

SENATE BILL 191

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Q5

2001 Regular Session
(11r1417)

ENROLLED BILL
-- Budget and Taxation/Ways and Means --

Introduced by **Senators Middleton, Miller, Lawlah, Hogan, Stoltzfus, and Munson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 361

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 providing that the definitions modified by this Act do not apply to~~
15 ~~the calculation of the vehicle excise tax imposed on a motor home or a travel~~
16 ~~trailer until certain bonds are no longer outstanding and unpaid; requiring the~~

1 Motor Vehicle Administration to collect a reduced motor vehicle excise tax on
 2 certain vehicles in certain fiscal years; providing for the application of this Act;
 3 providing for the termination of certain provisions of this Act; and generally
 4 relating to motor homes and travel trailers.

5 BY repealing and reenacting, without amendments,
 6 Article - Transportation
 7 Section 11-134.3 and 11-170
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article - Transportation
 12 Section 13-809(a)
 13 Annotated Code of Maryland
 14 (1999 Replacement Volume and 2000 Supplement)

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

17 **Article - Transportation**

18 11-134.3.

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

21 11-170.

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

23 (1) Is mounted on wheels;

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

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

28 (4) Is no longer than 40 feet.

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

30 13-809.

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

32 (2) "Fair market value" means:

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

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

7 1. The total purchase price; or

8 2. \$640;

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

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

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

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

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

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

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

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

32 [(3)] (4) "Total purchase price" means [the]:

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

1 (II) IN THE CASE OF A MOTOR HOME OR TRAVEL TRAILER, THE
2 PRICE OF THE MOTOR HOME OR TRAVEL TRAILER AGREED ON BY THE BUYER AND
3 THE SELLER LESS THE VALUE, NOT TO EXCEED THE VALUE SHOWN IN A NATIONAL
4 PUBLICATION OF USED MOTOR HOME AND TRAVEL TRAILER VALUES ADOPTED FOR
5 USE BY THE DEPARTMENT, OF ANY MOTOR HOME OR TRAVEL TRAILER THAT IS
6 TRADED IN AS PART OF THE CONSIDERATION OF THE SALE.

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
15 provisions of Section 1 of this Act, the ~~exemption from the motor vehicle excise tax~~
16 ~~under § 13-809(a)(4) of the Transportation Article as enacted under Section 1 of this~~
17 ~~Act does not apply until any Consolidated Transportation Bonds that were issued by~~
18 ~~the Department of Transportation before July 1, 2001 no longer remain outstanding~~
19 ~~and unpaid; provided, however, that in any fiscal year for which funds are~~
20 ~~appropriated by the General Assembly to pay the principal of and interest on the~~
21 ~~Department of Transportation's Consolidated Transportation Bonds due and payable~~
22 ~~in that fiscal year, the Motor Vehicle Administration may not collect the motor vehicle~~
23 ~~excise tax otherwise imposed on a vehicle described in § 13-809(a)(4) of the~~
24 ~~Transportation Article modified definitions of "fair market value" and "total purchase~~
25 ~~price" for the purposes of the calculation of the motor vehicle excise tax imposed on a~~
26 ~~motor home or a travel trailer under § 13-809(a) of the Transportation Article as~~
27 ~~enacted under Section 1 of this Act do not apply until any Consolidated Transportation~~
28 ~~Bonds that were issued by the Department of Transportation before July 1, 2001 no~~
29 ~~longer remain outstanding and unpaid; provided however, that in any fiscal year for~~
30 ~~which funds are appropriated by the General Assembly to pay the principal of and~~
31 ~~interest on the Department of Transportation's Consolidated Transportation Bonds due~~
32 ~~and payable in that fiscal year, the Motor Vehicle Administration shall collect the~~
33 ~~reduced motor vehicle excise tax imposed on a motor home or travel trailer by utilizing~~
34 ~~the modified definitions as enacted under Section 1 of this Act.~~

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

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

