

# HOUSE BILL 487

M3, R4, M5

EMERGENCY BILL

3lr1483

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By: **Delegates Buckel, Adams, Anderton, Arentz, Arikan, Baker, Bouchat, Chisholm, Ciliberti, Fisher, Ghrist, Grammer, Griffith, Hartman, Hinebaugh, Hornberger, Howard, Hutchinson, Jacobs, Kipke, R. Long, Mangione, McComas, Metzgar, Miller, M. Morgan, T. Morgan, Munoz, Nawrocki, Otto, Pippy, Reilly, Rose, Schmidt, Stonko, Szeliga, Tomlinson, Valentine, and Wivell**

Introduced and read first time: January 30, 2023

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Low Emissions Vehicle Program – Prohibition**  
3 **(Affordable Emissions Standards Act of 2023)**

4 FOR the purpose of prohibiting the Department of the Environment from adopting certain  
5 regulations to implement certain new motor vehicle emissions standards and  
6 compliance requirements adopted by the California Air Resources Board unless  
7 certain analyses are prepared and submitted to the General Assembly and the  
8 General Assembly enacts a law authorizing the adoption of the regulations; and  
9 generally relating to new motor vehicle emissions standards and compliance  
10 requirements.

11 BY repealing and reenacting, without amendments,  
12 Article – Environment  
13 Section 2–1101  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Environment  
18 Section 2–1102  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2022 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Environment

2–1101.

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

(b) “Administration” means the Motor Vehicle Administration.

(c) “Program” means the low emissions vehicle program established under this subtitle.

(d) “Transfer” includes acquire, purchase, sell, and lease.

2–1102.

(a) **[In] SUBJECT TO SUBSECTION (E) OF THIS SECTION,** IN consultation with the Administration and as provided under this subtitle, the Department shall establish by regulation and maintain a low emissions vehicle program that:

(1) Is authorized by § 177 of the federal Clean Air Act; and

(2) Is applicable to vehicles of the 2011 model year and each model year thereafter.

(b) As part of the program, the Department shall establish new motor vehicle emissions standards and compliance requirements for each model year included in the program as authorized by § 177 of the federal Clean Air Act.

(c) As part of the compliance requirements established under this subtitle, the Department may adopt by regulation motor vehicle emissions inspection, recall, and warranty requirements.

(d) The Department or any other State agency may not adopt a regulation under this subtitle or any other provision of law that requires the sale or use of California reformulated gasoline in the State.

**(E) THE DEPARTMENT MAY NOT ADOPT REGULATIONS TO IMPLEMENT THE ADVANCED CLEAN CARS II REGULATION ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD ON AUGUST 25, 2022, OR ANY OTHER REGULATION RELATING TO NEW MOTOR VEHICLE EMISSIONS STANDARDS AND COMPLIANCE REQUIREMENTS SUBSEQUENTLY ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD, UNLESS:**

**(1) THE DEPARTMENT, IN CONSULTATION WITH THE ADMINISTRATION, PREPARES:**

1                   **(I) AN ECONOMIC IMPACT ANALYSIS, INCLUDING AN ANALYSIS**  
2 **OF THE IMPACT ON CONSUMERS AND SMALL BUSINESSES; AND**

3                   **(II) A BUDGETARY ANALYSIS, INCLUDING THE FISCAL IMPACT**  
4 **ON THE STATE'S BUDGET;**

5                   **(2) THE DEPARTMENT, IN CONSULTATION WITH THE PUBLIC**  
6 **SERVICE COMMISSION, PREPARES AN ANALYSIS OF WHETHER THE ELECTRIC GRID**  
7 **THROUGHOUT THE STATE IS CAPABLE OF ACCOMMODATING THE ADDITIONAL LOAD**  
8 **OF VEHICLE ELECTRIFICATION;**

9                   **(3) THE DEPARTMENT SUBMITS THE ANALYSES REQUIRED UNDER**  
10 **ITEMS (1) AND (2) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY IN**  
11 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE; AND**

12                   **(4) THE GENERAL ASSEMBLY ENACTS A LAW TO AUTHORIZE THE**  
13 **ADOPTION OF THE REGULATION.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
15 measure, is necessary for the immediate preservation of the public health or safety, has  
16 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
17 each of the two Houses of the General Assembly, and shall take effect from the date it is  
18 enacted.