

Subtitle 11 AIR QUALITY

26.11.34 Low Emission Vehicle Program

*Authority: Environment Article, §§1-404, 2-102, 2-103, and 2-301,
Annotated Code of Maryland;
Ch. 111 and 112, Acts of 2007*

Notice of Final Action

[07-234-F-I]

On November 19, 2007, the Secretary of the Environment adopted new Regulations **.01—14** under a new chapter, **COMAR 26.11.34 Low Emissions Vehicle Program**. This action, which was proposed for adoption in 34:18 Md. R. 1609—1619 (August 31, 2007), has been adopted with the nonsubstantive changes shown below.

Effective Date: December 17, 2007.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .07A(3)(b): This change clarifies the methodology a manufacturer may use in calculating its initial NMOG credit account balances.

Regulation .10A(1): This change clarifies the proportionality adjustment for Type III ZEVs and non-Type III ZEVs.

Regulation .10A(2): This change reflects the clarifying language added under Regulation .10A(4).

Regulation .10A(3): This change clarifies its applicability to non-Type III ZEVs only.

Regulation .10A(3)(b): This change clarifies the methodology a manufacturer may use in calculating its initial ZEV credit account balances for non-Type III ZEVs.

Regulation .10A(4): This change is to clarify that Type III ZEVs will not be discounted when initial Maryland ZEV credit account balances are established.

Regulations .10A(5)—(9): This change corrects the numbering to reflect the clarification made to Regulation .10A(4).

Regulation .11B(2): This change corrects an incorrect reference.

Regulation .11B(3): This change corrects a typographical error by changing “standards” to “Standards”.

Regulation .13A(2)(b): This change corrects a typographical error by adding “Average” to the term “California Fleet Greenhouse Gas requirements”.

Regulation .14A(3): This change corrects the incorrect use of the word “section” to “regulation”.

.07 Initial NMOG Credit Account Balances.

A. Establishment of Credit Account Balances.

(1)—(2) (proposed text unchanged)

(3) *To determine Maryland NMOG credit account balances, a manufacturer's California NMOG credit balances shall be multiplied in the following manner:*

(a) (proposed text unchanged)

(b) *At the discretion of the vehicle manufacturer, by the ratio of the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model year 2011 to the ~~[[average]]~~ number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model year 2011.*

(4)—(7) (proposed text unchanged)

B. (proposed text unchanged)

.10 Initial ZEV Credit Account Balances.

A. Establishment of Credit Account Balances.

(1) *Upon request by a vehicle manufacturer, the Department shall establish ZEV credit account balances in Maryland that are:*

(a) For Type III ZEVs, equal to the Type III ZEV credit balance in California; and

(b) For non-Type III ZEVs, proportionally equivalent to the ZEV credit balances of each of its ZEV credit accounts maintained in California.

(2) *A manufacturer's Maryland ZEV credit account balance shall be determined as specified in §A(3) and (4) of this regulation only after all credit obligations for model years 2010 and earlier have been satisfied in California.*

(3) *To determine Maryland ZEV credit account balances for non-Type III ZEVs, a manufacturer's California ZEV credit balances shall be multiplied in the following manner:*

(a) (proposed text unchanged)

(b) *At the discretion of the vehicle manufacturer, by the ratio of the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model year 2011 to the ~~[[average]]~~ number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model year 2011.*

(4) The Maryland ZEV credit account balance for Type III ZEVs shall be set equal to the manufacturer's California Type III ZEV account balance.

~~[[4]]~~ (5)—~~[[8]]~~ (9) (proposed text unchanged)

B. (proposed text unchanged)

.11 Vehicle Testing.

A. (proposed text unchanged)

B. Assembly Line and In-Use Testing.

(1) (proposed text unchanged)

(2) *Motor vehicle testing and inspections performed for or by CARB and associated findings made by CARB will be acceptable for demonstrating compliance with [[§A(1)]] §B(1) of this regulation except as provided in [[§A(3)]] §B(3) and (4) of this regulation.*

(3) *If a vehicle manufacturing facility that manufactures vehicles certified to the California [[standards]] Standards for sale in Maryland is not subject to the California Assembly Line and In-Use Requirements administered by CARB, the Department may:*

(a)—(b) (proposed text unchanged)

(4) (proposed text unchanged)

C. (proposed text unchanged)

.13 Manufacturer Compliance Demonstration.

A. Beginning with the 2011 model year and annually thereafter, each vehicle manufacturer shall submit reports:

(1) (proposed text unchanged)

(2) *Demonstrating, based on vehicles delivered for sale in Maryland, compliance with the:*

(a) (proposed text unchanged)

(b) *California Fleet Average Greenhouse Gas Requirements; and*

(c) (proposed text unchanged)

B.—C. (proposed text unchanged)

.14 Enforcement.

A. Inspections.

(1)—(2) (proposed text unchanged)

(3) *Refusal to allow, or interference with, the inspections under this [[section]] regulation shall be considered a violation of this chapter.*

B.—F. (proposed text unchanged)

SHARI T. WILSON
Secretary of the Environment

Maryland Register - December 7, 2007

Final Actions on Regulations

Department of the Environment - MDRti26\st11\ch34

Low Emissions Vehicle Program

COMAR 26.11.34.01 Purpose.

The purpose of this chapter is to implement the requirements of the Maryland Clean Cars Act of 2007 by establishing regulations implementing California's motor vehicle emission standards.

COMAR 26.11.34.02 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 1, §1900 Definitions, as effective January 1, 2006.

(2) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1960.1 Exhaust Emissions Standards and Test Procedures-1981 through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles, as effective March 26, 2004.

(3) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1960.5 Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for Sale in California, as effective October 16, 2002.

(4) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961 Exhaust Emission Standards and Test Procedures-2004 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective February 17, 2007.

(5) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.1 Greenhouse Gas Exhaust Emission Standards and Test Procedures-2009 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective January 1, 2006.

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962 Zero-Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as effective March 26, 2004.

(7) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1962.1 Electric Vehicle Charging Requirements, as effective July 24, 2002.

(8) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1965 Emission Control and Smog Index Labels-1979 and Subsequent Model-Year Motor Vehicles, as effective December 4, 2003.

- (9) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.2 Malfunction and Diagnostic System Requirements-2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective April 21, 2003.
- (10) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1968.5 Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines, as effective April 21, 2003.
- (11) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1969 Motor Vehicle Service Information-1994 and Subsequent Model Passenger Cars, Light-Duty, Medium-Duty Vehicles, and Heavy-Duty Vehicles, as effective February 6, 2005.
- (12) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1975 Standards and Test Procedures for Crankcase Emissions, undated, as published May 3, 2007.
- (13) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1976 Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions, as effective February 17, 2007.
- (14) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1977 Certification and Service Documents-1993 and Subsequent Model Motor Vehicles, as effective October 5, 1992.
- (15) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1978 Standards and Test Procedures for Vehicle Refueling Emissions, as effective February 17, 2007.
- (16) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2035 Purpose, Applicability, and Definitions, as effective December 26, 1990.
- (17) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2037 Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles, as effective November 27, 1999.
- (18) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2038 Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicles Engines Used in Such Vehicles, as effective November 27, 1999.
- (19) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2039 Emissions Control System Warranty Statement, as effective December 26, 1990.
- (20) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2040 Vehicle Owner Obligations, as effective December 26, 1990.
- (21) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 6, §2041 Mediation; Finding of Warrantable Condition, as effective December 26, 1990.
- (22) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 1, §2062 Assembly-Line Test Procedures-1998 and Subsequent Model Years, as effective November 27, 1999.

- (23) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2, §2101 Compliance Testing and Inspection-New Vehicle Selection, Evaluation, and Enforcement Action, as effective November 27, 1999.
- (24) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2, §2106 New Vehicle Assembly-Line Inspection Testing, as effective November 27, 1999.
- (25) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2, §2107 Assembly-Line Quality-Audit Testing, as effective November 27, 1999.
- (26) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2, §2108 Order of Executive Officer, as effective December 30, 1983.
- (27) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2, §2109 New Vehicle Recall Provisions, as effective December 30, 1983.
- (28) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2111 Applicability, as effective December 13, 2006.
- (29) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2112 Definitions, undated, as published May 3, 2007.
- (30) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, Appendix A to Article 2.1 California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, Motorcycles, 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines, and 2008 and Subsequent Model-Year Spark-Ignition Inboard and Sterndrive Marine Engines, as effective December 13, 2006.
- (31) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2113 Initiation and Approval of Voluntary and Influenced Emission-Related Recalls, as effective January 26, 1995.
- (32) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2114 Voluntary and Influenced Recall Plans, as effective November 27, 1999.
- (33) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2115 Eligibility for Repair, as effective January 26, 1995.
- (34) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2116 Repair Label, as effective January 26, 1995.
- (35) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2117 Proof of Correction Certificate, as effective January 26, 1995.
- (36) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2118 Notification, as effective January 26, 1995.

- (37) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2119 Recordkeeping and Reporting Requirements, as effective November 27, 1999.
- (38) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2120 Other Requirements Not Waived, as effective January 26, 1995.
- (39) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.1, §2121 Penalties, as effective January 26, 1995.
- (40) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2122 General Provisions, as effective January 26, 1995.
- (41) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2123 Initiation and Notification of Ordered Emissions-Related Recalls, as effective January 26, 1995.
- (42) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2124 Availability of Public Hearing, as effective January 26, 1995.
- (43) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2125 Ordered Recall Plan, as effective January 26, 1995.
- (44) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2126 Approval and Implementation of Recall Plan, as effective January 26, 1995.
- (45) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2127 Notification of Owners, as effective January 26, 1995.
- (46) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2128 Repair Label, as effective January 26, 1995.
- (47) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2129 Proof of Correction Certificate, as effective January 26, 1995.
- (48) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2130 Capture Rates and Alternative Measures, as effective January 26, 1995.
- (49) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2131 Preliminary Tests, as effective January 26, 1995.
- (50) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2132 Communication with Repair Personnel, as effective January 26, 1995.
- (51) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2133 Recordkeeping and Reporting Requirements, as effective January 26, 1995.
- (52) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2134 Penalties, as effective January 26, 1995.

- (53) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.2, §2135 Extension of Time, as effective January 26, 1995.
- (54) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2136 General Provisions, as effective January 26, 1995.
- (55) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2137 Vehicle and Engine Selection, as effective December 28, 2000.
- (56) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2138 Restorative Maintenance, as effective November 27, 1999.
- (57) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2139 Testing, as effective August 21, 2002.
- (58) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.3, §2140 Notification and Use of Test Results, as effective August 21, 2002.
- (59) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2141 General Provisions, as effective December 28, 2000.
- (60) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2142 Alternative Procedures, as effective February 23, 1990.
- (61) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2143 Failure Levels Triggering Recall, as effective November 27, 1999.
- (62) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2144 Emission Warranty Information Report, as effective November 27, 1999.
- (63) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2145 Field Information Report, as effective November 27, 1999.
- (64) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2146 Emissions Information Report, as effective November 27, 1999.
- (65) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2147 Demonstration of Compliance with Emission Standards, as effective August 21, 2002.
- (66) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2148 Evaluation of Need for Recall, as effective November 27, 1999.
- (67) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 2.4, §2149 Notification and Subsequent Action, as effective February 23, 1990.
- (68) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 3, §2150 Assembly-Line Surveillance, as effective December 30, 1983.

(69) Title 13, California Code of Regulations (CCR), Division 3, Chapter 2, Article 3, §2151 New Motor Vehicle Dealer Surveillance, as effective December 30, 1983.

(70) Title 13, California Code of Regulations (CCR), Division 3, Chapter 3, Article 1, §2175 Highway Exhaust Emissions-Light-Duty Vehicles, as effective December 30, 1983.

(71) Title 13, California Code of Regulations (CCR), Division 3, Chapter 3, Article 1, §2175.5 Exemption of Vehicles, as effective December 30, 1983.

(72) Title 13, California Code of Regulations (CCR), Division 3, Chapter 3, Article 1, §2176 Mandatory Inspection Exhaust Emissions-Light-Duty and Medium-Duty Vehicles, as effective December 30, 1983.

(73) Title 13, California Code of Regulations (CCR), Division 3, Chapter 4.4, §2235 Requirements, as effective September 17, 1991.

COMAR 26.11.34.03 Applicability and Exemptions.

A. Applicability.

(1) Except as provided in §B of this regulation, this chapter applies to all new 2011 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles subject to the California Standards that are transferred in Maryland.

(2) For all requirements of the California Standards except those relating to greenhouse gases, applicability includes all medium-duty vehicles having a gross vehicle weight rating of 14,000 pounds or less.

(3) For the greenhouse gas requirements of the California Standards, applicability includes medium-duty vehicles only to the extent that they are medium-duty passenger vehicles.

(4) For purposes of this chapter, it is conclusively presumed that the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser and that the equitable or legal title to any motor vehicle with an odometer reading of less than 7,500 miles has not been transferred to an ultimate purchaser.

B. Exemptions. This chapter does not apply to the following vehicles:

(1) A vehicle transferred by inheritance;

(2) A vehicle transferred by decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction;

(3) Previously registered vehicles where:

(a) The mileage at the time of sale exceeds 7,500 miles; and

(b) For vehicle dealers, the mileage at the time of sale is determined by the odometer statement at the time the vehicle dealer acquired the vehicle;

- (4) A vehicle purchased by a nonresident prior to establishing residency in Maryland;
- (5) A vehicle sold for the purpose of being wrecked or dismantled;
- (6) A vehicle sold directly from one licensed dealer to another licensed dealer;
- (7) A vehicle sold for registration out-of-State;
- (8) A vehicle sold and designed exclusively for off-highway use;
- (9) A vehicle that has been certified to standards promulgated pursuant to the authority contained in 42 U.S.C. 7521 and which is in the possession of a rental agency in Maryland as a result of a rental that was initiated in a state other than Maryland;
- (10) An emergency vehicle;
- (11) A military tactical vehicle;
- (12) A vehicle exempted by California Health and Safety Code, §43656;
- (13) A vehicle acquired by a resident of Maryland for the purpose of replacing a vehicle registered to the resident that was damaged or became inoperative beyond reasonable repair or was stolen while out of this State, if the replacement vehicle was acquired out of State at the time the previously owned vehicle was either damaged or became inoperative or was stolen; and
- (14) A vehicle designated as exempt by the Administration.

COMAR 26.11.34.04 Definitions.

A. In general.

- (1) In this chapter, the following terms have the meanings indicated.
- (2) Any term that is not defined in this regulation shall be as defined in the California documents incorporated by reference in Regulation .02 of this chapter.
- (3) Definitions in the California documents shall prevail in any case of discrepancy.

B. Terms Defined.

- (1) "Administration" means the Maryland Motor Vehicle Administration.
- (2) "California Assembly Line and In-Use Requirements" means the requirements established under Title 13 CCR §§1900, 2062, 2101, 2106, 2107, 2108, 2109, 2136, 2137, 2138, 2139, 2140, 2150, 2151, 2175, 2175.5, and 2176.
- (3) "California Certification Requirements" means the requirements established under Title 13 CCR §§1900, 1960.1, 1960.5, 1961, 1961.1, 1962, 1962.1, 1965, 1968.2, 1968.5, 1969, 1975, 1976, 1977, 1978, and 2235.

- (4) "California Fleet Average Greenhouse Gas (GHG) Requirements" means the requirements established under Title 13 CCR §1961.1(a)(1), including all calculation procedures and credit and debit provisions specified in Title 13 CCR §1961.1.
- (5) "California Fleet Average NMOG Requirements" means the requirements established under Title 13 CCR §1961(b)(1), including all calculation procedures and credit and debit provisions specified in Title 13 CCR §1961.
- (6) "California Recall Requirements" means the requirements established under Title 13 CCR §§1900, 2109, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149 and Appendix A to Article 2.1 of Chapter 2 of Division 3.
- (7) "California Standards" means the comprehensive set of requirements defined by California Certification Requirements, California Warranty Requirements, California Assembly Line and In-Use Requirements, California Recall Requirements, California Fleet Average NMOG Requirements, California Fleet Average Greenhouse Gas Requirements, and California Zero Emission Vehicle Requirements.
- (8) "California Warranty Requirements" means the requirements established under Title 13 CCR §§1900, 2035, 2037, 2038, 2039, 2040, and 2041.
- (9) "California Zero Emission Vehicle (ZEV) Requirements" means the requirements established under Title 13 CCR §1962(b), including all compliance mechanisms, calculation procedures, and credit and debit provisions specified in Title 13 CCR §1962.
- (10) "CARB" means California Air Resources Board.
- (11) "CCR" means the Code of California Regulations.
- (12) "Certification" means a finding by CARB that a motor vehicle, motor vehicle engine, or motor vehicle pollution control device has satisfied the criteria adopted by the state board for the control of specified air contaminants from vehicular sources.
- (13) "Department" means the Maryland Department of the Environment.
- (14) "Executive Officer" means the Executive Officer of the California Air Resources Board as used in California-adopted statutes, regulations, and procedures related to the California Standards. This meaning is extended for purposes of the application of California Standards in Maryland to include the Secretary, who shall act as the agent of the California Executive Officer in Maryland.
- (15) "Light-duty truck (LDT)" means any motor vehicle rated at 8,500 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
- (16) "Light-duty truck 1 (LDT1)" means a light-duty truck with a loaded vehicle weight of 3,750 pounds or less.

(17) "Light-duty truck 2 (LDT2)" means a light-duty truck with a loaded vehicle weight of 3,751 pounds or more.

(18) Medium-Duty Passenger Vehicle.

(a) "Medium-duty passenger vehicle" means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons.

(b) "Medium-duty passenger vehicle" does not include any vehicle which:

(i) Is an incomplete truck, that is, a truck that does not have the primary load carrying device or container attached;

(ii) Has a seating capacity of more than 12 persons;

(iii) Is designed for more than nine persons in seating rearward of the driver's seat; or

(iv) Is equipped with an open cargo area of 72.0 inches in interior length or more, or a covered box not readily accessible from the passenger compartment of 72.0 inches in interior length or more.

(19) "Medium-duty vehicle" means any heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

(20) Model Year.

(a) "Model year (MY)" means the manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year.

(b) In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

(21) Motor Vehicle.

(a) "Motor vehicle" means a vehicle that is self-propelled.

(b) "Motor vehicle" does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

(22) "NMOG" means non-methane organic gases.

(23) "New motor vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

(24) New Vehicle.

(a) "New vehicle" means a new motor vehicle, or any motor vehicle with an odometer reading of less than 7,500 miles.

(b) "New vehicle" does not include any vehicle with an odometer reading of 7,500 miles or more.

(25) "Passenger car (PC)" means any motor vehicle designed primarily for transportation of persons and having a design capacity of 12 persons or less.

(26) "Secretary" means the Secretary of the Environment.

(27) "Transfer" means to sell, import, deliver, purchase, lease, rent, acquire, or receive a motor vehicle for titling or registration in Maryland.

(28) "Type III ZEV" means a zero emission vehicle with a zero emissions range that is greater than or equal to 100 miles and is capable of replacing 95 percent of its maximum rated energy capacity in 10 minutes or less.

(29) "Ultimate purchaser" means the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

(30) Vehicle.

(a) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway.

(b) "Vehicle" does not include a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(31) "ZEV" means a zero emission vehicle.

COMAR 26.11.34.05 Emissions Requirements.

No person shall transfer in Maryland a new motor vehicle subject to this chapter unless that new motor vehicle has been certified by CARB to comply with all applicable California Standards.

COMAR 26.11.34.06 Fleet Average NMOG Requirements.

A. Effective with model year 2011, and for each subsequent model year, compliance with the California Fleet Average NMOG Requirements in Maryland shall be demonstrated by each motor vehicle manufacturer.

B. Compliance with §A of this regulation shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale in Maryland by each manufacturer.

C. Credits. Notwithstanding the provisions of the California Fleet Average NMOG Requirements, all NMOG credits accrued in model years 2011 through 2013 shall be treated as if they are earned in model year 2013 for purposes of determining credit value in model years 2012 through 2016.

D. Debits. Notwithstanding the provisions of the California Fleet Average NMOG Requirements, vehicle manufacturers may accrue debits in model years 2011 through 2013 without penalty if the debits are fully offset by the end of the 2014 model year.

COMAR 26.11.34.07 Initial NMOG Credit Account Balances.

A. Establishment of Credit Account Balances.

(1) Upon request by a vehicle manufacturer, the Department shall establish NMOG credit account balances in Maryland that are proportionally equivalent to the NMOG credit balances of each of its NMOG credit accounts maintained in California.

(2) A manufacturer's Maryland NMOG credit account balance shall be determined as specified in §A(3) of this regulation only after all credit obligations for model years 2010 and earlier have been satisfied in California.

(3) To determine Maryland NMOG credit account balances, a manufacturer's California NMOG credit balances shall be multiplied in the following manner:

(a) By the ratio of the average number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model years 2003 through 2005 to the average number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model years 2003 through 2005; or

(b) At the discretion of the vehicle manufacturer, by the ratio of the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model year 2011 to the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model year 2011.

(4) Manufacturers shall request the establishment of NMOG credit account balances under this regulation through written notification to the Department by May 1, 2011.

(5) Manufacturers shall submit the required vehicle delivery data:

(a) By September 1, 2011, if electing to utilize the methodology described in §A(3)(a) of this regulation; or

(b) By March 1, 2012, if electing to utilize the methodology described in §A(3)(b) of this regulation.

(6) Nothing in this regulation shall affect the calculation of NMOG credits and debits earned under Regulation .06 of this chapter in model year 2011 in Maryland, which shall be treated as incremental to those established in this regulation.

(7) If the validation of NMOG credit account balances under §B of this regulation extends beyond May 1, 2012:

(a) The submittal deadline of May 1, 2012, for the California Fleet Average NMOG Requirements compliance report required under Regulation .13A(2)(a) of this chapter shall be waived; and

(b) The manufacturer shall submit the California Fleet Average NMOG Requirements compliance report required under Regulation .13A(2)(a) of this chapter within 60 days of notification by the Department that the NMOG credit account balances have been validated.

B. Validation of NMOG Credit Account Balances.

(1) The establishment of NMOG credits into a manufacturer's Maryland NMOG credit account shall occur through consultation with the Department, the individual vehicle manufacturer, and the Executive Officer or the Executive Officer's designee.

(2) Credits may not be established in a manufacturer's Maryland NMOG credit account until:

(a) The Executive Officer or the Executive Officer's designee certifies to the Secretary or the Secretary's designee that the California credit balance upon which the Maryland credits will be determined is accurate; and

(b) All outstanding debits for model years 2010 and earlier have been satisfied.

(3) As necessary, for purposes of this regulation, the manufacturer shall release the Executive Officer or the Executive Officer's designee from any confidentiality restrictions that would otherwise prohibit open consultation with the Secretary or the Secretary's designee.

(4) The Secretary or the Secretary's designee shall be bound by the same confidentiality restrictions otherwise binding the Executive Officer or the Executive Officer's designee.

COMAR 26.11.34.08 Fleet Average Greenhouse Gas Requirements.

A. Effective with model year 2011, and for each subsequent model year, compliance with the California Fleet Average Greenhouse Gas Requirements shall be demonstrated by each motor vehicle manufacturer.

B. Compliance with §A of this regulation shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale in Maryland by each manufacturer.

C. Regional Compliance.

(1) The Secretary may enter into a regional compliance agreement with vehicle manufacturers or other states implementing the California Standards.

(2) Upon the effective date of a regional compliance agreement, motor vehicle manufacturers that comply with the provisions of the regional agreement shall be deemed to comply with the provisions of §A of this regulation.

(3) The Secretary may not enter into a regional agreement that results in lesser emission reductions than would accrue in the absence of such an agreement or that allows manufacturers to use emission reduction credits more than once for regional or State specific compliance demonstration.

COMAR 26.11.34.09 Zero Emission Vehicle (ZEV) Requirements.

A. Effective with model year 2011, and for each subsequent model year, compliance with the California Zero Emission Vehicle Requirements shall be demonstrated by each motor vehicle manufacturer.

B. Compliance with §A of this regulation shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale in Maryland by each manufacturer.

C. Type III ZEVs.

(1) Through model year 2017, a Type III ZEV that meets the following criteria may be used to demonstrate compliance with §A of this regulation:

(a) The vehicle is eligible for Type III ZEV credits under the California Zero Emission Vehicle Requirements; and

(b) The vehicle is placed in service or in an advanced technology demonstration program as defined under the California Zero Emission Vehicle Requirements in California or any other state that is administering the California ZEV Requirements pursuant to §177 of the Federal Clean Air Act, 42 U.S.C. §7507.

(2) A Type III ZEV meeting the criteria specified in §C(1) of this regulation may, for the purposes of compliance with §A of this regulation, be counted as if it was placed in service in Maryland.

COMAR 26.11.34.10 Initial ZEV Credit Account Balances.

A. Establishment of Credit Account Balances.

(1) Upon request by a vehicle manufacturer, the Department shall establish ZEV credit account balances in Maryland that are:

(a) For Type III ZEVS, equal to the Type III ZEV credit balance in California; and

(b) For non-Type III ZEVs, proportionally equivalent to the ZEV credit balances of each of its ZEV credit accounts maintained in California.

(2) A manufacturer's Maryland ZEV credit account balance shall be determined as specified in §A(3) and (4) of this regulation only after all credit obligations for model years 2010 and earlier have been satisfied in California.

(3) To determine Maryland ZEV credit account balances for non-Type III ZEVs, a manufacturer's California ZEV credit balances shall be multiplied in the following manner:

(a) By the ratio of the average number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model years 2003 through 2005 to the average number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model years 2003 through 2005; or

(b) At the discretion of the vehicle manufacturer, by the ratio of the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in Maryland in model year 2011 to the number of PCs, LDT1s, and applicable LDT2s produced and delivered for sale in California in model year 2011.

(4) The Maryland ZEV credit account balance for Type III ZEVs shall be set equal to the manufacturer's California Type III ZEV account balance.

(5) The time period used by the manufacturer to determine the Maryland ZEV credit account balances in §A(3) of this regulation shall also be used to determine that manufacturer's model year 2011 ZEV sales requirements in Maryland under Regulation .09 of this chapter.

(6) Manufacturers shall request the establishment of ZEV credit account balances under this regulation through written notification to the Department by May 1, 2011.

(7) Manufacturers shall submit the required vehicle delivery data:

(a) By September 1, 2011, if electing to utilize the methodology described in §A(3)(a) of this regulation; or

(b) By March 1, 2012, if electing to utilize the methodology described in §A(3)(b) of this regulation.

(8) Nothing in this regulation shall affect the calculation of ZEV credits and debits earned under Regulation .09 of this chapter in model year 2011 in Maryland, which shall be treated as incremental to those established in this regulation.

(9) If the validation of ZEV credit account balances under §B of this regulation extends beyond May 1, 2012:

(a) The submittal deadline of May 1, 2012, for the California Zero Emissions Vehicle Requirements compliance report required under Regulation .13A(2)(c) of this chapter shall be waived; and

(b) The manufacturer shall submit the California Zero Emissions Vehicle Requirements compliance report required under Regulation .13A(2)(c) of this chapter within 60 days of notification by the Department that the ZEV credit account balances have been validated.

B. Validation of ZEV Credit Account Balances.

(1) The establishment of ZEV credits into a manufacturer's Maryland ZEV credit account shall occur through consultation with the Department, the individual vehicle manufacturer and the Executive Officer or the Executive Officer's designee.

(2) Credits may not be established in a manufacturer's Maryland ZEV credit account until:

(a) The Executive Officer or the Executive Officer's designee certifies to the Secretary or the Secretary's designee that the California credit balance upon which the Maryland credits will be determined is accurate; and

(b) All outstanding debits for model years 2010 and earlier have been satisfied.

(3) As necessary, for purposes of this regulation, the manufacturer shall release the Executive Officer or the Executive Officer's designee from any confidentiality restrictions that would otherwise prohibit open consultation with the Secretary or the Secretary's designee.

(4) The Secretary or the Secretary's designee shall be bound by the same confidentiality restrictions otherwise binding the Executive Officer or the Executive Officer's designee.

COMAR 26.11.34.11 Vehicle Testing.

A. New Vehicle Certification Testing.

(1) All new vehicles subject to this chapter shall be certified to meet all applicable California Standards in accordance with the test procedures defined in those standards.

(2) Motor vehicle certification testing performed for CARB and associated findings made by CARB will be acceptable for demonstrating compliance with §A(1) of this regulation.

B. Assembly Line and In-Use Testing.

(1) All manufacturers of new vehicles subject to this chapter shall comply with all applicable California Assembly Line and In-Use Requirements.

(2) Motor vehicle testing and inspections performed for or by CARB and associated findings made by CARB will be acceptable for demonstrating compliance with §B(1) of this regulation except as provided in §B(3) and (4) of this regulation.

(3) If a vehicle manufacturing facility that manufactures vehicles certified to the California Standards for sale in Maryland is not subject to the California Assembly Line and In-Use Requirements administered by CARB, the Department may:

(a) Require demonstration of compliance with all California Assembly Line and In-Use Requirements; and

(b) Upon a manufacturer's written request and demonstration of need, approve the functional testing of a statistically significant testing sample instead of an otherwise required 100 percent testing rate.

(4) The Department may conduct tests and inspections performed in accordance with California Assembly Line and In-Use Requirements on vehicles produced or delivered for sale in Maryland for purposes of:

(a) Compliance monitoring;

(b) Effectiveness demonstration;

(c) Detection of noncomplying vehicles in Maryland; and

(d) The determination of appropriate corrective actions.

C. Any reports completed for or by CARB in accordance with the provisions of §§A and B of this regulation shall be provided to the Department upon request.

COMAR 26.11.34.12 Warranty.

A. All manufacturers of new vehicles subject to this chapter shall comply with all applicable California Warranty Requirements.

B. Reports generated for or by CARB and associated findings made by CARB shall be acceptable for demonstrating compliance with §A of this regulation.

C. All reports required under the California Warranty Requirements shall be provided to the Department upon request.

COMAR 26.11.34.13 Manufacturer Compliance Demonstration.

A. Beginning with the 2011 model year and annually thereafter, each vehicle manufacturer shall submit reports:

(1) Documenting total deliveries for sale in Maryland during the applicable model year of vehicles in each test group or subgroup as applicable and defined under the California Standards;

(2) Demonstrating, based on vehicles delivered for sale in Maryland, compliance with the:

(a) California Fleet Average NMOG Requirements;

(b) California Fleet Average Greenhouse Gas Requirements; and

(c) California Zero Emission Vehicle Requirements.

B. The reports required under §A of this regulation shall be:

(1) Prepared according to the procedures defined in the California Standards; and

(2) Submitted to the Department in accordance with the deadlines defined in the California Standards.

C. For the purposes of determining if vehicles qualify for exemption under Regulation .03 of this chapter, the Department may require any vehicle manufacturer or dealer of vehicles subject to this chapter to submit any documentation the Department determines necessary for the effective administration and enforcement of this chapter.

COMAR 26.11.34.14 Enforcement.

A. Inspections.

(1) The Department, the Administration, or their agents have the right to conduct inspections and surveillance of new and used motor vehicles for the purposes of determining compliance with the requirements of this chapter.

(2) The inspections authorized under §A(1) of this regulation may:

(a) Be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer;

(b) Extend to all emissions-related parts and their operation;

(c) Require the on-premises operation and testing of an engine or vehicle; and

(d) Require inspection of any related records, including records of emissions-related part repairs performed under warranty.

(3) Refusal to allow, or interference with, the inspections under this regulation shall be considered a violation of this chapter.

B. Functional, Steady-State, and Other Tests.

(1) The Department, or its agents, may perform functional tests, steady-state tests, and other tests as reasonably necessary.

(2) In addition to all other compliance procedures defined in the California Standards, emission test standards defined in the California Assembly Line and In-Use Requirements may be used by the Department to verify compliance with the requirements of this chapter.

C. Vehicle Recalls.

(1) Except as allowed in §C(3) of this regulation, any order or enforcement action taken by CARB to correct noncompliance with any requirement of the California Standards and which results in the recall of any vehicle pursuant to the California Recall Requirements shall be applicable to all vehicles subject to this chapter.

(2) Except as allowed in §C(3) of this regulation, any voluntary or influenced emissions-related recall campaign initiated by any manufacturer pursuant to the California Recall Requirements shall extend to all applicable vehicles subject to this chapter.

(3) The Department may exempt Maryland vehicles from the provisions of §C(1) or (2) of this regulation if a vehicle manufacturer demonstrates to the Department's satisfaction within 21 days of CARB approval of a recall campaign, that the campaign is not applicable to vehicles delivered for sale in Maryland.

D. The Department shall enforce the requirements of this chapter in accordance with the requirements defined in the California Standards and applicable federal and Maryland law.

E. Failure to submit any of the required reports, test data, inspection data, or any other information requested in this chapter shall be considered a violation and is subject to the sanctions set forth in Environment Article, Title 2, Annotated Code of Maryland. Each day of violation is a separate violation.

F. A person who violates any provision of this chapter is subject to the sanctions set forth in Environment Article, Title 2, Annotated Code of Maryland. Each non-compliant vehicle is a separate violation.
