

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 640 - L.D. 872

An Act Concerning Motor Vehicle Emissions Control System Tampering

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

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. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale, lease or rental of a motor vehicle at retail and that has:

- (1) An established place of business for those purposes in this State; and
- (2) A current dealer license issued by the Secretary of State.

"Dealer" does not include the State when selling state-owned motor vehicles; a vehicle auction business as defined in Title 29-A, section 851, subsection 14; an insurance salvage pool as defined in Title 29-A, section 602, subsection 6; or a franchisee as defined in Title 10, section 1171, subsection 7.

B. "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.

C. "Motor vehicle" means a self-propelled vehicle intended for operation on roads. "Motor vehicle" does not include a salvage vehicle, as defined in Title 29-A, section 602, subsection 13, or a vehicle sold for parts or scrap.

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

E. "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 emission control system that is installed on or in a motor vehicle by the original manufacturer of the motor vehicle.

2. Tampering prohibited. Tampering with the emission control system of a motor vehicle is prohibited as provided in this subsection.

A. A person may not tamper with the emission control system of a motor vehicle for compensation, 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.

B. A dealer may not sell, lease or rent, or offer to sell, lease or rent, or transfer title or right of possession of a motor vehicle if a person has tampered with the emission control system of the motor vehicle.

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

4. 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.