

HOUSE BILL 966

R6

3lr2452

By: **Delegate Alston**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Modified Exhaust Systems and Noise Abatement Devices –**
3 **Testing and Penalties**

4 FOR the purpose of requiring a police officer to issue a safety equipment repair order if the
5 police officer observes a motor vehicle being driven with an unlawful modified
6 exhaust system or noise abatement device; altering the penalties for driving a motor
7 vehicle on a highway with an exhaust system or a noise abatement device that is
8 modified in a certain manner; requiring the Vehicle Emissions Inspection Program
9 to test the exhaust sound level of a motor vehicle at an emissions inspection; and
10 generally relating to exhaust systems and noise abatement devices for motor
11 vehicles.

12 BY renumbering

13 Article – Transportation
14 Section 23–201(h) and (i)
15 to be Section 23–201(i) and (j), respectively
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation
20 Section 22–609, 23–201(b) and (e), 23–202(b) and (c)(6), (8), and (9), 23–203(e), and
21 23–204
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2022 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Transportation
26 Section 23–201(a)
27 Annotated Code of Maryland
28 (2020 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 23–201(h) and 23–202(c)(9)
4 Annotated Code of Maryland
5 (2020 Replacement Volume and 2022 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That Section(s) 23–201(h) and (i) of Article – Transportation of the Annotated Code of
8 Maryland be renumbered to be Section(s) 23–201(i) and (j), respectively.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
10 as follows:

11 **Article – Transportation**

12 22–609.

13 (a) A person may not modify the exhaust system or any other noise abatement
14 device of a motor vehicle driven or to be driven on any highway in this State in such a way
15 that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally
16 manufactured.

17 (b) A person may not drive on any highway in this State a motor vehicle with an
18 exhaust system or noise abatement device modified in a way prohibited by subsection (a) of
19 this section.

20 (C) IF A POLICE OFFICER OBSERVES THAT A MOTOR VEHICLE IS BEING
21 OPERATED IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, THE OFFICER MAY
22 STOP THE DRIVER OF THE MOTOR VEHICLE AND, IN ADDITION TO A CITATION
23 CHARGING THE DRIVER WITH THE OFFENSE, SHALL ISSUE TO THE DRIVER A SAFETY
24 EQUIPMENT REPAIR ORDER IN ACCORDANCE WITH § 23–105 OF THIS ARTICLE.

25 (D) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF
26 THIS SECTION IS SUBJECT TO A FINE OF \$250.

27 (2) (I) FOR A SECOND OR SUBSEQUENT CONVICTION FOR A
28 VIOLATION OF SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL
29 SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE THAT WAS INVOLVED IN THE
30 VIOLATION.

31 (II) THE ADMINISTRATION MAY NOT REINSTATE A
32 REGISTRATION SUSPENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL
33 EVIDENCE THAT THE MOTOR VEHICLE HAS BEEN REPAIRED IS FURNISHED TO THE
34 ADMINISTRATION.

1 23-201.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Emissions control program" means the program requiring and implementing
4 the exhaust emissions test, **EXHAUST SOUND TEST**, and the emissions equipment and
5 misfueling inspection.

6 (e) (1) "Emissions related repair" **OR "NOISE RELATED REPAIR"** means the
7 inspection, adjustment, repair, or replacement of motor vehicle **EQUIPMENT OR** engine
8 systems, subsystems, or components as necessary to bring a motor vehicle into compliance
9 with emissions **OR NOISE** standards adopted in accordance with the provisions of this
10 [subtitle] **ARTICLE**.

11 (2) "Emissions related repair" does not include adjustment, repair, or
12 replacement necessitated by tampering or misfueling.

13 **(H) "EXHAUST SOUND TEST" MEANS THE SAMPLING AND MEASUREMENT OF**
14 **A VEHICLE'S EXHAUST SOUND TO DETERMINE IF THE VEHICLE IS IN COMPLIANCE**
15 **WITH THE MAXIMUM SOUND LEVEL LIMITS ESTABLISHED BY THE ADMINISTRATOR**
16 **FOR EACH TYPE OF MOTOR VEHICLE.**

17 23-202.

18 (b) (1) Subject to paragraph (3) of this subsection, the emissions control
19 program shall provide for a biennial exhaust emissions test, **EXHAUST SOUND TEST**, and
20 emissions equipment and misfueling inspection for all vehicles of the 1977 model year and
21 each model year thereafter.

22 (2) The emissions control program may not authorize an exhaust emissions
23 test, **EXHAUST SOUND TEST**, or emissions equipment and misfueling inspection for any
24 vehicle of a model year earlier than the 1977 model year.

25 (3) (i) In this paragraph, "qualified hybrid vehicle" means an
26 automobile that:

- 27 1. Meets all applicable regulatory requirements;
- 28 2. Meets the current vehicle exhaust standard set under the
29 federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.;
- 30 and
- 31 3. Can draw propulsion energy from both of the following
32 sources of stored energy:

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1 A. Gasoline or diesel fuel; and

2 B. A rechargeable energy storage system.

3 (ii) A qualified hybrid vehicle is not required to submit to a first
4 exhaust emissions test, **EXHAUST SOUND TEST**, and emissions equipment and misfueling
5 inspection until 3 years after the date on which the vehicle was first registered in the State.

6 (c) By rules and regulations, the Administration and the Secretary:

7 (6) Shall define the inspection parameters for the **EXHAUST SOUND TEST**
8 **AND** emissions equipment and misfueling inspection;

9 (8) Shall adopt a schedule for the emissions equipment and misfueling
10 inspections; **[and]**

11 **(9) SHALL ADOPT A SCHEDULE FOR THE EXHAUST SOUND TESTS; AND**

12 **[(9)] (10)** Shall establish, under Title 2 of the Environment Article **AND**
13 **TITLE 22, SUBTITLE 6 OF THIS ARTICLE**, emissions **AND SOUND** standards to be used
14 for the exhaust emissions tests, **EXHAUST SOUND TESTS**, and emissions equipment and
15 misfueling inspections of motor vehicles under this subtitle.

16 23–203.

17 (e) Notwithstanding subsections (a) and (b) of this section, if the program is
18 awarded to an independent contractor to operate centralized inspection facilities and if the
19 Administration and the Secretary have determined that the criteria listed in subsection (c)
20 of this section have been satisfied, the Administration and the Secretary shall propose
21 regulations to:

22 (1) Allow the owner of a vehicle that fails an exhaust emissions test,
23 **EXHAUST SOUND TEST**, or emissions equipment and misfueling inspection at a centralized
24 inspection facility to have the vehicle retested at either a centralized inspection facility or
25 an approved certified repair facility;

26 (2) Allow a certified repair facility to retest vehicles if approved for that
27 purpose by the Department of the Environment;

28 (3) Require the initial exhaust emissions test, **EXHAUST SOUND TEST**,
29 and emissions equipment and misfueling inspection in each biennial test cycle to be
30 performed at a centralized inspection facility;

31 (4) Establish criteria for testing equipment, procedures, and reporting of
32 retests for approved certified repair facilities;

1 (5) Provide for the suspension, revocation, or denial of renewal of approval
2 for a certified repair facility to perform retests if the Secretary, or the Secretary’s designee,
3 determines that the facility has performed fraudulent retests or is not in compliance with
4 the regulations adopted under this subsection; and

5 (6) Establish a reasonable fee for approval of a certified repair facility to
6 perform retests, covering the costs of the approvals and oversight of the decentralized
7 retesting program.

8 23–204.

9 The facilities established or approved under § 23–203 of this subtitle shall conduct
10 the exhaust emissions tests, **EXHAUST SOUND TESTS**, and emissions equipment and
11 misfueling inspections of motor vehicles to determine whether each vehicle complies with
12 emissions **AND SOUND** standards established under this [subtitle] **ARTICLE** for that
13 vehicle.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2023.