

SENATE BILL 389

R6

4r2019
CF HB 246

By: **Senator Robey**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2014

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Inspection Certificates for Used Vehicles – Procedures**

3 FOR the purpose of ~~repealing the requirement that the Automotive Safety~~
4 ~~Enforcement Division of the Department of State Police prepare certain~~
5 ~~inspection certificates for used motor vehicles and provide the certificates~~
6 ~~without charge to licensed motor vehicle inspection stations;~~ requiring the
7 Automotive Safety Enforcement Division of the Department of State Police to
8 establish the manner and format for the submission of an inspection certificate
9 for the transfer of a used motor vehicle; ~~authorizing the Division to require~~
10 ~~establishing that the Division may authorize~~ electronic submission of an
11 inspection certificate for a used motor vehicle; requiring the Division to
12 authorize the use of inspection certificate forms for the submission of an
13 inspection certificate; repealing certain provisions of law governing the required
14 issuance and use of written inspection certificates for used motor vehicles;
15 requiring the Department to submit a certain report to certain committees of
16 the General Assembly on or before a certain date; providing for the termination
17 of this Act; altering a certain definition; making a certain technical correction;
18 and generally relating to procedures applicable to inspection certificates for
19 used motor vehicles.

20 BY repealing and reenacting, without amendments,

21 Article – Transportation

22 Section 23–101(a), (b), and (f) ~~and 23–103(a), 23–103(a), and 23–108~~

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 23–101(e), 23–103(b), 23–106, 23–107(a)(1), and 23–109(h) through (k)
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2013 Supplement)

6 BY repealing
 7 Article – Transportation
 8 Section ~~23–108~~ and 23–109(g)
 9 Annotated Code of Maryland
 10 (2012 Replacement Volume and 2013 Supplement)

11 BY adding to
 12 Article – Transportation
 13 Section ~~23–108~~ 23–108.1
 14 Annotated Code of Maryland
 15 (2012 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Transportation**

19 23–101.

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

21 (b) “Division” means the Automotive Safety Enforcement Division of the
 22 Department of State Police.

23 (e) “Inspection certificate” means a [written] certification by an inspection
 24 station, **IN A FORMAT ESTABLISHED BY THE DIVISION**, that:

25 (1) Certifies that, as of its date, a specified vehicle meets or exceeds
 26 the standards for equipment established under this title; and

27 (2) [Is signed and dated on behalf of] **IDENTIFIES** the inspection
 28 station [by] **AND** the registered individual who personally inspected the vehicle.

29 (f) “Inspection station” means a facility that is licensed by the Division
 30 under this subtitle.

31 23–103.

32 (a) (1) On receipt of an application and a nonrefundable fee established by
 33 the Administration from a facility for an inspection station license, the Division shall:

1 (i) Inspect the facility as to its ability to inspect and correct
2 equipment; and

3 (ii) If the facility is qualified, issue to it a license as an
4 inspection station.

5 (2) On receipt of a renewal application and the annual license fee
6 established by the Administration for an inspection station, the Division shall issue
7 the renewal license if the facility is qualified.

8 (b) The license authorizes the facility to:

9 (1) Inspect a used vehicle on request of its transferor or transferee
10 [and attach an inspection certificate to the vehicle];

11 (2) Inspect the equipment of a vehicle for which a safety equipment
12 repair order has been issued and issue a repair order certification for the vehicle; and

13 (3) Inspect an ambulance on the request of its owner that is required
14 to be inspected under § 13–515 of the Education Article.

15 23–106.

16 (a) This section does not apply to:

17 (1) Any transfer of a used vehicle to any licensed dealer or to any
18 foreign dealer;

19 (2) Any transfer between:

20 (i) Spouses;

21 (ii) A parent and child; or

22 (iii) Co-owners of the vehicle to be transferred when a
23 co-owner's name is being removed from the title;

24 (3) Any transfer of a used vehicle that is not to be both titled and
25 registered in this State;

26 (4) Any transfer of a used vehicle among any agencies of the State;

27 (5) Any transfer of a used vehicle as described in § 13–503.2 of this
28 article;

1 (6) Any transfer of a used vehicle into a written inter vivos trust in
2 which the transferor is the primary beneficiary;

3 (7) Any transfer of a used island vehicle, as defined in § 13–935 of this
4 article, registered, or to be registered, as a Class K (farm area/island) vehicle; or

5 (8) Any transfer of an off–highway recreational vehicle.

6 (b) (1) Except as provided in [paragraph (4)] **PARAGRAPHS (4) AND (5)**
7 of this subsection, if any licensed dealer that also is an inspection station transfers any
8 used vehicle, it shall:

9 (i) Prepare [and attach] an inspection certificate [to a window
10 of the vehicle]; or

11 (ii) Have an inspection certificate prepared [and attached to a
12 window of the vehicle] by another inspection station.

13 (2) Except as provided in paragraphs (4) and (5) of this subsection, if
14 any other person transfers a used vehicle, the person shall obtain an inspection
15 certificate from an inspection station. [The inspection certificate shall be issued
16 without charge and attached to a window of the vehicle.]

17 (3) If a used vehicle is transferred other than by voluntary transfer or
18 is transferred by a political subdivision of the State after that subdivision obtains the
19 vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the
20 transferee shall obtain the inspection certificate from an authorized inspection station.
21 [The inspection certificate shall be issued without charge and attached to a window of
22 the vehicle.]

23 (4) In the case of a transfer of any used vehicle registered, or to be
24 registered, as a Class E (truck) exceeding three–fourths ton manufacturer’s rated
25 capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump
26 service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain
27 the required inspection certificate.

28 (5) In the case of a transfer of any used vehicle registered or to be
29 registered, that is sold for dismantling or rebuilding purposes, the transferor or the
30 transferee of the vehicle may obtain the required inspection certificate.

31 [(6) On applying for a certificate of title of the vehicle, the transferee
32 shall remove the inspection certificate from the vehicle and present it to the
33 Administration.]

1 (a) (1) Before the Administration titles and registers any used vehicle, it
2 shall require [the applicant to present] a valid inspection certificate for the vehicle.

3 ~~23-108.~~

4 The Division shall prepare inspection certificate forms and provide them
5 without charge to inspection stations. The forms shall be serially numbered and shall
6 require the information that the Administration and the Division determine.}]

7 ~~23-108.~~ 23-108.1.

8 **FOR VEHICLE TITLING AND REGISTRATION PURPOSES, THE DIVISION:**

9 (1) **SHALL ESTABLISH THE MANNER AND FORMAT FOR THE**
10 **SUBMISSION OF AN INSPECTION CERTIFICATE FOR THE TRANSFER OF A USED**
11 **MOTOR VEHICLE; AND**

12 (2) **MAY ~~REQUIRE~~ AUTHORIZE ELECTRONIC SUBMISSION OF THE**
13 **INSPECTION CERTIFICATE; AND**

14 (3) **SHALL AUTHORIZE THE USE OF AN INSPECTION CERTIFICATE**
15 **FORM FOR THE SUBMISSION OF THE INSPECTION CERTIFICATE.**

16 23-109.

17 [(g) A person may not attach or cause or permit to be attached to any vehicle
18 an inspection certificate knowing it to be fictitious or issued without the equipment
19 having been inspected for compliance with this subtitle.]

20 [(h) (G) A person may not issue or cause or permit to be issued a repair
21 order certification knowing it to be fictitious or issued without the equipment having
22 been inspected for compliance with this subtitle.

23 [(i) (H) On suspension or revocation of its license, an inspection station
24 shall surrender to the Division, at its request, the license and all related material
25 issued by the Division.

26 [(j) (I) A person may not materially alter or change any equipment of a
27 vehicle for which an inspection certificate or a repair order certification has been
28 issued under this subtitle.

29 [(k) (J) A person may not willfully violate any rule or regulation adopted
30 under this subtitle relating to inspection procedures and inspection station
31 requirements.

1 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,
2 2016, the Department of State Police shall submit to the Senate Judicial Proceedings
3 Committee and the House Environmental Matters Committee, in accordance with §
4 2-1246 of the State Government Article, a report describing the procedures the
5 Department establishes for the submission of used vehicle inspection certificates and,
6 on a monthly basis, the number of times each authorized procedure is used.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2014. It shall remain effective for a period of 3 years and, at the end of June 30,
9 2017, with no further action required by the General Assembly, this Act shall be
10 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.