

Title 26

DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

26.11.20.07 Aftermarket Catalytic Converters for Motor Vehicles

Authority: Environment Article, §§2-102, 2-103, and 2-301, Annotated Code of Maryland

A. Incorporation by Reference. Title 13, California Code of Regulations (CCR), Division 3, Chapter 4, Article 2, §2222 Add-On Parts and Modified Parts, Subsection (h) (CCR Title 13, Section 2222, Subsection (h)), as effective January 1, 2019, is adopted and incorporated by reference.

B. Applicability and Exemptions.

(1) Applicability. This regulation applies to a person that produces, installs, sells, supplies, advertises, or offers for sale aftermarket catalytic converters, on or after the effective date in §C of this regulation, for use on a motor vehicle in the State.

(2) Exemptions. A person that produces, installs, sells, supplies, advertises, or offers for sale an aftermarket catalytic converter that is prohibited pursuant to §E of this regulation may ship it to a distribution center in the State, warehouse it in the State, ship it through the State, or sell it out of State.

C. Effective Date. This regulation shall take effect 24 months after adoption.

D. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Terms Defined.

(a) "Aftermarket catalytic converter" means a replacement catalytic converter that is not supplied by the motor vehicle manufacturer.

(b) "Catalytic converter" means a motor vehicle emissions control device or system designed to increase the rate of a chemical reaction to reduce gaseous engine exhaust emissions, which includes one or more substrates, surrounding materials, and an exterior shell.

(c) "Emissions control device" means a design element or device installed on a motor vehicle by the motor vehicle manufacturer to comply with the standards of the Clean Air Act, 42 U.S.C. §7521.

(d) "Installer" means a person installing an aftermarket catalytic converter on a motor vehicle.

(e) "Motor vehicle" has the meaning stated in Transportation Article, §11-135, Annotated Code of Maryland.

(f) "Oxygen sensor" means an emissions control device that measures the oxygen content of motor vehicle exhaust gases.

(g) "Producer" means a person who manufactures or otherwise produces aftermarket catalytic converters for sale in Maryland.

E. Prohibitions. On or after the effective date in §C of this regulation, a person may only install, sell, supply, advertise, or offer for sale, for use on a motor vehicle in the State:

(1) An aftermarket catalytic converter that has been exempted pursuant to CCR Title 13, Section 2222, Subsection (h), for use on a 1996 or newer model year motor vehicle; and

(2) A catalytic converter that is not used, recycled, reconditioned, or salvaged.

F. Producer and Installer Requirements.

(1) A producer shall provide the following information to installers:

(a) An aftermarket catalytic converter motor vehicle application guide; and

(b) A means for the installer to contact the producer for technical assistance.

(2) An installer may not install an aftermarket catalytic converter on a motor vehicle unless all of the following requirements are met:

(a) The motor vehicle is beyond its original emissions warranty coverage period;

(b) A legitimate need for replacing the existing catalytic converter has been established and documented on a repair invoice;

(c) The installer has verified that the aftermarket catalytic converter is specified for the motor vehicle, using the required information provided by §F(1) of this regulation, or by:

(i) Referencing the producer's website;

(ii) Referencing other documentation provided by the producer; or

(iii) Contacting the Department.

(d) The aftermarket catalytic converter is installed in the same location as the original equipment manufacturer catalytic converter;

(e) The installation of the aftermarket catalytic converter does not:

(i) Alter the location, position, or number of catalytic converters;

(ii) Alter the location, position, number of, or orientation of oxygen sensors; or

(iii) Disable other emissions control devices; and

(f) The imprinted identification number required under CCR Title 13, Section 2222, Subsection (h) is visible from the underside of the motor vehicle.

G. Record Keeping Requirements.

(1) An installer shall:

(a) Retain records pertaining to the sale and installation of aftermarket catalytic converters for a minimum of 4 years from the date of installation;

(b) Maintain the records of §G(1)(a) of this regulation onsite at the installation location, either in hardcopy or electronically; and

(c) Provide the records of §G(1)(a) of this regulation upon request to the Department.

(2) Upon request by the Department, a producer, distributor, wholesaler, or retailer shall provide records pertaining to the delivery and sale of aftermarket catalytic converters that are delivered or sold in the State.

H. Reporting Requirements. A producer shall submit to the Department semi-annual warranty reporting on aftermarket catalytic converters sold in the State as required by CCR Title 13, Section 2222, Subsection (h).

I. Sunset Provision. The requirements of this regulation expire when the United States Environmental Protection Agency adopts a regulation or enforcement policy that provides for the sale, supply, advertisement, or installation of an aftermarket catalytic converter that is able to reduce motor vehicle emissions at the same or greater level as provided by §(E) of this regulation.