

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1645, L.D. 2308, Bill, "An Act to Establish the Motor Vehicle Emission Inspection Program"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29 MRSA §2502, sub-§5 is enacted to read:

5. Emission inspection. After July 1, 1994, a motor vehicle required to be inspected pursuant to Title 38, chapter 28 and rules adopted pursuant to that chapter must have a valid certificate of inspection or waiver before a motor vehicle safety inspection may be conducted.

Sec. 2. 38 MRSA c. 28 is enacted to read:

CHAPTER 28

MOTOR VEHICLE EMISSION INSPECTION PROGRAM

§2401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Certificate of compliance. "Certificate of compliance" means a written document with a serial number indicating that a motor vehicle complies with rules adopted pursuant to this chapter.

2. Certificate of waiver. "Certificate of waiver" means a written document with a serial number that indicates the requirement of compliance with rules adopted pursuant to this chapter has been waived for a motor vehicle under section 2403.

2           3. Convenient public access. "Convenient public access"  
means reasonable driving distance to a public emission inspection  
4           station and reasonable waiting time at a public emission  
inspection station to have vehicle emissions tested.

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8           4. Fleet emission inspection station. "Fleet emission  
inspection station" means a facility for the inspection of motor  
vehicle fleets operated pursuant to a license issued under  
10           section 2405.

12           5. Low-emission adjustment. "Low-emission adjustment"  
means the repair or adjustment of basic emission-related  
14           components or systems such as spark plugs, air-cleaner filter,  
choke, engine idle speed and engine timing.

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18           6. Motor vehicle. "Motor vehicle" has the same meaning as  
provided under Title 29, section 1, subsection 7.

20           7. Public emission inspection station. "Public emission  
inspection station" means a facility for motor vehicle inspection  
22           operated under contract with the department under section 2404.

24           §2402. Inspection requirement

26           1. Requirement. After July 1, 1994, each motor vehicle  
registered in any area designated by the Federal Government under  
28           40 Code of Federal Regulations, Part 81 as nonattainment for  
ozone and classified as a moderate or more severe nonattainment  
30           area must be inspected biennially for air pollution emissions as  
provided in this chapter and have a valid certificate of  
32           compliance or waiver before a motor vehicle safety inspection,  
required under Title 29, section 2502, may be conducted.

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36           2. Location of inspection. The inspection must take place  
at a public or fleet emission inspection station.

38           3. Inspection of certificate by law enforcement officer.  
When a law enforcement officer stops an operator or owner of a  
40           motor vehicle registered in this State for a moving violation,  
the officer shall request that the operator present the  
42           certificate of compliance or waiver if the motor vehicle is  
required to be inspected under this section.

44  
46           A. If the operator does not have the certificate of  
compliance or waiver in or about the vehicle and fails to  
48           produce the certificate of compliance or waiver for a law  
enforcement officer, for a motor vehicle required to be  
inspected for emissions at the time of safety inspection,  
50           this failure is prima facie evidence that the vehicle owner

2 is in violation of this section and is subject to the  
penalties outlined in Title 29, section 2501.

4 B. If any person charged with a violation of this  
subsection exhibits to a law enforcement officer designated  
6 by the issuing officer no later than 24 hours before the  
time set for the court appearance evidence of certificate of  
8 compliance or waiver that was in effect at the time of  
violation, the proceeding for violation of this subsection  
10 must be dismissed.

12 4. Exempt vehicles. The following motor vehicles are  
- exempt from the requirements of this section:  
14

16 A. A motor vehicle manufactured before the model year 1968;

18 B. A motor vehicle having a gross vehicle weight rating of  
more than 10,000 pounds;

20 C. A motor vehicle exempt from safety inspection or  
requiring only a partial safety inspection under Title 29,  
22 section 2506;

24 D. A motor vehicle with a model year less than 2 years  
prior to the current calendar year;

26 E. A motor vehicle registered as a street rod as defined in  
28 Title 29, section 1, subsection 15-C-1;

30 F. A class of motor vehicles exempted by the rules of the  
department because that class of vehicle presents  
32 prohibitive inspection problems or is inappropriate for  
inspection;

34 G. A motor vehicle that obtains its power solely by a means  
36 other than gasoline, such as diesel fuel, electricity and  
propane; and

38 H. Motorcycles and mopeds as defined in Title 29, section 1  
40 and autocycles as defined in the motor vehicle inspection  
manual adopted by the Department of Transportation.

42 5. Staggered inspection schedule. The board may adopt by  
44 rule a mechanism to stagger biennial inspections over the first 2  
years of the Motor Vehicle Emission Inspection Program.

46 **§2403. Motor Vehicle Emission Inspection Program**

48 The Motor Vehicle Emission Inspection Program is established  
50 within the department to test and inspect motor vehicles that are

2 subject to the requirements of section 2402 for air pollution  
3 emissions.

4 1. Criteria and standards. The board, on or before  
5 January 1, 1993, shall adopt rules establishing standards and  
6 criteria governing the testing and inspection of motor vehicles  
7 for air pollution emissions and emissions equipment. The rules  
8 must:

10 A. Specify maximum emission levels for motor vehicles,  
11 based on the levels of emissions necessary to achieve  
12 applicable federal and state ambient air quality standards.  
13 The standards may be different for different model years,  
14 sizes and types of motor vehicles;

16 B. Establish testing procedures and standards for test  
17 equipment used for inspection and on-road testing devices;

18 C. Establish standards and procedures for the issuance of  
19 licenses for fleet emission inspection stations; and

22 D. Establish standards and procedures for the issuance and  
23 terms of certificates of compliance and waiver.

24 2. Repairs. Repairs or adjustments necessary to bring a  
25 vehicle into compliance with applicable emission limitations are  
26 the responsibility of the vehicle owner.

28 3. Certificate of waiver. A contractor operating a public  
29 emission inspection station shall issue a certificate of waiver  
30 for a vehicle, including a fleet vehicle, that fails to pass the  
31 designated emission standard upon an initial inspection and after  
32 repair or adjustment again fails to pass the emission if:

34 A. A low emission adjustment is performed on the vehicle;  
35 and

38 B. Either the estimated cost of repairs and adjustment  
39 necessary to bring the vehicle into compliance with emission  
40 standards or the actual cost of repairs already performed on  
41 the vehicle in accordance with the inspection report under  
42 section 2404, subsection 3 exceeds the repair cost limit as  
43 specified in subsection 4.

44 4. Repair cost limit. The board shall establish by rule a  
45 repair cost limit consistent with the requirements of the federal  
46 Clean Air Act Amendments of 1990, Public Law 101-549 and federal  
47 regulation. In assessing the costs of repairs and adjustments  
48 included in the repair cost limit the following costs must be  
49 excluded:

2           A. Costs covered under warranty; and

4           B. Costs necessary to repair or replace any emissions  
6           control system or mechanism that has been removed,  
            dismantled or rendered in violation of Title 29, section  
            2189.

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10        §2404. Public emission inspection stations; contract

12           The Motor Vehicle Emission Inspection Program shall make  
            available public emission inspection stations.

14           1. Public emission inspection stations. The board shall  
16           determine by rule performance standards for the number, location  
            and size of the public emission inspection stations to provide  
            convenient public access.

18           2. Contract for services. The commissioner shall contract  
20           with a private entity for the design, construction, equipping,  
22           establishment, maintenance and operation of public emission  
24           inspection stations and related services and functions. The  
            contractor and its officers and employees may not be directly  
26           engaged in the business of selling, maintaining or repairing  
            motor vehicles or selling motor vehicle replacement or repair  
28           parts, except that the contractor may repair any motor vehicle  
            owned or operated by the contractor. The contractor's employees  
30           are not employees of the State for any purpose. Contracts must  
            require the contractor to operate the public emission inspection  
32           stations for a minimum of 5 years and may provide for equitable  
            compensation from the Motor Vehicle Emission Inspection Fund,  
            established by section 2408, subsection 1, for capital costs and  
34           other appropriate expenditures to the contractor, as determined  
            by the commissioner.

36           3. Inspection. A public emission inspection station shall  
38           inspect and reinspect motor vehicles in accordance with rules  
            adopted under this chapter.

40           4. Issuance of certificate and reports. A public emission  
42           inspection station shall issue a certificate of compliance for a  
            motor vehicle that has been inspected and determined to comply  
44           with the rules adopted under this chapter. If a certificate of  
            compliance is not issued, the public emission inspection station  
46           shall provide a written inspection report describing the reasons  
            for rejection and, when appropriate, the repairs recommended to  
48           bring the vehicle into compliance with the standards and criteria.

**§2405. Fleet emission inspection stations; license**

2           The department may license fleet emission inspection  
4 stations.

6           1. Fleet emission inspection station license. A fleet  
8 emission inspection station license authorizes and obligates the  
10 licensee to perform inspections only on motor vehicles owned or  
12 operated exclusively by the licensee.

14           2. Requirements for licenses. Owners of a fleet of 10 or  
16 more motor vehicles may apply for a fleet emission inspection  
18 station license. In addition, a motor vehicle dealership may  
20 apply for a fleet emission inspection station license.

22           3. Issuance of license. After determining that an  
24 applicant satisfies the requirements of this section and  
26 department rules, the department shall issue a license to that  
28 applicant upon payment of a licensing fee in a manner and amount  
30 prescribed by the commissioner. This license fee must be based  
32 on the administrative costs to the department.

34           4. Performance of inspection. A licensee must have the  
36 facilities, equipment and personnel to perform competently the  
38 inspections required by this chapter and the rules of the  
40 department. A licensee must provide for the inspection of each  
42 fleet vehicle in accordance with section 2402.

44           5. Maintenance of records. A licensee must maintain  
46 records of all inspections in a manner prescribed by the  
48 commissioner and make the records available for inspection by  
50 authorized representatives of the commissioner during normal  
business hours.

6. Inspection at public emission inspection stations. To  
ensure compliance, the board may require, by rule, fleet  
licensees to submit a percentage of their motor vehicles to  
inspection at public emission inspection stations.

7. Issuance of certificate of compliance. A fleet licensee  
may issue a certificate of compliance for motor vehicles owned or  
operated by the licensee that have been inspected and determined  
to comply with the requirements of this chapter. A fleet  
licensee must apply and be tested by a public emission inspection  
station for a certificate of waiver.

**§2406. Prohibited acts**

1. Wrongful certification. A person may not issue a  
certificate of compliance for a motor vehicle that has not been

1 inspected in accordance with this chapter or is not in compliance  
2 with the rules of the department.

4 2. Wrongful waiver. A person may not issue a certificate  
5 of waiver for a motor vehicle that has not been inspected in  
6 accordance with this chapter and has not met the criteria of  
7 section 2403, subsection 3.

8 3. Falsification of certification. A person may not  
9 falsely create, make, alter or complete a certificate of  
10 compliance or waiver.

11 4. Alteration. A person may not materially alter or change  
12 any equipment or mechanism of a motor vehicle that has been  
13 certified to comply with the rules of the department so that the  
14 vehicle is no longer in compliance with those rules.

15 5. False repair costs. A person or repair facility may not  
16 misrepresent to a public emission inspection station or the  
17 commissioner the estimated or actual repair costs or repairs  
18 needed to bring a motor vehicle into compliance with the rules of  
19 the department.

20 6. Penalty. In addition to any penalties under section  
21 349, subsection 2, any person who violates this section is guilty  
22 of a Class D crime.

23 **§2407. Inspection fee**

24 1. Amount. The board shall establish by rule an inspection  
25 fee to cover the cost of the inspection of a motor vehicle at a  
26 public emission inspection station, the cost of services rendered  
27 as part of the contract entered under section 2404, subsection 2  
28 and the administrative costs of the department. The inspection  
29 fee may not exceed \$30 per vehicle.

30 2. Payment. The fee must be paid for each motor vehicle  
31 inspected at a public emission inspection station at the time of  
32 inspection and is payable whether the vehicle passes inspection  
33 or not. Each vehicle that fails its initial inspection is  
34 entitled to one free inspection.

35 3. Delinquency charge. Motor vehicles inspected pursuant  
36 to this chapter after the expiration of the motor vehicle safety  
37 inspection date are subject to a delinquency charge of \$10 for  
38 each month after the expiration, which must be collected by the  
39 inspection contractor and remitted to the commissioner. Revenue  
40 generated from the collection of delinquency charges must be  
41 deposited in the General Fund.



**§2408. Motor Vehicle Emission Inspection Fund**

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**1. Establishment.** The Motor Vehicle Emission Inspection Fund, referred to in this section as the "fund," is established as a nonlapsing fund. The commissioner may use this fund only to pay the costs of and to administer the Motor Vehicle Emission Inspection Program and mobile source emission-related activities of the department.

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**2. Revenue sources.** The revenue from the following sources must be deposited in the fund:

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**A. Money received by the commissioner in the form of gifts, grants, reimbursement or appropriations from any source intended to be used for the purpose of the fund;**

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**B. Fleet emission inspection station license fees;**

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**C. Interest attributable to investment of money deposited in the fund; and**

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**D. Proceeds of inspection fees.**

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**Sec. 3. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

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**FISCAL NOTE**

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This bill establishes a Motor Vehicle Emission Inspection Program. The emission inspection fees and inspection station license fees will increase dedicated revenue by approximately \$3,600,000 annually beginning in fiscal year 1993-94. The Department of Environmental Protection will require allocations of this dedicated revenue beginning in fiscal year 1993-94, approximately \$3,000,000 annually for contractors selected by the department and \$600,000 annually for 4 positions and general operating expenses in the Bureau of Air Quality Control.

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.'

STATEMENT OF FACT

2 This amendment replaces the original bill and makes  
4 technical changes to the bill. In addition, the terms  
6 "convenient public access" and "low-emission adjustment" are  
defined.

8 The amendment requires a biennial inspection of vehicles and  
10 allows the Board of Environmental Protection to develop a system  
12 to stagger those inspections. The implementation of the Motor  
Vehicle Emission Inspection Program is delayed by 6 months  
because of delays in federal rulemaking that affect this program.

14 The size of vehicles subject to testing is increased to  
16 10,000 pounds. New cars are exempt from testing for  
approximately 2 years.

18 The Board of Environmental Protection is given authority to  
20 develop a monetary limit on repairs required under the Motor  
Vehicle Emission Inspection Program although these rules must be  
22 consistent with federal requirements. The board must also  
develop performance standards to be used in the contracting  
24 process to decide the number, location and size of testing sites.

26 The amendment allows car dealerships to obtain a fleet  
emission inspection license to inspect their vehicles. The  
28 amendment limits fleet emission inspection stations to issue only  
certificates of compliance. The cost of a fleet emission  
30 inspection license is limited to cover only the cost of  
administering these licenses by the Department of Environmental  
32 Protection.

34 The section imposing penalties has been rewritten to make it  
more consistent with state law. The cost that a public emission  
36 inspection station can charge for an inspection is limited to  
\$30. The amendment strikes the provision for depositing penalty  
38 fees into the Motor Vehicle Emission Inspection Fund and directs  
these funds to the General Fund.

40 The amendment also adds a fiscal note to the bill.

Reported by the Majority of the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/18/92 (Filing No. H-1154)