

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

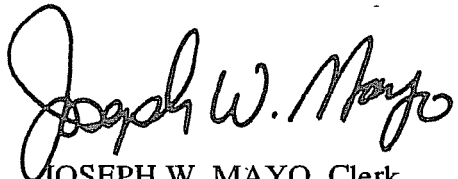
No. 1351

H.P. 1005

House of Representatives, April 28, 1993

An Act to Amend the Motor Vehicle Emission Inspection Program.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MARSH of West Gardiner.

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

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Sec. 1. 29 MRSA §102-C is enacted to read:

§102-C. Motor vehicle emission inspection requirement for
vehicle registration

1. Requirement. The owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as moderate or more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

2. Suspension. If the owner of a motor vehicle subject to the requirement of subsection 1 fails to present a certificate of compliance or waiver, the Secretary of State shall suspend the registration certificate and plates for that motor vehicle. The suspension must continue until the owner of the motor vehicle presents a certificate of compliance or waiver to the Secretary of State or an authorized agent.

3. Penalty. The owner of a motor vehicle with a registration certificate and plates suspended pursuant to subsection 2 may not permit that motor vehicle to be operated on a public way or parking area. A violation of this subsection is a traffic infraction for which a forfeiture of \$450 must be assessed. The \$450 forfeiture may not be suspended by the court.

Sec. 2. 29 MRSA §2502, sub-§5, as enacted by PL 1991, c. 818, §1, is repealed.

Sec. 3. 38 MRSA §2401, sub-§4, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 4. 38 MRSA §2402, sub-§1, as enacted by PL 1991, c. 818, §2, is amended to read:

1. Requirement. After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and have a valid certificate of compliance or waiver before a motor vehicle safety--inspection, required--under--Title--29,--section--2502,--may--be--conducted may be registered pursuant to Title 29, section 102-C.

Sec. 5. 38 MRSA §2402, sub-§2, as enacted by PL 1991, c. 818, §2, is amended to read:

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

4 **Sec. 6. 38 MRSA §2402, sub-§3,** as enacted by PL 1991, c. 818,
6 §2, is repealed.

8 **Sec. 7. 38 MRSA §2403, sub-§1, ¶C,** as enacted by PL 1991, c.
10 818, §2, is repealed.

12 **Sec. 8. 38 MRSA §2403, sub-§3,** as enacted by PL 1991, c. 818,
§2, is amended to read:

14 **3. Certificate of waiver.** A contractor operating a public
16 emission inspection station shall issue a certificate of waiver
for a vehicle, ~~including a fleet vehicle,~~ that fails to pass the
designated emission standard upon an initial inspection and after
18 repair or adjustment again fails to pass the emission inspection
if:

20 A. A low emission adjustment is performed on the vehicle;
22 and

24 B. ~~Either the estimated cost of repairs and adjustment~~
26 ~~necessary to bring the vehicle into compliance with emission~~
standards ~~or the actual~~ The cost of repairs already
28 performed on the vehicle ~~in accordance with the inspection~~
~~report under section 2404, subsection 3~~ exceeds the repair
30 cost limit as specified in subsection 4.

32 **Sec. 9. 38 MRSA §2405,** as enacted by PL 1991, c. 818, §2, is
repealed.

34 **Sec. 10. On-road testing.** The Department of Environmental
36 Protection has the authority to conduct on-road emissions testing
of motor vehicles for the purpose of determining compliance with
this Act. The owner or operator of a motor vehicle failing an
38 on-road emissions test is required to report to a public emission
inspection station for an off-cycle emission inspection within 30
40 days of notification. Failure to submit to an off-cycle
inspection and comply with the requirements of this Act results
42 in the suspension of registration by the Secretary of State. The
suspension may be appealed in the manner provided by and subject
44 to the provisions of the Maine Revised Statutes, Title 29,
section 2242.

46 Unless otherwise ordered by the Superior Court upon appeal,
48 the suspension remains in full force and effect until the
Secretary of State has been provided with evidence indicating
50 compliance with the requirements of this Act.

STATEMENT OF FACT

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The federal Clean Air Act Amendments of 1990 mandate that any new state programs must include enforcement through denial of vehicle registration. The Maine Revised Statutes, Title 38, chapter 28, enacted last legislative session, currently includes enforcement through denial of the vehicle safety inspection. On July 13, 1992, the United States Environmental Protection Agency published their proposed rulemaking on the Inspection and Maintenance Program. Their rules do not provide for any alternatives to vehicle registration denial enforcement and it is unlikely this provision will be, or can be, changed. If the State's inspection and maintenance program is not amended to include registration denial, the State's implementation plan would not be approved and federal sanctions could be applied. This bill amends the State's inspection maintenance program to include registration denial.