

SENATE BILL 191

Unofficial Copy
R4
HB 1255/00 - W&M

2001 Regular Session
11r1417

By: **Senators Middleton, Miller, Lawlah, Hogan, Stoltzfus, and Munson**
Introduced and read first time: January 22, 2001
Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 15, 2001

CHAPTER _____

1 AN ACT concerning

2 **Motor Homes and Travel Trailers - Vehicle Excise Tax - Definitions**

3 FOR the purpose of altering the definition of "fair market value" and "total purchase
4 price" for purposes of the vehicle excise tax imposed on a motor home or a travel
5 trailer to exclude from the computation of the tax, subject to a certain limitation,
6 the value of a motor home or travel trailer traded in as part of the consideration
7 for the sale of the motor home or travel trailer by ~~a licensed dealer~~ certain
8 licensed dealers; authorizing the Department of Business and Economic
9 Development to develop and implement, in cooperation with certain entities, a
10 marketing and tourism plan to promote the use of motor homes and travel
11 trailers in the State; providing that a certain exemption from the motor vehicle
12 titling tax does not apply until certain bonds are no longer outstanding and
13 unpaid; prohibiting the Motor Vehicle Administration from collecting the motor
14 vehicle titling tax on certain vehicles in certain fiscal years; providing for the
15 application of this Act; providing for the termination of certain provisions of this
16 Act; and generally relating to motor homes and travel trailers.

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 11-134.3 and 11-170
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 13-809(a)
25 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

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

4 **Article - Transportation**

5 11-134.3.

6 "Motor home" means a motor vehicle that is designed and constructed primarily
7 to provide living quarters for recreational, camping, or travel use.

8 11-170.

9 (a) "Travel trailer" means a vehicle that:

10 (1) Is mounted on wheels;

11 (2) Is of such a size and weight as not to require any special highway
12 movement permit when towed by a motor vehicle;

13 (3) Is designed and constructed primarily to provide temporary living
14 quarters for recreational, camping, or travel use; and

15 (4) Is no longer than 40 feet.

16 (b) "Travel trailer" includes a fifth wheel travel trailer.

17 13-809.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Fair market value" means:

20 (i) [As] EXCEPT AS PROVIDED IN ITEM (IV) OF THIS PARAGRAPH,
21 AS to the sale of any new or used vehicle by a licensed dealer, the total purchase price,
22 as certified by the dealer;

23 (ii) As to a used vehicle that is sold by any person other than a
24 licensed dealer and that has a designated model year that is 7 years old or older, the
25 greater of:

26 1. The total purchase price; or

27 2. \$640;

28 (iii) As to any other used vehicle that is sold by any person other
29 than a licensed dealer:

1 1. The total purchase price, if the total purchase price is less
2 than \$500 below the retail value of the vehicle as shown in a national publication of
3 used car values adopted for use by the Department; or

4 2. If the total purchase price is \$500 or more below the retail
5 value of the vehicle as shown in a national publication of used car values adopted for
6 use by the Department:

7 A. The total purchase price, if verified to the satisfaction of
8 the Administration by a notarized bill of sale submitted in accordance with subsection
9 (d)(2) of this section; or

10 B. The valuation shown in the national publication of used
11 car values, if the Administration finds that the documentation submitted under
12 subsection (d)(2) of this section fails to verify the total purchase price; [and]

13 (iv) AS TO THE SALE OF ANY NEW OR USED MOTOR HOME OR
14 TRAVEL TRAILER BY A LICENSED DEALER, OR A DEALER LICENSED BY ANOTHER
15 STATE OR A FOREIGN COUNTRY, THE TOTAL PURCHASE PRICE, AS DEFINED IN
16 PARAGRAPH (4)(II) OF THIS SUBSECTION, AS CERTIFIED BY THE DEALER ON A FORM
17 ACCEPTABLE TO THE ADMINISTRATION; AND

18 (V) In any other case, the valuation shown in a national publication
19 of used car values adopted for use by the Department.

20 (3) "MOTOR HOME" HAS THE MEANING STATED IN § 11-134.3 OF THIS
21 ARTICLE.

22 [(3)] (4) "Total purchase price" means [the]:

23 (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, THE
24 price of a vehicle agreed on by the buyer and the seller, with no allowance for trade-in
25 or other nonmonetary consideration; AND

26 (II) IN THE CASE OF A MOTOR HOME OR TRAVEL TRAILER, THE
27 PRICE OF THE MOTOR HOME OR TRAVEL TRAILER AGREED ON BY THE BUYER AND
28 THE SELLER LESS THE VALUE, NOT TO EXCEED THE VALUE SHOWN IN A NATIONAL
29 PUBLICATION OF USED MOTOR HOME AND TRAVEL TRAILER VALUES ADOPTED FOR
30 USE BY THE DEPARTMENT, OF ANY MOTOR HOME OR TRAVEL TRAILER THAT IS
31 TRADED IN AS PART OF THE CONSIDERATION OF THE SALE.

32 (5) "TRAVEL TRAILER" HAS THE MEANING STATED IN § 11-170 OF THIS
33 ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
35 Business and Economic Development, in cooperation with the Maryland Recreational
36 Vehicle Dealers Association and other interested trade associations and tourism
37 boards, may develop and implement a marketing and tourism plan to promote the use
38 of motor homes and travel trailers in Maryland.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
2 provisions of Section 1 of this Act, the exemption from the motor vehicle excise tax
3 under § 13-809(a)(4) of the Transportation Article as enacted under Section 1 of this
4 Act does not apply until any Consolidated Transportation Bonds that were issued by
5 the Department of Transportation before July 1, 2001 no longer remain outstanding
6 and unpaid; provided, however, that in any fiscal year for which funds are
7 appropriated by the General Assembly to pay the principal of and interest on the
8 Department of Transportation's Consolidated Transportation Bonds due and payable
9 in that fiscal year, the Motor Vehicle Administration may not collect the motor vehicle
10 excise tax otherwise imposed on a vehicle described in § 13-809(a)(4) of the
11 Transportation Article as enacted under Section 1 of this Act.

12 ~~SECTION 3.~~ 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act
13 applies only to a motor home or travel trailer with respect to which liability for the
14 motor vehicle excise tax was incurred on or after July 1, 2001.

15 ~~SECTION 4.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect July 1, 2001. ~~Section 1~~ Sections 1 and 3 of this Act shall remain effective for a
17 period of 3 years and, at the end of June 30, 2004, with no further action required by
18 the General Assembly, ~~Section 1~~ Sections 1 and 3 of this Act shall be abrogated and of
19 no further force and effect.