

BY: Committee on Ways and Means and Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Fund” insert “for certain fiscal years”; in line 6, after “Fund” insert “for a certain period”; in line 8, after “Fund;” insert “requiring the Motor Vehicle Administration to deposit certain security interest filing fees into the Transportation Trust Fund for certain fiscal years; requiring certain fees collected for certain personalized registration plates to be paid into the Transportation Trust Fund for certain fiscal years; requiring certain penalties for termination or lapse of the required security for a vehicle to be distributed to the Transportation Trust Fund for certain fiscal years; repealing a certain distribution to the Transportation Trust Fund relating to a certain tax credit; providing that certain revenues are not pledged and may not be pledged to the repayment of certain bonds;”; strike beginning with “providing” in line 13 down through “Act;” in line 14 and substitute “providing that certain additional revenues are intended to include amounts sufficient to compensate the Transportation Trust Fund for certain reductions in revenues resulting from a certain credit; authorizing the Department of Transportation to submit a budget amendment to increase the operating budget appropriation for a certain transit initiative under certain circumstances;”; in line 23, after “Section” insert “3-215(b) and (d).”; and after line 15, insert:

“BY repealing

Article - Transportation

Section 17-106(e)(2)

Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)”.

On page 2, after line 1, insert:

“BY repealing and reenacting, with amendments,

Article - Transportation

(Over)

Section 13-208 and 13-613(d)
Annotated Code of Maryland
(1999 Replacement Volume and 2000 Supplement)

BY adding to

Article - Transportation
Section 17-106(e)(2)
Annotated Code of Maryland
(1999 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 and 3 and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 17-106(e)(2) of Article - Transportation of the Annotated Code of Maryland be
repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as
follows:”.

AMENDMENT NO. 3

On page 2, in line 12, strike “16%” and substitute “FOR FISCAL YEARS 2003 THROUGH
2007 ONLY, 5.33%”.

AMENDMENT NO. 4

On page 2, in line 14, strike “After” and substitute “FOR THE PERIOD FROM JANUARY
1, 2002 THROUGH JUNE 30, 2002 AND FOR FISCAL YEARS BEGINNING ON OR AFTER
JULY 1, 2002 BUT BEFORE JULY 1, 2007, AFTER”; strike beginning with “IN” in line 17 down
through “Fund” in line 18; strike beginning with “THE” in line 24 down through “year” in line 28
and substitute “FOR THE PERIOD FROM JULY 1, 2001 THROUGH DECEMBER 31, 2001 AND
FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2007, AFTER MAKING THE
DISTRIBUTIONS REQUIRED UNDER §§ 2-1301 AND 2-1302 OF THIS SUBTITLE, THE
COMPTROLLER MONTHLY SHALL DISTRIBUTE 45% OF THE SALES AND USE TAX
COLLECTED ON SHORT-TERM VEHICLE RENTALS UNDER § 11-104(C) OF THIS
ARTICLE TO THE TRANSPORTATION TRUST FUND ESTABLISHED UNDER § 3-216 OF
THE TRANSPORTATION ARTICLE”.

AMENDMENT NO. 5

On page 2, after line 29, insert:

“3-215.

(b) [The] EXCEPT AS PROVIDED IN SUBSECTION (D)(2) OF THIS SECTION, THE tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2-1103(2) and 2-1104(4) of the Tax - General Article;

(2) The income tax revenue distributed under §§ 2-614 and 2-616 of the Tax - General Article;

(3) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(4) The sales and use tax revenues distributed under § 2-1302.1 of the Tax - General Article.

(d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION, THE tax levied and imposed by this section is irrevocably pledged to the payment of the principal of and interest on consolidated transportation bonds as they become due and payable, and no part of the tax or other funds applicable to debt service on the bonds may be repealed, diminished, or applied to any other purpose until:

[(1)] (I) The bonds and the interest on them have become due and fully paid; or

[(2)] (II) Adequate and complete provision for payment of the principal and interest has been made.

(2) (I) IN THIS PARAGRAPH, “UNPLEDGED REVENUES” MEANS:

(Over)

1. THE INCOME TAX REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 2-616(2) OF THE TAX - GENERAL ARTICLE;

2. 86% OF THE SALES AND USE TAX REVENUE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 2-1302.1(A)(2) OF THE TAX - GENERAL ARTICLE;

3. THE PORTION OF SECURITY INTEREST FILING FEES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 13-208(A) OF THIS ARTICLE;

4. THE PORTION OF ADDITIONAL FEES FOR PERSONALIZED REGISTRATION PLATES DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 13-613(D)(3) OF THIS ARTICLE; AND

5. THE PORTION OF THE PENALTY FOR TERMINATION OR LAPSE OF THE REQUIRED SECURITY FOR A VEHICLE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND UNDER § 17-106(E)(2) OF THIS ARTICLE.

(II) THE UNPLEDGED REVENUES ARE NOT PLEDGED AND MAY NOT BE PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON CONSOLIDATED TRANSPORTATION BONDS.”.

AMENDMENT NO. 6

On page 3, strike in their entirety lines 8 through 11, inclusive, and substitute:

“(5) (I) FOR THE PERIOD FROM JANUARY 1, 2002 THROUGH JUNE 30, 2002 AND FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2002 BUT BEFORE JULY 1, 2007, THE REVENUE DISBURSED TO THIS ACCOUNT UNDER § 2-1302.1(A)(1) OF THE TAX - GENERAL ARTICLE; AND

(II) FOR THE PERIOD FROM JULY 1, 2001, THROUGH DECEMBER 31, 2001 AND FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2007, 80% OF THE FUNDS DISTRIBUTED TO THE TRANSPORTATION TRUST FUND FROM THE SALES AND

USE TAX UNDER § 2-1302.1(B) OF THE TAX - GENERAL ARTICLE.”;

after line 16, insert:

“13-208.

(a) (1) [The Administration shall deposit \$14 of] FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2002 BUT BEFORE JULY 1, 2007, OF each filing fee received under this subtitle, THE ADMINISTRATION SHALL DEPOSIT \$9 IN THE TRANSPORTATION TRUST FUND AND \$5 in the General Fund.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001 AND EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2007, OF EACH FILING FEE RECEIVED UNDER THIS SUBTITLE, THE ADMINISTRATION SHALL DEPOSIT \$14 IN THE GENERAL FUND.

(b) For each fiscal year, the Comptroller shall distribute to Baltimore City an amount equal to \$5 [for] OF THE GENERAL FUND PORTION OF each filing fee received under this subtitle.

13-613.

(d) Except as provided in subsection (e) of this section, of the proceeds collected annually from the additional fees charged under this section:

(1) The first \$180,000 shall be paid into a special fund administered by the Maryland Higher Education Commission for use in the medical, dental, legal, nursing, social work, and pharmaceutical scholarship programs provided by this State;

(2) The next \$200,000 shall be used solely for the purposes of the scholarship program authorized by §§ 18-1101 through 18-1105 of the Education Article [of the Code]; and

(Over)

(3) Except as otherwise provided by law, any balance shall be [paid directly into the general funds of this State] DISTRIBUTED:

(I) TO THE GENERAL FUND OF THE STATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2001;

(II) TO THE TRANSPORTATION TRUST FUND FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2002 BUT BEFORE JULY 1, 2007; AND

(III) TO THE GENERAL FUND OF THE STATE FOR A FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2007.

17-106.

(e) (2) (I) A PENALTY ASSESSED UNDER THIS SUBSECTION SHALL BE PAID AS FOLLOWS:

1. 70% TO BE ALLOCATED AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. 30% TO THE ADMINISTRATION, WHICH MAY BE USED BY THE ADMINISTRATION, SUBJECT TO SUBSECTION (F) OF THIS SECTION, TO PROVIDE FUNDING FOR CONTRACTS WITH INDEPENDENT AGENTS TO ASSIST IN THE RECOVERY OF EVIDENCES OF REGISTRATION AS AUTHORIZED IN SUBSECTION (D)(3) OF THIS SECTION.

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, THE MOTOR VEHICLE REGISTRATION ENFORCEMENT FUND, THE SCHOOL BUS SAFETY ENFORCEMENT FUND, THE TRANSPORTATION TRUST FUND, AND THE GENERAL FUND AS FOLLOWS:

1. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND ESTABLISHED UNDER ARTICLE 88B, § 74 OF THE CODE;

2. THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS - MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS TO THE MARYLAND AUTOMOBILE INSURANCE FUND;

3. \$400,000 TO THE MOTOR VEHICLE REGISTRATION ENFORCEMENT FUND;

4. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND;

5. \$6,000,000 TO THE TRANSPORTATION TRUST FUND;
AND

6. THE BALANCE TO THE GENERAL FUND.

(III) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (D)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, THE MOTOR VEHICLE REGISTRATION ENFORCEMENT FUND, THE SCHOOL BUS SAFETY ENFORCEMENT FUND, AND THE TRANSPORTATION TRUST FUND AS FOLLOWS:

1. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND ESTABLISHED UNDER ARTICLE 88B, § 74 OF THE CODE;

2. THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE

(Over)

PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS - MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS TO THE MARYLAND AUTOMOBILE INSURANCE FUND;

3. \$400,000 TO THE MOTOR VEHICLE REGISTRATION ENFORCEMENT FUND;

4. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND; AND

5. THE BALANCE TO THE TRANSPORTATION TRUST FUND.

(IV) FOR EACH FISCAL YEAR BEGINNING JULY 1, 2003 OR JULY 1, 2004, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (D)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE MARYLAND AUTOMOBILE INSURANCE FUND, THE SCHOOL BUS SAFETY ENFORCEMENT FUND, AND THE TRANSPORTATION TRUST FUND AS FOLLOWS:

1. THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS - MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS TO THE MARYLAND AUTOMOBILE INSURANCE FUND;

2. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND; AND

3. THE BALANCE TO THE TRANSPORTATION TRUST FUND.

(V) FOR EACH FISCAL YEAR BEGINNING JULY 1, 2005 OR JULY 1,

2006, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (D)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE MARYLAND AUTOMOBILE INSURANCE FUND AND THE TRANSPORTATION TRUST FUND AS FOLLOWS:

1. THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS - MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS TO THE MARYLAND AUTOMOBILE INSURANCE FUND; AND

2. THE BALANCE TO THE TRANSPORTATION TRUST FUND.

(VI) FOR A FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2007, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (D)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE MARYLAND AUTOMOBILE INSURANCE FUND AND THE GENERAL FUND AS FOLLOWS:

1. THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS - MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS TO THE MARYLAND AUTOMOBILE INSURANCE FUND; AND

2. THE BALANCE TO THE GENERAL FUND.”.

AMENDMENT NO. 7

On page 3, in line 17, strike “2.” and substitute “3.”.

AMENDMENT NO. 8

(Over)

On page 4, after line 33, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the additional revenues required to be distributed to the Transportation Trust Fund under this Act are intended to include amounts sufficient to compensate the Transportation Trust Fund for any reduction in revenues resulting from the credit allowed against the motor vehicle excise tax under § 13-815 of the Transportation Article, in lieu of the distribution formerly required under § 2-1302.1(b) of the Tax - General Article as it existed prior to the effective date of this Act.”.

AMENDMENT NO. 9

On page 4, before line 34, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That, for Fiscal Year 2002 only, the Department of Transportation may submit a budget amendment to increase, by up to \$5,000,000 the transit initiative’s operating budget appropriation if Transportation Trust Fund revenues generated in Fiscal Year 2001 exceed the Department’s January 2001 Transportation Trust Fund revenue projections. The additional appropriations for the transit initiative may not exceed the unanticipated growth in fiscal 2001 revenues.”.

AMENDMENT NO. 10

On page 4, in line 34, strike “3.” and substitute “6.”; in the same line, strike “Section 1 of”; and in line 35, strike “January 1, 2002” and substitute “July 1, 2001”.

On page 5, strike in their entirety lines 1 and 2.