

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.

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