

Amendments to COMAR 26.11.20.02 Motor Vehicle Emission Control Devices

DRAFT 8/27/2025

Purpose

The purpose of this action is to amend COMAR 26.11.20.02 - Motor Vehicle Emission Control Devices to repeal record-keeping requirements for vehicle dealers or other businesses regarding vehicle emissions inspections. The Maryland Department of the Environment (MDE) determined that this requirement was redundant as vehicle safety inspections include checking emissions control equipment and are managed by a Maryland State Police certified program. Under this program, a Maryland Safety Inspection Certificate certifies that vehicles meet Maryland safety standards. A safety inspection is required for all used cars, trucks, tractors, trailers, motorcycles, special equipment, and class "B" for hire vehicles being titled and registered in Maryland. They must be inspected by a licensed Maryland vehicle safety inspection station, such as automobile dealers, service stations and specialized automobile service centers. A certificate of inspection issued by the inspection station within the previous 90 days of the vehicle titling must accompany an application for title. Inspection certificate records are submitted to the MVA by the inspection station.

Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)

The proposed amendments to COMAR 26.11.20.02 will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's SIP.

Background

Tampering with a vehicle's emissions control system is illegal under existing state regulations, COMAR 26.11.20.02, and the federal Clean Air Act (CAA), 42 U.S.C. § 7522. The CAA also prohibits manufacturing, selling, offering for sale and installing aftermarket devices which effectively defeat those controls. Tampering causes excess emissions of nitrogen oxides (NOx), particulate matter (PM), and other pollutants to the air we breathe.

Both existing Maryland and federal law prohibit the removal, alteration or otherwise tampering with a vehicle's pollution control equipment. Maryland regulations also currently prohibit the operation of a motor vehicle that has had its air pollution control equipment tampered or removed.

In February 2022, MDE adopted a new regulation that clarified and expanded Maryland's existing COMAR 26.11.20.02 pertaining to (1) the removal or alteration of a motor vehicle's air pollution control systems; (2) the operation of motor vehicles with removed, altered, or inoperative air pollution control systems; (3) the manufacture, sale, installation, and use of any device that prevents a motor vehicle's air



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pollution control system from operating as originally designed; and (4) the offering for sale, sale, lease, auction or transfer of any motor vehicle with removed, altered, or inoperative air pollution control systems. Further, the regulation required a vehicle dealer or business that sells, auctions or transfers a motor vehicle to maintain records confirming all air pollution control systems are in operating conditions at the time of sale.

In December 2022, MDE adopted an amendment to COMAR 26.11.20.02 that extended exemptions to cover new motor vehicles, vehicles sold at wholesale and by auto insurers that take ownership of motor vehicles associated with total loss claims, which occur when a vehicle sustains so much damage it is more economical for the insurance company to purchase the vehicle for its pre-accident value rather than repair the vehicle.

The purpose of this proposed action is to repeal Section F of COMAR 26.11.20.02 adopted in February 2022 that required a vehicle dealer or business transferring vehicles to maintain records confirming all air pollution control systems are in operating condition at the time of sale. Through continued research, MDE determined that these records were unnecessarily duplicative of the vehicle safety inspection records managed by the Maryland State Police certified program (under the Automotive Safety Enforcement Division).

In Maryland, vehicles require a safety inspection primarily when being registered, sold, or transferred, and when a resident moves to Maryland from another state. Under the Annotated Code of Maryland, Transportation Article and COMAR Title 11 Department of Transportation, Subtitle Motor Vehicle Administration – Vehicle Inspections, the seller or transferor of a vehicle is required to obtain a inspection certification. To obtain an inspection certification, a seller must have their vehicle inspected at a licensed vehicle safety inspection station in Maryland. There are approximately 1,600 of these facilities throughout the state.

Sources Affected

The proposed amendment applies to:

- A vehicle dealer or business that sells, auctions, or transfers a motor vehicle.

Requirement

The purpose of this action is to amend COMAR 26.11.20.02 - Motor Vehicle Emission Control Devices to repeal record-keeping requirements for vehicle dealers. The amendment will repeal 26.11.20.02F to remove MDE's record keeping requirement for a vehicle dealer or business that sells, auctions, or transfers a motor vehicle.



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Projected Emission Reductions

The proposed amendments do not impact emissions.

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

The proposed action has no economic impact. Affected sources may see a minimal benefit as they are relieved from MDE's record-keeping requirement.

Comparison to Federal Standards

Maryland's existing and proposed regulations largely mirror and compliment federal regulations pertaining to the tampering of motor vehicles. Federal standards under CAA § 203(a)(3)(A) & (B), 42 U.S.C. § 7522(a)(3)(A), 42 U.S.C. § 7522(a)(3)(B), and CAA § 113(c)(2)(C), 42 U.S.C. § 7413(c)(2)(C) address similar motor vehicle tampering prohibitions.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 20 Mobile Sources

Authority: Environment Article, §§2-102, 2-103, and 2-301, Annotated Code of Maryland

.01 (text unchanged)

.02 Motor Vehicle Emission Control Devices.

A. Definitions.

(1) "Air pollution control system" means any device or element of design installed on or in a motor vehicle or motor vehicle engine in order to comply with pollutant emission restrictions established for the motor vehicle or motor vehicle engine by federal or State statute or regulation.

(2) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum loaded weight of a single or combination vehicle.

(3) "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine and designed for use on public roads, such as automobiles, trucks, and buses.

(4) "Tamper" means to remove, alter, or otherwise render inoperative an air pollution control system.

(5) "Wholesale" means a transaction in which a vehicle is purchased for resale by a non-retail purchaser.

B. Applicability. The provisions of this regulation apply to all motor vehicles, except as listed in §C of this regulation.

C. Exemptions.

(1) This regulation does not apply to:

(a) The offering for sale, sale, or transfer, by a dealer, as that term has the meaning stated in the Transportation Article, §11-111, Annotated Code of Maryland, of a new motor vehicle that has never been registered for use;

(b) The sale or transfer of a motor vehicle for the sole purpose of scrapping, dismantling, destroying, or any similar activity, if sufficient documentation and proof is provided to the Department's satisfaction within 30 days of sale or transfer;

(c) A vehicle that has been issued a certificate of salvage by the Maryland Motor Vehicle Administration, or a similar ownership document from within Maryland or another state as approved by the Department, that establishes a motor vehicle will not be operated on public roads;

(d) The offering for sale, sale, or transfer of a motor vehicle by auction where the auctioneer or facilitating auction is acting on behalf of a seller, secured party, or owner where the title does not pass to the auctioneer or to the facilitating auction location;

(e) The offering for sale, sale or transfer of a motor vehicle by an insured or claimant to an insurer;

(f) Vehicles manufactured without emissions systems;

(g) Motorcycles; or

(h) Vehicles sold at wholesale.

(2) This regulation does not prevent the service or repair of any air pollution control system.

D. Anti-Tampering Prohibitions.

(1) A person may not tamper with any air pollution control system on a motor vehicle or on a motor vehicle engine.

(2) A person may not operate a motor vehicle originally equipped with an air pollution control system unless that system is in place and in operating condition.

(3) A person may not manufacture, offer for sale, sell, install or use a device that prevents any air pollution control system from functioning as designed by the original manufacturer.

(4) A person may not offer for sale, lease, sell, auction, or transfer a motor vehicle with an air pollution control system that has been tampered with or removed or is otherwise not functional as designed by the original manufacturer.

E. Compliance Inspections.

(1) The Department or its agents have the right to conduct inspections of new and used motor vehicles for the purposes of determining compliance with the requirements of this regulation.

(2) The inspections authorized under §E(1) of this regulation may:

(a) Be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer;

(b) Extend to all air pollution control systems and their operation;

(c) Require the on-premises operation and testing of an engine or vehicle; and

(d) Require inspection of any related records, including records of emissions-related part repairs performed under warranty.

(3) Refusal to allow, or interference with, the inspections under this section shall be considered a violation of this regulation.

(4) A person who violates any provision of this regulation is subject to the sanctions set forth in Environment Article, Title 2, Annotated Code of Maryland. Each noncompliant vehicle is a separate violation.

[F. Record Keeping.

(1) A vehicle dealer or business that sells, auctions, or transfers a motor vehicle shall maintain records, including:

- (a) Date of sale or transfer of motor vehicle;
- (b) Fuel type of motor vehicle;
- (c) Motor vehicle description (that is, make, model, year, and GVWR);
- (d) Vehicle Identification Number (VIN); and
- (e) Statement that all air pollution control systems are in place and in operating condition.

(2) Records shall be maintained on-site for 5 years and available to the Department upon request.]

.03 — .06 (text unchanged)