear on the main menu when prepaid tests remaining are fewer than ten (10). The trigger number for this flag shall be configurable in the software. VEICs shall otherwise be issued automatically at the completion of the inspection process based upon the test results produced.

2.3.3.2.4 VEICs will be issued per the requirements outlined in **Section 2.4.8**.

2.3.3.3 FIS Inspector Training

- 2.3.3.3.1 The Contractor shall provide training to each FIS inspector upon initial inspection system installation, and on an as-needed basis when a new inspector joins the program, and periodic re-training as required for periodic re-certification by the State.
- 2.3.3.3.2 The Contractor shall provide a FIS Training Plan after award for review and approval of the State. The training plan shall include at a minimum:
 - A. Four (4) hours of classroom and hands-on training in the proper inspection procedures, including retrieval of necessary vehicle information from the Contractor's database, and repair information submittal procedures, as well as use, calibration, and maintenance of equipment.
 - B. A written examination, which the inspector must pass in order to qualify for certification by the State.

- C. No fewer than three (3) training locations to accommodate personnel from FIS facilities throughout the VEIP area.

2.3.3.4 FIS Transition

2.3.3.4.1 The Contractor, as part of its technical proposal response, shall provide a high-level plan that describes how it will transition the existing FIS program to its data systems, update FIS equipment, accomplish FIS personnel training, adjust to any changes to subject vehicles, and all other aspects of the FIS program for state review. After award, the Contractor will propose a FIS Transition Plan. The FIS units are owned by the individual facilities. The Contractor will be responsible for maintaining the unit or replacing as needed. Cost effective solutions that minimize initial and ongoing cost to FIS are desired. The plan shall consist of two (2) parts: A Work Agenda and a SAT Agenda. This Transition Plan shall address the following constraints:

- A. FIS facilities are to be transitioned individually and with minimum disruption to FIS operations overall and each participating FIS individually.
- B. FIS inspectors may need to be trained and certified, prior to performance of official inspections with new or revised equipment.
- C. The Contractor shall have no responsibility with respect to removing or disposing of the current FIS equipment, which is privately owned; however, the Contractor may offer such services at its direct cost, with no markup, to the FIS.
- D. To avoid the State's assessment and imposition of liquidated damages or other remedies, as cited in this RFP, the Contractor shall propose FIS Transition Plan milestone dates for transitioning from the current program, implementation of the new program, and SAT (including any parallel testing with the current system).
- E. The State must approve the Contractor's FIS Transition Plan and reserve the right to add requirements to the Plan at any time before the completion of any or all actual test demonstrations, to ensure that any and all components of the entire FIS network function as required.
- F. The Contractor shall include a FIS Quality Assurance and Maintenance Plan in its FIS Integration Plan, after award, and shall update the Plan as needed to reflect equipment and procedure modifications.

2.3.3.4.2 The Work Agenda shall contain, but is not limited to, the following information:

- A. A brief management summary narrative of the overall FIS Transition Plan, including any assumptions made in developing the FIS Transition Plan (exclusive of the constraints indicated in this document).
- B. A Gantt chart, accompanied by any necessary, explanatory narrative, which shows the total proposed transition effort. At a minimum, the chart must clearly identify by work description and specific site:
 - a) Systems Acceptance Test (SAT) schedule and
 - b) Crucial achievement milestones and critical target dates.

- c) Progress update/problem resolution conference session dates with the State.
 - C. The approach for work during the transition period to install the test equipment and integrate FIS systems with the overall VEIP system relative to:
 - a) Modification or replacement of equipment and other components required for a fully functioning FIS installation;
 - b) Hardware/software/communications/documentation for the new system;
 - c) Equipment /parts /supplies inventories for the new system;
 - d) Maintenance and repairs to any item or entity for which the new Contractor will be responsible; and
 - e) Migration to the new data network.
 - D. The Contractor's planned staffing for each stage of work or SAT delineated in the Transition Plan, including training FIS inspectors, and identifying the primary Contractor employees that will be involved in and/or committed to the transition/implementation/SAT effort;
 - E. A concise description of training to be provided by the Contractor to FIS personnel during the transition period;
 - F. The Contractor's specific recommendations for any industry relations or information effort for which the Contractor would be responsible during the transition period, to include notification of any changes, upgrades, and/or improvements in the FIS; and
 - G. The Contractor's anticipated needs or requirements (and their respective timeframes) from the State during the transition period.
- 2.3.3.4.3 The SAT Agenda must clearly delineate an agenda to test and demonstrate to the satisfaction of the State that all of the required equipment (including new, revised and replacement equipment), software, and communications in each FIS and in the entire FIS network will function in accordance with the requirements of the Contract, and will function as is necessary to continuously operate all aspects of the program. The SAT Agenda must contain, but is not limited to, a narrative describing the timeframe, staffing, and overall approach towards accomplishing the following contractual requirements:
- A. A demonstration of the operational readiness of the FIS inspection system, in the presence of a State representative(s), by conducting the specified inspections and tests of the SAT (shown below). The State will determine a fair and reasonable timeframe during which the Contractor will agree to correct any test result which is not satisfactory and schedule an SAT retest.
 - B. The approved schedule for test demonstrations must ensure that all FIS acceptance testing can be completed such that all currently certified fleet facilities can be integrated by concurrently with the centralized lanes. Additional FIS

acceptance requirements for new facilities added to the program will be prescribed by the State if and when needed.

- C. The SAT shall include all applicable requirements specified in **Section 2.3.2**, and the following additional capabilities:
 - a) Conduct VEIC purchases;
 - b) Account for all FIS transactions in such a manner as to effectively report to the State and record in the VID all non-complimentary tests which would be subject to a test fee; and
 - c) Collect and record the photographic test documentations and demonstrate that the image is linked to the test record.

2.3.3.5 FIS Equipment Maintenance and Repair

2.3.3.5.1 The FIS is responsible for routine maintenance such as performing OBD communication checks.

2.3.3.5.2 The Contractor shall make available at the discretion of each FIS, on either an annual service contract or per incident basis, at least the following services:

- A. Supplying all normal consumables such as, printer toner or ink, and any other normal supplies the FIS will use for performing inspections with the supplied equipment.
- B. Training FIS personnel on routine equipment quality assurance and maintenance and providing a procedures manual to each FIS that describes each procedure the FIS must perform.
- C. Performing any other preventive maintenance as recommended by the Contractor or required by the equipment manufacturer.
- D. Maintaining and repairing computer equipment and software as needed to communicate with the VID.
- E. Operating a help desk/hotline to accept service calls and answer questions relating to operation and maintenance of equipment, data transfer, and billing schedules, during normal Centralized VEIP Station operating hours at a minimum. All records shall be electronically logged, trackable, and auditable.

2.3.3.5.3 Equipment repair requirements. In the event of FIS equipment breakdown or malfunction, the Contractor shall provide timely repairs and spare parts within the following response time:

- A. The Contractor shall return a service or maintenance call or notification received during business hours within two (2) hours, and a call received after business hours on the next Business Day.
- B. The Contractor shall dispatch a repair technician to the FIS facility within one (1) Business Day of receipt of call.

- C. The Contractor shall complete repairs within three (3) business days after conducting the facility visit.

2.3.3.6 FIS Payment Structure

- A. There shall be no costs to the State for FIS emissions inspection equipment, equipment installation or maintenance, inspection transactions, or initial or ongoing training for FIS personnel as provided by the Contractor. All associated costs shall be paid directly by the FIS organization to Contractor.
- B. The Contractor is responsible for billing and collecting fees from a FIS. The Contractor's billing system and all related documents and communications must be available for State review and auditing, and account for "no-charge" FIS inspections provided to State, county and local government FISs.

2.3.3.7 FIS Data Management

The Contractor shall meet all requirements of Section 2.3 in managing FIS data and providing reports and electronic record access to the State.

2.3 Responsibilities and Tasks

2.3.1 General Requirements

2.3.1.13 Training for Centralized Lane Operations and Supporting Activities

2.3.1.13.1 The Contractor, after award, shall submit a detailed Training Plan to develop and implement a training program for all vehicle inspectors and technical staff required to operate and maintain the VEIP. The State anticipates that much of the training program will need to be conducted before the start of the contract term; i.e., during the time covered in the Contractor's Transition Plan from the current VEIP to completed implementation of the new contract.

2.3.1.13.2 The Contractor, after award, shall submit a detailed Training Plan to develop and implement a training program for all vehicle inspectors and technical staff required to operate and maintain the VEIP. The State anticipates that much of the training program will need to be conducted before the start of the contract term; i.e., during the time covered in the Contractor's Transition Plan from the current VEIP to completed implementation of the new contract

2.3.1.13.4 The Contractor's training program must be approved by the State, and must include the curriculum, training materials, written examination, and final certification test for lane inspectors and equipment technicians, Customer Service Representatives, and Station Managers. The Contractor must also submit for approval updates of training program components as required for the implementation of program changes or enhancements.

- a. The lane inspector training shall consist of formal classroom and/or computer-based instruction, followed by twenty (20) hours of hands-on practical application. Following the classroom instruction period, a score of eighty (80) percent correct responses is required to pass the written portion of the test. Trainees passing the written test shall then serve a twenty (20) hour apprenticeship under a certified inspector. Following the apprentice period, the trainee shall take the final certification test, which will consist of a demonstration by the trainee of the ability to conduct five (5) complete inspections, without assistance, on the equipment to be used by the inspector. The hands-on demonstration shall include the OBD test, including explaining to the customer readiness and MIL-On situations. The trainee shall also demonstrate the ability to properly utilize test equipment, to follow other procedures (including, but not limited to collection of fees, identification and classification of vehicles, use of the data handling system, and determination of test eligibility), and to demonstrate an understanding of positive public relations and customer service skills.
- b. The Contractor's Training Plan shall identify the instructors for the lane inspector training and briefly summarize their qualifications.

- c. The Lane Inspector Training Program shall specifically include, but not be limited to:
 - i. Manuals and materials for each trainee;
 - ii. Air pollution causes and effects;
 - iii. Maryland VEIP program orientation;
 - iv. Vehicle emissions and standards;
 - v. VEIP emissions equipment and inspection procedures;
 - vi. Fundamentals of OBD-II as they apply to VEIP:
 - a. MIL
 - b. DTCs
 - c. Readiness
 - vii. VEIP emissions regulations;
 - viii. VEIP inspection facility operation and procedures;
 - ix. Courtesy and customer service;
 - x. Complaint handling;
 - xi. Safety and health issues related to the inspection process. including gas handling and storage;
 - xii. New or revised requirements or procedures as they are implemented in the program;
 - xiii. Periodic monitoring of employees to gauge effectiveness of previous training and to identify potential needs;
 - xiv. Periodic review of training program operation; and
 - xv. Employee retraining.
- d. Certification of Personnel. All lane inspectors shall be certified by the State or other authorized entity after successfully taking the training approved by the State and passing written and hands-on tests administered by the State or other authorized entity. On a biennial basis all lane inspectors must take and pass refresher courses and a recertification examination approved by the State to maintain certification to inspect vehicles.
- e. With its technical proposal, the contractor shall acknowledge it will comply with requirements as outlined in Section 2.3.1.13.4

2.3.1.13.5 Technician Training and Certification

- a. The Contractor shall provide a Technician Training Plan, after award, to identify the instructors for the equipment technician training and briefly summarize their qualifications.
- b. The Technician Training Program shall include formal classroom instruction, and/or computer-based training, including, at a minimum:
 - a) Manuals and materials for each trainee;
 - b) Air pollution causes and effects;
 - c) Maryland VEIP program orientation;
 - d) VEIP emissions equipment and inspection procedures;

- e) VEIP emissions regulations;
 - f) VEIP inspection facility operation and procedures;
 - g) VEIP test equipment theory, design, operation, maintenance and inspection;
 - h) VEIP kiosk operation and support;
 - i) VEIP quality control procedures and their purpose;
 - j) New or revised requirements or procedures as they are implemented in the program;
 - k) Safety and health issues related to the inspection process;
 - l) Periodic monitoring of employees to gauge effectiveness of previous training and to identify potential needs; and,
 - m) Gas handling.
- c. Following completion of the classroom instruction, a score of 80% correct responses is required to pass the written portion of the test. Trainees passing the written test shall receive at least twenty (20) hours of hands-on training on the testing and emissions analysis equipment. Upon completion of the hands-on training, the trainee shall take the final certification test, which will consist of a demonstration by the trainee of the required equipment operation, inspection, maintenance, and quality assurance procedures.
- d. All technicians shall be certified by the State or other authorized entity after successfully taking the training approved by the State and passing the written and final certification tests administered by the State or other authorized entity. On a biennial basis, all technicians must take, and pass refresher courses and a recertification test approved by the State to maintain certification.

With its technical proposal, the contractor shall acknowledge they will comply with requirements as outlined in Section 2.3.1.13.5.

2.3.1.13.6 Training of State Staff

- a. The Contractor shall provide a Plan, after award, for the training and/or retraining of up to thirty (30) State personnel annually in the operation, maintenance, and quality assurance of vehicle testing and analysis equipment, at no cost to the State.
- b. The Contractor's Training Plan shall identify the instructors for training State staff and briefly summarize their qualifications.
- c. The State Staff Training Program shall include formal classroom instruction, including but not limited to:
 - i. Manuals and materials for each trainee;
 - ii. Air pollution causes and effects;
 - iii. Maryland VEIP program orientation;
 - iv. VEIP emissions equipment and inspection procedures;
 - v. VEIP emissions regulations;

- vi. Fundamentals of OBD-II as they apply to VEIP:
 - a. MIL
 - b. DTCs
 - c. Readiness
- vii. Kiosks and their use;
- viii. VEIP inspection facility operation and procedures;
- ix. VEIP test equipment theory, design, operation, maintenance and inspection;
- x. VEIP quality control procedures and their purpose;
- xi. New or revised requirements or procedures as they are implemented in the program;
- xii. Safety and health issues related to the inspection process, including gas handling and storage;
- xiii. Waiver certificates, extensions, exemptions, and fee overrides within regulations of the VEIP;
- xiv. Recall information for the purpose of referencing any pertinent recall information involving the customer's vehicle; and
- xv. Procedures for advising vehicle owners on how to contact the vehicle manufacturer/dealership regarding recalls.
- xvi. *This section is no longer applicable*

With its technical proposal, the contractor shall acknowledge it will comply with requirements as outlined in Section 2.3.1.13.6.

2.3.1.13.7 Training and Certification of Customer Service Representatives and Station Managers

- A. The Contractor shall provide a Training Plan, after award, to identify the instructors for Customer Service Representative and Station Managers Training Program and briefly summarize their qualifications.
- B. The Customer Service Representative and Station Managers Training Program shall include formal classroom instruction, including, at a minimum:
 - a) Manuals and materials for each trainee;
 - b) Air pollution causes and effects;
 - c) Maryland VEIP program orientation;
 - d) VEIP emissions equipment and inspection procedures;
 - e) VEIP emissions regulations;
 - f) Fundamentals of OBD-II as they apply to VEIP:
 - g) MIL
 - h) DTCs
 - i) Readiness
 - j) Kiosks and their use;
 - k) VEIP inspection facility operation and procedures;
 - l) New or revised requirements or procedures as they are implemented in the program;
 - m) Safety and health issues related to the inspection process, including gas handling and storage;

- n) Waiver certificates, extensions, exemptions, and fee overrides within regulations of the VEIP;
 - o) Recall information for the purpose of referencing any pertinent recall information involving the customer's vehicle;
 - p) Procedures for advising vehicle owners on how to contact the vehicle manufacturer/dealership regarding recalls;
 - q) *This section is no longer applicable*;
 - r) Customer service;
 - s) Certified Emissions Repair Facilities (CERF); and
 - t) The Repair Effectiveness / MAC program
- A. Following completion of the classroom instruction, a score of eighty (80) percent correct responses is required to pass the written portion of the test.
 - B. All customer service representatives shall be certified by the State or other authorized entity after successfully taking the training approved by the State and passing the certification tests administered by the State or other authorized entity. On an annual basis, all customer service representatives must take and pass refresher courses and a recertification test approved by the State to maintain certification.

With its technical proposal, the contractor shall acknowledge it will comply with requirements as outlined in Section 2.3.1.13.7.

2.3.1.13.8 During the term of the Contract, the State may direct the Contractor to temporarily or permanently remove from the services provided under this Contract any Customer Service Representative or any other Contractor personnel who fails to perform their responsibilities adequately or who fails to maintain necessary certification(s) or license(s). Contractor may propose to the State to provide retraining and/or recertification of such personnel, within thirty (30) days of the State's communication regarding the unsuitability of the individual, to re-qualify the individual, and if approved by the State, provide documentation of the satisfactory completion of those actions to the State prior to reinstatement of duties under this Contract.

2.3.1.13.9 Training for Personnel at Motorists' Assistance Centers (MACs)

- a. The Contractor shall provide a Training Plan, after award, to identify the instructors for training personnel in the MACs and briefly summarize their qualifications.
- b. In addition to being trained in the following areas, each MAC must employ a Maryland Master Certified Emissions Technician (MCET) certified by MDE. To qualify for the MCET certification, the technician must achieve and keep current Automotive Service Excellence (ASE) A6, A8, and L1 certificates and have at least 5 years of relevant automotive repair experience.
- c. The MAC Training Program shall include formal classroom instruction, and/or computer-based training, including, at a minimum:

1. Manuals and materials for each trainee;
2. Air pollution causes and effects;
3. Maryland VEIP program orientation;
4. VEIP emissions equipment and inspection procedures;
5. VEIP emissions regulations;
6. Fundamentals of OBD-II as they apply to VEIP:
 - a. MIL
 - b. DTCs
 - c. Readiness
7. Kiosks and their use;
8. VEIP inspection facility operation and procedures;
9. VEIP test equipment theory, design, operation, maintenance and inspection;
10. VEIP quality control procedures and their purpose;
11. New or revised requirements or procedures as they are implemented in the program;
12. Safety and health issues related to the inspection process, including gas handling and storage; and
13. Periodic monitoring of employees to gauge effectiveness of previous training and to identify potential needs.
14. *This section is no longer applicable.*
15. CERFs.

With its technical proposal, the contractor shall acknowledge they will comply with requirements as outlined in Section 2.3.1.13.9.

2.3.1.14 Personnel for Additional Vehicle Inspections

With the exception of rare and critical situations, the Contractor shall, upon at least a two-day advance notification from the State, make available to the State kiosks, inspection lanes and inspection personnel, for the additional inspections of vehicles to resolve disputes, or to conduct education/instruction sessions outside of normal working hours.

2.3.1.15 Quality Assurance/Quality Control, Operational and Performance Audits

2.3.1.1.1 Quality Assurance/Quality Control Audits

- a. The Contractor shall allow access during operational hours to State personnel to conduct audits of the facility and equipment, including kiosks. The State requires that such audits will not interfere with any station's ability to provide service to the public during business hours.

- b. The Contractor shall make available immediately to the State any documentation required to complete the audits upon request and with no prior notification.
- c. The Contractor shall make available to the State any inspection equipment, inventories, and supplies required for the purpose of conducting the audits.
- d. The Contractor shall be subject to liquidated damages based on the results of audit or other findings that indicate a failure to follow proper procedures regarding quality assurance and maintenance per **Section 2.3.5** of this RFP.
- e. The Contractor shall make available during each audit at least one (1) qualified equipment technician who has the knowledge and the tools to correct deficiencies during the audit and must be trained and certified as required in **Section 2.3.10**.
- f. The Contractor is subject to liquidated damages if the Contractor's qualified technicians are not present to begin the audit within sixty (60) minutes of the arrival of State personnel at the station.
- g. A piece of equipment which fails an audit shall not be used until a subsequent audit of that equipment is passed or until corrective action is taken by the Contractor and approved by the State.
- h. A testing position which cannot be audited because it is out of service for repairs and has not been so reported to the State shall fail the audit.
- i. The audit may include, at a minimum:
 - i. Review and collection of records, including vehicle testing results, inventory of spare parts, and equipment maintenance records. Records shall be made available and provided to the State in electronic and paper format.
 - ii. Simulation of the entire official vehicle test process (vehicle identification, payment methods, motorist documentation, etc.), the record of which shall be stored in the VID and accessible by the State.
 - iii. A check of equipment used for OBD tests:
 - a. Condition of OBD connector
 - b. Continuity check
 - c. Communication check
 - iv. A check of equipment used for idle, gas cap, and catalytic converter tests:
 - a. A gas audit using gases of known concentrations, comparing these concentrations to actual readings;
 - b. A gas audit using a blind sample;
 - c. A check for tampering, worn instruments, blocked filters, and other conditions that would impede sampling;
 - d. A leak check;

- e. A check to determine that station gas bottles used for calibration purposes are properly labeled, stored, and within the relevant tolerances;
- f. A check of span gas pressure;
- g. A mid/zero/span check;
- h. Check of temperature and humidity levels in equipment enclosures;
- i. A check of the gas cap integrity test equipment;
- j. A check that all equipment and software settings are within established tolerances; and
- k. A check for the proper condition and length of sample hoses.

v. Check of availability of test positions for official testing.

2.3.1.15.2 State Operational and Performance Audits

1. The Contractor shall cooperate with State staff who will conduct periodic operational and performance audits. Audits and reviews will be conducted at random during VEIP station operating hours and with no prior notification.
2. The Contractor shall make available immediately to the State any documentation required to complete the operational and performance reviews and audits upon request and with no prior notification.
3. The Contractor shall be subject to sanction based on the results of audit or other findings that indicate a failure to follow proper procedures regarding fund handling and accounting, including, but not limited to, granting late fee overrides and inspection waivers.

2.3.1.16 Motorist Payment Methods Permitted

2.3.1.16.1 The Contractor shall collect all required fees, including any late charges, at the time a vehicle is presented for inspection. Arrangements shall be made for customer payment by cash, personal check made out to VEIP, coupons and all commonly available credit and debit, or any other payment method deemed acceptable by the State for VEIP. The Contractor shall be required to provide equipment for all credit card customer transactions, including the ability to accept EMV standard cards (referred to as Chip and PIN or Chip, Fleet payment cards, and Signature cards, depending on the authentication methods employed by the card issuer). Acceptance of wholly electronic payment methods, such as Apple Pay, is encouraged. The State accepts Visa, Master Card, Discover Card and American Express. In June 2023, credit cards accounted for 75.9% of total VEIP transactions. If there is a late fee, it is automatically included in the total fee charged to the customer. The late fee charge is \$15.00, and every 28 days an additional \$15 charge late fee will be assessed until the vehicle is inspected.

Appendix 4:

**MOVES Modeling Input Files –
Enhanced Performance Standard
Demonstration**

Appendix 4 files are contained in a separate folder accompanying this submittal.

Appendix 5:
Test Procedures, Test Equipment, Test
System Quality Control, and Waiver
Procedures

Customer Service Reference Guide

When dealing with the motorists at the counter in any situation, it is your duty to do so in a professional and informed manner. Your credibility will be determined by the way you are giving out information. It is the CSR's responsibility to familiarize themselves with the policies and procedures for dealing with motorists so the public acceptance of the program remains high.

The next section provides examples of how to deal with some common scenarios at the customer service counter:

Test Failure

Reasons why the vehicle did not pass:

Idle Test

- Exceeding established standards for hydrocarbon (HC) and/or carbon monoxide (CO)

On Board Diagnostics

- Your vehicle did not pass the OBD II Test. The OBD II system identified Diagnostic Trouble Codes (DTC) or a faulty Malfunction Indicator Light (MIL). State the following:
The OBD II Test was performed on your vehicle. We electronically test /diagnose your vehicle through the vehicle's computer. Review the diagnostic trouble codes with the customer and inform them to give the VEIC to their repair facility.
Equipment Tampering
- Removal or alteration of emissions control equipment.

Explain what needs to be done for the vehicle to comply:

- Give the customer the Fail Brochure outlining the possible causes for the vehicle failing.
- We recommend (but do not require) that a recognized repair technician who has experience in emission systems repair the vehicle.
- The MDE Repair Facility Guide may be of some use in locating a repair facility. Do not recommend or refer customers to a specific repair facility.
- Take the VEIC/Diagnostic Report (*if applicable*) to a recognized repair facility
- Have the Repair Technician fill out the back of the VEIC.
- When returning for a re-test, be sure to bring the completed VEIC along with any receipts. Re-tests can be done at any station. (If the form is blank or partially filled out assist the customer in completing the form.)
- Vehicle must be in compliance by *Valid Through Date*

Give extension if applicable.

Repair Waivers

This module presents the information that Station Management and Customer Service Representatives will need when dealing with a motorist who is applying for a repair waiver.

Repair Waiver Requirements

The CSR will only issue a waiver if the following six conditions are met:

- The vehicle did not pass the **initial** emissions test.
- The minimum repair cost for emissions related repairs must be a minimum of \$450.00. (The \$450 minimum includes \$150 in labor for self-repairs.)
- Emissions related receipt showing repairs were made within 30 days before or within their first and last test.
- The vehicle fails a retest, except that a retest is not required when repairs are made 30 days before initial test.
- The repairs are verified.
- Verify vehicle Tag and Vin

Documentation Needed From the Customer:

- VEIC, with the Vehicle Emissions Repair Report Form (the reverse side of the VEIC) completed. If the VERRF is not completed assist the customer in completing the form.
- Original itemized emissions related repair invoices, receipts or paid repair bills.

Missing Receipts

- Inform customer that receipts are required for a repair waiver
- If the customer is unable to provide receipts have the customer fill out certified statement listing repairs and have them return the form to the MVA via, E-mail – veiponline@mdot.state.md.us, Fax (410-424-3193) or Mail
- Inform the customer a repair waiver for missing receipts will be reviewed and audited by the MVA and if they are satisfied with the repairs they will issue a Waiver.
- Customer Service Rep shouldn't have any Missing Receipt forms in the Retention Cabinet.

Acceptable Receipts

The CSR will examine the motorist's documentation (repair receipts) to determine whether the work was performed during the allowable established time frame. Receipts for emission related repairs may be accepted up to 30 days prior to the initial inspection. Receipts can be **crash imprinted, stamped, generated on a computer**. No **handwritten** will be accepted. (Handwritten is a receipt where the repair company name has been "handwritten") He/she will determine that the repair work performed was emission related. When receipts are presented, the CSR must make sure that the receipt has been reviewed so they are not counted twice towards the minimum expenditure requirement. Receipts must include the following information:

- 1) Name, address and phone number of the repair facility
- 2) Customer's Name
- 3) Tag number or VIN Number, Make, Model
- 4) Itemized Repair Information (Parts, Labor)
- 5) Date

When the receipts are presented, the CSR will also determine if the minimum expenditure requirement of \$450 on emission related repairs has been met.

Acceptable Emission Related Repairs

The following list represents the current interpretation of those repairs that are emission related. Vehicle manufacturers may use different terms for items that perform similar functions. Emissions related systems, parts, components, and charges include, but are not limited to:

Carburetor

Carb Rebuilding kit
Base Gasket
Intake manifold
Choke pull-off
Choke thermostats
AC idle compensator
Mixture control solenoid
ISC motor
IAC motor
EFE grids
EFE vacuum actuator
EFE valves
Installation of new motor

Engine

Head work
Valve work
Intake manifold
Cam shaft
Lifters
Pushrods
Rocker Arms
Cam followers
Cam Bearings
Rings
Pistons
Exhaust manifold
Engine block prep
Engine block

Oil pump
EGR System and Related Components
Positive Crankcase Ventilation (PCV)

Feedback Sensors

Engine control module (ECM)
Coolant temperature (CTS)
Throttle position (TPS)
Mass Air Flow (MAF)
Manifold absolute pressure (MAP)
*Oxygen (O2)
Air charge temperature (ACT)
Electronic engine cooling fan
Camshaft and Crankshaft position

Gaskets

Head
Intake manifold
EGR
Valve Cover

Ignition

Battery
Distributor
Points
Condenser
Wires
Cap
Alternator
Rotor
Pick-up coil
Coil packs
Coil
Weather pack head connectors
Spark Plugs

Throttle Body

Rebuilding
Throttle shaft bushings
Injectors
Cleaning of throttle body
Chemicals used to clean throttle body
Throttle body base gasket
Injector Seals
Wiring harness
Assembly

Port/ Sequential Fuel Injection

Fuel rails
Injector insulators
Injector seals
Exhaust Manifold
Carburetor
Fuel injection cleaning

Other

Fuel pump and/or filter
Timing chain, timing belt, or gears
Fuel Additives
Oil Change
Gears or belts
Shop Supplies (Chemical additives or cleaning sprays)
Transmission (Contact Marcus for approval)
Catalytic Converter
Fuel tank
Leak Detection Pump
Oil Filter, Fuel Filter, Air Filter
Thermostat
Torque Converter
Radiator
ABS Speed Sensor
Pressure Regulator
Cooling Fan
Coolant Reservoir
Instrument Cluster Light (MIL)
Flex Pipe (before converter)

Drive Belt	Auto Trans Selector Switch
Pigtail Harness	ECM, PCM
Serpentine Belt	Vacuum Switching
Water Pump	Camshaft Adjuster
Gasket	Diverter Valve
Distributor Cap	Fuel Vapor Canister
Distributor Rotor	Air Injection Pump
Pressure Sensor	Leak Detection Pump
Purge Flow Sensor	Serpentine Belt
Engine Coolant Recover Tank	Exhaust Manifold
Power Steering Pressure Sensor	Roll over valve
Oil pan	Belt Tensioner
Exhaust Cam Actuator	Intake Cam Actuator
Canister Assembly	Fan Clutch
Heater Core	Intake Charge Pipe
Valve tronic Sensor	OEM Rocker Shaft
Arm Shaft Support	Expansion Tank
Ambient Air Sensor	Ambient Pigtail
Spark Plugs Boot	Cover Gasket
Engine Cover	Intercooler (contact Marcus for approval)
Reman CIM	Sending Unit
Gas Cap	Fram freeze
Harmonic Damper	

Evaporative

Any part originally installed by the manufacturer for control of evaporative emissions

Vacuum

Any vacuum device repair, which would alter the air, fuel mixture.

Non-Acceptable Repairs

The following receipt items and repairs do not apply towards the minimum Expenditure:

Brake Components	*Muffler or Exhaust pipes (after catalytic converter)
Brake rotors	Cabin Filter
Master cylinder	Starter
Idler arm	Suspension work
Shocks and or Struts	Steering Knuckle
Ball Joints	Steering Rack/ Box
Tire Rods	Bearings, Seals or Hub Units
CV Joints	Axle/ Boots
Wiper Arm	Wiper Blade
Wiper Motor	Fog Lights

Headlights
Instrument Lights
Backup Lights
Emergency Flashes
Wheel barring's
Power Steering Fluid
Auxiliary Battery
Transfer case
Cat Back
Tires
Flex Pipe
Drain and Refill Fuel
Ignition Switch
Shock Absorber
Low Beam
Blower Motor

Parking Lights
Stop Lights
Turning Signals
Door handle, Seat belts,
Drive Shaft
Resonator
AC Compressor
Diagnostic (1) if its showing the same thing
Transaxle
Gear Train
Flashing Software
Battery Terminal
Intermediate Shaft
Differential
High Beam

Completion of the VEIC

When the motorist wants to apply for a waiver review the VEIC to make sure the following information is completed:

Repair Information:

- For Repairs made **before** the initial test; the vehicle owner/agent needs to complete the repair information on the VEIC. Assist the customer if needed.
- For repairs made After the initial test failure:
 1. Repair Facilities- The repair information should be completed by the person doing the repairs, if not assist the vehicle owner/agent in completing the back of the VEIC.
 2. Owner – The vehicle owner/agent should complete the Application of Waiver section completed with a signature.

Application of Waiver Section—Most Important Part of the Waiver!!!!!!

- The vehicle owner/agent should complete and sign the application of waiver section for Certificate of Waiver.

Processing Certificate of Waiver Applications

- Review all documentation of emissions related repairs for accuracy.
- Retrieve previous tests. When the CSR is finished with the previous test place it in the basket for the station manager.
- Emboss and initial original repair receipts/invoices on face, make copies and return originals to vehicle owner.

- Verify that the vehicle identification number (VIN), Make, Model and Vehicle Year matches on the VEIC and receipts. **If partial vehicle information is not on the receipt and the work is done, accept the receipt.**
- Inspect the vehicle to verify repairs have been made.
- Issue a waiver after the VIN, Make, Model, Vehicle Year and repairs were verified.

Waiver Order

- **The Waiver**
- **The VERR (back of the VEIC)**
- **Repair Receipts**
- **Pervious Test**

Repair Waiver Issuance/ Denial

If it is determined that the waiver cannot be issued to the motorist the CSR must contact the Marcus Watford for approval to deny the waiver. Contact Marcus Watford before informing the customer of the waiver denial. Give instructions as to what needs to be done in order to qualify for the waiver. Make copies of all paperwork (receipts, VEIC's). Place information in (Waiver Denial) folder in retention file.



VEIP OPERATIONS MANUAL

NO. S03-98.01OM

STATUS REPORT - DAILY

Rev. April 17, 2001

GENERAL INSTRUCTIONS

❖ PRINT LEGIBLY.

1. **HOUR AND WEATHER CODE** – In Military time, write the hour the audit is being performed. Below the hour, list the weather code at time of audit.
2. **EXTREME CONDITIONS** – List “Y” for YES or “N” for NO
3. **CHECKING LANE STATUS** – Check to see which lanes are testing vehicles. Circle those lanes that are testing vehicles. Place an “X” on those lanes that are down. Draw a line through “-” those lanes that are not IM-240 capable. Circle “M” for lanes in manual operation. In space to right of “M” enter the appropriate code for the reason a lane was shown as down. (See list of lane codes pages 3 & 4 for detailed information.)
4. **# OF LANES TESTING / DOWN** – In the first half of this box, write the # of lanes testing vehicles for that hour’s check. In the second half of the box, write the # of lanes down for that hour’s check.
5. **WHEN TECH IS PRESENT** – Indicate “Y” for YES or “N” for NO in each hourly box.
6. **TRACE NOT AVAILABLE** – Can you print drive trace for customer? Enter “Y” for YES or “N” for NO.
7. **WAIT TIME** – Means the time period beginning upon arrival of a vehicle at a station and ending when it enters the inspection bay. Select the last vehicle to come onto the lot for testing. Time that vehicle until it stops at position #1. Write that time down in the box provided. In the second half of the box, enter the code for reason of wait time. **WAIT TIME >15 MINUTES** – Enter appropriate code: “T”- Traffic, “E”- Equipment, “S”- Staffing, “SF”- Software.
8. **# OF VEHICLES WAITING** – Check all lanes. Add together the total # of vehicles waiting to be tested at the station from the STOP sign to the end of que.
9. **TOTAL VEHICLES TESTED** – Check Contractor’s system for total vehicles tested each hour.
10. **TOTAL VEHICLES OWT** – Indicate the number of vehicles put into compliance on EP-30 with code of OWT for wait time to long.



VEIP OPERATIONS MANUAL

NO. S03-98.01OM

STATUS REPORT - DAILY

Rev. April 17, 2001

11. **VEIC # CORRECT** – Each hour, verify VEIC # at position 3. Enter “Y” for YES (correct) or “N” for NO (incorrect). Indicate lane # if incorrect and notify manager.
12. **# OF MANAGEMENT PRESENT** – Manager or assistant manager AND a Lane Supervisor on duty AT ALL TIMES. Write in the “number of Managers”. This includes lane supervisors.
13. **# OF CERTIFIED INSPECTORS WORKING IN LANES** – Indicate the number of certified inspectors that are working in the lanes. (This DOES NOT include management staff)
14. **REPRESENTATIVE INITIALS** – Representative will initial in space provided each hour.
15. **CONTRACTOR MANAGEMENT INITIALS** – Manager or assistant manager will initial in space provided each hour.

LANE DOWN CODES – DETAILED INFORMATION

- 1 – **LEAK CHECK** – Lane failed leak check procedure.
- 2 – **2 POINT** – Lane failed 2 point check.
- 3 – **3 POINT** – Lane failed 3 point check.
- 4 – **PROPANE** – Lane failed propane injection procedure.
- 5 – **BLOWER IN-OPERATIVE** – CVS blower is inoperative at all times.
- 6 – **RUN TIME ERROR** – Screen at position 2 indicates run time error.
- 7 – **LIFT BAR** – Lift bar will not lower or rise as required.
- 8 – **GETTY BOX** – Missing or inoperative getty box.
- 9 – **HIGH AMBIENT** – Lane is out of service due to high ambient conditions.



VEIP OPERATIONS MANUAL

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STATUS REPORT - DAILY

Rev. April 17, 2001

A – AUDIT – Lane is out of service due to MDE conducting Quality Assurance audit.

D – DYNO – Dyno is not functional due to hardware problem (i.e. Brake failure, lift bar, bearings, etc.)

F – FAN – Fan is not cooling vehicle as required (position within 2 feet of vehicle and aimed at vehicle radiator). Applies to Dyno test only.

H – HOSE/FUNNELS – Missing, damaged leaking hose or funnels.

L – FID – Flame Ionization Detector not functioning.

M – MONITOR – Monitor missing/inoperative.

P – PRINTER – Printer missing/inoperative.

P.M. – PREVENTIVE MAINTENANCE – Lane out of service due to contractor conducting maintenance (i.e. Dyno belt, bearings, analyzer check, adjustments, etc.).

R – RESTRAINT – Restraints not engaging/retracting or not functioning.

S – STAFFING – Insufficient staff to open lane to test vehicles. (If using this code in the "station down" area of the report, use it when there is not sufficient staff to open the station.)

AM REP:	Station #	Number of Units & Tablets on site:	12U	4 TABLETS	Units#	1,2,3,4,5,6,7,8,9,10,11,12	12:30	13:30	14:30	15:30	16:30	17:00	18:00	19:00
Rep Initials:	8:30	9:30	10:30	11:00	11:30	12:30	13:30	14:30	15:30	16:30	17:00	18:00	19:00	
Time Audit Conducted														
Weather Codes / Extreme (Y/N)														
F-Fog, T-Thunderstorms, Rain, S-Snow, N-Normal														
Unit Status & Tablets:														
0 - N/A, 1 - Testing Vehicles														
2 - Ready to Test, 3 - Down														
Down Codes: 1 - POS Device														
2 - Printer, 3 - Remote,														
4-Ambient, 5-Probe, A-Audit,														
AN - Analyzer, C - OBD														
PM - Preventative Maint., T- Tablet														
G - Gas Cap 0 - Offline														
Wait Codes: S - Staffing,														
E - Equipment, T-Traffic,														
H-HostOffline, SF -Software														
Total Units Up / Down														
Techn on Site (Y/N)														
Wait time / Reason														
Timed Unit Or Tablet #														
Timed Vehicle Tag #														
Total Vehicles Tested														
Number of Inspectors														
Total Vehicles OWT														
Number of Waivers Issued														
Number of Vehicles waiting														
Number of Managers														
VEIC Legible (Y/N)														
Number of Customers Assisted														
Procedures Followed (Y/N)														
Inspector ID														
Rep Initials														
Managers Initials														
Total # of Customers Assisted	104													
Total # of Repair Waivers Issued	0													

Calibration Using a Standard Pass/Fail Cap

Objective

To up the limit for passing and failing gas cap tests. The midpoint between the passing cap pressure drop and the fail cap pressure drop will be used as the limit.

Required Equipment

Waekon Pass/Fail Standard. (FP726-21)

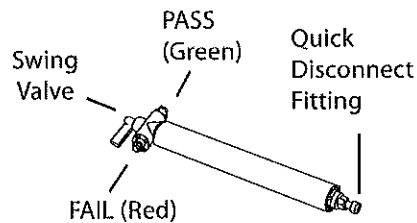
Procedure

- 1) At Main Menu select, "Quality Assurance, Pressure, Gas Cap Calibration".
- 2) Make sure the hose is not plugged. Press "OK".
- 3) Connect the standard to the end of the hose, turn the handle to pass, and press "OK".
- 4) The software pressurizes and computes the decay for the cap from a starting pressure of 28" WC.
- 5) Disconnect the standard when prompted. Press "OK". Connect the standard and turn the handle to fail and press "OK".
- 6) The software pressurizes and computes the decay for the cap from a starting pressure of 28" WC.
- 7) Disconnect the fail cap.
- 8) If the test is a pass, the software will display the pass/fail limit. Press "OK" to exit.
- 9) If the test is a fail with insufficient pressure difference, make sure the correct cap was used. Make sure the standard caps do not have dirt or other blockage. Try another standard cap if necessary. Repeat until this test passes.

Overview

Pass/Fail Standard—Applies only to FPT2600-EX1

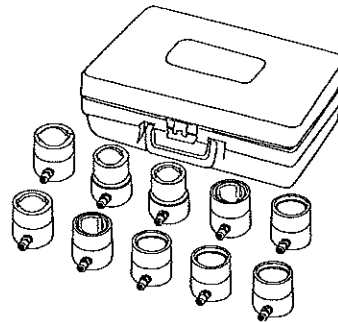
Allows you to verify that the tester is calibrated properly.



Storage Case and Fuel Cap Adapters—Applies only to FPT2600-EX1 except for the Black Fuel Cap Adapter

Color coded for easy identification, the fuel cap adapters allow you to test most vehicle's fuel caps.

- **Black Cap Adapter**—Standard threaded cap, used for most vehicles.
- **Brown Cap Adapter**—Dual threaded cap. Typically used for 1996 Ford Explorer, 1999 or newer Chrysler vehicles, 2001 Mitsubishi and Nissan vehicles.
- **Orange Cap Adapter**—Three tab quick turn cap. Typically used for 1996 and newer Ford vehicles, 1997 and newer Mazda B-Series P.V.v., and 2001 Mazda Tribute.
- **Blue Cap Adapter**—Two tab quick turn cap. Typically used for 1996 and newer GM vehicles.
- **Red Cap Adapter**—1½" shallow cam. Typically used for Acura, Audi, BMW, 1970's Fords, IHC, Jaguar, Mazda, Mercedes, and VW.
- **Gray Cap Adapter**—1¾" shallow cam. Typically used for AMC, Audi, Chrysler, Isuzu, Jeep, Nissan, Renault, Subaru, Toyota, and VW.
- **Yellow Cap Adapter**—1½" deep cam. Typically used for mid 1970's Ford trucks, IHC, Winnebago, and Mercury Capri.



Chapter 2 — Specifications

Environmental Specifications

The 6900 subsystem will perform to specification when subjected to any combination of the environmental conditions listed below.

	Operating Range	Storage Range
Temperature	0 to 70°C (32 to 158°F) (reduced accuracy > 50°C)	-25 to 70°C ⁽¹⁾ (-4 to 158°F)
Humidity	5 to 95% (non-condensing) ⁽²⁾	
Altitude	-300 to 3,000 m (-1,000 to 9,750 ft)	-300 to 3,000 m (-1,000 to 10,000 ft)
Vibration	1.0 g sinusoidal, 5 to 1,000 Hz	0.01 g ² /Hz ⁽³⁾
Shock	7.6 cm (3.0 inch) drop on any corner (in final system enclosure)	
EMI/EMC	CFR Title 47, Part 15, Subpart J, Class A and B. CFR Title 47, Part 68.	
<ol style="list-style-type: none"> Storage temperature range for Andros supplied NO_x sensor is -20 to 50°C; sensors may be stored outside this range for up to 10 days. The optimal storage temperature for the NO_x sensor is 5 to 20°C. NO_x sensor humidity range is 15 to 90% RH. Installed configuration or packaged for shipment. 		

Mechanical Specifications

	Model 6900 Shelf Subsystem (excluding water trap/filter assembly)		Model 6500/6510 NDIR Bench
	Basic	OIML	ALL
Width	27.0 cm (10.6 in)	27.0 cm (10.6 in)	19.7 cm (7.7 in)
Depth	20.06 cm (7.3 in)	18.5 cm (7.9 in)	7.3 cm (2.87 in)
Height	10.16 cm (4.0 in)	10.0 cm (4.0 in)	5.0 cm (2.0 in)
Weight	2.1 kg (4.63 lb.)	2.1 kg (4.63 lb.)	0.3 Kg (0.8lb)

Power Specifications

The following input power specifications define the worst-case conditions for acceptable operating performance of the 6900 shelf subsystem:

Input Voltage	+12 VDC nominal (+9 to +16 VDC)	
	Model 6900	Model 6500/6510
Average Power Consumption ⁽¹⁾	13.5 W	1.8 W
Maximum Power Consumption	18.5 W	2.4 W
⁽¹⁾ 12 VDC input power @ 25°C		

Gas Measurement Accuracy, Repeatability, Noise, and Resolution

Gas	Measurement Range	Accuracy	Repeatability	Noise (rms.)	Resolution
HC n-Hexane	0 to 2,000 ppm 2,001 to 7,000 ppm 7,001 to 15,000 ppm 15,001 to 30,000 ppm	±4 ppm abs. or ±3% rel. ±5% rel. ± 15% rel unspecified.	±3 ppm abs. or ±2% rel. ±3% rel. ±5% rel. unspecified	2 ppm abs. or 0.8% rel.	1 ppm
HC Propane	0 to 4,000 ppm 4,001 to 30,000 ppm 30,001 to 60,000 ppm	±8 ppm abs. or ±3% rel. ±15% rel. unspecified	±6 ppm abs. or ±2% rel. ±5% rel. unspecified	4 ppm abs. or 0.8% rel.	1 ppm
CO	0.00% to 10.00% 10.01% to 15.00%	±0.02% abs. or ±3% rel. ±5% rel.	±0.02 abs. or ±2% rel. ±3% rel.	0.01% abs. or 0.8% rel.	0.001vol. %
CO ₂	0.00 to 16.00% 16.01 to 20.00%	±0.3% abs. or ±3% rel. ±5% rel.	±0.1% abs. or ±2% rel. ±3% rel.	0.1% abs. or 0.8% rel.	0.01vol. %
NO _x	0 to 4,000 ppm 4,001 to 5,000 ppm	±25 ppm abs. or ±4% rel. ±5% rel.	±20 ppm abs. or ±3% rel. ±4% rel.	10 ppm abs. or 1% rel.	1 ppm
O ₂	0.00 to 25.00%	±0.1% abs. or ±3% rel.	±0.1% abs. or ±3% rel.	0.1% abs. or 1.5% rel.	0.01 vol. %

Notes:

- 1) The Models 6900 / 6500 / 6510 can report outside of its specified measurement ranges.
- 2) The Models 6900 / 6500 / 6510 can report gas concentrations at reduced accuracy when operated outside of specified conditions defined by ISO3930/OIML R 99 and BAR i.e., temperature > 50°C or < 0°C.
- 3) Negative gas concentrations can indicate either of the following:
 - a) Negative measurement drift, or
 - b) Incorrect HC, CO, CO₂ zero calibration (e.g., zero calibration when IR absorbing gas or moisture is present in the sample cell).
- 4) When both absolute and relative measurement tolerances are specified, the greater measurement tolerance of the two is used.
- 5) The accuracy table is based on California BAR-97 requirements between the temperatures between 35 to 110°F (1.7 - 43°C)
- 6) ISO 3930/OIML R 99, Class 0 allows for ±5% relative error for temperatures between 32 to 122°F (0 - 50°C)
- 7) Drift is measured with Nitrogen flowing through the sample cell at one to two liters per minute. All zero requests are honored when indicated. Maximum stability occurs per BAR 97 ASM 30 minutes after POR.

Measurement Range: The range that is applicable to the accuracy and noise measurements.

Accuracy: The 6900 gas concentration measurement tolerance.

Repeatability: An individual 6900s measurement tolerance when repeating the same measurement.

Resolution: The smallest increment reported.

Noise: Measurement transients produced by the analyzer.

Warm-Up

The bench/subsystem will transition from start-up to normal operating mode within 35 seconds after POR, after which it will request a zero. After the first zero, the analyzer is useable at reduced accuracy for the next three (3) minutes, after which it will request a second zero. The unit is at full accuracy after the second zero is performed. Zero drift as defined by the BAR 97 ASM specifications is measured after the unit has been allowed to stabilize for 30 minutes after POR.

Propane Equivalency Factor (PEF)

The 6900 subsystem Propane Equivalency Factor (PEF) value is nominally in the range of 0.470 to 0.560 for HC (n-Hexane) concentrations up to 2,000 ppm when the Models 6900 / 6500 / 6500 are operated at an ambient temperature environment of $25^{\circ}\text{C} \pm 10^{\circ}\text{C}$. This applies to BAR-97 applications. For OIML and diagnostics applications the calculated variable PEF can be in the range of 0.470 to 0.585.

The 6900 variable PEF value (reported by \$05-PEF1, PEF2) is calculated in real-time, and defines the n-hexane concentration as a fraction of the (optically) equivalent propane concentration that may be reported as the current HC concentration. The variable PEF range is 0.470 to 0.585.

Cross-Gas Interference

The presence of one gas can cause errors in the measurement of a second gas. Maximum 6900 cross-gas interference effects conform to ISO 3930/OIML R 99, Class 0/1 and BAR-97 specifications and are listed below:

Primary Gas	Maximum Cross-Gas Interference	Maximum Interfering Gas Concentrations
HC	± 4 ppm	1) 16% carbon dioxide in nitrogen. 2) 1,600 ppm hexane in nitrogen.
CO	$\pm 0.02\%$	3) 10% carbon monoxide in nitrogen. 4) 3,000 ppm nitric oxide in nitrogen.
CO ₂	$\pm 0.20\%$	5) 75 ppm hydrogen sulfide in nitrogen. 6) 75 ppm sulfur dioxide in nitrogen.
NO _x	± 20 ppm	7) 18% carbon dioxide and 9% carbon monoxide in nitrogen. 8) h) Water-saturated hot air.

System Transport Time

System transport times are specified for a 6900 with 8m-hose/probe and particle filter/water trap as follows:

	System Transport Time
HC	≤ 5 seconds.
Propane	≤ 5 seconds.
CO	≤ 5 seconds.
CO ₂	≤ 5 seconds.
NO	≤ 7 seconds.
O ₂	≤ 7 seconds.

Method: Create a rapid step change in gas concentration at the probe tip. System transport time is the time required to report the first analyzer gas concentration change.

System Response Time

System response times are specified for a 6900 with 8m-hose/probe and particle filter/water trap as follows:

	Rise Time	Fall Time
HC	T90 ≤ 8.0 seconds.	T10 ≤ 8.0 seconds.
Propane	T90 ≤ 8.0 seconds.	T10 ≤ 8.0 seconds.
CO	T90 ≤ 8.0 seconds.	T10 ≤ 8.0 seconds.
CO ₂	T90 ≤ 8.0 seconds.	T10 ≤ 8.0 seconds.
NO	T90 ≤ 12.0 seconds.	T10 ≤ 12.0 seconds.
O ₂	Response time from 20.9% to 0.10% O ₂ ≤ 40 seconds, and T90 response time ≤ 15.0 seconds.	

Method: Create a rapid step change in gas concentration at the probe tip. System response times (at a flow rate into the water trap at 6 liters/minute) are the times required to report the specified analyzer gas concentration changes.

Model 6500/6510 Analyzer/Sensor Response Time

Analyzer /sensor response time is measured as follows:

	Rise Time	Fall Time
HC	T90 ≤ 3.0 seconds.	T10 ≤ 3.0 seconds.
Propane	T90 ≤ 3.0 seconds.	T10 ≤ 3.0 seconds.
CO	T90 ≤ 3.0 seconds.	T10 ≤ 3.0 seconds.
CO ₂	T90 ≤ 3.0 seconds.	T10 ≤ 3.0 seconds.
NO	T90 ≤ 5.0 seconds.	T10 ≤ 6.0 seconds.
O ₂	Response time from 20.9% to 0.10% O ₂ ≤ 40 seconds. Rise time for 1.10% O ₂ to 20.9% O ₂ ≤ 20 seconds.	

Method: With a minimum gas flow of 1 liters/minute, create a rapid step change in gas concentration at the inlet port of the Model 6500/6510 analyzer. Analyzer/Sensor response times are the times required to report the specified analyzer gas concentration changes.

Host Communications Interface

The Models 6900 / 6500 / 6500 commands, status, and data-transfer are provided by the host communications interface. Refer to the Hardware Interfaces chapter for connector pin assignments.

Interface Type: RS-232C asynchronous or USB 1.1.

Baud Rate: 19,200 bps (default) or 9,600 bps (optional via Model 6500/6510 parameter change).

RS-232 Format: 1 start bit; 8 data bits; no parity bit; 1 stop bit.

Signals: Transmit data; receive data; signal ground. CTS and RTS handshaking signals are not used by current Model 6900 / 6500 / 6500 configurations.

Auxiliary I/O Interfaces

Auxiliary interfaces are provided for attachment of external devices to the 6900 subsystem. Refer to the Hardware Interfaces chapter for additional specifications and connector pin assignments.

TTL Outputs: AUXOUT 6 and AUXOUT 7 are user-defined TTL outputs host system controlled via the \$08 Device Control command.

Tachometer Input: TACHIN is a TTL compatible pulse counter input dedicated to a tachometer function.

Analog Input: Model 6900/6500 Mode: ADC1 and ADC2 are user-defined analog inputs. Input range is 0.01 to 4.0 VDC. A companion reference signal (V Ref) and the Model 6900 / 6500 / 6500 analog ground is also provided.

VEIP 2026 Inspection Workstation Features and Specifications

OBD Principal components—the DT Research tablet and the Opus IVS IMclean-04 DAD:

• **Envirotest tablet components**

The new DT Research DT382GL Rugged Tablet (Figure 14) features integration of a 8” touchscreen and high-performance Intel® processor within a slim, lightweight, and durable package. With built-in Wi-Fi, RFID, and other optional modules, this robust tablet offers seamless information capture and transmission for improved workflow and reliable operation in harsh, mission critical environments. The tablet is a fully equipped PC based workstation that features:

- 8” touchscreen; digital pen supported
- Intel® Pentium® Silver 4-core processor
- Microsoft® Windows® 10/11 IoT Enterprise operating system
- NIST compliant BIOS available
- IP65-rated for water and dust resistance
- MIL-STD-810H for shock and vibration protection
- HERO (Hazard of Electromagnetic Radiation to Ordnance) certified
- Hot swappable battery pack
- Back camera
- Barcode scanner
- NFC/ RFID Reader or UHF RFID Reader



Figure 1: DT Research Tablet PC

VEIP 2026 Inspection Workstation Features and Specifications

The PC/tablet located at the Envirotest inspection workstation comes fully equipped with the following accessories that provide mechanisms that assure accurate and easy entry of vehicle identification, inspector, and inspection data:

- **IMclean-04 DAD.** The Opus IVS OBD device is an industry-leader, achieving a 99.9% connection rate with vehicles in the California emissions program as measured by the government. Additionally, this scan tool is capable of gathering data for performing trigger analyses as required by the US EPA OBD-II Inspection Rule and the ETI OBD-II inspection flow diagram. The BAR-certified IMclean-04 DAD OBD-II scan tool is not only the most capable and reliable device for emissions inspections, it also supports the standard SAE-J2534 vehicle communications API.
- **PCI-compliant card reader and tablet** for data entry and signature capture allows the inspector to capture motorist signatures seamlessly as an integrated part of the inspection. With this equipment as part of the inspection workstation, we provide the most efficient way to perform an inspection and the ultimate in providing excellent customer service.
- **DataOne VIN decoder** logic returns specific one-to-one style matches with exceptional depth and breadth of vehicle detail. VIN decode technology ensures proper testing by translating Vehicle Identification Numbers (VINs) to provide vehicle characteristics, including vehicle make, model, engine displacement, and model year, as well as vehicle recall information. **DataOne** is an industry-leading solution that ensures test accuracy and efficiency.
- **Xerox B230 DNI Laser Printer** (or equivalent model) that is capable of printing all documentation required by the test inspection process, including the placement of a 2-D barcode on failed VEICs providing test results (test number, items failed) and vehicle information—such as vehicle identification number (VIN), year, make, and model—with similar barcodes printed on VEICs that are issued for rejections.

Opus IVS IMclean-04 data acquisition device (DAD) Features

The wireless version of the IMclean-04 facilitates movement around the inspection area, eliminate cord trip hazards, and provide software ability to swap devices. The device uses Bluetooth and will communicate with a receiver remote to the PC and placed in a location to maximize RF transmission. In addition, appropriate cabling will be available to support direct wired communication and provide an alternate/backup inspection path in electrically noisy environments.

We will also provide a test port to verify that any failed communication is due to the vehicle and not the equipment.

VEIP 2026 Inspection Workstation Features and Specifications

With thousands of units in the field, the Opus IVS IMclean DAD has proven successful at connecting to over 99.9% of the vehicle fleet. In addition, the IMclean device offers the following features:

- J2534 protocol capabilities that
- future-proof additional uses, such as
- crash scanning and interrogating other safety or diagnostic related ECUs.
- Redundancy in test equipment by supporting wired or wireless communication with the vehicle. Battery powered wireless models that eliminate the need to get power from pin 16 to communicate.
- Capture of bus timing for additional fraud detection.
- Ability to connect the OBD when the vehicle pulls up to save time by interrogating the vehicle while performing other start of test functions, like payment.
- Ability to provide OBD VIN and other data to confirm vehicle entry accuracy.

The IMclean-04 supports communication on all legislated protocols, including J1939, the protocol required for testing heavy-duty vehicles. The list of supported protocols includes, but is not limited to:

- CAN
- ISO15765
- ISO14230 with slow and fast initialization
- ISO9141
- J1850, both VPW and PWM
- J1939—Heavy Truck
- Built-in protocols also include:
- ISO14229—UDS
- SCI-A
- SCI-B
- DIAG-H
- 125KBs CAN
- Medium Speed CAN
- TP2.0
- TP1.6
-

Several SAE and ISO standards have been implemented into the device. To implement SAE J1979, OBDII, we had to ensure that communication with each of the legislated protocols were met. The protocols have been jointly standardized by SAE and the ISO

VEIP 2026 Inspection Workstation Features and Specifications

standardization committee. Therefore, we have implemented the newest revisions of all protocols, including:

- ISO 9141-2:1994
- SAE J1850, *aka* J1850_201510
- ISO 14230-1:2012
- ISO 14230-2:2016
- ISO 15765-1:2011, replaced by ISO/NP 15765-1
- ISO 15765-2:2016
- ISO 15765-3:2004, replaced by ISO 14229-3:2012
- ISO 15765-4:2016
- J1939-11
- J1939-15
- J1939-73
- J1939-81, portions of ISO 11898-1
- ISO 11898-2 and ISO 11898-3
- J2809_200710
- J2819_200802; and much more
- These standards were used to simply add to the protocol capabilities. SAE1962 was followed to develop
- the connector; SAE J2012 is followed for the DTCs. The IMclean-04 follows SAE and ISO
- standardizations to ensure communication with all vehicles.



Figure 2: Opus IVS IMclean-04 Data Acquisition Device (DAD)

VEIP 2026 Inspection Workstation Features and Specifications

The Opus Gen 3 Idle Test System

All Gen3 Systems and peripheral equipment are networked and tied into the VID, communicating in real-time. All equipment will meet or exceeds the specifications contained in the EPA and State of Maryland regulations, guidance, or requirements.

Gen 3 idle inspection system components include:

- Lenovo ThinkCentre M70q Gen 3 Tiny Desktop computer with keyboard and wired mouse
- 19" wide screen LCD monitor
- Microsoft Windows 11 software
- Self-contained cabinet
- 4-gas sample system from Crestline
- Bench and all associated peripherals
- Gas cap tester with fuel cap adapters
- Xenon 1950 1D/2D barcode scanner
- Xerox B230 DNI laser printer
- LAN port

The Opus Gen 3 system will also be equipped with a separate OBD tablet to perform OBD testing.

Additional new inspection technology:

- An upgraded ALPR system, which will have two cameras mounted near the front of the station, pointing at both front and rear tag to improve the capture rate as the vehicles drive on the property. The cameras will be connected to the station controller PC on which the ALPR software is running. The software will add the captured and time stamped plate number to the database. When the vehicle enters the inspection lane, the inspector will enter the vehicle tag into the test unit (also time stamped). The lane software will look at that database for a match using an algorithm for three or four matching characters/numbers and calculate the wait time between the two time-stamped events.
- The VIDAR 4th Generation Modular ANPR Camera (as seen in Figure 1) with their software for the upgraded ALPR system. As VIDAR is the same company that

VEIP 2026 Inspection Workstation Features and Specifications

provided the system currently in use, we anticipate a smooth transition of the associated hardware and software.

- Manager notification: Operational efficiencies will be greatly improved using the manager's dedicated handheld device. Inspectors in need of assistance will be able to request an override or seek managerial assistance by having the manager alerted in real time on their handheld device. The device will also be capable of providing remote oversight functionality (pending Stat approval). Our engineering team looks forward to discussing with the State additional methods of alerting managers of assistance requests using smart signs, alert lights, and other ideas for improved efficiencies.
- Updated Mini-VID, for locally retaining a copy of data required for inspection, including:
 - Updated MDOT MVA data identifying vehicles receiving VEIP notices
 - MDOT MVA no-show list
 - OBD exception list/rules
 - Redundancy to ensure accurate inspection processing, even while offline



VEIP PROCEDURES

NO. W07-95-01

Waiver Issuance

Authorized: MD Vehicle Law § 23-202 (c)
COMAR 11.14.08.07

Rev: March 15, 2023

PURPOSE

The Motor Vehicle Administration, in complying with the Motor Vehicle Laws, is offering a repair waiver service to the residence that are a part of the Vehicle Emissions Inspection Program. The emissions repair compliance waiver applies to vehicles that have failed the emissions test and have provided all the required documents for the representative to review. The repair waiver if approved is issued for two years from the vehicle emissions inspection due date.

DEFINITION

Repair Waiver: The act of intentionally or knowingly placing a vehicle into compliance for the remainder of its biennial emissions test cycle based on having spent the required minimum to get the vehicle to pass.

WAIVER DISTRIBUTION

- Waivers are distributed electronically.

COMPLETED WAIVERS MUST BE KEPT SECURED

- **IT IS THE RESPONSIBILITY OF THE STATION MANAGER TO ENSURE SECURITY OF ALL COMPLETED WAIVER PACKAGES RECEIVED FROM CSR.**

ELIGIBILITY REQUIREMENTS FOR THE ISSUANCE OF A CERTIFICATE OF WAIVER

❖ A Certificate of Waiver may be issued to a vehicle when:

- The vehicle did not pass the **initial** emissions test.
- Effective January 1, 2002, the minimum repair cost for emissions related repairs must be a minimum of \$450.00.
- Emissions related repairs were made within 30 days before or within 120 days after initial test.
- The vehicle fails a retest, except that a retest is not required when repairs are made 30 days before initial test.
- The repairs are verified, and all originally installed emissions control equipment is present.

➤ NOTE:

For repairs waiver requests on all repairs over 120 days, contact Help Desk.

Vehicle(s) failing CO2 only, may be issued a waiver provided no exhaust leaks are found.



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DOCUMENTATION NEEDED

❖ The following is needed from vehicle owner/agent:

- Vehicle Emissions Inspection Certificate (VEIC), with the reverse side completed. If reverse side is not complete assist the customer in completing the form.
- Original itemized emissions related repair invoices, receipts or paid repair bills.

➤ NOTE:

If customer is stating that the receipts are missing and you cannot verify repairs were made, contact the Help Desk. Follow instructions on Page # 7 of this procedure.

ACCEPTABLE RECEIPTS

- Cash imprinted, stamped, generated on a computer or handwritten.

➤ **NOTE:** A handwritten receipt is where the repair company name has been “handwritten”.

❖ **REQUIREMENTS FOR ACCEPTANCE:**

- * Business name and address
- * Telephone number
- * Customer’s name
- * Date
- * Tag number or VIN
- * Itemized repair information

➤ **Verify repairs in the normal manner.**



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NO. W07-95-01

Waiver Issuance

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COMPLETION OF THE VEHICLE EMISSIONS INSPECTION CERTIFICATE (VEIC)

❖ Repair Information:

- For repairs made **BEFORE** the initial test; the vehicle owner/agent needs to complete the repair information on the VEIC. Assist the customer if needed.
- For repairs made **AFTER** the initial test failure and performed by:
 - Repair Facilities – The repairs information and the mechanic certification should be completed by the person doing the repairs, otherwise assist the vehicle owner/agent in completing the back of the VEIC.
 - Owner – the vehicle owner/agent should complete and sign the VEIC.

❖ Application for Waiver

- The vehicle owner/agent should complete and sign the application for Certificate of Waiver.

PROCESSING CERTIFICATE OF WAIVER APPLICATIONS

❖ The CSR will:

- Review all documentation of emissions related repairs for accuracy. If the documentation is inaccurate; the applicant will be advised of necessary corrections.
- Retrieve previous test. When CSR is finished with previous test it will be placed in the rack on the ESP Managers door.
- Initial original repair receipts/invoices on face, make copies and return originals to vehicle owner.
- Verify that the vehicle identification number (VIN) on the vehicle matches the VIN on the VEIC.
- Inspect the vehicle to verify repairs have been made and that all originally installed emissions control equipment is present.
- Issue a waiver after the VIN, repairs and presence of emissions control equipment have been verified.



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Waiver Issuance

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Rev: March 15, 2023

- Do not issue a waiver if:
 - Repairs cannot be verified (call the Help Desk for authorization)
 - Originally installed emissions control equipment is not present. Complete an Emission Equipment Inspection Checklist (Form EP-116) indicating failed items.
- If a customer performs their own repairs, the following is to be used:
 - Allowable labor rate is \$150.00.
- A waiver may be issued to any State or local government owned vehicle. Waivers on Federal owned vehicles must be approved by the Help Desk.
- Exhaust Repairs for waivers:
 1. Any exhaust repairs between the catalytic converter and the engine including the catalytic converter and miscellaneous parts may be counted toward the repair waiver.
 2. If a muffler is replaced due to excessive back pressure, this is considered to be an emissions related repair. Replacement of the muffler for other reasons does not count toward a repair waiver.
 3. Many repair shops bulk bill exhaust parts and labor. You may need to break down the parts and labor that qualify for a repair waiver.

COMPLETION OF CERTIFICATE OF WAIVER

- ❖ Waivers are controlled documents and are to be kept secured at all times. The waiver will be process on the contractor's system at the counter as follows:
 - Log into computer.
 - Enter your 5-digit employee number.
 - Enter your password number, press "ENTER".
 - Next window reads "Menu for employee number" with sub-titles.
 - Click on "Daily".
 - Click on "Start-up".
 - Next "Verify Date and Time".
 - Click on "OK"



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WAIVER ISSUANCE

- Click on Intellitrek
- Enter Username and press the tab button.
- Enter Password and press the enter button.
- Click onto Intellitrek Portal tab.
- Go to Waivers
- Enter the tag number and press the tab button.
- Enter the last (4) digits of the VIN and press the select button.
- Enter your 5-digit employee number and press the tab button.
- Enter Password number, the vehicle information will appear.
- Enter total amount spent for parts and press the tab button.
- Enter the total amount spent for labor and press the tab button.
- Select “Issue Waiver”

Make a copy of the waiver for your waiver package. If you have printed a waiver mistakenly, write “VOID” across the front and keep in waiver package.



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ISSUANCE AND CONTROL OF WAIVER CERTIFICATES LOG:

- Name and Logon ID of CSR.
- Month and Year.
- Waivers issued, voided, damaged or missing in numerical order.
- Title number of Vehicle Identification Number (VIN).
- Date waiver is issued.
- Station number where waiver was issued.
- VEIC Number.
- Total amount of repair costs.
- Maintain a copy of the “Waiver Issuance Record/Receipt” (Sample A) in numerical order in station file.

WAIVER PACKAGE SHOULD CONSIST OF:

- Copy of printed waiver.
- Copy of all repair receipts.
- Copies of all available tests for this test cycle.
- Copy of the completed “Vehicle Emissions Repair Report” (back of the VEIC).
- Give copy of completed “Vehicle Emissions Repair Report” (back of VEIC) to contractor.

All issued, void, damaged or missing certificates of waiver shall be recorded on the “Waiver Issuance Record/Receipt” (Sample A).

All “Waiver Issuance Record/Receipt” records will be entered, maintained and checked on Customer Connect on a daily basis. After completing an entire “Waiver Issuance Record/Receipt” (20 waivers), forward completed package to Station Manager for retention.



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AUDITING:

Auditor will complete a repair waiver auditing log after reviewing each waiver packet. Auditor will attempt to audit at least 5 repair waiver packets per station visit. (20 percent of waivers audited monthly)

- At the beginning of each month, run the Waiver Report Current report in Intellitrak for the previous month to determine the number of waivers that need to be audited to achieve 20 percent.
- Check to ensure that the vehicle had completed an emissions retest, except for an initial test failure within 30 days.
- Verify that the vehicle information on the receipt is accurate.
- Verify that the receipt meets the minimum repair cost requirement.
- Verify that the dates on the repair receipts are within the required time.
- Ensure that the receipts are itemized.
- Open the Google Form file [Repair Waiver Audit Entry Form.xlsm](#) located in the share drive [S:\veipdata\VEIP Management Console\VEIP Entry Forms](#) and complete the Repair Waiver Auditing Log for each repair waiver packet audited. (Sample C).
- A Low Waiver Expenditure report is run weekly to research all waivers and detect any waivers that may have been entered into Intellitrak below the minimum repair cost requirement.
- All waivers found to not meet the minimum repair cost requirement are to be requested from the contractor for a thorough examination. Report all findings to MDOT MVA VEIP management weekly.



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Rev: March 15, 2023

[Fit To PC](#) [Fit To Laptop](#)

MARYLAND DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE ADMINISTRATION

Repair Waiver Audit Entry Log

Login ID	<input type="text"/>	Comments: <div style="border: 1px solid #ccc; height: 100px; width: 100%;"></div>
Waiver Number	<input type="text"/>	
Tag Number	<input type="text"/>	
Waiver Total	<input type="text"/>	
Audit Result	<input type="text"/>	

Complete All Required Fields

Add Data Entry

View Data Entry

Verify all information before adding *Data Entry Verification*

SAMPLE C

Vehicle Test Procedures

Greeting

1. Scan Badge
2. Direct the vehicle into the building.(behind yellow lines)
3. Greet motorist in a friendly manner. (Identify yourself)
4. Ask motorist to place the vehicle in park (automatic) or neutral (manual), engage the emergency brake
5. Ask for the odometer reading
6. Ask motorist to turn off all accessories.
7. Ask the motorist to shut off the engine.
8. Ask motorist for the test notice or registration.
9. Verify VIN and Tag number.
10. Scan test notice. Return it to the motorist.
11. Verify GVWR (If PC prompts you to)
12. Place Chocks
13. **Perform Pre-Safety and Tamper Check with mirror (tire to tire on driver's side)
14. Perform Data Entry
15. Fee Collection

** For further investigation. Walk around entire vehicle.

Idle Mode Test

16. Perform Gas Cap Pressure Test
17. Finish Gas Cap Pressure Test
18. Remove Adapter from Hose
19. Scan Gas Cap Adapter
20. Store Gas Cap Hose
21. Perform Pre-Conditioning
22. Perform Idle Test
23. Store Sample Hose and Probe
24. Go to step 25

** Customers now must get out of the vehicle to use POS for Credit Card Payment.

OBD II Test

16. Escort Customer to the appropriate waiting area (odd lanes-waiting chair, Even lanes-vestibule)
17. Locate DLC
18. Perform KOEO/KOER Bulb Check
19. Perform Communication
20. Disconnect Cable
21. Store Cable
22. Go to step 25

Farewell

25. Verify VIN and Tag to the vehicle
26. Give Test Results
27. Inform customer to proceed with caution
28. Remove Chock

Vehicle Emission Inspection Certificate (VEIC) Security

The Vehicle Emissions Inspection Certificate (VEIC) displays all applicable test information and can be reprinted or saved by authorized personnel by entering the applicable vehicle information on Envirotest's secure website from any internet enabled location device at VEIP offices, VEIP stations, and MDE offices. The requirements for the issuance, management, control, and storage of Vehicle Emissions Inspection Certificates (VEICs) are consistent with the procedures ESP has employed since 1999 in Maryland. These requirements provide the security and document control the State requires.

Handling VEICs

VEICs are electronically tracked and logged. Each VEIC is identified by a unique number which is generated and based upon the next sequential number from a database of all VEICs which are stored on the VID. The issued VEIC numbers can be sent as individual numbers or as a block of numbers based upon the location requesting VEICs.

- ◆ Centralized inspection units and kiosks receive VEIC numbers in blocks of 1000.
- ◆ FIS inspection units receive VEIC numbers purchased in blocks or individual according to need.
- ◆ Every VEIC issued also contains a unique cyclic redundancy check (CRC) code to validate authenticity.
- ◆ The VEICs for all tests (readiness rejection, pass, fail, waivers, and voided tests) can be reproduced at any time by authorized personnel.

The VEICs for all passing, failing, and rejected tests include a 2-D barcode that contains test results, test number, any failed items, readiness monitor status, and vehicle information. The vehicle information includes plate, VIN, year, make, and model.

Reprinting of VEIC test results

Envirotest's secure website allows authorized users the ability to print all of the original data contained on the VEIC and all other collected test data from any internet enabled location including VEIP offices, VEIP stations, and MDE offices.

VEIC security

Individual VEIC numbers or blocks of numbers are only issued from the VID to known validated devices. Centralized, FIS, and kiosk locations will have known configuration settings and data encryption for the VID to issue VEICs.