

An Act Concerning Motor Vehicle Emissions Control System Tampering

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

Replace the original bill with the following:

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

§585-O. Motor vehicle emission control system tampering

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

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

B. "Motor vehicle" means a self-propelled vehicle intended for operation on roads but excludes salvage vehicles and vehicles sold for parts or scrap.

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

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

2. Tampering prohibited. No person may tamper with the emission control system of a motor vehicle except to repair or replace a part or all of the emission control system to return the emission control system to its original manufacturer's certified specifications.

3. Prohibition of sale of a tampered vehicle.

No person may sell, lease or rent, or offer to sell, lease or rent, or transfer title or right of possession of a motor vehicle with a tampered emission control system.

4. Penalties. A person that violates this section is subject to penalties under section 349.

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

SUMMARY

The amended language prohibits tampering with a motor vehicle emission control system except to repair or replace a part or all of an emission control system in order to return it to the manufacturer's original specifications, and prohibits the sale or other transfer of a tampered motor vehicle.