

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 872

H.P. 640

House of Representatives, March 8, 2021

An Act Concerning Motor Vehicle Emissions Control System Tampering

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Innovation, Development, Economic Advancement and
Business suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ZEIGLER of Montville.

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

2 **Sec. 1. 38 MRSA §585-O** is enacted to read:

3 **§585-O. Motor vehicle emission control system tampering**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Dealer" means a person engaged in the business of buying, selling, exchanging or
7 offering to negotiate, negotiating or advertising the sale, lease or rental of a motor
8 vehicle and that has:

9 (1) An established place of business for those purposes in this State; and

10 (2) A current dealer license issued by the Secretary of State.

11 "Dealer" does not include the State when selling state-owned motor vehicles.

12 B. "Emission control system" means a device or element of design installed on or in a
13 motor vehicle or engine by the original manufacturer and certified to comply with
14 pollutant emission standards established by federal or state law.

15 C. "Motor vehicle" means a self-propelled vehicle intended for operation on roads.

16 D. "Person" means an individual, corporation, firm, partnership, joint venture,
17 association, fiduciary, trust, estate or any other legal or commercial entity.

18 E. "Tamper" means to deactivate, dismantle, defeat, bypass, alter, modify, remove or
19 otherwise render inoperable, in whole or in part, mechanical or electronic components
20 of the emission control system that is installed on or in a motor vehicle by the original
21 manufacturer of the motor vehicle.

22 **2. Tampering prohibited.** Tampering with the emission control system of a motor
23 vehicle is prohibited as provided in this subsection.

24 A. A person may not tamper with the emission control system of a motor vehicle for
25 compensation, except to repair or replace a part or all of the emission control system
26 to return the emission control system to its original manufacturer's certified
27 specifications.

28 B. A dealer may not sell, lease or rent, or offer to sell, lease or rent, or transfer title or
29 right of possession of a motor vehicle if a person has tampered with the emission
30 control system of the motor vehicle.

31 **3. Penalties.** A person that violates this section is subject to penalties under section
32 349.

33 **4. Rulemaking.** The department may adopt rules to implement this section. Rules
34 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
35 375, subchapter 2-A.

36 **SUMMARY**

37 This bill prohibits a person from tampering with the emission control system of a motor
38 vehicle and also prohibits a dealer from the sale, lease or rental or transfer of title or right
39 of possession of a motor vehicle if a person has tampered with the emission control system.