

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 153

S.P. 59

In Senate, January 13, 2005

### **An Act To Require Enforcement of the Low-emission Vehicle Program**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COWGER of Kennebec.

Cosponsored by Senator: TURNER of Cumberland, Representatives: DUCHESNE of Hudson,  
McKENNEY of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2  
4           Sec. 1. 29-A MRSA §402-A is enacted to read:

6           **§402-A. California emission certification required prior**  
7           **to registration**

8           **1. Certification required.** A person may not register a new  
9           vehicle unless the person satisfies the Secretary of State that  
10           the vehicle is California-emission certified.

12           **2. Definitions.** As used in this section, unless the  
13           context otherwise indicates, the following terms have the  
14           following meanings.

16           A. "California-emission certified" means having a valid  
17           executive order and meets the standards of the California  
18           Air Resources Board for sale in California.

20           B. "New motor vehicle" means any passenger car, light-duty  
21           truck or 2003 and subsequent model year medium-duty vehicle  
22           and any 2005 and subsequent model year heavy-duty vehicle  
23           with 7,500 or fewer miles on its odometer.

24           C. "Emergency vehicle" means any authorized vehicle  
25           publicly owned and operated that is used:

28                   (1) By a peace officer;

30                   (2) For fighting fires or responding to emergency fire  
31                   calls;

32                   (3) By emergency medical technicians or paramedics;

34                   (4) For towing or servicing other vehicles; or

36                   (5) For repairing damaged lighting or electrical  
37                   equipment.

40           **3. Method of establishing evidence of certification.** A  
41           person establishes that a vehicle is California-emission  
42           certified by showing upon registration a vehicle's certificate of  
43           origin as described in section 653 or a certificate of emissions  
44           compliance form as developed and approved by the Department of  
45           Environmental Protection. The certificate of emissions  
46           compliance form must be signed by a representative of the  
47           automobile dealership where the vehicle was purchased.

48           **4. Exemptions.** The provisions of this section do not apply  
49           to:

- 2           A. A vehicle purchased by a resident outside the State to  
4           replace a vehicle that was damaged or stolen or that became  
            inoperative while the resident was outside the State;
- 6           B. A vehicle that was transferred to a resident by  
            inheritance;
- 8
- 10          C. A vehicle that was transferred to a resident by court  
            decree;
- 12          D. A vehicle that was originally registered to a person  
14          while that person was a resident of another state and that  
            person is now a resident of this State;
- 16          E. A vehicle registered to a resident serving in the Armed  
18          Forces of the United States who is stationed outside of the  
            State; and
- 20          F. An emergency vehicle.

22  
24

#### SUMMARY

26           This bill prohibits a person from registering a new vehicle  
28           unless the person proves to the Secretary of State that the  
30           vehicle is certified to meet California-emission certified  
32           standards. If the person cannot provide the proof, that person  
34           cannot register the vehicle. Without registration denial as an  
            enforcement mechanism, nothing prevents a resident from  
            purchasing outside the State a vehicle that does not comply with  
            the low-emission vehicle program described in the Maine Revised  
            States, Title 38, section 585-D and registering the vehicle in  
            Maine.