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By: **Senator Stone**

Introduced and read first time: February 5, 2003

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 11, 2003

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2003

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CHAPTER 105

1 AN ACT concerning

2 **Automotive-Related Industries - Regulation - Repeal of Sunset Provision**

3 FOR the purpose of repealing the termination of certain provisions of law relating to  
4 the regulation of certain automotive-related industries, including motor vehicle  
5 auction businesses, vehicle storage facilities, automotive repair facilities,  
6 automotive dismantlers and recyclers, and scrap processors; repealing the  
7 termination of certain provisions relating to enforcement and penalties for  
8 violations of certain requirements concerning automotive-related industries;  
9 and generally relating to the repeal of the termination of certain provisions  
10 concerning certain automotive-related industries.

11 BY repealing and reenacting, without amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 4-401(11)  
14 Annotated Code of Maryland  
15 (2002 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article - Transportation  
18 Section 12-104.1, 12-108, 15-113, 15-113.1, 15-115, 15-116, 15-502(a), and  
19 27-101(a), (b), (h), and (i)  
20 Annotated Code of Maryland  
21 (2002 Replacement Volume)

22 BY repealing and reenacting, with amendments,  
23 Chapter 505 of the Acts of the General Assembly of 2000

1 Section 2

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

4 **Article - Courts and Judicial Proceedings**

5 4-401.

6 Except as provided in § 4-402 of this subtitle, and subject to the venue  
7 provisions of Title 6 of this article, the District Court has exclusive original civil  
8 jurisdiction in:

9 (11) A proceeding for adjudication of a civil penalty for any violation under  
10 § 5-1001 of the Environment Article, § 15-113, § 15-113.1, § 21-1122, or § 21-1414 of  
11 the Transportation Article, or Article 41, § 2-101(c-1) of the Code or any rule or  
12 regulation issued pursuant to those sections;

13 **Article - Transportation**

14 12-104.1.

15 (a) The Administrator may designate employees of the Investigative Division  
16 of the Administration to exercise the powers specified in subsection (b) of this section.

17 (b) (1) An employee appointed under this section may issue citations to the  
18 extent authorized by the Administration for violations of:

19 (i) Those provisions of Title 13 of this article relating to:

- 20 1. The vehicle excise tax;
- 21 2. Vehicle titling and registration;
- 22 3. Special registration plates for individuals with disabilities;
- 23 and
- 24 4. Parking permits for individuals with disabilities;

25 (ii) Those provisions of Title 17 of this article relating to required  
26 security;

27 (iii) Those provisions of Title 14 of this article relating to falsified,  
28 altered, or forged documents and plates;

29 (iv) Those provisions of Title 16 of this article relating to unlawful  
30 application for a license and vehicle operation during periods of cancellation,  
31 revocation, and suspension of a driver's license;

32 (v) Those provisions of Title 21 of this article relating to special  
33 residential parking permits issued by the Administration;

1 (vi) Those provisions of §§ 15-113 and 15-113.1 of this article  
2 relating to maintenance of and access to required business records;

3 (vii) Those provisions of Title 15 of this article relating to unlicensed  
4 business activity; and

5 (viii) Those provisions of this title relating to the issuance of an  
6 identification card.

7 (2) The issuance of citations under this section shall comply with the  
8 requirements of § 26-201 of this article.

9 (c) The Administration shall adopt regulations establishing:

10 (1) Qualifications for employees appointed under this section including  
11 prerequisites of character, training, experience, and education; and

12 (2) Standards for the performance of the duties assigned to employees  
13 appointed under this section.

14 12-108.

15 (a) In any matter subject to its jurisdiction, the Administration may subpoena  
16 any person or documents and take the testimony of any person, in the same manner  
17 and with the same fees and mileage as provided for by law in civil cases.

18 (b) If any person fails to comply with a lawful order or subpoena issued by the  
19 Administration, the Administration may petition a court of competent jurisdiction to  
20 compel obedience to the subpoena or order and to compel the production of relevant  
21 documents and other evidence.

22 (c) (1) If the Administration concludes that continuing conduct of a person  
23 alleged to be in violation of Title 15 of this article may result in substantial harm to  
24 any other person, the Administration may sue for injunctive relief against the  
25 conduct.

26 (2) If the Administration sues for injunctive relief under this subsection  
27 against a person who is alleged to have engaged in conduct that requires a license  
28 under Title 15 of this article, but who does not have a license, the Administration need  
29 not:

30 (i) Post bond; or

31 (ii) Show that no adequate remedy at law exists.

32 (3) A suit under this subsection shall be brought in the circuit court for  
33 the county where:

34 (i) The alleged violation occurs; or

35 (ii) The principal place of business of the alleged violator is located.

1 15-113.

2 (a) Each person who conducts auctions as a business in this State of motor  
3 vehicles of a type required to be registered under this article shall keep a record of:

- 4 (1) The name and address of the consignor;
- 5 (2) The date on which it was consigned;
- 6 (3) The year, make, model, and serial number of each vehicle consigned;
- 7 (4) The title number and state where the vehicle was last registered;
- 8 (5) The odometer mileage reading at the time of consignment;
- 9 (6) The name and address of the person to whom the vehicle was sold;
- 10 (7) The selling price; and
- 11 (8) The date of sale.

12 (b) During business hours, the records shall be open to inspection by the  
13 Administration, by the Department of State Police, or by a law enforcement officer  
14 with a county or municipal police department or sheriff's office who is assigned to an  
15 antitheft unit.

16 (c) The records required by this section shall be kept for at least 3 years after  
17 the transaction to which it applies.

18 (d) A person who fails to comply with any requirement under subsections (a)  
19 through (c) of this section is subject to a civil penalty not exceeding:

- 20 (1) For a first offense, \$500; or
- 21 (2) For a second or subsequent offense, \$1,000.

22 15-113.1.

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

24 (2) (i) "Automotive repair facility" means a facility where  
25 malfunctions of a motor vehicle are diagnosed or corrected for compensation.

26 (ii) "Automotive repair facility" includes a body shop.

27 (3) "Major component part" means:

28 (i) An air bag;

29 (ii) A bumper;

30 (iii) An engine;

- 1 (iv) A front fender;
- 2 (v) A front or rear side door;
- 3 (vi) A hood;
- 4 (vii) A pickup box or cargo box;
- 5 (viii) A rear quarter panel;
- 6 (ix) A rear door, deck lid, hatchback, or tailgate;
- 7 (x) A side assembly;
- 8 (xi) A sliding or cargo door; or
- 9 (xii) A transmission.
- 10 (4) "Used major component part" does not include a:
- 11 (i) Remanufactured part that has not been installed on a motor  
12 vehicle since remanufacture;
- 13 (ii) Core element that is held solely for the purpose of being  
14 returned for remanufacture; or
- 15 (iii) Part that is unsuitable for reuse in or on a motor vehicle.
- 16 (5) "Vehicle storage facility" means a facility where disabled vehicles are  
17 stored at any time for compensation.
- 18 (b) A person who operates an automotive repair facility shall keep accurate  
19 and complete records at the location where motor vehicle repairs are conducted of:
- 20 (1) The name and address of the owner of each motor vehicle repaired or  
21 stored at the automotive repair facility or each customer who leaves a motor vehicle  
22 for repair or storage at the automotive repair facility;
- 23 (2) The date a motor vehicle was left at the automotive repair facility;
- 24 (3) The year, model, and, when repairs involve a used major component  
25 part, the vehicle identification number of the vehicle; and
- 26 (4) For a used major component part at the automotive repair facility,  
27 proof of ownership or proof of the right of possession, including, if available, the  
28 vehicle identification number on the component part.
- 29 (c) A person who operates a vehicle storage facility shall keep accurate and  
30 complete records at the location where vehicles are stored of:

1 (1) The name and address of the individual who requested storage of  
2 each vehicle;

3 (2) The date that each vehicle was brought into the vehicle storage  
4 facility;

5 (3) The year, model, and, if available, the vehicle identification number  
6 of each vehicle; and

7 (4) The date and manner of disposition of each vehicle.

8 (d) (1) Records required under subsection (b) or (c) of this section shall be  
9 kept for at least 1 year after the date:

10 (i) Of the transaction to which the record applies; or

11 (ii) On which a part or vehicle is at the automotive repair facility or  
12 vehicle storage facility.

13 (2) A person who operates an automotive repair facility or vehicle  
14 storage facility may satisfy the record requirement if the required record is a  
15 computerized record that is accessible at the automotive repair facility or vehicle  
16 storage facility.

17 (e) (1) During business hours or other hours of operation, an automotive  
18 repair facility or vehicle storage facility shall make available for inspection by the  
19 Administration, by the Department of State Police, or by a law enforcement officer  
20 with a county or municipal police department or sheriff's office who is assigned to an  
21 antitheft unit:

22 (i) Records required under this section; and

23 (ii) Used major component parts and vehicles for which records are  
24 required.

25 (2) If an automotive repair facility or a vehicle storage facility is unable  
26 to produce a record required under this section, the automotive repair facility or  
27 vehicle storage facility may produce other evidence satisfactory to the Administration  
28 or law enforcement officer of proof of ownership or right of possession.

29 (f) A person who fails to comply with any requirement under this section is  
30 subject to a civil penalty not exceeding:

31 (1) For a first offense, \$500; or

32 (2) For a second or subsequent offense, \$1,000.

1 15-115.

2 (a) (1) A person issued a citation under § 15-113 or § 15-113.1 of this  
3 subtitle shall comply with a notice to appear contained in a citation or a trial notice  
4 issued by the District Court.

5 (2) A person may comply with the notice to appear by:

6 (i) Appearance in person or by counsel; or

7 (ii) Payment of the civil penalty as provided in the citation.

8 (b) A citation issued for a violation under § 15-113 or § 15-113.1 of this  
9 subtitle shall include:

10 (1) Information advising the person receiving the citation of the manner  
11 in which liability may be contested; and

12 (2) A warning that failure to pay the civil penalty or to contest liability in  
13 a timely manner in accordance with the citation:

14 (i) Is an admission of liability and waiver of defenses; and

15 (ii) Results in an entry of a default judgment that may include a  
16 fine, court costs, and administrative expenses in favor of the Administration against  
17 the person named in the citation.

18 (c) (1) Subject to paragraph (2) of this subsection, the District Court:

19 (i) May enter a default judgment in favor of the Administration if a  
20 person fails to pay a fine or comply with a notice to appear; and

21 (ii) Shall mail notice of any default judgment to the person named  
22 in the citation.

23 (2) The default judgment shall take effect unless, by the end of the 15th  
24 day after the date that notice of the default judgment was mailed, the person named  
25 in the citation posts bond or a civil penalty deposit and requests a new date for a trial  
26 and the court has granted the motion.

27 15-116.

28 Any penalty under this subtitle is in addition to any other penalty provided by  
29 law.

30 15-502.

31 (a) A person may not conduct the business of an automotive dismantler and  
32 recycler or a scrap processor, or engage in the business of acquiring or offering to  
33 purchase or remove vehicles which are to be dismantled in whole or in part by that

1 person for the sale of usable parts, unless the person is licensed by the Administration  
2 under this subtitle.

3 27-101.

4 (a) It is a misdemeanor for any person to violate any of the provisions of the  
5 Maryland Vehicle Law unless the violation:

6 (1) Is declared to be a felony by the Maryland Vehicle Law or by any  
7 other law of this State; or

8 (2) Is punishable by a civil penalty under the applicable provision of the  
9 Maryland Vehicle Law.

10 (b) Except as otherwise provided in this section, any person convicted of a  
11 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
12 subject to a fine of not more than \$500.

13 (h) Any person who is convicted of a violation of any of the provisions of §  
14 16-303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled,  
15 suspended, refused, or revoked"), § 17-107 of this article ("Prohibitions"), or § 17-110  
16 of this article ("Providing false evidence of required security") is subject to:

17 (1) For a first offense, a fine of not more than \$1,000, or imprisonment  
18 for not more than 1 year, or both; and

19 (2) For any subsequent offense, a fine of not more than \$1,000, or  
20 imprisonment for not more than 2 years, or both.

21 (i) Any person who is convicted of a violation of any of the provisions of §  
22 15-402 of this article ("Vehicle salesman's license required") or § 15-502(a) of this  
23 article ("Automotive dismantler and recycler or scrap processor -- License required")  
24 is subject to:

25 (1) For a first offense, a fine of not more than \$1,000 or imprisonment for  
26 not more than 6 months or both; and

27 (2) For any subsequent offense, a fine of not more than \$2,000 or  
28 imprisonment for not more than 1 year or both.

29

### Chapter 505 of the Acts of 2000

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
31 effect October 1, 2000. [It shall remain effective for a period of 3 years and, at the end  
32 of September 30, 2003, with no further action required by the General Assembly, this  
33 Act shall be abrogated and of no further force and effect.]

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2003.

