
By: **Delegates Weir, DeBoy, Donoghue, Gilleland, Holmes, Jennings,
McConkey, McKee, Montgomery, Myers, Shank, Sossi, and Stull**
Introduced and read first time: February 11, 2005
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Off-Highway Vehicles - Titling and Registration**

3 FOR the purpose of creating an Off-Highway Vehicle Fund in the Department of
4 Natural Resources; establishing the purpose of the Fund; requiring the
5 Secretary of Natural Resources to administer the Fund; providing that the Fund
6 is a continuing, nonlapsing special fund not subject to certain provisions of law;
7 requiring the Fund to be administered in a certain manner; providing for the
8 composition of the Fund ; providing that expenditures from the Fund may only
9 be used in accordance with the State budget; creating an Off-Highway Vehicle
10 Trails Advisory Committee; providing for the membership and duties of the
11 Committee; providing for the appointment of the Chair and Vice Chair of the
12 Committee; providing for the staffing of the Committee; prohibiting a member of
13 the Committee from receiving certain compensation or reimbursement; defining
14 "off-highway vehicle"; providing that an off-highway vehicle that is purchased
15 before a certain date does not need a certificate of title until after a certain date
16 unless the vehicle is transferred to a new owner; requiring an off-highway
17 vehicle to be registered with the Motor Vehicle Administration; exempting
18 certain off-highway vehicles from registration requirements; requiring that
19 certain information be included with an application for registration of an
20 off-highway vehicle; requiring the dealer of an off-highway vehicle to take
21 certain actions if the vehicle is transferred to someone other than a licensed
22 dealer; requiring the Administration to issue to the owner of a registered
23 off-highway vehicle a registration decal; requiring that certain information be
24 included on the registration decal; prohibiting a person from operating an
25 off-highway vehicle unless a registration decal and any validation tab issued is
26 attached to and displayed on the vehicle; providing for the expiration of
27 registration decals; requiring the Administration to adopt regulations to govern
28 the issuance, display, and expiration of registration decals; requiring
29 registration decals to be issued and displayed in accordance with a schedule
30 established by the Administration; requiring the Administration to refund a
31 registration fee under certain circumstances; authorizing the Administration to
32 design temporary registration decals and provide them to certain licensed
33 dealers; authorizing certain entities to electronically transmit titling and
34 registration information and issue permanent registration decals; authorizing

1 the Administration to establish the amount of the registration fee for an
2 off-highway vehicle; requiring the Administration to retain a certain portion of
3 the revenues from the registration of an off-highway vehicle; requiring the
4 Administration to remit certain funds to the Comptroller for deposit into the
5 Off-Highway Vehicle Fund; repealing certain requirements for the sale of a
6 minibike; requiring a certain person who sells an off-highway vehicle to provide
7 certain information to the buyer; prohibiting an individual from operating an
8 off-highway vehicle on a highway with a certain exception; prohibiting an
9 individual from operating an off-highway vehicle on a controlled access
10 highway; establishing certain requirements for the operation of an off-highway
11 vehicle on private property; providing that an off-highway vehicle is not
12 required to be inspected when ownership is transferred; repealing certain
13 provisions of law that authorize a local authority to require registration and
14 impose a registration fee for a minibike; repealing certain provisions of law that
15 authorize counties to regulate the operation of, require registration for, and
16 impose a registration fee for off-the-road motorcycles; providing that, for
17 purposes of determining a certain excise tax, the fair market value of a new or
18 used off-highway vehicle is the total purchase price as verified to the
19 satisfaction of the Administration by certain documents; requiring the
20 Department of Transportation and the Department of Natural Resources to
21 submit certain reports; providing for the construction of this Act; providing for
22 the effective date of certain provisions of this Act; providing for the termination
23 of certain provisions of this Act; and generally relating to off-highway vehicles.

24 BY adding to
25 Article - Natural Resources
26 Section 5-209.1 and 5-209.2
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2004 Supplement)

29 BY adding to
30 Article - Transportation
31 Section 11-140.1, 13-411.2, 13-937.2, and 21-1123
32 Annotated Code of Maryland
33 (2002 Replacement Volume and 2004 Supplement)

34 BY repealing and reenacting, without amendments,
35 Article - Transportation
36 Section 13-101.1, 13-402(b), and 13-808
37 Annotated Code of Maryland
38 (2002 Replacement Volume and 2004 Supplement)

39 BY repealing and reenacting, with amendments,
40 Article - Transportation
41 Section 13-102, 13-402(a) and (c), 13-403, 13-410(a) and (b), 13-412, 13-413,
42 13-601, 13-610, 13-809, 15-112, 23-106, and 25-102(a)(14) and (16)

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Transportation
5 Section 13-809
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2004 Supplement)
8 (As enacted by Chapters 361 and 362 of the Acts of the General Assembly of
9 2001 and Chapter 249 of the Acts of the General Assembly of 2003)

10 BY repealing
11 Article Transportation
12 Section 25-102(a)(15) and 25-102.1
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

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

17 **Article - Natural Resources**

18 5-209.1.

19 (A) IN THIS SECTION, "FUND" MEANS THE OFF-HIGHWAY VEHICLE FUND.

20 (B) THERE IS AN OFF-HIGHWAY VEHICLE FUND IN THE DEPARTMENT.

21 (C) THE PURPOSE OF THE FUND IS TO BUILD AND MAINTAIN TRAILS FOR THE
22 USE OF OFF-HIGHWAY VEHICLES, AS DEFINED IN § 11-140.1 OF THE
23 TRANSPORTATION ARTICLE.

24 (D) THE SECRETARY SHALL ADMINISTER THE FUND.

25 (E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS
26 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

27 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
28 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

29 (3) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
30 MANNER AS OTHER FUNDS.

31 (F) UNLESS OTHERWISE PROVIDED, THE FUND CONSISTS OF:

32 (1) ANY FEES AND OTHER REVENUE COLLECTED BY THE DEPARTMENT
33 UNDER § 5-209 OF THIS SUBTITLE;

1 (2) REVENUES DISTRIBUTED TO THE FUND UNDER § 13-937.2 OF THE
2 TRANSPORTATION ARTICLE;

3 (3) ANY INVESTMENT EARNINGS GENERATED BY THE FUND;

4 (4) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

5 (5) ANY MONEY RECEIVED AND ACCEPTED AS GIFTS, CONTRIBUTIONS,
6 OR GRANTS.

7 (G) THE FUND MAY BE USED ONLY IN ACCORDANCE WITH § 5-209 OF THIS
8 SUBTITLE FOR THE ACQUISITION, CONSTRUCTION, AND MAINTENANCE OF TRAILS
9 FOR OFF-HIGHWAY VEHICLES AND TO PROVIDE ACCESS TO THOSE TRAILS.

10 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
11 WITH THE STATE BUDGET.

12 5-209.2.

13 (A) IN THIS SECTION, "COMMITTEE" MEANS THE OFF-HIGHWAY VEHICLE
14 TRAILS ADVISORY COMMITTEE.

15 (B) THERE IS AN OFF-HIGHWAY VEHICLE TRAILS ADVISORY COMMITTEE.

16 (C) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

17 (1) THE SECRETARY OR THE SECRETARY'S DESIGNEE;

18 (2) THE SECRETARY OF TRANSPORTATION, OR THE DESIGNEE OF THE
19 SECRETARY OF TRANSPORTATION; AND

20 (3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR FROM
21 NOMINATIONS SUBMITTED BY THE ORGANIZATIONS OR INTEREST GROUPS EACH
22 MEMBER REPRESENTS:

23 (I) A RESIDENT OF THE STATE WHO REPRESENTS THE AMERICAN
24 MOTORCYCLE ASSOCIATION;

25 (II) A REPRESENTATIVE OF ABATE OF MARYLAND;

26 (III) TWO RESIDENTS OF THE STATE WHO REPRESENT OFF-ROAD
27 RIDERS AND ALL-TERRAIN VEHICLE CLUBS;

28 (IV) A RESIDENT OF THE STATE WHO REPRESENTS THE
29 OFF-HIGHWAY VEHICLE COUNCIL;

30 (V) A REPRESENTATIVE OF THE MARYLAND FARM BUREAU;

31 (VI) A REPRESENTATIVE OF THE MARYLAND TOURISM COUNCIL;

1 (VII) A REPRESENTATIVE OF THE MARYLAND MOTORCYCLE
2 DEALERS ASSOCIATION;

3 (VIII) TWO REPRESENTATIVES OF NATURAL RESOURCES
4 CONSERVATION ORGANIZATIONS IN THE STATE;

5 (IX) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
6 COUNTIES; AND

7 (X) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE.

8 (D) THE GOVERNOR SHALL APPOINT THE CHAIR AND VICE CHAIR FROM
9 AMONG THE MEMBERS OF THE COMMITTEE.

10 (E) (1) THE TERM OF A MEMBER OF THE COMMITTEE IS 3 YEARS.

11 (2) A MEMBER MAY BE REAPPOINTED FOR ADDITIONAL TERMS.

12 (3) A PERSON APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE
13 UNEXPIRED TERM AND IS ELIGIBLE FOR REAPPOINTMENT.

14 (F) THE COMMITTEE SHALL ACT IN AN ADVISORY CAPACITY AND SHALL:

15 (1) REVIEW EXISTING AND PROPOSED REGULATIONS, STANDARDS, AND
16 PROCEDURES FOR ALL TRAIL ACQUISITION, CONSTRUCTION, DEVELOPMENT, AND
17 MAINTENANCE;

18 (2) MAKE RECOMMENDATIONS ON TRAIL SITES, TRAIL SITE
19 ACQUISITIONS, AND THE ALLOCATION AND USE OF FUNDS;

20 (3) ADVISE AS TO THE USE AND OPERATION OF OFF-HIGHWAY
21 VEHICLES ON PUBLIC AND PRIVATE LAND, INCLUDING PROVIDING FOR THE
22 SEASONAL DESIGNATION OF TRAILS AND INNOVATIVE RECREATIONAL TRAIL
23 SHARING TO ACCOMMODATE MOTORIZED TRAIL USE; AND

24 (4) MAKE RECOMMENDATIONS ON ANY APPROPRIATE SAFETY
25 PROGRAMS OR COURSES THAT SHOULD BE REQUIRED FOR AN APPLICANT FOR
26 REGISTRATION OF AN OFF-HIGHWAY VEHICLE, CONSIDERING:

27 (I) THE CHARACTERISTICS OF DIFFERENT TYPES OF
28 OFF-HIGHWAY VEHICLES AND THE PARTICULAR SKILLS AND EXPERIENCE
29 REQUIRED TO OPERATE EACH TYPE OF OFF-HIGHWAY VEHICLE SAFELY UNDER
30 VARIED TERRAIN AND WEATHER CONDITIONS;

31 (II) POTENTIAL ENFORCEMENT PROBLEMS ASSOCIATED WITH
32 REQUIRING A SAFETY PROGRAM OR COURSE FOR AN APPLICANT FOR REGISTRATION
33 OF AN OFF-HIGHWAY VEHICLE; AND

34 (III) ANY OTHER FACTORS THAT THE COMMITTEE CHOOSES.

1 (G) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION SHALL
2 PROVIDE STAFFING FOR THE COMMITTEE.

3 (H) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION FOR
4 SERVING ON THE COMMITTEE OR REIMBURSEMENT FOR EXPENSES.

5 **Article - Transportation**

6 11-140.1.

7 (A) "OFF-HIGHWAY VEHICLE" MEANS A VEHICLE THAT IS:

8 (1) A MOTOR-ASSISTED OR MOTOR-DRIVEN VEHICLE THAT:

9 (I) HAS A DRY WEIGHT OF NOT MORE THAN 1,200 POUNDS;

10 (II) TRAVELS ON AT LEAST THREE LOW-PRESSURE TIRES;

11 (III) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE
12 ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR OR IS
13 DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE AND ONE PASSENGER;
14 AND

15 (IV) IS COMMONLY KNOWN AS AN ALL-TERRAIN VEHICLE;

16 (2) A MOTORCYCLE THAT IS DESIGNED FOR OFF-HIGHWAY OPERATION
17 AND IS NOT ELIGIBLE FOR REGISTRATION AS A CLASS D (MOTORCYCLE) VEHICLE
18 UNDER THIS ARTICLE, COMMONLY KNOWN AS A DIRT BIKE; OR

19 (3) A SNOWMOBILE.

20 (B) "OFF-HIGHWAY VEHICLE" DOES NOT INCLUDE:

21 (1) A FARM VEHICLE AS DEFINED IN § 13-911 OF THIS ARTICLE WHEN
22 USED EXCLUSIVELY ON FARM PROPERTY BY A FARMER; OR

23 (2) ANY VEHICLE WHEN USED ON RESIDENTIAL PROPERTY FOR THE
24 PURPOSE OF LANDSCAPING, GARDENING, OR LAWN CARE.

25 13-101.1.

26 Except as provided in § 13-102 of this subtitle, the owner of each vehicle that is
27 in this State and for which the Administration has not issued a certificate of title
28 shall apply to the Administration for a certificate of title of the vehicle.

29 13-102.

30 A certificate of title is not required for:

31 (1) A vehicle owned and used by the United States, unless it is registered
32 in this State;

- 1 (2) A new vehicle owned by a manufacturer or dealer and held for sale,
2 even though incidentally moved on the highway or used for purposes of testing or
3 demonstration;
- 4 (3) A vehicle used by a manufacturer only for testing;
- 5 (4) A vehicle owned by a nonresident of this State and not required by
6 law to be registered in this State;
- 7 (5) A vehicle regularly engaged in the interstate transportation of people
8 or property and for which a currently effective certificate of title has been issued in
9 another state;
- 10 (6) A vehicle moved only by human or animal power;
- 11 (7) A bicycle;
- 12 (8) A vehicle in which interest has passed to a secured party on default of
13 the owner;
- 14 (9) Farm equipment;
- 15 (10) Special mobile equipment;
- 16 (11) A self-propelled invalid:
- 17 (i) Wheelchair; or
- 18 (ii) Tricycle; [or]
- 19 (12) A trailer, other than a camping trailer, rated by the manufacturer as
20 having a gross vehicle weight of 2,500 pounds or less; OR
- 21 (13) AN OFF-HIGHWAY VEHICLE PURCHASED BEFORE OCTOBER 1, 2005,
22 UNTIL THE EARLIER OF:
- 23 (I) OCTOBER 1, 2010; OR
- 24 (II) THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS FIRST
25 TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2005.
- 26 13-402.
- 27 (a) (1) Except as otherwise provided in this section or elsewhere in the
28 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven
29 on a highway shall be registered under this subtitle.
- 30 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
31 OFF-HIGHWAY VEHICLE SHALL BE REGISTERED UNDER THIS SUBTITLE.

1 (3) If a motor vehicle required to be registered under this subtitle is not
2 registered, a person may not park the unregistered motor vehicle on any:

3 (i) Public alley, street, or highway; or

4 (ii) Private property used by the public in general, including
5 parking lots of shopping centers, condominiums, apartments, or town house
6 developments.

7 [(3)] (4) The provisions of paragraph [(2)] (3) of this subsection do not
8 apply to a motor vehicle that is exempt from registration under this section or §
9 13-402.1 of this subtitle.

10 (b) Except as otherwise expressly authorized in this title, the Administration
11 may not register or renew the registration of a vehicle unless the Administration has
12 issued to the owner a certificate of title of the vehicle or has received an application
13 for the certificate of title.

14 (c) Registration under this subtitle is not required for:

15 (1) A vehicle that is driven on a highway:

16 (i) In conformity with the provisions of this title relating to
17 manufacturers, transporters, dealers, secured parties, owners or operators of special
18 mobile equipment, or nonresidents; or

19 (ii) Under a temporary registration card issued by the
20 Administration;

21 (2) A vehicle owned and used by the United States, unless an authorized
22 officer or employee of the United States requests registration of the vehicle;

23 (3) A farm tractor or any farm equipment;

24 (4) A vehicle the front or rear wheels of which are lifted from the
25 highway;

26 (5) A towed vehicle that is attached to the towing vehicle by a tow bar
27 and for which no driver is necessary;

28 (6) A vehicle owned by and in the possession of a licensed dealer for
29 purpose of sale;

30 (7) A vehicle owned by a new resident of this State during the first 60
31 days of residency provided the vehicle displays valid registration issued by the
32 jurisdiction of the resident's former domicile;

33 (8) New vehicles being operated as part of a shuttle, as defined in §
34 13-626 of this title, while following a registered vehicle displaying a shuttle permit
35 issued by the Administration;

1 (9) A vehicle operated in connection with maritime commerce exclusively
2 within any terminal owned or leased by the Maryland Port Administration;

3 (10) [A snowmobile which is operated on highways and roadways as
4 prescribed by § 25-102(a)(14) of this article] AN OFF-HIGHWAY VEHICLE PURCHASED
5 BEFORE OCTOBER 1, 2005, UNTIL THE EARLIER OF:

6 (I) OCTOBER 1, 2010; OR

7 (II) THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS FIRST
8 TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2005;

9 (11) A golf cart which is operated on a highway on Smith Island, provided
10 that the golf cart is equipped with lighting devices as required by the Administration
11 if it is operated on a highway between dusk and dawn;

12 (12) A golf cart which is operated on an Allegany County highway as
13 allowed by the County under § [25-102(a)(16)] 25-102(A)(15) of this article; [or]

14 (13) A vehicle owned by an accredited consular or diplomatic officer of a
15 foreign government and operated for official or personal purposes when the vehicle
16 displays a valid diplomatic license plate issued by the United States government;

17 (14) AN OFF-HIGHWAY VEHICLE USED STRICTLY ON THE PROPERTY OF
18 THE OWNER OF THE VEHICLE;

19 (15) AN OFF-HIGHWAY VEHICLE OPERATED IN AN ORGANIZED
20 COMPETITIVE OR NONCOMPETITIVE EVENT ON PUBLICLY OR PRIVATELY OWNED OR
21 LEASED LAND, IF THE AGENCY EXERCISING JURISDICTION OVER THE LAND
22 SPECIFICALLY AUTHORIZED THE ORGANIZED COMPETITIVE OR NONCOMPETITIVE
23 EVENT; OR

24 (16) AN OFF-HIGHWAY VEHICLE USED BY A DEALER OR MANUFACTURER
25 OR AN AUTHORIZED DESIGNEE OF A DEALER OR MANUFACTURER FOR
26 OFF-HIGHWAY VEHICLE OPERATOR EDUCATION OR SAFETY PROGRAMS.

27 13-403.

28 (a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
29 SUBSECTION, THE owner of a vehicle subject to registration under this subtitle shall
30 apply to the Administration for the registration of the vehicle in a manner that the
31 Administration requires.

32 (2) THE APPLICATION FOR REGISTRATION OF AN OFF-HIGHWAY
33 VEHICLE SHALL BE MADE BY ELECTRONIC TRANSMISSION UNDER § 13-610 OF THIS
34 TITLE.

35 (b) (1) The application shall contain the information that the
36 Administration reasonably requires to determine if the vehicle is entitled to
37 registration.

1 (2) THE APPLICATION FOR REGISTRATION OF AN OFF-HIGHWAY
2 VEHICLE SHALL CONTAIN PROOF ACCEPTABLE TO THE ADMINISTRATION THAT THE
3 APPLICANT IS:

4 (I) AT LEAST 18 YEARS OLD; AND

5 (II) THE OWNER OF AN OFF-HIGHWAY VEHICLE.

6 (C) IF A LICENSED DEALER HOLDS AN OFF-HIGHWAY VEHICLE FOR SALE AND
7 TRANSFERS THE VEHICLE TO A PERSON OTHER THAN ANOTHER LICENSED DEALER,
8 THE DEALER SHALL:

9 (1) OBTAIN FROM THE TRANSFEREE A COMPLETED APPLICATION;

10 (2) COLLECT ALL FEES REQUIRED TO REGISTER THE OFF-HIGHWAY
11 VEHICLE UNDER THIS SUBTITLE; AND

12 (3) WITHIN 30 DAYS OF THE DATE OF DELIVERY OF THE OFF-HIGHWAY
13 VEHICLE ELECTRONICALLY TRANSMIT THE APPLICATION AND FEES IN
14 ACCORDANCE WITH § 13-610 OF THIS TITLE.

15 13-410.

16 (a) (1) Except as otherwise provided in this title, when it registers a vehicle,
17 the Administration shall issue to the owner:

18 (i) One registration plate, if the vehicle is a Class D (motorcycle)
19 vehicle, Class F (tractor) vehicle, or Class G (trailer) vehicle; [and]

20 (ii) ONE REGISTRATION DECAL, IF THE VEHICLE IS A CLASS O
21 (OFF-HIGHWAY) VEHICLE; AND

22 (III) Two registration plates for every other vehicle.

23 (2) However, as to temporary registration, the Administration may
24 provide for the issuance of only one temporary registration plate OR DECAL for any
25 vehicle.

26 (b) (1) Each registration plate OR DECAL shall display:

27 (i) The registration number assigned to the vehicle for which it is
28 issued; and

29 (ii) The name of this State, which may be abbreviated.

30 (2) The registration number may consist of letters, numerals, or both.

1 13-411.2.

2 A PERSON MAY NOT OPERATE ON OFF-HIGHWAY VEHICLE REQUIRED TO BE
3 REGISTERED UNDER THIS TITLE UNLESS THERE IS ATTACHED TO THE
4 OFF-HIGHWAY VEHICLE AND DISPLAYED ON IT:

5 (1) A REGISTRATION DECAL ISSUED FOR THE CURRENT REGISTRATION
6 PERIOD; AND

7 (2) ANY VALIDATION TAB ISSUED FOR THE OFF-HIGHWAY VEHICLE
8 UNDER THIS SUBTITLE.

9 13-412.

10 (a) Except as provided in subsection (b) of this section, unless current
11 validation tabs have been issued by the Administration and are displayed on the
12 plates OR DECALS as provided in this subtitle, the registration and the registration
13 plates OR DECALS issued under this title for them expire at midnight on the dates
14 indicated on the registration card issued by the Administration.

15 (b) (1) The Administration may issue a temporary authorization certificate
16 permitting a vehicle to be driven pending the issuance of current validation tabs.

17 (2) A temporary authorization certificate:

18 (i) Shall be issued for a period determined by the Administration
19 not to exceed 15 days; and

20 (ii) Is not transferable and may not be used on another vehicle
21 other than the one to which it was issued.

22 (3) A fee for a temporary authorization certificate may be established by
23 the Administration.

24 (c) The Administration shall adopt rules and regulations to govern the
25 issuance, display, and expiration of registrations, registration cards, registration
26 plates OR DECALS, temporary authorization certificates, and validation tabs.

27 13-413.

28 (a) (1) Notwithstanding any other provision of this subtitle AND SUBJECT
29 TO PARAGRAPH (2) OF THIS SUBSECTION, the Administration may adopt a system of
30 multiyear registration.

31 (2) THE ADMINISTRATION SHALL ADOPT A SYSTEM OF 2-YEAR
32 REGISTRATION FOR OFF-HIGHWAY VEHICLES.

33 (b) Vehicle registration plates, DECALS, or validation tabs shall be issued and
34 displayed in accordance with a schedule established by the Administrator.

1 (c) The fee for a multiyear registration is the same as the annual registration
2 fee established under this title multiplied by the number of years for which the
3 registration is issued.

4 (d) The Administration shall refund the registration fees upon surrender of
5 the registration card and registration plates OR DECAL if the return is made before
6 the beginning of any 12-month registration year for which the application for refund
7 is made.

8 (e) The Administration may adopt regulations to carry out the provisions of
9 this section.

10 13-601.

11 (a) Except as provided in subsection (b) of this section, the Administration
12 may design temporary registration plates OR DECALS and furnish them to any
13 licensed dealer who:

14 (1) On the form that the Administration requires, applies for at least five
15 of these plates OR DECALS; and

16 (2) With the application, submits a fee established by the Administration
17 for each plate OR DECAL.

18 (b) A wholesale dealer may not apply for temporary registration plates OR
19 DECALS.

20 13-610.

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

22 (2) "Fleet" means 10 or more vehicles.

23 (3) "Qualified owner" means a person, partnership, firm, or corporation,
24 or an individual agent of a person, partnership, firm, or corporation, authorized by
25 the Administration to transmit electronically proper titling and registration
26 information and fees to the Administration.

27 (4) "Service provider" means a dealer or title service agent licensed
28 under Title 15 of this article or a qualified owner of a fleet.

29 (b) Subject to the approval of the Administration, a service provider may:

30 (1) Issue permanent registration plates OR DECALS to the transferee or
31 renew the registration of a vehicle if the service provider has electronically
32 transmitted the proper titling and registration information to the Administration, or
33 an agent designated by the Administration; and

34 (2) Charge the transferee or the registered owner of the vehicle a fee for
35 the actual cost to the service provider of the electronic transmission service described
36 in item (1) of this subsection.

1 (c) The Administration shall adopt regulations to:

2 (1) Govern the electronic transmission of titling and registration
3 information authorized under this section; and

4 (2) Determine the appropriate level of the fee that may be charged by
5 service providers for the electronic transmission service.

6 13-808.

7 The excise taxes imposed by this part for a vehicle shall be paid to the
8 Administration:

9 (1) Before the issuance of a certificate of title for that vehicle; or

10 (2) As to a vehicle registered under § 13-109 (c) of this title without a
11 certificate of title, before the registration of that vehicle.

12 13-937.2.

13 (A) WHEN REGISTERED WITH THE ADMINISTRATION, AN OFF-HIGHWAY
14 VEHICLE IS A CLASS O (OFF-HIGHWAY) VEHICLE.

15 (B) THE ADMINISTRATION SHALL ESTABLISH THE AMOUNT OF THE
16 REGISTRATION FEE FOR EACH CLASS O (OFF-HIGHWAY) VEHICLE.

17 (C) (1) FROM THE REVENUES COLLECTED UNDER THIS SECTION, THE
18 ADMINISTRATION SHALL RETAIN THOSE REVENUES NECESSARY TO RECOVER THE
19 COST OF ADMINISTERING THE REGISTRATION OF CLASS O (OFF-HIGHWAY)
20 VEHICLES, INCLUDING PROVIDING ANY NECESSARY STAFF AND COMPUTER SYSTEM
21 PROGRAMMING.

22 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER
23 RECOVERING THE COSTS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, THE
24 ADMINISTRATION SHALL REMIT THE BALANCE OF THE REVENUES COLLECTED
25 UNDER THIS SECTION TO THE COMPTROLLER FOR DEPOSIT INTO THE OFF-HIGHWAY
26 VEHICLE FUND ESTABLISHED UNDER § 5-209.1 OF THE NATURAL RESOURCES
27 ARTICLE.

28 15-112.

29 [(a) In this section, "minibike":

30 (1) Means a motor vehicle that:

31 (i) Has a saddle for the use of the rider;

32 (ii) Is designed to travel on not more than three wheels in contact
33 with the ground; and

34 (iii) Is not subject to registration under Title 13 of this article; and

1 (2) Does not include a farm tractor.

2 (b)] Any dealer or agent or employee of a dealer, any vehicle salesman, or any
3 other person who sells [a minibike] AN OFF-HIGHWAY VEHICLE shall inform the
4 buyer that [the use of a minibike on a highway may be illegal.

5 (c) Any dealer or agent or employee of a dealer, any vehicle salesman, or any
6 other person who sells a minibike shall inform the buyer that local law, ordinance,
7 and regulation may limit the use of the minibike] OPERATION OF THE OFF-HIGHWAY
8 VEHICLE IS SUBJECT TO THE PROVISIONS OF §§ 13-403, 13-411.2, AND 21-1123 OF THIS
9 ARTICLE.

10 21-1123.

11 (A) (1) EXCEPT WHEN CROSSING A HIGHWAY AT A RIGHT ANGLE, AN
12 INDIVIDUAL MAY NOT OPERATE AN OFF-HIGHWAY VEHICLE ON A HIGHWAY.

13 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN
14 INDIVIDUAL MAY NOT OPERATE AN OFF-HIGHWAY VEHICLE ON A CONTROLLED
15 ACCESS HIGHWAY AS DEFINED IN § 21-101(D) OF THIS ARTICLE.

16 (B) (1) BEFORE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE
17 PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL OBTAIN THE
18 PERMISSION OF THE OWNER OF THE PRIVATE PROPERTY.

19 (2) WHILE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE
20 PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL CARRY ANY
21 WRITTEN PERMISSION OBTAINED FROM THE OWNER OF THE PROPERTY OR DISPLAY
22 ANY EMBLEM REQUIRED BY THE PROPERTY OWNER.

23 23-106.

24 (a) This section does not apply to:

25 (1) Any transfer of a used vehicle to any licensed dealer or to any foreign
26 dealer;

27 (2) Any transfer between:

28 (i) Spouses;

29 (ii) A parent and child; or

30 (iii) Co-owners of the vehicle to be transferred when a co-owner's
31 name is being removed from the title;

32 (3) Any transfer of a used vehicle that is not to be both titled and
33 registered in this State;

34 (4) Any transfer of a used vehicle among any agencies of the State;

1 (5) Any transfer of a used vehicle as described in § 13-503.2 of this
2 article; [or]

3 (6) Any transfer of a used vehicle into a written inter vivos trust in which
4 the transferor is the primary beneficiary; OR

5 (7) ANY TRANSFER OF AN OFF-HIGHWAY VEHICLE.

6 (b) (1) Except as provided in paragraph (4) of this subsection, if any licensed
7 dealer that also is an inspection station transfers any used vehicle, it shall:

8 (i) Prepare and attach an inspection certificate to a window of the
9 vehicle; or

10 (ii) Have an inspection certificate prepared and attached to a
11 window of the vehicle by another inspection station.

12 (2) Except as provided in paragraphs (4) and (5) of this subsection, if any
13 other person transfers a used vehicle, the person shall obtain an inspection certificate
14 from an inspection station. The inspection certificate shall be issued without charge
15 and attached to a window of the vehicle.

16 (3) If a used vehicle is transferred other than by voluntary transfer or is
17 transferred by a political subdivision of the State after that subdivision obtains the
18 vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the
19 transferee shall obtain the inspection certificate from an authorized inspection
20 station. The inspection certificate shall be issued without charge and attached to a
21 window of the vehicle.

22 (4) In the case of a transfer of any used vehicle registered, or to be
23 registered, as a Class E (truck) exceeding three-fourths ton manufacturer's rated
24 capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump
25 service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain
26 the required inspection certificate.

27 (5) In the case of a transfer of any used vehicle registered or to be
28 registered, that is sold for dismantling or rebuilding purposes, the transferor or the
29 transferee of the vehicle may obtain the required inspection certificate.

30 (6) On applying for a certificate of title of the vehicle, the transferee shall
31 remove the inspection certificate from the vehicle and present it to the
32 Administration.

33 25-102.

34 (a) The provisions of the Maryland Vehicle Law do not prevent a local
35 authority, in the reasonable exercise of its police power, from exercising the following
36 powers as to highways under its jurisdiction:

1 (14) (i) Except in Garrett County, designating a certain portion of
2 highways or roadways upon which snowmobiles may travel for the sole purpose of
3 gaining access to snowmobile trails which have been designated by the Department of
4 Natural Resources. However, only those highways and roadways which divide
5 snowmobile trails and which would otherwise obstruct direct access between
6 snowmobile trails may be so designated; and

7 (ii) In Garrett County, permitting a person to cross a highway or
8 roadway on a snowmobile at a right angle, and designating a certain portion of
9 highways or roadways upon which snowmobiles may travel for the sole purpose of
10 gaining access to snowmobile trails which have been designated by the Department of
11 Natural Resources; AND

12 [(15) Requiring a minibike, as defined in § 15-112(a) of this article, to be
13 registered, and imposing a registration fee; and

14 (16) (15) In Allegany County, designating crossings on county highways
15 where a person operating a golf cart may cross the highway for continued access to
16 any portion of a golf course.

17 [25-102.1.

18 (a) (1) In this section, "off-the-road motorcycle" means a motorcycle not
19 otherwise registered under this article.

20 (2) "Off-the-road motorcycle" includes motorcycles designed for
21 off-the-road operation, motorcycles not otherwise eligible for registration under this
22 article, and motorcycles commonly referred to as "dirt bikes".

23 (b) Each county and Baltimore City may regulate the operation of
24 off-the-road motorcycles, require them to be registered, and impose a registration fee
25 for them.]

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

28 **Article - Transportation**

29 13-809.

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

31 (2) "Fair market value" means:

32 (i) Except as provided in [item] ITEMS (iv) AND (V) of this
33 paragraph, as to the sale of any new or used vehicle by a licensed dealer, the total
34 purchase price, as certified by the dealer;

1 (ii) [As] EXCEPT AS PROVIDED IN ITEM (V) OF THIS PARAGRAPH,
 2 AS to a used vehicle that is sold by any person other than a licensed dealer and that
 3 has a designated model year that is 7 years old or older, the greater of:

4 1. The total purchase price; or

5 2. \$640;

6 (iii) [As] EXCEPT AS PROVIDED IN ITEM (V) OF THIS PARAGRAPH,
 7 AS to any other used vehicle that is sold by any person other than a licensed dealer:

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

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

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

17 B. The valuation shown in the national publication of used
 18 car values, if the Administration finds that the documentation submitted under
 19 subsection (d)(2) of this section fails to verify the total purchase price;

20 (iv) As to the sale of any new or used motor home or travel trailer by
 21 a licensed dealer, or a dealer licensed by another state or a foreign country, the total
 22 purchase price, as defined in paragraph (4)(ii) of this subsection, as certified by the
 23 dealer on a form acceptable to the Administration; [and]

24 (V) IN THE CASE OF A NEW OR USED OFF-HIGHWAY VEHICLE,
 25 REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE PRICE AS
 26 VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL OF SALE OR
 27 OTHER ACCEPTABLE DOCUMENTATION; AND

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

30 (3) "Motor home" has the meaning stated in § 11-134.3 of this article.

31 (4) "Total purchase price" means:

32 (i) Except as provided in item (ii) of this paragraph, the price of a
 33 vehicle agreed on by the buyer and the seller, including any dealer processing charge,
 34 with no allowance for trade-in or other nonmonetary consideration; and

35 (ii) In the case of a motor home or travel trailer, the price of the
 36 motor home or travel trailer agreed on by the buyer and the seller less the value, not

1 to exceed the value shown in a national publication of used motor home and travel
2 trailer values adopted for use by the Department, of any motor home or travel trailer
3 that is traded in as part of the consideration of the sale.

4 (5) "Travel trailer" has the meaning stated in § 11-170 of this article.

5 (b) (1) Except as otherwise provided in this part, in addition to any other
6 charge required by the Maryland Vehicle Law, an excise tax is imposed:

7 (i) For each original and each subsequent certificate of title issued
8 in this State for a motor vehicle, trailer, or semitrailer; and

9 (ii) Except as provided in paragraph (2) of this subsection, for each
10 motor vehicle, trailer, or semitrailer that is in interstate operation and registered
11 under § 13-109(c) or (d) of this title without a certificate of title.

12 (2) (i) An excise tax of \$50 is imposed for the registration of a trailer
13 exempt from the titling requirement under § 13-102(12) of this title.

14 (ii) In a case where the fair market value as defined in subsection
15 (a)(2)(iii)2A of this section applies, the excise tax imposed under this part may not be
16 less than \$32.

17 (3) A political subdivision of the State may not impose a sales tax, a use
18 tax, or excise tax on the issuance of a motor vehicle certificate of title.

19 (c) (1) Except as provided in subsection (b)(2) of this section, the tax
20 imposed by this section is 5 percent of the fair market value of the vehicle.

21 (2) If the vehicle formerly was a vehicle exempt from the tax imposed by
22 this section, the tax shall be reduced by any amount previously paid by the present
23 owner as a sales and use tax on the vehicle under Title 11 of the Tax - General Article.

24 (3) (i) If the vehicle was formerly titled and registered in another state
25 and the present owner has not been a Maryland resident for more than 60 days and
26 has paid a sales or excise tax to that state at a rate less than that imposed by this
27 State, then the tax imposed shall apply but at a rate measured by the difference only
28 between the tax rate paid to the other state and the tax rate imposed by this section.

29 (ii) If the vehicle was formerly titled and registered in another state
30 and the present owner requests to transfer the vehicle in accordance with §
31 13-810(c)(1) of this subtitle, the Administration shall change or correct the names
32 contained in the certificate of title:

33 1. At the time the excise tax that is credited or imposed
34 under this section is paid and a new title is issued; and

35 2. Without issuing multiple certificates of title or charging
36 additional fees.

1 (iii) Except as provided in subsection (b)(2) of this section, the
2 minimum tax imposed under this section shall be \$100.

3 (d) Each applicant for a certificate of title or for registration under § 13-109(c)
4 of this title shall submit to the Administration:

5 (1) The information that the Administration considers necessary as to:

6 (i) The time of purchase of the vehicle; and

7 (ii) The purchase price and other information relating to the
8 determination of the fair market value of the vehicle which may include, but is not
9 limited to:

10 1. Canceled checks;

11 2. Money order receipts;

12 3. Loan documents; or

13 4. A written description of the vehicle's condition; and

14 (2) If the excise tax is based on the total purchase price of the vehicle as
15 provided in subsection (a)(2)(iii)2A of this section, a notarized bill of sale that:

16 (i) Is designed by, and obtained from, the Administration;

17 (ii) Is signed by the buyer and the seller; and

18 (iii) Includes a statement explaining why the vehicle was sold at the
19 price stated in the bill of sale.

20 (e) Any person who fails to pay the excise tax as required in this section is
21 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article - Transportation**

25 13-809.

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

27 (2) "Fair market value" means:

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

1 (ii) [As] EXCEPT AS PROVIDED IN ITEM (IV) OF THIS PARAGRAPH,
 2 AS to a used vehicle that is sold by any person other than a licensed dealer and that
 3 has a designated model year that is 7 years old or older, the greater of:

4 1. The total purchase price; or

5 2. \$640;

6 (iii) [As] EXCEPT AS PROVIDED IN ITEM (IV) OF THIS PARAGRAPH,
 7 AS to any other used vehicle that is sold by any person other than a licensed dealer:

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

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

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

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

20 (IV) IN THE CASE OF A NEW OR USED OFF-HIGHWAY VEHICLE,
 21 REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE PRICE AS
 22 VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL OF SALE OR
 23 OTHER ACCEPTABLE DOCUMENTATION; AND

24 [(iv)] (V) In any other case, the valuation shown in a national
 25 publication of used car values adopted for use by the Department.

26 (3) "Total purchase price" means the price of a vehicle agreed on by the
 27 buyer and the seller, including any dealer processing charge, with no allowance for
 28 trade-in or other nonmonetary consideration.

29 (b) (1) Except as otherwise provided in this part, in addition to any other
 30 charge required by the Maryland Vehicle Law, an excise tax is imposed:

31 (i) For each original and each subsequent certificate of title issued
 32 in this State for a motor vehicle, trailer, or semitrailer; and

33 (ii) Except as provided in paragraph (2) of this subsection, for each
 34 motor vehicle, trailer, or semitrailer that is in interstate operation and registered
 35 under § 13-109(c) or (d) of this title without a certificate of title.

1 (2) (i) An excise tax of \$50 is imposed for the registration of a trailer
2 exempt from the titling requirement under § 13-102(12) of this title.

3 (ii) In a case where the fair market value as defined in subsection
4 (a)(2)(iii)2A of this section applies, the excise tax imposed under this part may not be
5 less than \$32.

6 (3) A political subdivision of the State may not impose a sales tax, a use
7 tax, or excise tax on the issuance of a motor vehicle certificate of title.

8 (c) (1) Except as provided in subsection (b)(2) of this section, the tax
9 imposed by this section is 5 percent of the fair market value of the vehicle.

10 (2) If the vehicle formerly was a vehicle exempt from the tax imposed by
11 this section, the tax shall be reduced by any amount previously paid by the present
12 owner as a sales and use tax on the vehicle under Title 11 of the Tax - General Article.

13 (3) (i) If the vehicle was formerly titled and registered in another state
14 and the present owner has not been a Maryland resident for more than 60 days and
15 has paid a sales or excise tax to that state at a rate less than that imposed by this
16 State, then the tax imposed shall apply but at a rate measured by the difference only
17 between the tax rate paid to the other state and the tax rate imposed by this section.

18 (ii) If the vehicle was formerly titled and registered in another state
19 and the present owner requests to transfer the vehicle in accordance with §
20 13-810(c)(1) of this subtitle, the Administration shall change or correct the names
21 contained in the certificate of title:

22 1. At the time the excise tax that is credited or imposed
23 under this section is paid and a new title is issued; and

24 2. Without issuing multiple certificates of title or charging
25 additional fees.

26 (iii) Except as provided in subsection (b)(2) of this section, the
27 minimum tax imposed under this section shall be \$100.

28 (d) Each applicant for a certificate of title or for registration under § 13-109(c)
29 of this title shall submit to the Administration:

30 (1) The information that the Administration considers necessary as to:

31 (i) The time of purchase of the vehicle; and

32 (ii) The purchase price and other information relating to the
33 determination of the fair market value of the vehicle which may include, but is not
34 limited to:

35 1. Canceled checks;

36 2. Money order receipts;

- 1 3. Loan documents; or
- 2 4. A written description of the vehicle's condition; and

3 (2) If the excise tax is based on the total purchase price of the vehicle as
4 provided in subsection (a)(2)(iii)2A of this section, a notarized bill of sale that:

- 5 (i) Is designed by, and obtained from, the Administration;
- 6 (ii) Is signed by the buyer and the seller; and
- 7 (iii) Includes a statement explaining why the vehicle was sold at the
8 price stated in the bill of sale.

9 (e) Any person who fails to pay the excise tax as required in this section is
10 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be
12 construed to supercede the provisions of any law of any county or political subdivision
13 of the State not relating to the classification, titling, registration, and identification of
14 off-highway vehicles as defined in this Act.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of
16 Transportation shall report to the General Assembly, in accordance with § 2-1246 of
17 the State Government Article, on or before December 15, 2006. The report shall
18 provide a full accounting of the sales of off-highway vehicles in the State and the
19 amount of revenue generated annually by the sale of off-highway vehicles since the
20 effective date of this Act.

21 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
22 Natural Resources, in accordance with § 2-1246 of the State Government Article,
23 shall report to the General Assembly annually beginning on or before December 15,
24 2006, on the Department's efforts and status in the acquisition, construction, and
25 maintenance of new and additional trails in the State for the use of off-highway
26 vehicles and in providing access to those trails.

27 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
28 take effect on the taking effect of the termination provision specified in Section 5 of
29 Chapters 361 and 362 of the Acts of the General Assembly of 2001, as amended by
30 Chapter 249 of the Acts of the General Assembly of 2003. If that termination provision
31 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.
32 This Act may not be interpreted to have any effect on that termination provision.

33 SECTION 8. AND BE IT FURTHER ENACTED, That, subject to the provisions
34 of Section 7 of this Act, this Act shall take effect October 1, 2005.