

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

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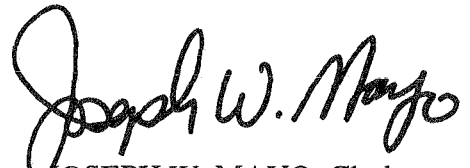
H.P. 1594

House of Representatives, February 19, 1998

**An Act to Reduce Air Pollution from Motor Vehicles and to Meet
Requirements of the Federal Clean Air Act.**

Reported by Representative ROWE for the Joint Standing Committee on Natural Resources pursuant to Resolve 1997, chapter 57.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

Sec. 1. 29-A MRSA §1751, sub-§2, ¶¶N and O, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

N. Catalytic converter on 1983 and subsequent models; and

O. Filler neck restriction on 1983 and subsequent models;

Sec. 2. 29-A MRSA §1751, sub-§2, ¶¶P and Q are enacted to read:

P. Fuel tank cap on 1974 and subsequent models; and

Q. On-board diagnostic system on 1996 and subsequent models.

Sec. 3. 29-A MRSA §1751, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. **Inspection fee.** The inspection fee is \$6--for--each inspection--and--is--payable--whether--the--vehicle--passes--inspection or--not, as follows:

A. Before January 1, 1999, the fee is \$6;

B. From January 1, 1999 to December 31, 1999, the fee is \$9.50; and

C. Beginning January 1, 2000, the fee is \$9.50 for each inspection performed on pre-1996 models and \$12.50 for each inspection performed on 1996 and subsequent models.

The inspection fee is payable whether the vehicle passes inspection or not.

Sec. 4. 29-A MRSA §1751, sub-§4 is enacted to read:

4. **Phase-in.** The inspection required by subsection 2, paragraphs P and Q must be phased in as follows.

A. The fuel tank cap is subject to inspection beginning January 1, 1999.

B. The on-board diagnostic system is subject to inspection beginning January 1, 2000. A motor vehicle may not fail inspection for failure to meet the inspection standard for the on-board diagnostic system until January 1, 2001.

Sec. 5. 29-A MRSA §1756, sub-§§6 and 7 are enacted to read:

2 6. Inspection standard for fuel tank cap. Notwithstanding
3 the inspection standards of subsection 1, a fuel tank cap subject
4 to the inspection required by section 1751, subsection 2,
5 paragraph P must meet the standards in rules adopted by the Chief
6 of the State Police.

8 7. Inspection standard for on-board diagnostic system.
9 Notwithstanding the inspection standards of subsection 1, an
10 on-board diagnostic system subject to the inspection required by
11 section 1751, subsection 2, paragraph Q must meet the standards
12 in rules adopted by the Chief of the State Police. The Chief of
13 the State Police shall adopt rules that meet the requirements of
14 40 Code of Federal Regulations, Part 85 for on-board diagnostic
15 test procedures, standards and equipment.

16 **Sec. 6. 29-A MRSA §1761, sub-§9 is enacted to read:**

18 9. Recertification. Notwithstanding subsection 5, an
19 examination is required for a certified inspection mechanic's
20 first renewal of a certificate on or after January 1, 1999,
21 unless a certified inspection mechanic received the mechanic's
22 first certification on or after January 1, 1999.

24 **Sec. 7. 29-A MRSA §1766, sub-§3, as enacted by PL 1993, c.**
25 **683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:**

27 3. Fee. Stickers are furnished by the Chief of the State
28 Police at \$1 \$1.50 each.

30 **Sec. 8. 29-A MRSA §1767, as enacted by PL 1993, c. 683, Pt.**
31 **A, §2 and affected by Pt. B, §5, is amended to read:**

33 **§1767. Disposition of fees**

35 The revenues generated by this chapter must be credited to
36 the General Highway Fund, except that 20% of the fee collected
37 under section 1766, subsection 3 accrues to the General Fund.

39 **Sec. 9. 29-A MRSA §§2113 and 2114 are enacted to read:**

41 **§2113. Visible emissions**

43 1. Prohibition. A person may not operate a
44 gasoline-powered motor vehicle on a public way if the motor
45 vehicle emits visible smoke, other than water vapor, in the
46 exhaust emissions for a period in excess of 5 consecutive seconds.

48 2. Violation; penalty. A violation of this section is a
49 traffic infraction for which a forfeiture not to exceed \$100 may
50 be assessed.

be adjudged. A person against whom enforcement action has been taken for a violation of subsection 1 may not be adjudicated to have committed a subsequent violation of subsection 1 unless 24 hours have elapsed between the date and time of the first violation indicated on the Violation and Summons Complaint and the subsequent violation.

§2114. Diesel-powered Motor Vehicle Emission Opacity Testing Program

1. Program established. The Diesel-powered Motor Vehicle Emission Opacity Testing Program, referred to in this section as the "program," is established within the Department of Environmental Protection. The Department of Environmental Protection shall administer the program in cooperation with the Department of Public Safety.

2. Diesel-powered motor vehicle. As used in this section, "diesel-powered motor vehicle" refers only to diesel-powered motor vehicles that have a gross vehicle weight rating of 26,001 or more pounds.

3. Testing and repair requirement. A person who causes operation of a diesel-powered motor vehicle shall comply with the requirements of the program, including emission opacity standards and testing and repair requirements.

4. Standards and procedures. The Board of Environmental Protection shall adopt rules establishing standards and procedures to implement the program. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter II-A. The rules must establish the following:

A. Emission opacity standards for diesel-powered motor vehicles that are consistent with emission opacity standards for diesel-powered motor vehicles recommended by an interstate association of air quality control divisions in the northeast states;

B. Standards and procedures, including testing methods and standards for test equipment, for safe and effective roadside testing of diesel-powered motor vehicles that operate on public ways of the State for the purpose of enforcing compliance with emission opacity standards;

C. Standards and procedures for the administration and enforcement of the program. The rules may establish reciprocity agreements with other states that recognize enforcement actions related to diesel-powered motor vehicle testing programs in other states; and

2 D. Repair requirements and standards and procedures for
3 certification of repairs.

4 5. Violations. A person who causes operation of a
5 diesel-powered motor vehicle that is in violation of the
6 program's emission opacity standards commits a traffic infraction.

8 A. A forfeiture of up to \$200 may be adjudged for a first
9 violation. If required repairs are made to the vehicle
10 prior to the hearing date or within 45 days of the
11 violation, whichever is sooner, and a certification of those
12 repairs that is satisfactory to the court is submitted to
13 the court prior to the hearing date, the forfeiture must be
14 suspended by the court. A defendant may submit the
15 certification of repairs by mail.

16 B. A forfeiture of up to \$500 may be adjudged for a
17 subsequent violation. A subsequent violation is one that
18 occurs more than 45 days but less than 2 years after a
19 previously adjudicated violation committed with respect to
20 the same motor vehicle, without regard to the date of the
21 hearing that adjudicated the violation.

22 An operator of a diesel-powered motor vehicle who fails to submit
23 the vehicle to a test required under the program commits a Class
24 E crime.

25 6. Implementation. The Department of Environmental
26 Protection shall implement the program by January 1, 1999.
27 Notwithstanding subsection 4, an operator of a diesel-powered
28 motor vehicle that is found to be in violation of the program's
29 emission opacity standards prior to January 1, 2000 is not
30 subject to penalties under subsection 5 but may only be issued a
31 warning.

32 As used in this section, "opacity" means the degree of
33 light-obscuring capability of emissions of visible air
34 contaminants expressed as a percentage. Complete obscuration
35 must be expressed as 100% opacity.

36 Sec. 10. 38 MRSA §585-G is enacted to read:

37 §585-G. Motor vehicle inspection and maintenance program
38 requirement

39 The department shall submit to the United States
40 Environmental Protection Agency a revision to the state
41 implementation plan, required in the federal Clean Air Act,
42 Section 110, 42 United States Code, Section 7410, that
43 incorporates the motor vehicle inspection program under Title
44 42, Chapter 85, Subchapter II, Part D, of the Code of Federal
45 Regulations.

29-A, chapter 15, subchapter 1, to meet the requirement for a vehicle emission control inspection and maintenance program in the federal Clean Air Act, Section 184, 42 United States Code, Section 7511c.

Sec. 11. Certification of inspection mechanics. By January 1, 1999, the Chief of the State Police shall amend the rules regarding the certification of inspection mechanics to ensure that all certified inspection mechanics are knowledgeable about the requirements for motor vehicle inspections under the Maine Revised Statutes, Title 29-A, sections 1751 and 1756, including the requirements established in Title 29-A, section 1756, subsections 6 and 7. Notwithstanding Title 29-A, section 1769, these rules and rules adopted pursuant to Title 29-A, section 1756, subsections 6 and 7 are routine technical rules and are not subject to review by the Legislature.

Sec. 12. Public education program. The Department of Environmental Protection shall establish and implement an ongoing public education program related to air quality. The educational program must be designed to accomplish the following:

1. Increase public awareness of the ozone and air toxics problems in the State, with special focus on the extent to which emissions from mobile sources contribute to those problems; and

2. Promote measures that minimize the contribution of motor vehicle emissions, including, but not limited to, the motor vehicle inspection program.

The department may employ a variety of educational tools to reach key audiences for maximum effect and may, when possible and appropriate, collaborate with other parties to achieve common educational goals.

Sec. 13. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 29-A, section 1766, subsection 3 and section 1767 take effect on January 1, 1999.

SUMMARY

This bill amends the list of motor vehicle equipment that must be inspected under the State's motor vehicle inspection program to include gas caps on model 1974 and later vehicles, beginning January 1, 1999, and to include on-board diagnostic systems on 1996 and later vehicles, beginning January 1, 2000. The bill also increases the fee for motor vehicle inspections from \$6 to \$9.50 beginning January 1, 1999 and to \$12.50 for 1996 and later vehicles beginning January 1, 2000. The bill increases

2 the fee paid by inspection stations for inspection stickers from
3 \$1 to \$1.50 beginning January 1, 1999. The bill also requires
4 certified inspection mechanics to pass an examination as part of
5 the first renewal of an inspection mechanic certificate after
6 January 1, 1999.

7 The bill requires the Department of Environmental Protection
8 to submit to the United States Environmental Protection Agency a
9 revision to the state implementation plan that incorporates the
10 motor vehicle inspection program under Title 29-A, chapter 15,
11 subchapter 1, to meet the federal requirement for a vehicle
12 emission control inspection and maintenance program.

13 The bill makes operating a motor vehicle that emits visible
14 smoke in the exhaust emissions for a period of 5 or more
15 consecutive seconds a traffic infraction subject to a fine of up
16 to \$100. The bill also establishes a roadside diesel-powered
17 motor vehicle emission opacity testing program to be administered
18 by the Department of Environmental Protection in cooperation with
19 the Department of Public Safety.
20

21 Finally, the bill requires the Department of Environmental
22 Protection to establish and implement a public education program
23 designed to increase awareness of ozone and air toxics problems
24 and to promote measures that minimize the contribution of motor
25 vehicle emissions to air quality problems.
26