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By: **Delegates Weir, DeBoy, Donoghue, Gilleland, Holmes, Jennings,  
McConkey, McKee, Montgomery, Myers, Shank, Sossi, and Stull**

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Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Vehicle Laws—Off-Highway Vehicles—Titling and Registration~~ Task Force  
3 to Study the Titling and Registration of Off-Highway Vehicles

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

1 registration decals; requiring the Administration to adopt regulations to govern  
2 the issuance, display, and expiration of registration decals; requiring  
3 registration decals to be issued and displayed in accordance with a schedule  
4 established by the Administration; requiring the Administration to refund a  
5 registration fee under certain circumstances; authorizing the Administration to  
6 design temporary registration decals and provide them to certain licensed  
7 dealers; authorizing certain entities to electronically transmit titling and  
8 registration information and issue permanent registration decals; authorizing  
9 the Administration to establish the amount of the registration fee for an  
10 off-highway vehicle; requiring the Administration to retain a certain portion of  
11 the revenues from the registration of an off-highway vehicle; requiring the  
12 Administration to remit certain funds to the Comptroller for deposit into the  
13 Off-Highway Vehicle Fund; repealing certain requirements for the sale of a  
14 minibike; requiring a certain person who sells an off-highway vehicle to provide  
15 certain information to the buyer; prohibiting an individual from operating an  
16 off-highway vehicle on a highway with a certain exception; prohibiting an  
17 individual from operating an off-highway vehicle on a controlled access  
18 highway; establishing certain requirements for the operation of an off-highway  
19 vehicle on private property; providing that an off-highway vehicle is not  
20 required to be inspected when ownership is transferred; repealing certain  
21 provisions of law that authorize a local authority to require registration and  
22 impose a registration fee for a minibike; repealing certain provisions of law that  
23 authorize counties to regulate the operation of, require registration for, and  
24 impose a registration fee for off-the-road motorcycles; providing that, for  
25 purposes of determining a certain excise tax, the fair market value of a new or  
26 used off-highway vehicle is the total purchase price as verified to the  
27 satisfaction of the Administration by certain documents; requiring the  
28 Department of Transportation and the Department of Natural Resources to  
29 submit certain reports; providing for the construction of this Act; providing for  
30 the effective date of certain provisions of this Act; providing for the termination  
31 of certain provisions of this Act; and generally relating to off-highway vehicles  
32 the Task Force to Study the Titling and Registration of Off-Highway Vehicles;  
33 establishing the membership of the Task Force; requiring the Secretary of  
34 Budget and Management to serve as the chair of the Task Force; providing for  
35 the staffing of the Task Force; establishing that a member of the Task Force may  
36 not receive compensation, but is entitled to a certain reimbursement;  
37 establishing the duties of the Task Force; requiring the Task Force to submit a  
38 certain report to the Governor and the General Assembly on or before a certain  
39 date; providing for the termination of this Act; and generally relating to the Task  
40 Force to Study the Titling and Registration of Off-Highway Vehicles.

41 BY adding to

42 Article — Natural Resources  
43 Section 5-209.1 and 5-209.2  
44 Annotated Code of Maryland  
45 (2000 Replacement Volume and 2004 Supplement)

46 BY adding to

1 ~~Article—Transportation~~  
 2 ~~Section 11-140.1, 13-411.2, 13-937.2, and 21-1123~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2002 Replacement Volume and 2004 Supplement)~~

5 ~~BY repealing and reenacting, without amendments,~~  
 6 ~~Article—Transportation~~  
 7 ~~Section 13-101.1, 13-402(b), and 13-808~~  
 8 ~~Annotated Code of Maryland~~  
 9 ~~(2002 Replacement Volume and 2004 Supplement)~~

10 ~~BY repealing and reenacting, with amendments,~~  
 11 ~~Article—Transportation~~  
 12 ~~Section 13-102, 13-402(a) and (c), 13-403, 13-410(a) and (b), 13-412, 13-413,~~  
 13 ~~13-601, 13-610, 13-809, 15-112, 23-106, and 25-102(a)(14) and (16)~~  
 14 ~~Annotated Code of Maryland~~  
 15 ~~(2002 Replacement Volume and 2004 Supplement)~~

16 ~~BY repealing and reenacting, with amendments,~~  
 17 ~~Article—Transportation~~  
 18 ~~Section 13-809~~  
 19 ~~Annotated Code of Maryland~~  
 20 ~~(2002 Replacement Volume and 2004 Supplement)~~  
 21 ~~(As enacted by Chapters 361 and 362 of the Acts of the General Assembly of~~  
 22 ~~2001 and Chapter 249 of the Acts of the General Assembly of 2003)~~

23 ~~BY repealing~~  
 24 ~~Article Transportation~~  
 25 ~~Section 25-102(a)(15) and 25-102.1~~  
 26 ~~Annotated Code of Maryland~~  
 27 ~~(2002 Replacement Volume and 2004 Supplement)~~

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

30 ~~**Article—Natural Resources**~~

31 ~~5-209.1.~~

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

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

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

4 ~~(D) THE SECRETARY SHALL ADMINISTER THE FUND.~~

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

7 ~~(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE~~  
8 ~~COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

9 ~~(3) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME~~  
10 ~~MANNER AS OTHER FUNDS.~~

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

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

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

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

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

18 ~~(5) ANY MONEY RECEIVED AND ACCEPTED AS GIFTS, CONTRIBUTIONS,~~  
19 ~~OR GRANTS.~~

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

23 ~~(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE~~  
24 ~~WITH THE STATE BUDGET.~~

25 ~~5-209.2.~~

26 ~~(A) IN THIS SECTION, "COMMITTEE" MEANS THE OFF-HIGHWAY VEHICLE~~  
27 ~~TRAILS ADVISORY COMMITTEE.~~

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

29 ~~(C) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:~~

30 ~~(1) THE SECRETARY OR THE SECRETARY'S DESIGNEE;~~

31 ~~(2) THE SECRETARY OF TRANSPORTATION, OR THE DESIGNEE OF THE~~  
32 ~~SECRETARY OF TRANSPORTATION; AND~~

1           (3)     ~~THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR FROM~~  
2 ~~NOMINATIONS SUBMITTED BY THE ORGANIZATIONS OR INTEREST GROUPS EACH~~  
3 ~~MEMBER REPRESENTS:~~

4           (1)     ~~A RESIDENT OF THE STATE WHO REPRESENTS THE AMERICAN~~  
5 ~~MOTORCYCLE ASSOCIATION;~~

6           (II)    ~~A REPRESENTATIVE OF ABATE OF MARYLAND;~~

7           (III)   ~~TWO RESIDENTS OF THE STATE WHO REPRESENT OFF ROAD~~  
8 ~~RIDERS AND ALL TERRAIN VEHICLE CLUBS;~~

9           (IV)    ~~A RESIDENT OF THE STATE WHO REPRESENTS THE~~  
10 ~~OFF-HIGHWAY VEHICLE COUNCIL;~~

11          (V)     ~~A REPRESENTATIVE OF THE MARYLAND FARM BUREAU;~~

12          (VI)    ~~A REPRESENTATIVE OF THE MARYLAND TOURISM COUNCIL;~~

13          (VII)   ~~A REPRESENTATIVE OF THE MARYLAND MOTORCYCLE~~  
14 ~~DEALERS ASSOCIATION;~~

15          (VIII)   ~~TWO REPRESENTATIVES OF NATURAL RESOURCES~~  
16 ~~CONSERVATION ORGANIZATIONS IN THE STATE;~~

17          (IX)    ~~A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF~~  
18 ~~COUNTIES; AND~~

19          (X)     ~~A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE.~~

20        (D)     ~~THE GOVERNOR SHALL APPOINT THE CHAIR AND VICE CHAIR FROM~~  
21 ~~AMONG THE MEMBERS OF THE COMMITTEE.~~

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

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

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

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

27                (1)    ~~REVIEW EXISTING AND PROPOSED REGULATIONS, STANDARDS, AND~~  
28 ~~PROCEDURES FOR ALL TRAIL ACQUISITION, CONSTRUCTION, DEVELOPMENT, AND~~  
29 ~~MAINTENANCE;~~

30                (2)    ~~MAKE RECOMMENDATIONS ON TRAIL SITES, TRAIL SITE~~  
31 ~~ACQUISITIONS, AND THE ALLOCATION AND USE OF FUNDS;~~

32                (3)    ~~ADVISE AS TO THE USE AND OPERATION OF OFF-HIGHWAY~~  
33 ~~VEHICLES ON PUBLIC AND PRIVATE LAND, INCLUDING PROVIDING FOR THE~~

~~1 SEASONAL DESIGNATION OF TRAILS AND INNOVATIVE RECREATIONAL TRAIL  
2 SHARING TO ACCOMMODATE MOTORIZED TRAIL USE; AND~~

~~3 (4) MAKE RECOMMENDATIONS ON ANY APPROPRIATE SAFETY  
4 PROGRAMS OR COURSES THAT SHOULD BE REQUIRED FOR AN APPLICANT FOR  
5 REGISTRATION OF AN OFF HIGHWAY VEHICLE, CONSIDERING:~~

~~6 (I) THE CHARACTERISTICS OF DIFFERENT TYPES OF  
7 OFF HIGHWAY VEHICLES AND THE PARTICULAR SKILLS AND EXPERIENCE  
8 REQUIRED TO OPERATE EACH TYPE OF OFF HIGHWAY VEHICLE SAFELY UNDER  
9 VARIED TERRAIN AND WEATHER CONDITIONS;~~

~~10 (II) POTENTIAL ENFORCEMENT PROBLEMS ASSOCIATED WITH  
11 REQUIRING A SAFETY PROGRAM OR COURSE FOR AN APPLICANT FOR REGISTRATION  
12 OF AN OFF HIGHWAY VEHICLE; AND~~

~~13 (III) ANY OTHER FACTORS THAT THE COMMITTEE CHOOSES.~~

~~14 (G) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION SHALL  
15 PROVIDE STAFFING FOR THE COMMITTEE.~~

~~16 (H) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION FOR  
17 SERVING ON THE COMMITTEE OR REIMBURSEMENT FOR EXPENSES.~~

~~18 **Article—Transportation**~~

~~19 41-140.1.~~

~~20 (A) "OFF HIGHWAY VEHICLE" MEANS A VEHICLE THAT IS:~~

~~21 (1) A MOTOR ASSISTED OR MOTOR DRIVEN VEHICLE THAT:~~

~~22 (I) HAS A DRY WEIGHT OF NOT MORE THAN 1,200 POUNDS;~~

~~23 (II) TRAVELS ON AT LEAST THREE LOW PRESSURE TIRES;~~

~~24 (III) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE  
25 ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR OR IS  
26 DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE AND ONE PASSENGER;  
27 AND~~

~~28 (IV) IS COMMONLY KNOWN AS AN ALL TERRAIN VEHICLE;~~

~~29 (2) A MOTORCYCLE THAT IS DESIGNED FOR OFF HIGHWAY OPERATION  
30 AND IS NOT ELIGIBLE FOR REGISTRATION AS A CLASS D (MOTORCYCLE) VEHICLE  
31 UNDER THIS ARTICLE, COMMONLY KNOWN AS A DIRT BIKE; OR~~

~~32 (3) A SNOWMOBILE.~~

~~33 (B) "OFF HIGHWAY VEHICLE" DOES NOT INCLUDE:~~

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

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

5 ~~13-101.1.~~

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

9 ~~13-102.~~

10     A certificate of title is not required for:

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

13           (2)     ~~A new vehicle owned by a manufacturer or dealer and held for sale,~~  
14 ~~even though incidentally moved on the highway or used for purposes of testing or~~  
15 ~~demonstration;~~

16           (3)     A vehicle used by a manufacturer only for testing;

17           (4)     A vehicle owned by a nonresident of this State and not required by  
18 ~~law to be registered in this State;~~

19           (5)     A vehicle regularly engaged in the interstate transportation of people  
20 ~~or property and for which a currently effective certificate of title has been issued in~~  
21 ~~another state;~~

22           (6)     ~~A vehicle moved only by human or animal power;~~

23           (7)     A bicycle;

24           (8)     A vehicle in which interest has passed to a secured party on default of  
25 ~~the owner;~~

26           (9)     Farm equipment;

27           (10)    Special mobile equipment;

28           (11)    A self-propelled invalid:

29                   (i)     Wheelchair; or

30                   (ii)    Tricycle; [or]

31           (12)    A trailer, other than a camping trailer, rated by the manufacturer as  
32 ~~having a gross vehicle weight of 2,500 pounds or less; OR~~

1           ~~(13) AN OFF HIGHWAY VEHICLE PURCHASED BEFORE OCTOBER 1, 2005,~~  
2 ~~UNTIL THE EARLIER OF:~~

3                   ~~(I) OCTOBER 1, 2010; OR~~

4                   ~~(II) THE DATE ON WHICH THE OFF HIGHWAY VEHICLE IS FIRST~~  
5 ~~TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2005.~~

6 ~~13-402.~~

7           ~~(a) (1) Except as otherwise provided in this section or elsewhere in the~~  
8 ~~Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven~~  
9 ~~on a highway shall be registered under this subtitle.~~

10           ~~(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN~~  
11 ~~OFF HIGHWAY VEHICLE SHALL BE REGISTERED UNDER THIS SUBTITLE.~~

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

14                   ~~(i) Public alley, street, or highway; or~~

15                   ~~(ii) Private property used by the public in general, including~~  
16 ~~parking lots of shopping centers, condominiums, apartments, or town house~~  
17 ~~developments.~~

18           ~~[(3)] (4) The provisions of paragraph [(2)] (3) of this subsection do not~~  
19 ~~apply to a motor vehicle that is exempt from registration under this section or §~~  
20 ~~13-402.1 of this subtitle.~~

21           ~~(b) Except as otherwise expressly authorized in this title, the Administration~~  
22 ~~may not register or renew the registration of a vehicle unless the Administration has~~  
23 ~~issued to the owner a certificate of title of the vehicle or has received an application~~  
24 ~~for the certificate of title.~~

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

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

27                           ~~(i) In conformity with the provisions of this title relating to~~  
28 ~~manufacturers, transporters, dealers, secured parties, owners or operators of special~~  
29 ~~mobile equipment, or nonresidents; or~~

30                           ~~(ii) Under a temporary registration card issued by the~~  
31 ~~Administration;~~

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

34                   ~~(3) A farm tractor or any farm equipment;~~



- 1           (4)     A vehicle the front or rear wheels of which are lifted from the  
2 highway;
- 3           (5)     A towed vehicle that is attached to the towing vehicle by a tow bar  
4 and for which no driver is necessary;
- 5           (6)     A vehicle owned by and in the possession of a licensed dealer for  
6 purpose of sale;
- 7           (7)     A vehicle owned by a new resident of this State during the first 60  
8 days of residency provided the vehicle displays valid registration issued by the  
9 jurisdiction of the resident's former domicile;
- 10          (8)     New vehicles being operated as part of a shuttle, as defined in §  
11 13-626 of this title, while following a registered vehicle displaying a shuttle permit  
12 issued by the Administration;
- 13          (9)     A vehicle operated in connection with maritime commerce exclusively  
14 within any terminal owned or leased by the Maryland Port Administration;
- 15          (10)    ~~[A snowmobile which is operated on highways and roadways as~~  
16 ~~prescribed by § 25-102(a)(14) of this article] AN OFF-HIGHWAY VEHICLE PURCHASED~~  
17 ~~BEFORE OCTOBER 1, 2005, UNTIL THE EARLIER OF:~~
- 18                 (I)     OCTOBER 1, 2010; OR
- 19                 (II)    THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS FIRST  
20 TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2005;
- 21          (11)    A golf cart which is operated on a highway on Smith Island, provided  
22 that the golf cart is equipped with lighting devices as required by the Administration  
23 if it is operated on a highway between dusk and dawn;
- 24          (12)    A golf cart which is operated on an Allegany County highway as  
25 allowed by the County under § ~~[25-102(a)(16)] 25-102(A)(15)~~ of this article; ~~or~~
- 26          (13)    A vehicle owned by an accredited consular or diplomatic officer of a  
27 foreign government and operated for official or personal purposes when the vehicle  
28 displays a valid diplomatic license plate issued by the United States government;
- 29          (14)    AN OFF-HIGHWAY VEHICLE USED STRICTLY ON THE PROPERTY OF  
30 THE OWNER OF THE VEHICLE;
- 31          (15)    AN OFF-HIGHWAY VEHICLE OPERATED IN AN ORGANIZED  
32 COMPETITIVE OR NONCOMPETITIVE EVENT ON PUBLICLY OR PRIVATELY OWNED OR  
33 LEASED LAND, IF THE AGENCY EXERCISING JURISDICTION OVER THE LAND  
34 SPECIFICALLY AUTHORIZED THE ORGANIZED COMPETITIVE OR NONCOMPETITIVE  
35 EVENT; OR

1           (16)    AN OFF-HIGHWAY VEHICLE USED BY A DEALER OR MANUFACTURER  
2 OR AN AUTHORIZED DESIGNEE OF A DEALER OR MANUFACTURER FOR  
3 OFF-HIGHWAY VEHICLE OPERATOR EDUCATION OR SAFETY PROGRAMS.

4 13-403.

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

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

12          (b)    (1)    The application shall contain the information that the  
13 Administration reasonably requires to determine if the vehicle is entitled to  
14 registration.

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

18                   (i)    AT LEAST 18 YEARS OLD; AND

19                   (ii)   THE OWNER OF AN OFF-HIGHWAY VEHICLE.

20          (c)    IF A LICENSED DEALER HOLDS AN OFF-HIGHWAY VEHICLE FOR SALE AND  
21 TRANSFERS THE VEHICLE TO A PERSON OTHER THAN ANOTHER LICENSED DEALER,  
22 THE DEALER SHALL:

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

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

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

29 13-410.

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

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

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

1 (III) ~~Two registration plates for every other vehicle.~~

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

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

6 (i) ~~The registration number assigned to the vehicle for which it is~~  
7 ~~issued; and~~

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

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

10 ~~13-411.2.~~

11 ~~A PERSON MAY NOT OPERATE ON OFF HIGHWAY VEHICLE REQUIRED TO BE~~  
12 ~~REGISTERED UNDER THIS TITLE UNLESS THERE IS ATTACHED TO THE~~  
13 ~~OFF HIGHWAY VEHICLE AND DISPLAYED ON IT:~~

14 (1) ~~A REGISTRATION DECAL ISSUED FOR THE CURRENT REGISTRATION~~  
15 ~~PERIOD; AND~~

16 (2) ~~ANY VALIDATION TAB ISSUED FOR THE OFF HIGHWAY VEHICLE~~  
17 ~~UNDER THIS SUBTITLE.~~

18 ~~13-412.~~

19 (a) ~~Except as provided in subsection (b) of this section, unless current~~  
20 ~~validation tabs have been issued by the Administration and are displayed on the~~  
21 ~~plates OR DECALS as provided in this subtitle, the registration and the registration~~  
22 ~~plates OR DECALS issued under this title for them expire at midnight on the dates~~  
23 ~~indicated on the registration card issued by the Administration.~~

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

26 (2) ~~A temporary authorization certificate:~~

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

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

31 (3) ~~A fee for a temporary authorization certificate may be established by~~  
32 ~~the Administration.~~

1 (e) The Administration shall adopt rules and regulations to govern the  
2 issuance, display, and expiration of registrations, registration cards, registration  
3 plates OR DECALS, temporary authorization certificates, and validation tabs.

4 ~~13-413.~~

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

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

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

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

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

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

21 ~~13-601.~~

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

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

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

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

31 ~~13-610.~~

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

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

34 (3) "Qualified owner" means a person, partnership, firm, or corporation,  
35 or an individual agent of a person, partnership, firm, or corporation, authorized by

1 the Administration to transmit electronically proper titling and registration  
2 information and fees to the Administration.

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

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

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

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

13 (c) The Administration shall adopt regulations to:

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

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

18 ~~13-808.~~

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

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

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

24 ~~13-937.2.~~

25 (A) ~~WHEN REGISTERED WITH THE ADMINISTRATION, AN OFF-HIGHWAY~~  
26 ~~VEHICLE IS A CLASS O (OFF-HIGHWAY) VEHICLE.~~

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

29 (C) (1) ~~FROM THE REVENUES COLLECTED UNDER THIS SECTION, THE~~  
30 ~~ADMINISTRATION SHALL RETAIN THOSE REVENUES NECESSARY TO RECOVER THE~~  
31 ~~COST OF ADMINISTERING THE REGISTRATION OF CLASS O (OFF-HIGHWAY)~~  
32 ~~VEHICLES, INCLUDING PROVIDING ANY NECESSARY STAFF AND COMPUTER SYSTEM~~  
33 ~~PROGRAMMING.~~

34 (2) ~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER~~  
35 ~~RECOVERING THE COSTS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, THE~~

1 ADMINISTRATION SHALL REMIT THE BALANCE OF THE REVENUES COLLECTED  
 2 UNDER THIS SECTION TO THE COMPTROLLER FOR DEPOSIT INTO THE OFF-HIGHWAY  
 3 VEHICLE FUND ESTABLISHED UNDER § 5-209.1 OF THE NATURAL RESOURCES  
 4 ARTICLE.

5 ~~15-112.~~

6 (a) In this section, "minibike":

7 (1) Means a motor vehicle that:

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

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

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

12 (2) Does not include a farm tractor.

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

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

21 ~~21-1123.~~

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

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

27 (B) (1) BEFORE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE  
 28 PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL OBTAIN THE  
 29 PERMISSION OF THE OWNER OF THE PRIVATE PROPERTY.

30 (2) WHILE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE  
 31 PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL CARRY ANY  
 32 WRITTEN PERMISSION OBTAINED FROM THE OWNER OF THE PROPERTY OR DISPLAY  
 33 ANY EMBLEM REQUIRED BY THE PROPERTY OWNER.

34 ~~23-106.~~

35 (a) This section does not apply to:

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

3           (2)     Any transfer between:

4                 (i)     Spouses;

5                 (ii)    A parent and child; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 ~~25-102.~~

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

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

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

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

24           (16)} (15)    In Allegany County, designating crossings on county highways  
25 where a person operating a golf cart may cross the highway for continued access to  
26 any portion of a golf course.

27 ~~{25-102.1.~~

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

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

33           (b)     Each county and Baltimore City may regulate the operation of  
34 off the road motorcycles, require them to be registered, and impose a registration fee  
35 for them.}]

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



1 **Article—Transportation**

2 ~~13-809.~~

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

4 (2) "Fair market value" means:

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

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

11 1. The total purchase price; or

12 2. \$640;

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

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

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

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

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

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

31 (V) ~~IN THE CASE OF A NEW OR USED OFF HIGHWAY VEHICLE,~~  
32 ~~REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE PRICE AS~~  
33 ~~VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL OF SALE OR~~  
34 ~~OTHER ACCEPTABLE DOCUMENTATION; AND~~

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

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

2           (4)     "Total purchase price" means:

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

6                   (ii)    In the case of a motor home or travel trailer, the price of the  
7 motor home or travel trailer agreed on by the buyer and the seller less the value, not  
8 to exceed the value shown in a national publication of used motor home and travel  
9 trailer values adopted for use by the Department, of any motor home or travel trailer  
10 that is traded in as part of the consideration of the sale.

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

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

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

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

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

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

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

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

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

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

1 (ii) If the vehicle was formerly titled and registered in another state  
 2 and the present owner requests to transfer the vehicle in accordance with §  
 3 13-810(e)(1) of this subtitle, the Administration shall change or correct the names  
 4 contained in the certificate of title:

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

7 2. Without issuing multiple certificates of title or charging  
 8 additional fees.

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

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

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

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

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

18 1. Canceled checks;

19 2. Money order receipts;

20 3. Loan documents; or

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

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

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

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

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

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

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

1 **Article—Transportation**

2 ~~13-809.~~

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

4 (2) "Fair market value" means:

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

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

11 1. The total purchase price; or

12 2. \$640;

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

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

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

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

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

27 (IV) ~~IN THE CASE OF A NEW OR USED OFF HIGHWAY VEHICLE,~~  
28 ~~REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE PRICE AS~~  
29 ~~VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL OF SALE OR~~  
30 ~~OTHER ACCEPTABLE DOCUMENTATION; AND~~

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

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

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

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

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

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

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

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

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

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

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

25 (ii) If the vehicle was formerly titled and registered in another state  
26 and the present owner requests to transfer the vehicle in accordance with §  
27 13-810(e)(1) of this subtitle, the Administration shall change or correct the names  
28 contained in the certificate of title:

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

31 2. Without issuing multiple certificates of title or charging  
32 additional fees.

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

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

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

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

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

6                           1.     Canceled checks;

7                           2.     Money order receipts;

8                           3.     Loan documents; or

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

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

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

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

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

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

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

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

28     ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Department of~~  
29 ~~Natural Resources, in accordance with § 2-1246 of the State Government Article,~~  
30 ~~shall report to the General Assembly annually beginning on or before December 15,~~  
31 ~~2006, on the Department's efforts and status in the acquisition, construction, and~~  
32 ~~maintenance of new and additional trails in the State for the use of off highway~~  
33 ~~vehicles and in providing access to those trails.~~

34     ~~SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall~~  
35 ~~take effect on the taking effect of the termination provision specified in Section 5 of~~  
36 ~~Chapters 361 and 362 of the Acts of the General Assembly of 2001, as amended by~~

~~1 Chapter 249 of the Acts of the General Assembly of 2003. If that termination provision  
2 takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.  
3 This Act may not be interpreted to have any effect on that termination provision.~~

~~4 SECTION 8. AND BE IT FURTHER ENACTED, That, subject to the provisions  
5 of Section 7 of this Act, this Act shall take effect October 1, 2005.~~

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That:

8 (a) There is a Task Force to Study the Titling and Registration of  
9 Off-Highway Vehicles.

10 (b) The Task Force consists of the following members:

11 (1) one member of the Senate of Maryland, appointed by the President of  
12 the Senate;

13 (2) one member of the House of Delegates, appointed by the Speaker of  
14 the House;

15 (3) the Secretary of Budget and Management, or the Secretary's  
16 designee;

17 (4) the Secretary of Natural Resources, or the Secretary's designee;

18 (5) the Secretary of Transportation, or the Secretary's designee; and

19 (6) the following members appointed by the Governor:

20 (i) a resident of the State who represents off-road riders and  
21 all-terrain vehicle clubs;

22 (ii) a resident of the State who is a hunter and represents off-road  
23 riders and all-terrain vehicle clubs;

24 (iii) a resident of the State who represents the Maryland Chapter of  
25 the National Off-Highway Vehicle Conservation Council;

26 (iv) a representative of the Maryland Farm Bureau;

27 (v) a representative of the Maryland Motorcycle Dealers  
28 Association; and

29 (vi) a representative of natural resources conservation  
30 organizations in the State.

31 (c) The Secretary of Budget and Management or the Secretary's designee shall  
32 serve as the chair of the Task Force.

1 (d) The Department of Legislative Services shall provide staff for the Task  
2 Force.

3 (e) A member of the Task Force:

4 (1) may not receive compensation; but

5 (2) is entitled to reimbursement for expenses under the Standard State  
6 Travel Regulations, as provided in the State budget.

7 (f) The Task Force shall:

8 (1) study the feasibility of titling and registering off-highway vehicles;

9 (2) make recommendations for the appropriate agency to oversee the  
10 titling and registration of off-highway vehicles;

11 (3) make recommendations regarding the appropriate fee to be assessed  
12 for the titling and registration of off-highway vehicles;

13 (4) make recommendations regarding the appropriate use of fees  
14 received from the titling and registration of off-highway vehicles, including a  
15 consideration of the use of fees for land acquisition; and

16 (5) study and make recommendations regarding any other issue the  
17 Task Force determines is relevant to the titling and registration of off-highway  
18 vehicles.

19 (g) The Task Force shall report its findings and recommendations to the  
20 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
21 General Assembly on or before December 1, 2005.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2005. It shall remain effective for a period of 5 months and 1 day and, at the  
24 end of December 1, 2005, with no further action required by the General Assembly,  
25 this Act shall be abrogated and of no further force and effect.