Article - Transportation

§1–101.

(a) In this article the following words have the meanings indicated.

(b) Repealed.

(c) "Any state" means:

(1) Any state, possession, or territory of the United States;

(2) The District of Columbia; and

(3) The Commonwealth of Puerto Rico.

(d) "Consolidated Transportation Program" means the document described in § 2-103.1 of this article.

(e) "County" means a county of this State and Baltimore City.

(f) "Department" means the State Department of Transportation and includes the Office of the Secretary and the modal administrations.

(g) "Includes" or "including" means, unless the context clearly requires otherwise, includes or including by way of illustration and not by way of limitation.

(h) "Maryland Transportation Plan" means the document described in § 2-103.1 of this article.

(i) "Modal administration" means any of the following:

(1) The State Aviation Administration;

(2) The Maryland Port Administration;

(3) The Maryland Transit Administration;

(4) The State Highway Administration; or

(5) The Motor Vehicle Administration.

(j) "Person" includes:

(1) An individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind and any partnership, firm, association, public or private corporation, or other entity; and

(2) Unless the context requires otherwise, this State, any county, municipal corporation, or other political subdivision of this State, and any of their

agencies or units.

(k) "Political subdivision" includes:

(1) Any county or municipal corporation; and

(2) Unless the context requires otherwise, any special taxing district.

(l) "Property" means any real or personal property or any interest in real or personal property, and includes any franchise or easement.

(m) "Secretary" means the State Secretary of Transportation.

(n) "State Report on Transportation" means the report described in § 2-103.1 of this article.

§1–102.

Before any license or permit may be issued under this article to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the issuing authority:

(1) A certificate of compliance with the Maryland Workers' Compensation Act; or

(2) The number of a workers' compensation insurance policy or binder.

§1–103.

(a) A license or permit is considered renewed for purposes of this section if the license or permit is issued by a unit of State government to a person for the period immediately following a period for which the person previously possessed the same or a substantially similar license.

(b) Before any license or permit may be renewed under this article, the issuing authority shall verify through the Office of the Comptroller that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection.

§2–101.

There is a Department of Transportation, established as a principal department of the State government.

§2–102.

(a) The head of the Department is the Secretary of Transportation, who shall

be appointed by the Governor with the advice and consent of the Senate.

(b) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall counsel and advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(2) (i) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient administration of the Department. He may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill effectively the duties assigned to him. He may designate staff assistants to be in charge of the areas of responsibility he establishes.

(ii) The Secretary may establish for employees of the Department a human resources management system under § 2-103.4 of this subtitle that is not subject to or controlled by the provisions of State law relating to other State employees.

(3) The Secretary is entitled to the salary provided in the State budget.

(c) (1) With the approval of the Governor, the Secretary shall appoint a deputy secretary who has the duties provided by law or delegated by the Secretary.

(2) The deputy secretary is the acting secretary during periods when the Secretary is absent or disabled.

(3) The deputy secretary serves at the pleasure of the Secretary and is entitled to the salary provided in the State budget.

(4) The deputy secretary shall serve as acting chairman of the Maryland Transportation Authority, acting chairman of the Maryland Aviation Commission, and acting chairman of the Maryland Port Commission during periods when the Secretary is absent or disabled.

(d) (1) The Secretary may have in the Department the staff assistants, professional consultants, and employees provided in the State budget.

(2) Each staff assistant in charge of an area of responsibility and each professional consultant shall be appointed by and serves at the pleasure of the Secretary.

(3) Except as otherwise provided by law, the Secretary shall appoint and remove all other personnel in accordance with:

(i) The provisions of the State Personnel and Pensions Article; or

(ii) A human resources management system established by the Secretary under § 2-103.4 of this subtitle.

(4) The Secretary may delegate the authority to appoint and remove personnel of any unit to the head of that unit.

(e) Wherever the Secretary is authorized by law to make an appointment to a particular position in the Department with the approval of the Governor, the Secretary may not remove the appointee without first obtaining the Governor's approval.

§2–103.

(a) (1) The Secretary is responsible for the budget of the Office of the Secretary and for the budget of each unit in the Department.

(2) The budget request that the Secretary submits for the Department shall contain, for each modal administration, separate items for:

(i) Capital expenditures; and

(ii) Operating expenditures.

(3) Whenever the proposed budget of the Governor includes for the Department total capital and operating expenditures that exceed the expenditures proposed in the Consolidated Transportation Program, the Department shall submit to the General Assembly, subject to § 2–1246 of the State Government Article, a reconciliation report that specifically sets forth the proposed projects for which the additional expenditures are requested.

(b) Except with respect to the Maryland Transportation Authority, the Maryland Port Commission and the Maryland Port Administration, the Secretary:

(1) May adopt rules and regulations for the Department and any of its units to carry out those provisions of this article that are subject to the jurisdiction of the Department; and

(2) Shall review and may approve, disapprove, or revise the rules and regulations of each unit in the Department.

(c) The Secretary may create and determine the size of any advisory unit for the Department as he considers appropriate.

(d) The Office of the Secretary shall have a seal to authenticate copies of records or papers of the Department.

(e) (1) The Secretary is responsible for all planning activities of the Department and for the development and maintenance of a continuing, comprehensive, and integrated transportation planning process.

(2) In accordance with § 2–103.1 of this subtitle, the Secretary shall develop and, with the approval of the Governor, shall adopt a State Report on

Transportation to guide program development and to foster efficient and economical transportation services throughout the State.

(3) On or before the 3rd Wednesday of January of each year, the Secretary shall submit the State Report on Transportation to the General Assembly, subject to § 2–1246 of the State Government Article.

(e–1) (1) Before the Department begins the process of establishing, altering, or eliminating a Metropolitan Planning Organization for transportation planning purposes for an area in the State designated under federal law as an urbanized area, the Department shall give notice of the pending process by certified mail, return receipt requested, to each member of the General Assembly representing:

(i) A State legislative district, any portion of which is located in the urbanized area; and

(ii) A State legislative district that is located within 1 mile of the border of the urbanized area.

(2) The Department shall hold a public hearing in the designated urbanized area to address issues related to the establishment, alteration, or elimination of a Metropolitan Planning Organization if a member of the General Assembly who is provided notice under paragraph (1) of this subsection requests the public hearing within 45 days of receipt of the notice.

(f) (1) Except as provided in paragraph (2) of this subsection, the Secretary may transfer, assign, and reassign any staff, power, or duty from any unit in the Department to his office or to another unit in the Department. If a transfer, assignment, or reassignment occurs, the appropriation for the respective staff, power, or duty also shall be transferred.

(2) This subsection does not apply to:

(i) The powers or duties of the State Roads Commission that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that are vested by law in:

1. The Board of Airport Zoning Appeals;

2. The Transportation Professional Services Selection Board;

3. The Maryland Transportation Authority; or

4. The Maryland Port Commission and Maryland Port Administration.

(g) (1) Except as provided in paragraph (2) of this subsection, the Secretary

may exercise or perform any power or duty that any unit in the Department may exercise or perform.

(2) This subsection does not apply to:

(i) The powers or duties that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that do not require by law the approval or action of the Secretary and are vested by law in:

1. The Board of Airport Zoning Appeals;

2. The Transportation Professional Services Selection Board;

3. The Maryland Transportation Authority; or

4. The Maryland Port Commission and Maryland Port Administration.

(h) Consistent with the State budget, Division II of the State Finance and Procurement Article, and other applicable provisions of law, the Secretary may contract with any person to provide services, supplies, construction, and maintenance for the Department or for any transportation related purposes.

(i) (1) The Secretary may apply for and receive from the federal government or any person any grants–in–aid or gifts for any transportation related purpose.

(2) To the extent permitted by the State budget, the Secretary may make grants–in–aid to:

(i) Any governmental transportation agency in this State, including any county agency, bicounty agency, multijurisdiction agency, or municipal agency; or

(ii) Any other person for any transportation related purpose.

§2–103.1.

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

(2) "Capital project" means:

(i) Any project for which funds are expended for construction, reconstruction, or rehabilitation of a transportation facility by the Department or of a transportation facilities project by the Maryland Transportation Authority; or

(ii) Capital equipment, as defined by the Secretary.

(3) "Construction phase" means the phase of a capital project in which the

project is committed and advanced from the project development phase to completion.

(4) "Major capital project" means any new, expanded, or significantly improved facility or service that involves planning, environmental studies, design, right–of–way, construction, or purchase of essential equipment related to the facility or service.

(5) "Minor capital project" means any project for the preservation or rehabilitation of an existing facility or service, including the planning, design, right–of–way, construction, or purchase of equipment essential to the facility or service, and generally not requiring the preparation of an environmental impact assessment.

(6) "Project development phase" means the phase of a capital project in which planning, engineering, and environmental studies and analyses are conducted with full participation by the public, prior to commitment to construction.

(7) (i) "Proposing entity" means a government agency or political subdivision that requests that a transportation project be included in the Consolidated Transportation Program.

(ii) "Proposing entity" includes a county, a municipality, a metropolitan planning organization, or a modal administration or any other agency of the Department.

(8) "Purpose and need summary statement" means a brief statement that specifies the underlying purpose and need for a project.

(9) "Significant change" means any change that affects the size or character of a project to the extent that the change:

(i) Substantially modifies the capacity, level of service, or cost of the project;

(ii) Alters the function or purpose of the project; or

(iii) Impacts the ability of a modal administration to accomplish the program priorities established by the Secretary in the State Report on Transportation.

(10) "State transportation goals" means the goals described in the Maryland Transportation Plan.

(11) "Transportation facility" has the meaning stated in § 3–101(l) of this article.

(12) "Transportation facilities project" has the meaning stated in § 4–101(i) of this article.

(b) The State Report on Transportation consists of the Consolidated Transportation Program and the Maryland Transportation Plan.

(c) (1) The Consolidated Transportation Program shall:

(i) Be revised annually; and

(ii) Include:

1. A list of:

A. The current State transportation goals;

B. Program priorities; and

C. For projects in the construction phase, the criteria used to select major capital projects for inclusion in the capital program, as determined by the Department;

2. A statement of the Department's projected annual operating costs, set forth separately for the Office of the Secretary and for each modal administration;

3. Expanded descriptions of major capital projects;

4. A list of major capital projects for the current year, the budget request year, and the 4 successive planning years;

5. A list of anticipated minor capital projects, including a specific list of anticipated special projects for the current year and the budget request year and an estimate of the Program level for each of the 4 successive planning years;

6. A list of major bridge work projects;

7. A summary of the capital and operating programs, as defined by the Secretary, for the Maryland Transportation Authority;

8. For each listed major capital project, an indication whether the revenue source anticipated to support that project consists of federal, special, general, or other funds;

9. The Department's estimates of the levels and sources of revenues to be used to fund the projects in the Program;

10. A glossary of terms; and

11. A cross–reference table for the information contained in the various parts of the State Report on Transportation.

(2) In addition to the items listed in paragraph (1) of this subsection, the Consolidated Transportation Program shall include:

(i) A summary of current efforts and future plans, prepared after consultation with the Director of Bicycle and Pedestrian Access and the Bicycle and Pedestrian Advisory Committee established under § 2–606 of this title:

1. To develop and promote bicycle and pedestrian transportation; and

2. Working together with local jurisdictions, to accommodate in a safe and effective manner pedestrians and bicycles within a reasonable distance for walking and bicycling to rail stops, light rail stops, and subway stations;

(ii) A listing of all bicycle and pedestrian transportation projects expected to use State or federal highway funds; and

(iii) Reflected under the Office of the Secretary, any technology–related project to be funded from the account established under § 2–111 of this subtitle, along with a description and projected cost of each.

(3) Annually, the Consolidated Transportation Program shall include a report that:

(i) Identifies each major capital project for which the budget bill or a supplemental budget amendment first requests funds for the project development phase or for the construction phase;

(ii) With respect to each major capital project for which funds are requested in the budget request year, states:

1. The amount of the funds requested; and

2. The total estimated cost of the project;

(iii) Identifies significant changes in the cost, scope, design, or scheduling of major capital projects for each completed fiscal year;

(iv) When there is a significant change in cost, states the amount by which the expenditures that have been authorized exceed the original project estimate;

(v) When there is a significant change, states:

1. The amount by which costs exceed projected costs during each completed fiscal year; and

2. The total amount that has been expended for a major capital project;

(vi) Provides a purpose and need summary statement that includes:

1. A general description and summary that describes why the project is necessary and satisfies State goals, including current State transportation goals and Climate Action Plan goals required by the Greenhouse Gas Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article;

2. The location of the project, including a map of the project limits, project area, or transportation corridor; and

3. A summary of how the project meets the selection criteria for inclusion in the capital program; and

(vii) Includes any other information that the Secretary believes would be useful to the members of the General Assembly, the general public, or other recipients of the Consolidated Transportation Program.

(4) The total operating and capital expenditures for the Department or for the Office of the Secretary or any modal administration projected in the Consolidated Transportation Program for the budget request year may not exceed the budget request for the Department, Office, or modal administration for that year.

(5) For a major capital project to be considered for inclusion in the construction program of the Consolidated Transportation Program, a request must be submitted to the Secretary by the proposing entity along with a purpose and need summary statement justifying the project that includes:

(i) The location of the project, including a map of the project limits, project area, or transportation corridor;

(ii) The need for the project; and

(iii) A discussion of how the project:

1. Addresses State transportation goals; and

2. Supports local government land use plans and goals.

(6) (i) The Department shall evaluate requests for major capital projects based on the State's goals and, as appropriate, criteria as determined by the information submitted by the proposing entity and the availability of funding.

(ii) As part of the evaluation under this paragraph, the Department shall acknowledge the difference between urban and rural transportation needs.

(7) (i) The Department, in developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or crosses a waterway for inclusion in the Consolidated Transportation Program, shall consider

any reasonable and appropriate measures to provide or improve in the vicinity of the bridge or other transportation facility water access for fishing, canoeing, kayaking, or any other nonmotorized water dependent recreational activity.

(ii) The Department, in consultation with the Department of Natural Resources and interested stakeholders, shall establish:

1. Standards and guidelines for identifying appropriate bridges and other transportation facilities to be considered for the provision or improvement of water access under this paragraph; and

2. Best practices and cost effective strategies for accommodating water access under this paragraph.

(d) The Maryland Transportation Plan shall:

(1) Be revised every 5 years through an inclusive public participation process;

(2) Include a 20–year forecast of State transportation needs, based on the financial resources anticipated to be available to the Department during that 20–year period;

(3) Be expressed in terms of goals and objectives; and

(4) Include a summary of the types of projects and programs that are proposed to accomplish the goals and objectives, using a multi–modal approach when feasible.

(e) On or before November 15 of each year, the Department shall visit each county to give local governments and local legislative delegations information about and an opportunity to comment on the proposed Consolidated Transportation Program and the proposed Maryland Transportation Plan.

(f) At the earliest practical date but no later than November 1 of each year, the Department shall provide the proposed Consolidated Transportation Program and the proposed Maryland Transportation Plan to the Department of Planning for review and comment on planning issues including consistency between transportation investments and the State Economic Growth, Resource Protection, and Planning Policy and State priority funding areas established under Title 5, Subtitle 7B of the State Finance and Procurement Article.

(g) Beginning with the year 2002 State Report on Transportation and continuing thereafter, before the General Assembly considers the proposed Maryland Transportation Plan and the proposed Consolidated Transportation Program, the Department shall submit an annual report on the attainment of transportation goals and benchmarks for the approved and proposed Maryland Transportation Plan and the approved and proposed Consolidated Transportation Program to the Governor

and, subject to § 2–1246 of the State Government Article, to the General Assembly.

(h) (1) The report required under subsection (g) of this section shall include:

(i) The establishment of certain measurable performance indicators or benchmarks, in priority funding areas at a minimum, designed to quantify the goals and objectives specified in the Maryland Transportation Plan; and

(ii) The degree to which the projects and programs contained in the approved Maryland Transportation Plan and Consolidated Transportation Program attain those goals and benchmarks as measured by the performance indicators or benchmarks.

(2) The Department shall include in its report measurable long–term goals, and intermediate benchmarks of progress toward the attainment of the long–term goals, for the following measurable transportation indicators:

(i) An increase in the share of total person trips for each of transit, high occupancy auto, pedestrian, and bicycle modes of travel;

(ii) A decrease in indicators of traffic congestion as determined by the Department; and

(iii) Any other performance goals established by the Department for reducing automobile traffic and increasing the use of nonautomobile traffic.

(3) The performance indicators or benchmarks described in this subsection shall acknowledge the difference between urban and rural transportation needs.

(i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the State Government Article, shall conduct an annual review of the transportation goals, benchmarks, and indicators.

(j) (1) An advisory committee shall be assembled to advise the Department on the establishment of the transportation goals, benchmarks, and indicators under subsection (h) of this section.

(2) Membership of the advisory committee shall include but is not limited to the following members appointed by the Governor:

(i) A representative of the Maryland business community;

(ii) A representative of the disabled citizens community;

(iii) A representative of rural interests;

(iv) A representative of an auto users group;

(v) A representative of a transit users group;

(vi) A representative of the goods movement industry;

(vii) A nationally recognized expert on transportation demand management;

(viii) A nationally recognized expert on pedestrian and bicycle transportation;

(ix) A nationally recognized expert on transportation performance measurement;

(x) A representative of an environmental advocacy organization;

(xi) A representative from the Maryland Department of Planning;

(xii) A representative of the Maryland Association of Counties; and

(xiii) A representative of the Maryland Municipal League.

(3) The Governor shall appoint the chairman of the advisory committee.

(4) The advisory committee shall meet at least four times during the process of developing the Maryland Transportation Plan to provide advice to the Department on meeting the requirements of this subsection.

(5) The Department and the advisory committee shall consider the following:

(i) Transportation and population trends and their impact on the State's transportation system and priority funding areas;

(ii) Past and present State funding devoted to the various transportation modes and demand management;

(iii) The full range of unmet transportation needs in priority funding areas;

(iv) The full range of transportation measures and facilities available, and their role, effectiveness, and cost effectiveness in providing travel choices and reducing congestion;

(v) A review of transportation performance indicators and their use in other states;

(vi) A review of the coordination of State transportation investments with local growth plans for priority funding areas;

(vii) The types of investments needed and their levels of funding for supporting the goals and objectives of the Maryland Transportation Plan;

(viii) The impact of transportation investment on:

1. The environment;

2. Environmental justice as defined in § 1–701 of the Environment Article;

3. Communities; and

4. Economic development; and

(ix) The Climate Action Plan goals required by the Greenhouse Gas Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article.

(k) The Department may:

(1) Conduct its analysis of planned transportation investments in priority funding areas on a statewide basis or in groupings of priority funding areas centered on regions, metropolitan areas, cities, or other groupings suitable for transportation modeling; and

(2) Choose to exclude from its analysis priority funding areas which have an insignificant role in transportation trends because of small size, population, or physical isolation.

(l) In the report required under subsection (g) of this section, the Department shall:

(1) Use narrative, graphs, charts, tables, and maps as appropriate to make the results easily understood by the public;

(2) Include projected long–term trends for each of the indicators and the effect of planned transportation investments on the trends;

(3) To the extent practicable, account for the effect of planned transportation investments on inducing automobile travel;

(4) To the extent practicable, account for automobile trips not taken due to demand management measures, including teleworking, teleshopping, and land use patterns supporting alternatives to driving; and

(5) Indicate the cost effectiveness of investments for achieving relevant performance goals and benchmarks, including a specific analysis of planned transportation investments detailing:

(i) Any projected decreases or increases in indicators of traffic

congestion and accessibility as defined by the Department; and

(ii) The cost per passenger mile and other indicators of cost effectiveness as defined by the Department, including the estimated annual cost of maintenance and operations.

(m) (1) (i) Subject to § 2–1246 of the State Government Article:

1. On or before September 1 of each year, the Department shall submit copies of the proposed Consolidated Transportation Program and the supporting financial forecast to the General Assembly; and

2. On submission of the budget bill to the presiding officers of the General Assembly, the Department shall submit copies of the approved Consolidated Transportation Program and the supporting financial forecast to the General Assembly.

(ii) Notwithstanding § 2–1246(b)(2) of the State Government Article, the Department shall provide to each member of the General Assembly a copy of the proposed Consolidated Transportation Program and the approved Consolidated Transportation Program.

(2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget,

and the next four subsequent fiscal years.

(iii) The Department shall incorporate in the financial forecast the most recent estimates by the Board of Revenue Estimates of the revenues from:

1. The corporate income tax and the sales and use tax for each of the six subsequent years, including the current fiscal year and the fiscal year for the proposed budget; and

2. Motor fuel taxes and motor vehicle titling taxes for the current fiscal year and the fiscal year for the proposed budget.

§2–103.2.

If the Treasurer invests money of the Department, the Treasurer shall credit the interest or other income from the investment to the appropriate account of the Department.

§2–103.3.

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

(2) "County" includes Baltimore City.

(3) "Elderly and handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use mass transit facilities and services as effectively as a person who is not so affected.

(4) "Transportation service" means any transportation option or mix of options that may include paratransit or fixed route service, established or employed by a county to accommodate the transportation needs of its elderly and handicapped residents.

(b) (1) The Secretary shall identify separately within the Department's annual budget an amount that the Secretary deems necessary to be used for elderly and handicapped transportation service in each county.

(2) The amount the Secretary identifies, or such other amount as may be appropriated by the General Assembly for the provision of elderly and handicapped transportation service in each county, shall be distributed as provided in subsections (c), (d), and (e) of this section.

(c) (1) Of the amount separately identified or otherwise appropriated under subsection (b) of this section, the Secretary shall:

(i) Allocate 60 percent equally among the counties; and

(ii) Allocate the remaining amount among the counties in proportion to their respective percentages of the State's combined elderly and handicapped population.

(2) Subject to the limitations provided in subsection (f) of this section, the Secretary shall distribute all such allocated amounts to those counties which file a written application with the Department in such form and detail as the Secretary requires.

(3) A written application submitted by a county under this subsection may not be accepted or considered by the Secretary unless the local area agency on aging certifies its approval of the project for the funding for which the application is made.

(4) The Secretary shall consult with the Department of Aging and the Department of Disabilities in distributing the funds available under this section.

(d) (1) In determining local transportation needs, the counties shall take into account the elderly and handicapped transportation needs of the municipalities within their jurisdictions. Nothing in this section shall preclude a municipality from requesting the county to apply for part or all of the county's allocation of funds available under this section on behalf of the municipality.

(2) In the event a municipality believes it is not afforded a reasonable share of the funds available to the county under this section, the municipality may appeal the county's allocation decision directly to the Secretary.

(e) (1) If any of the allocated funds described in subsection (c) of this section are not applied for by the counties within 6 months after the beginning of the fiscal year, the Secretary shall make those funds available to counties pursuant to application procedures and criteria developed by the Secretary, in consultation with the Department of Aging and the Department of Disabilities. The criteria shall provide that:

(i) Such funds may be made available to counties in which the Secretary determines that additional funds for transportation service to the elderly and handicapped are most needed; and

(ii) Local match requirements described in subsection (f) of this section shall apply to all disbursements.

(2) A written application submitted by a county under this subsection may not be accepted or considered by the Secretary unless the local area agency on aging certifies its approval of the project for the funding for which the application is made.

(f) (1) The Department shall provide capital assistance with funds described in this section only on the basis of a 95 percent State, 5 percent county matching fund obligation.

(2) The Department shall provide operating assistance with funds described in this section only:

(i) To fund operating deficits of the county's transportation service; and

(ii) On the basis of a 75 percent State, 25 percent county matching fund obligation.

(g) The Secretary, in consultation with the Department of Aging and the Department of Disabilities, shall develop procedures for the proper enforcement of this section. The procedures shall provide that:

(1) A county shall use all amounts distributed to it under this section only for the acquisition or replacement of equipment or for the operating costs of the county's transportation service;

(2) A county, in consultation with the local area agency on aging, shall determine the most effective means of serving the transportation needs of its elderly and handicapped residents;

(3) Each county shall cooperate with the others to best serve the transportation needs of the State's elderly and handicapped residents; and

(4) A county administering a transportation service that receives funds under this section:

(i) Shall provide trips for any purpose;

(ii) Shall serve the elderly and handicapped citizens within the service areas identified in its application;

(iii) May not restrict its transportation service to clients of social service agencies;

(iv) May establish reasonable fares; and

(v) May permit persons other than the elderly and handicapped to use or benefit from its transportation service to the extent capacity is available.

(h) The Secretary in consultation with the Department of Aging and the Department of Disabilities shall monitor the use of funds provided under this section.

(i) A county that receives funds under this section may not use such funds to replace any moneys it receives from other sources for transportation service for the elderly and handicapped.

(j) Federal funds provided to the State for use in connection with the provision

of transportation service to the elderly and handicapped may not be diverted to other uses by the State.

(k) The Secretary shall encourage each county to:

(1) Continue to maximize use of existing funding programs for elderly and handicapped transportation service; and

(2) Enter into cooperative agreements with other local or State resource providers.

(l) Nothing in this section prohibits a county from:

(1) Contracting with nonprofit organizations, area agencies on aging, public transportation providers, or private carriers for the provision of transportation service to the elderly and handicapped;

(2) Modifying or expanding any existing local transportation system; or

(3) Developing a new transportation system with the use or assistance of subsidized volunteers.

§2–103.4.

(a) Without regard to the laws of this State relating to other State employees, the Secretary of Transportation may establish a human resources management system for employees of the Department and its units. Any human resources management system that the Secretary establishes under this section shall:

(1) Be based on merit;

(2) Include fair and equitable procedures for appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees;

(3) Include consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; and

(4) Permit employees to participate in the pension and retirement systems for employees of the State of Maryland authorized under Division II of the State Personnel and Pensions Article or any other pension and retirement systems authorized by law.

(b) (1) In the exercise of the Secretary's powers under this section, the Secretary may:

(i) Create any position in accordance with State law; and

(ii) Subject to subsection (b–1) of this section, determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

(2) The Secretary shall designate executive service employee and commission plan employee positions in the Human Resources Management System that:

(i) Must be filled without regard to political affiliation, belief, or opinion; or

(ii) In accordance with the criteria established under § 6–405(b) of the State Personnel and Pensions Article, may be filled with regard to political affiliation, belief, or opinion.

(3) On an annual basis, the Secretary shall report on the total number of positions designated under paragraph (2) of this subsection to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly.

(b–1) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) (i) In the exercise of the Secretary's powers under subsection (b) of this section, the Secretary may request a State and national criminal history records check from the Central Repository for:

1. A prospective employee; or

2. A current employee for whom a criminal history records check is required by federal or State law.

(ii) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each prospective or current employee for whom a records check is sought.

(iii) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

1. Two complete sets of the prospective or current employee's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

2. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to criminal history record information; and

3. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(iv) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the prospective or current employee and the Department the prospective or current employee's criminal history record information.

(v) Information obtained from the Central Repository under this paragraph:

1. Is confidential and may not be redisseminated; and

2. May be used only for the employment purpose authorized by this section.

(3) A person who is the subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(4) The Secretary may adopt regulations, guidelines, and policies to carry out this subsection.

(c) (1) Any human resources management system established under this section shall provide that classified service employees employed immediately prior to the date of its establishment shall be allowed to remain in the previous personnel system until June 30, 1996.

(2) Any person who as of June 30, 1996 is employed by the Department in a position authorized by the State budget, but not included under a collective bargaining agreement, shall be required to transfer into the human resources management system of the Department without loss of accumulated leave or retirement status.

(3) Any employee hired after the establishment of the new system as a permanent employee of the Department shall be hired under the provisions of the new human resources management system.

(4) Nothing in this section shall affect:

(i) The collective bargaining rights of members of the transit workers union;

(ii) The rights of employees hired at any time to join an employee organization; or

(iii) The rights of Maryland Transit Administration employees eligible under § 7–601 of this article to be included in a collective bargaining unit.

(d) (1) The Secretary shall adopt regulations to govern the human resources management system established under this section.

(2) The regulations shall address procedures for leave, appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees and shall be presented to the Joint Committee on Administrative, Executive, and Legislative Review under Title 10, Subtitle 1 of the State Government Article.

(3) The regulations shall provide that before taking any disciplinary action related to employee misconduct, an appointing authority or designated representative shall:

(i) Investigate the alleged misconduct;

(ii) Meet with the employee;

(iii) Consider any mitigating circumstances;

(iv) Determine the appropriate disciplinary action, if any, to be imposed; and

(v) Give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights.

(4) (i) The regulations shall provide that the appointing authority or designated representative may suspend an employee, with or without pay, pending the filing of charges for termination.

(ii) If an employee is suspended without pay, the appointing authority or designated representative shall provide to the Secretary the charges for termination within 30 calendar days after the first day of the suspension period.

(iii) If the appointing authority or designated representative files the charges for termination after the 30–day period described in subparagraph (ii) of this paragraph, the employee shall be placed on leave with pay until the Secretary receives the charges.

(5) The regulations shall provide that an appointing authority or a designated representative and an employee may agree to the holding in abeyance of a disciplinary action for a period not to exceed 18 months in order to permit an employee to improve conduct or performance.

(6) The employee grievance procedures shall include, at a minimum, the following sequence of levels of appeal:

(i) Initially an aggrieved employee shall present any grievance to the appointing authority or a designated representative, who shall render a written decision;

(ii) Any appeal shall be presented to the Secretary or a designated

representative, who shall render a written decision; and

(iii) If the dispute is still unresolved, the aggrieved employee may appeal to the Office of Administrative Hearings or a mutually agreed upon third party arbiter that may not hear grievances relating to classification, salary, or fiscal matters.

(7) The Secretary shall establish appeal procedures for disciplinary actions through regulations and policy.

(8) (i) During any stage of a complaint, grievance, or other administrative or legal action that concerns State employment by a full–time or part–time executive service, career service, or commission plan employee of the Department, or by a temporary or contractual employee of the Department, the employee may not be subjected to coercion, discrimination, interference, reprisal, or restraint by or initiated on behalf of the Department solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(ii) An employee of the Department may not intentionally take or assist in taking an act of coercion, discrimination, interference, reprisal, or restraint against another employee solely as a result of that employee's pursuit of a grievance, complaint, or other administrative or legal action that concerns State employment.

(iii) An employee who violates the provisions of this paragraph is subject to disciplinary action, including termination of employment.

(e) (1) The Secretary shall establish an Employee Performance Incentive Awards Program that conforms to the provisions of Division I of the State Personnel and Pensions Article.

(2) The Secretary shall have the same authority to implement this Program as is delegated to the Secretary of Budget and Management.

(3) Funding for an Employee Performance Incentive Awards Program shall be budgeted as a separate line item in the Department's annual budget submission to the General Assembly.

(f) All permanent employees of the Department shall:

(1) Be considered as permanent State employees for the purposes of transferring to a position in the Executive, Legislative, or Judicial Branch of government;

(2) Receive credit for service with the Department for the purpose of transferring accumulated sick and vacation leave, service credit in the Employees' Retirement System, and all other benefits; and

(3) Be granted the same salary consideration that would be provided to an

employee transferring within the Executive, Legislative, or Judicial Branch.

(g) In establishing a pay plan for the Department's human resources management system, the Secretary shall use the standard salary schedule adopted by the Secretary of Budget and Management pursuant to the budget. The Secretary shall prepare and recommend a standard pay plan for all classes of positions in the human resources management system that conforms to the provisions of §§ 8–101, 8–102, 8–104, 8–105, and 8–109 of the State Personnel and Pensions Article that govern the standard pay plan of the State. The Secretary shall have the same authority to implement a standard pay plan as is delegated to the Secretary of Budget and Management. Employees in the Department may not be paid salaries in excess of those paid to employees in substantially the same classifications in other State agencies.

(h) (1) The Secretary shall establish an executive pay plan that conforms to the provisions of §§ 8–101, 8–102, 8–103(b), 8–104, 8–108, and 8–109 of the State Personnel and Pensions Article that govern the executive pay plan of the State. The Secretary shall have the same authority to implement an executive pay plan as is delegated to the Secretary of Budget and Management.

(2) Subject to § 2–1246 of the State Government Article, the Secretary shall submit to the Department of Legislative Services, on or before July 15, October 15, January 15, and April 15 of each fiscal year:

(i) A list of the position, pay grade and step, title, name, and pay rate of each employee who was included in the executive pay plan as of the last day of the preceding fiscal quarter; and

(ii) The details of any lump–sum increases given to employees in the executive pay plan during the preceding fiscal quarter.

(3) (i) The quarterly reports required under paragraph (2) of this subsection shall include each flat–rate employee position in the executive pay plan.

(ii) Each flat–rate employee position included in the quarterly reports under subparagraph (i) of this paragraph shall be assigned a unique identifier that:

1. Describes the program to which the position is assigned for budgetary purposes; and

2. Corresponds to the position identification number used in the budget data provided annually by the Secretary to the Department of Legislative Services.

(i) The Department shall permit continuation of the rights of employee organizations in existence on July 1, 1992 to represent employees and to collect dues through a checkoff system consistent with Title 2, Subtitle 4 of the State Personnel and Pensions Article.

§2–103.5.

(a) Subject to the appropriation requirements and budgetary provisions of § 3-216 of this article and upon receipt of an approval of a grant application in the form or detail that the Secretary reasonably requires, the Department shall provide annual grants for paratransit service provided by county or local governments, that is complementary to fixed route service as required under the federal Americans with Disabilities Act.

(b) The amount of the grants:

(1) Shall be determined in accordance with multiyear paratransit plans approved by the Department or the Federal Transit Administration; and

(2) May not exceed a total of $4 million statewide in any fiscal year.

§2–103.6.

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

(2) "Job access project" means a program to provide reasonable transportation services to employment or job-related activities for low-income workers that:

(i) Facilitates trips to and from jobs and other employment related activities, including child care, job skills enhancement, and employment seeking activities; and

(ii) Serves low-income workers within a service area that is specified by a transportation provider.

(3) "Low-income worker" means a person that meets the poverty threshold that is established by the U.S. Department of Commerce, Bureau of the Census for a given year.

(4) "Transportation provider" means a public or private entity that provides transit service to more than one individual.

(b) (1) There is a job access program to provide grants to transportation providers for job access projects.

(2) Subject to the limitations provided in subsection (c) of this section and subject to the availability of funds in the annual State budget, the Secretary shall make grants to a transportation provider that:

(i) Operates a job access project that:

1. Takes into account the transportation needs of low-income

workers within the area of service defined by the transportation provider; and

2. Is not restricted to clients of social service agencies;

(ii) Files a written application with the Department in the form and detail the Secretary requires; and

(iii) Receives approval from the Secretary.

(3) Before approving an application from a transportation provider, the Secretary shall consult with the local department of social services.

(4) When allocating funds under the job access program, the Secretary shall give priority to the areas of the State that the Secretary determines are most in need of a job access project.

(c) (1) A transportation provider that receives funds for a capital expenditure under the job access program shall expend a matching fund of at least 20% of the total cost of the proposed capital expenditure.

(2) A transportation provider that receives funds for operating expenditures under the job access program shall expend a matching fund of at least 25% of the total cost of the proposed operating expenditures.

(3) A transportation provider shall use funds distributed under this section only for the acquisition or replacement of equipment or the operating costs of a job access project.

(4) A transportation provider that receives a grant under this section shall consult with the local department of social services to determine the most effective means of serving the transportation needs of low-income workers in the proposed service area.

(5) A transportation provider shall cooperate with other transportation providers in the proposed service area to best serve the transportation needs of low-income workers.

(6) Nothing in this section shall be construed to prohibit a transportation provider from:

(i) Contracting with nonprofit organizations, public transportation providers, or private carriers for the provision of transportation service to low-income workers;

(ii) Modifying or expanding an existing local transportation system;

(iii) Developing a new transportation system with the use or assistance of subsidized volunteers; or

(iv) Allowing individuals other than low-income workers to use the transportation services provided by the job access project to the extent excess capacity is available.

(7) Each transportation provider that receives a grant under this section shall submit a report to the Secretary that details how the grant was expended on the job access project.

(d) (1) The Secretary shall encourage a transportation provider to:

(i) Continue to maximize use of existing funding programs for a job access project; and

(ii) Enter into cooperative agreements with other local or State transportation providers.

(2) The Secretary may adopt regulations that are necessary to carry out the provisions of this section.

(e) Any funds provided under this section shall be used to supplement and shall not supplant existing funds used by a transportation provider for transportation services.

§2–106.

(a) The Attorney General is legal adviser to the Department.

(b) The Attorney General shall assign to the Department the number of assistant attorneys general authorized by law to be assigned to the Department and any additional ones necessary to render effective legal advice and counsel. The Attorney General also shall designate an assistant attorney general as counsel to the Department.

(c) The counsel to the Department may have no duty other than to render the legal aid, advice, and counsel required by the Secretary and any other official of the Department, to supervise the other assistant attorneys general assigned to the Department, and to perform for the Department the duties assigned to him by the Attorney General. The counsel shall perform these duties subject to the control and supervision of the Attorney General. After the Attorney General designates the counsel to the Department, the Attorney General may not reassign the counsel without consulting the Secretary.

(d) (1) The counsel and every other assistant attorney general assigned to the Department shall perform for the Department the legal duties assigned to them by the Attorney General. Subject to his discretion and control, the Attorney General may assign to them any duty with respect to the Department that is required of the Attorney General by law.

(2) The counsel and every other assistant attorney general shall be a practicing lawyer of this State in good standing and is entitled to the salary provided in the State budget.

(e) This section does not apply to any unit in the Department:

(1) To the extent that the unit is authorized by law to employ its own legal adviser or counsel; and

(2) Only if those legal services cannot be provided feasibly or economically by the Attorney General.

§2–107.

(a) The following units are in the Department:

(1) Maryland Aviation Administration;

(2) Maryland Port Administration;

(3) Maryland Transit Administration;

(4) State Highway Administration;

(5) Motor Vehicle Administration;

(6) Board of Airport Zoning Appeals;

(7) State Roads Commission;

(8) Transportation Professional Services Selection Board; and

(9) Maryland Transportation Commission.

(b) The Department also includes any other unit that, in accordance with law, is declared to be in the Department.

§2–109.

(a) On behalf of each unit in the Department, the Secretary, with the approval of the Governor, may waive the provisions of this article requiring competitive bids if:

(1) The purchase is to be made from or the contract is to be made with the federal or any state government or any of their agencies or political subdivisions;

(2) The public exigency requires the immediate delivery or use of the supplies or services; or

(3) Only one source of supply is available.

(b) For purposes of this section, public exigency means an emergency caused by an act of God, natural disaster, catastrophe, or other similar event or public disorder, when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by the requirements of competitive bidding.

§2–110.

The Department may enter into contracts for the provision of waterborne marine fire protection and related waterborne emergency services to port facilities, as defined in § 6-101 of this article, and to vessels that are in any of the navigable waters of this State within the territorial jurisdiction of the Maryland Port Administration.

§2–111.

(a) In this section, "information technology" has the meaning stated in § 3A–301 of the State Finance and Procurement Article.

(b) The Department shall establish an Information Technology Investment Program in accordance with the Statewide Information Technology Master Plan, as established under § 3A–305 of the State Finance and Procurement Article, and shall maintain a separate account within the Transportation Trust Fund for information technology–related resources.

(c) (1) Before proceeding with any information technology–related project, the Department shall obtain approval by the Chief of Information Technology of the Department of Budget and Management that the project is consistent with the State Information Technology Master Plan.

(2) Subject to the final approval of the Secretary of Budget and Management, the Chief of Information Technology may approve an information technology–related project only after consulting with the Information Technology Board established under § 3–406 of the State Finance and Procurement Article.

§2–201.

In this subtitle, "Commission" means the Maryland Transportation Commission.

§2–202.

There is a Maryland Transportation Commission in the Department.

§2–203.

(a) The Commission consists of the following 17 members:

(1) As ex officio members, the seven regional members of the State Roads Commission; and

(2) Ten members appointed by the Governor with the advice of the Secretary.

(b) An appointed member may not be an officer or employee of the Department. Each appointed member shall be a resident of this State and have interest and, preferably, experience in at least one of the fields under the jurisdiction of the Department.

(c) (1) Each appointed member serves for a term of 3 years and until his successor is appointed and qualifies. The terms of appointed members shall be staggered as required by the original appointments to the Commission, three of which were made for a 3-year term, four of which were made for a 2-year term, and three of which were made for a 1-year term.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

§2–204.

(a) The Governor shall designate one of the appointed members of the Commission as its Chairman.

(b) The Commission shall meet, at a time and place designated by the Commission or its Chairman:

(1) At least once each month; and

(2) At any other time that the Secretary requests.

(c) The Secretary shall provide the Commission with the facilities and personnel of the Department that the Secretary considers necessary for the conduct of the business of the Commission.

(d) A member of the Commission is entitled to:

(1) The per diem compensation provided in the State budget; and

(2) Reimbursement for expenses incurred in the discharge of his duties, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

§2–205.

(a) (1) The Maryland Transportation Commission shall study the entire transportation system of this State and regularly discuss with the Secretary any matter relating to this State's transportation system.

(2) Each of the seven regional members of the State Roads Commission,

who serve as ex officio members of the Maryland Transportation Commission, shall:

(i) Conduct a continuing survey of the secondary highways, as defined in § 8-101 of this article, in that member's region; and

(ii) Report on the highway needs and problems of that region to the Maryland Transportation Commission.

(3) The Maryland Transportation Commission may request of the Secretary any information relating to the Department that is needed for the Commission's studies, surveys, and deliberations.

(b) The Commission shall advise and make recommendations to the Secretary and the heads of the units in the Department on all matters that concern transportation policy formation and program execution.

§2–401.

In addition to any other power and duty conferred on the Governor by the Constitution and laws of this State, the Governor may:

(1) Contract and do all other things necessary on behalf of this State to secure the full benefits available to it under the federal Highway Safety Act of 1966 and acts amendatory or supplemental to it; and

(2) In so doing, cooperate with local, State, and federal agencies, interested private and public organizations, and individuals to effectuate the purposes of these acts.

§2–402.

The Governor is the official of this State responsible for dealing with the federal government as to programs and activities under the federal Highway Safety Act of 1966 and acts amendatory or supplemental to it.

§2–403.

Subject to the authority of the Governor, the administration of this State's highway safety program is the responsibility of the Department.

§2–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Director" means the Director of Bicycle and Pedestrian Access.

(c) "Transit facility" has the meaning stated in § 3-101(k) of this article.

(d) "Transportation facility" has the meaning stated in § 3-101(l) of this article.

§2–602.

The General Assembly finds that it is in the public interest for the State to include enhanced transportation facilities for pedestrians and bicycle riders as an essential component of the State's transportation system, and declares that it is the policy of the State that:

(1) Access to and use of transportation facilities by pedestrians and bicycle riders shall be considered and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning, including highway design, construction, reconstruction, and repair as well as expansion and improvement of other transportation facilities;

(2) The modal administrations in the Department shall ensure that the State maintains an integrated transportation system by working cooperatively to remove barriers, including restrictions on bicycle access to mass transit, that impede the free movement of individuals from one mode of transportation to another;

(3) As to any new transportation project or improvement to an existing transportation facility, the Department shall work to ensure that transportation options for pedestrians and bicycle riders will be enhanced and that pedestrian and bicycle access to transportation facilities will not be negatively impacted by the project or improvement; and

(4) In developing the annual Consolidated Transportation Program, the Department shall:

(i) Ensure that there is an appropriate balance between funding for:

1. Projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders; and

2. New highway construction projects; and

(ii) In transit–oriented areas within priority funding areas, as defined in § 5–7B–02 of the State Finance and Procurement Article, place increased emphasis on projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders and increase accessibility for the greatest number of pedestrians and bicycle riders.

§2–603.

(a) There is a Director of Bicycle and Pedestrian Access in the Office of the Secretary.

(b) (1) The Director shall be appointed by the Secretary with the approval of the Governor.

(2) The Director shall be a person with experience in transportation planning with specialized knowledge in matters relating to bicycle and pedestrian access to transportation facilities.

(c) (1) The Director serves at the pleasure of the Secretary and shall report directly to the Secretary.

(2) Subject to the authority of the Secretary, the Director is responsible for carrying out:

(i) The powers and duties vested by law in the Director; and

(ii) Those powers and duties vested in the Secretary and delegated to the Director by the Secretary.

(d) The Director is entitled to the salary provided in the State budget.

§2–604.

(a) The Director shall develop and coordinate policies and plans for the provision, preservation, improvement, and expansion of access to transportation facilities in the State for pedestrians and bicycle riders, including development of a Statewide 20–Year Bicycle–Pedestrian Master Plan that:

(1) (i) Identifies short–term and long–range goals that are consistent with the purposes of this subtitle; and

(ii) For each identified goal, includes:

1. Reasonable cost estimates for achieving the goal; and

2. For purposes of the annual report required under § 3–216 of this article, objective performance criteria against which progress in achieving the goal can be measured;

(2) Complies with applicable federal funding requirements;

(3) Provides a model to guide political subdivisions of the State in enhancing bicycle and pedestrian access to transportation facilities;

(4) Proposes long–term strategies for improving the State's highways to ensure compliance with the most advanced safety standards for pedestrians and bicycle riders; and

(5) After consultation with political subdivisions in the State, identifies bicycle–pedestrian priority areas to facilitate the targeting of available funds to those areas of the State most in need.

(b) The Statewide 20–Year Bicycle–Pedestrian Master Plan shall be reviewed

and updated each year that the Maryland Transportation Plan, as described in § 2–103.1 of this title, is revised.

(c) To carry out the purposes of this subtitle, the Director shall:

(1) Participate in the planning of new transportation facilities and improvements to existing transportation facilities;

(2) Advise the Secretary on matters concerning bicycle and pedestrian access and any other matter as requested by the Secretary;

(3) Initiate a program of systematic identification of and planning for projects related to bicycle and pedestrian transportation that qualify for funds under Federal Highway Administration guidelines;

(4) Monitor State transportation plans, proposals, facilities, and services to ensure maximum benefits for pedestrians and bicycle riders in the State; and

(5) Consult regularly with the Bicycle and Pedestrian Advisory Committee established under § 2–606 of this subtitle.

(d) The exercise of the powers and duties of the Director is subject to the authority of the Secretary.

§2–605.

Subject to the limitations imposed by this subtitle, the Department, in consultation with the Director, may exercise all powers reasonably necessary to achieve the purposes of this subtitle, including the authority to:

(1) Adopt regulations to implement the provisions of this subtitle;

(2) Apply for and receive grants, gifts, payments, loans, advances, appropriations, property, and services from the federal government, the State, any of their agencies or political subdivisions, or any other public or private person; and

(3) Enter into agreements and contract for:

(i) Any studies, plans, demonstrations, or projects;

(ii) Planning, engineering, and technical services; and

(iii) Any purpose necessary for or incidental to the performance of its duties and the exercise of its powers under this subtitle.

§2–606.

(a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee to provide guidance to State agencies concerning:

(1) Funding of bicycle and pedestrian related programs;

(2) Public education and awareness of bicycling and pedestrian related activities;

(3) Public education and awareness of bicycling and pedestrian safety; and

(4) Any other issue directly related to bicycling and pedestrians.

(b) The Committee shall consist of the following:

(1) One representative each from:

(i) The Department of Transportation;

(ii) The Department of Natural Resources;

(iii) The State Department of Education;

(iv) The Department of State Police;

(v) The Department of Business and Economic Development;

(vi) The Department of Health and Mental Hygiene;

(vii) The Department of Planning;

(viii) The Department of Disabilities; and

(ix) The Maryland–National Capital Park and Planning Commission;

(2) One citizen member from each of the following areas:

(i) The Eastern Shore;

(ii) Western Maryland; and

(iii) Southern Maryland;

(3) Two citizen members from each of the following areas:

(i) The Baltimore metropolitan area; and

(ii) The Washington metropolitan area; and

(4) Up to six citizen members selected to represent the interests of bicyclists, pedestrians, and the disabled community to include:

(i) A representative of individuals who are visually impaired; and

(ii) A representative of individuals who are mobility impaired.

(c) One of the citizen members selected under subsection (b) of this section shall have an expertise in bicycle and pedestrian safety.

(d) The total membership of the Committee may not exceed 22 members.

(e) The Governor shall select a chairman from among the citizen members.

(f) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2001.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) The Committee may adopt procedures necessary to ensure the orderly transaction of business.

(h) The Committee shall hold regular meetings as it deems appropriate.

(i) A member of the Committee may not receive compensation but shall be reimbursed for expenses under the Standard State Travel Regulations, as provided for in the State budget.

(j) The Department shall provide staff, administrative support, and operating expenses for the Committee as provided in the State budget.

§2–607.

(a) In this section, "Program" means the Maryland Pedestrian Safety Program.

(b) There is a Pedestrian Safety Program within the Department.

(c) The Program is funded by:

(1) The Highway Safety Operating Program of the State Highway Administration; and

(2) Any other moneys accepted for the benefit of the Program from any governmental or private source.

(d) (1) The Secretary shall award grants under the Program to counties, municipalities, and nonprofit organizations to carry out the provisions of this section.

(2) When awarding grants under the Program, the Secretary shall consider any matching fund an applicant proposes to provide.

(e) Counties, municipalities, and nonprofit organizations may apply for grants under the Program for the following purposes:

(1) To educate automobile drivers and pedestrians about methods to increase pedestrian safety;

(2) To enhance efforts to enforce State and local motor vehicle laws that protect the safety of pedestrians;

(3) To design or redesign intersections to increase pedestrian safety and access; and

(4) To enhance safe pedestrian access to transit facilities as defined in § 3-101 of this article.

(f) The Secretary shall establish procedures for counties, municipalities, and nonprofit organizations to apply for grants under the Program.

§2–701.

(a) The General Assembly finds that the State must have sustainable communities in order to:

(1) Preserve and protect the State's natural resources; and

(2) Achieve the State's economic growth, resource protection, and planning policy in § 5–7A–01 of the State Finance and Procurement Article.

(b) The General Assembly finds that sustainable communities are places where public and private investments and partnerships achieve:

(1) Development of a healthy local economy;

(2) Protection and appreciation of historic and cultural resources;

(3) A mix of land uses;

(4) Affordable and sustainable housing and job options; and

(5) Growth and development practices that protect the environment and conserve air, water, and energy resources, encourage walkability and recreational opportunities, and, where available, create access to transit.

§2–702.

It is the intent of the General Assembly that the Department shall:

(1) Consider sustainable communities as it considers annual revisions under the Consolidated Transportation Program in § 2–103.1(b) through (f) of this title; and

(2) Twice a year consult with the Smart Growth Subcabinet established under § 9–1406 of the State Government Article on how the Department may work cooperatively to make mutual investments towards creating and supporting sustainable communities across the State.

§2–703.

Subject to the limitations imposed by this subtitle, the Department may exercise all powers reasonably necessary to achieve the purposes of this subtitle, including the authority to:

(1) Adopt regulations to implement the provisions of this subtitle;

(2) Apply for and receive grants, gifts, payments, loans, advances, appropriations, property, and services from the federal government and the State, any of the agencies or political subdivisions of the federal government and the State, or other public or private person; and

(3) Enter into agreements and contract for:

(i) Any studies, plans, demonstrations, or projects;

(ii) Planning, engineering, and technical services; or

(iii) Any purpose necessary for or incidental to the performance of its duties and the exercise of its powers under this subtitle.

§3–101.

(a) In this title the following words have the meanings indicated.

(b) "Airport facility":

(1) Has the meaning stated in § 5-101 of this article; and

(2) Includes any one or more or combination of air navigation facilities, as defined in § 5-101 of this article.

(c) "Bonds of prior issues" means:

(1) All "State highway construction bonds, second issue" and "State highway construction bonds, third issue" issued and sold under Article 89B of the Code of 1957; and

(2) All bonds issued and sold under Article 62B of the Code of 1957,

evidencing the "Maryland Port Authority Loan of 1958", "Maryland Port Authority Second Loan of 1961", and "Maryland Port Authority Loan of 1967".

(d) "Cost", as applied to any transportation facility, includes the cost of and all expenses incident to the construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance, and repair of the facility, including the cost and expenses of:

(1) All property acquired in connection with it;

(2) Financial, architectural, consulting, engineering, and legal services;

(3) Plans, specifications, surveys, estimates, feasibility reports, and direct and indirect labor, material, equipment, and administrative expenses; and

(4) Financing the facility, including financing charges and interest before, during, and for 1 year after completion of construction.

(e) "Debt service" means the amount annually needed to pay the maturing principal of and interest on bonds, notes, and other evidences of obligation and to meet sinking fund requirements for these purposes.

(f) (1) In this definition, "highway" and "State highway system" have the meanings stated in § 8-101 of this article.

(2) "Highway facility" includes any one or more or combination of projects involving the rehabilitation and reconstruction of highways in the State highway system to meet present and future needs and the development and construction in new locations of new highways necessitated by traffic demands to become parts of the State highway system, including federally aided highway projects partially funded by this State and all incidental property rights, materials, facilities, and structures.

(g) "Outstanding and unpaid" does not include:

(1) Bonds purchased and held in sinking funds by or for the Department; or

(2) If the money for their payment or redemption has been provided:

(i) Matured bonds not presented for payment; or

(ii) Bonds called for redemption but not presented for redemption.

(h) "Port facility" has the meaning stated in § 6-101 of this article.

(i) (1) "Railroad facility" includes any one or more or combination of:

(i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the

transportation of persons or goods by rail; and

(ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.

(2) "Railroad facility" does not include any transit facility.

(j) "Refunding" means the retirement and cancellation of bonds, including bonds of prior issues, after their acquisition by or for the Department, whether before, at, or after maturity, either in exchange for other bonds or by payment, purchase, or redemption with the proceeds of the sale of other bonds.

(k) "Transit facility" includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation but does not include any railroad facility.

(l) "Transportation facility" includes any one or more or combination of:

(1) Airport facilities;

(2) Highway facilities;

(3) Port facilities;

(4) Railroad facilities; and

(5) Transit facilities.

§3–102.

As to bonds of prior issues:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Maryland Port Authority or adopted by or relating to the State Roads Commission remains in effect until changed by the Department; and

(2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Maryland Port Authority or the State Roads Commission means the Department.

§3–103.

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

(2) "Bonds" means bonds, notes, or other evidences of obligation issued

by the Department, including both consolidated transportation bonds and county transportation bonds.

(3) "Code" means the Internal Revenue Code and includes regulations and rulings issued under that Code.

(4) "Proceeds" means moneys received from the sale of the Department's bonds, and includes any moneys deemed to be proceeds of the Department's bonds under the Code.

(b) The Secretary, the Treasurer, and the Comptroller shall establish and maintain funds and accounts for the administration, management, investment, and accounting of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate from time to time to comply with the Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.

(c) (1) The Secretary and the Treasurer shall manage and invest proceeds, including any investment earnings on proceeds, in a manner so as to maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.

(2) The Secretary and the Treasurer shall restrict the yields on investments of proceeds if and to the extent necessary to maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.

(d) The Secretary, the Treasurer, and the Comptroller shall prepare and maintain records of the receipt, deposit, investment, management, disbursement, and application of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate from time to time to comply with the Code and to maintain or verify the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.

(e) (1) The Secretary, the Treasurer, and the Comptroller shall establish a separate rebate fund to be used to make any payments to the United States with respect to investment earnings on proceeds that may be required from time to time by the Code.

(2) There may be separate accounts within the rebate fund.

(3) Amounts deposited to the rebate fund shall be used only for the purpose of making rebate payments to the United States.

(4) The Secretary, the Treasurer, and the Comptroller shall make payments from the rebate fund as may be required from time to time in order to comply with the Code and to maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds.

(5) Any excess moneys held in the rebate fund with respect to an issue of

the Department's bonds after all required rebate payments for that issue have been made, as certified by the Secretary and the Treasurer, shall be applied in compliance with the Code.

(f) The Secretary, the Treasurer, and the Comptroller shall prepare and file from time to time with the appropriate agency of the United States any forms, information, and reports with respect to the Department's bonds and the expenditure and investment of proceeds that may be required under the Code.

(g) As necessary or appropriate from time to time to comply with the Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the Department's bonds, the Secretary, the Treasurer, and the Comptroller shall each:

(1) Take any other or further actions;

(2) Enter into any agreement or covenant regarding the use of proceeds, including any investment earnings on proceeds, the deposit of moneys to the rebate fund and the making of rebate payments; and

(3) Provide certifications of facts and estimates.

(h) This section does not prevent the Board of Public Works and the Department from authorizing the issuance and sale of the Department's bonds the interest on which is not excludable from gross income for federal income tax purposes.

§3–104.

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

(2) "Credit instrument" means a letter of credit, bond insurance policy, guaranty, line of credit, surety bond, or similar agreement or commitment securing an issue of consolidated transportation bonds or county transportation bonds.

(3) "Credit instrument provider" means an issuer of a credit instrument the unsecured indebtedness of which, or indebtedness insured by which, is rated on the date of issuance of the credit instrument by a nationally recognized rating agency in 1 of its 2 highest rating categories.

(4) "Maximum annual debt service" means, as of any particular date of computation:

(i) With respect to an issue of consolidated transportation bonds, the greatest amount required in the then current or any future calendar year to pay the principal of and interest on the bonds of that issue; and

(ii) With respect to an issue of county transportation bonds, the greatest amount required in the then current or any future fiscal year to pay the

principal of and interest on the bonds of that issue.

(b) With respect to an issue of consolidated transportation bonds sold after June 1, 1989, the Secretary may provide in the resolution authorizing the issuance of the bonds that there shall be deposited in the sinking fund maintained under § 3–215(c) of this title only the amounts of the proceeds of the taxes levied and imposed under § 3–215 of this title that may be required from time to time to pay the principal of and interest on the bonds, as and when due, and that holders of bonds of that issue shall have no right to receive payment from any other amounts deposited or maintained in the sinking fund. The Secretary may, at his discretion, determine that:

(1) There shall be deposited with or held for the paying agent for the bonds a credit instrument under which the credit instrument provider is obligated to pay an amount at least equal to the maximum annual debt service on the bonds of that issue; or

(2) The bonds shall be issued without a credit instrument if, in the Secretary's judgment, the absence of a credit instrument will not adversely affect the credit rating of the bonds.

(c) With respect to an issue of county transportation bonds sold after June 1, 1989, the Secretary may provide in the resolution authorizing the issuance of the bonds that there shall be withheld and deposited in the sinking fund maintained under § 3–307(b) of this title from funds allocable to the county under Title 8, Subtitle 4 of this article only the amounts that may be required from time to time to pay debt service on the bonds, as and when due, and that holders of bonds of that issue shall have no right to receive payment from any other amounts deposited or maintained in the sinking fund. The Secretary may, at his discretion, determine that:

(1) There shall be deposited with or held for the paying agent for the bonds a credit instrument under which the credit instrument provider is obligated to pay an amount at least equal to the maximum annual debt service on the bonds of that issue; or

(2) The bonds shall be issued without a credit instrument if, in the Secretary's judgment, the absence of a credit instrument will not adversely affect the credit rating of the bonds.

(d) The sinking fund requirements established for consolidated transportation bonds and county transportation bonds sold before June 1, 1989 shall remain unchanged so long as those bonds are outstanding and unpaid as if this section had not been enacted.

§3–201.

By one or more resolutions of the Secretary, the Department may:

(1) Finance the cost of transportation facilities;

(2) Borrow money from time to time for that purpose; and

(3) Evidence the borrowing by the issuance and sale of bonds, notes, or other evidences of obligation on the terms, conditions, and limitations contained in this subtitle.

§3–202.

(a) The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) The bonds shall be known as "consolidated transportation bonds" and may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of $4.5 billion.

(c) The preferred method of issuance of the Department's consolidated transportation bonds is by a public, competitive sale.

(d) The Department may issue its consolidated transportation bonds at a private, negotiated sale provided that:

(1) The Secretary determines that extraordinary credit market conditions exist that warrant the use of this method rather than a public, competitive sale; and

(2) The Secretary determines that the terms and conditions, including price, interest rates, and payment dates, that can be achieved by a private negotiated sale are more advantageous to the State.

(e) The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section.

§3–203.

(a) The resolution authorizing the issuance of consolidated transportation bonds shall:

(1) Describe generally the transportation facilities the cost of which is proposed to be financed by the sale of bonds;

(2) State the estimated cost of financing these facilities; and

(3) Determine and specify:

(i) The date or dates of issue;

(ii) The date or dates and amount or amounts of maturities, which need not be in equal principal amounts or consecutive annual installments;

(iii) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;

(iv) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without this State;

(v) Whether the bonds are to be issued in coupon or registered form or both and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;

(vi) Whether the bonds are to be sold at a public, competitive sale or a private, negotiated sale, as determined by the Secretary;

(vii) If the bonds are to be sold at a public sale, the form of notice of sale, which shall outline the terms and conditions of the sale;

(viii) The form of advertisement, which shall be published at least once in a journal having a circulation among banks and investment bankers, the publication of which shall be made not less than 10 days before the sale of bonds;

(ix) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and

(x) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

(b) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.

(2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.

(ii) The notice may be given by Munifacts News Service or a similar service or such other method as the Secretary deems appropriate.

§3–204.

(a) (1) Consolidated transportation bonds shall be executed on behalf of the Department by the manual or facsimile signature of the Secretary.

(2) Other signatures on the bonds may be either manual or facsimile.

(b) If an individual whose manual or facsimile signature appears on any consolidated transportation bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

§3–205.

Notwithstanding any other provision of law or any recitals in the instruments, the bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

§3–206.

The bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

§3–207.

Each issue of consolidated transportation bonds shall be approved before sale by resolution of the Board of Public Works.

§3–208.

(a) The Department from time to time may issue its refunding bonds for refunding any consolidated transportation bonds or bonds of prior issues.

(b) The powers granted and limitations imposed in this subtitle as to the issuance of consolidated transportation bonds also apply to the issuance of refunding bonds.

(c) The State Treasurer shall segregate and set apart the proceeds of the sale of any refunding bonds in a separate trust fund to be used only to pay the purchase or redemption prices of the bonds to be refunded.

§3–209.

Before the preparation of definitive bonds, the Department may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

§3–210.

(a) The Department may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of consolidated

transportation bonds.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

§3–211.

(a) With the approval of the Board of Public Works, the Department may borrow money in anticipation of its receipt of current revenues and evidence the borrowing by issuing its revenue anticipation notes.

(b) The revenue anticipation notes shall be payable, as to both principal and interest, only from current revenues when received and deposited in the Transportation Trust Fund, subject to the prior use and application of the revenues to meet the debt service on all outstanding and unpaid bonds payable from the revenues in the Transportation Trust Fund and to pay all funds due to the political subdivisions of this State.

(c) The procedure for the issuance of revenue anticipation notes is the same as that applicable to the issuance of consolidated transportation bonds, except that these notes may be issued and sold by private negotiation.

(d) A revenue anticipation note may not be issued to mature later than 6 months after the date of its issue.

§3–212.

The bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

§3–213.

The bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable, as to both principal and interest, only from the proceeds of the tax and other revenues levied, imposed, pledged, or made available for that purpose.

§3–214.

The State of Maryland covenants with the holders of all consolidated transportation bonds that the power of the Department to issue or sell general or special obligation bonds, notes, or other evidences of obligation under Articles 62B and 89B of the Code of 1957 has terminated.

§3–215.

(a) (1) For the purpose of paying the principal of and interest on consolidated transportation bonds as they become due and payable, there is hereby levied and imposed an annual tax that consists of the taxes specified in this section and, to the extent necessary and except as otherwise provided in this subsection, that shall be used and applied exclusively for that purpose.

(2) The required use and application of the tax under paragraph (1) of this subsection is subject only to the prior use and application of one or all or any combination of the taxes specified in this section to meet the debt service on all of the following bonds while they are outstanding and unpaid and to the payment of which any part of those taxes has been pledged:

(i) Bonds of prior issues; and

(ii) Bonds of any series of county transportation bonds issued under Subtitle 3 of this title.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2–1103(2), 2–1103(3), and 2–1104(a)(3) of the Tax – General Article;

(2) The motor fuel tax revenue attributable to the sales and use tax equivalent rate imposed under § 9–306 of the Tax – General Article and distributed under § 2–1103(4) of the Tax – General Article;

(3) The income tax revenue distributed under § 2–614 of the Tax – General Article;

(4) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(5) The sales and use tax revenues distributed under § 2–1302.1 of the Tax – General Article.

(c) As long as any consolidated transportation bonds are outstanding and unpaid, and except as provided in § 3–104 of this title, there shall be deposited and

maintained in a sinking fund to be maintained by the State Treasurer to secure the payment of the principal of and interest on the bonds, annually or more often, as received, so much of the proceeds of the tax levied and imposed under this section, together with all other funds received by the Department and credited to the Transportation Trust Fund, as are necessary to maintain in the sinking fund a sum equal to the amount required to pay the principal of and interest on the outstanding and unpaid bonds that will become due and payable in the current calendar year and the next succeeding calendar year.

(d) The tax levied and imposed by this section is irrevocably pledged to the payment of the principal of and interest on consolidated transportation bonds as they become due and payable, and no part of the tax or other funds applicable to debt service on the bonds may be repealed, diminished, or applied to any other purpose until:

(1) The bonds and the interest on them have become due and fully paid; or

(2) Adequate and complete provision for payment of the principal and interest has been made.

(e) (1) In this subsection "government obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(2) Adequate and complete provision for payment of the principal and interest of any issue or series of consolidated transportation bonds may be made by the Secretary and the State Treasurer by making a transfer of government obligations from the Transportation Trust Fund to the State Treasurer or to a bank or trust company as escrow fund agent in an amount which, together with the income due thereon, will be sufficient to pay in full when due the maturing principal of and interest on the consolidated transportation bonds.

(3) To the extent that adequate and complete provision has been made for the payment of consolidated transportation bonds under this title those bonds shall no longer be deemed to be outstanding and unpaid under this title.

§3–216.

(a) There is a Transportation Trust Fund for the Department.

(b) Except as otherwise expressly provided by statute, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(c) (1) There shall be maintained in the Transportation Trust Fund one or more sinking fund accounts to which shall be credited and from which shall be paid, from the proceeds of the taxes levied and imposed for that purpose or from any other funds of the Department, amounts sufficient at all times to meet the debt service on all bonds of prior issues and consolidated transportation bonds from time to time outstanding and unpaid.

(2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver Education Account, and the Motorcycle Safety Program Account shall be maintained in the Transportation Trust Fund.

(ii) In each fiscal year, the Department shall budget from federal funds available to the Department, other funds in the Transportation Trust Fund, and any other funds available to the Department, an amount sufficient to fund projects and programs determined by the Secretary to be necessary to achieve the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(d) (1) After meeting its debt service requirements, the Department may use the funds in the Transportation Trust Fund for any lawful purpose related to the exercise of its rights, powers, duties, and obligations.

(2) Expenditures under this subsection shall be made in accordance with any appropriation provided for in any applicable budget bill or supplementary appropriation bill. However, an appropriation proposed to be made to any unit in the Department or proposed to be made for any designated transportation activity, function, or undertaking that has been reduced by the General Assembly may not be restored, for the same purpose as originally proposed, except in an emergency, by the budget amendment procedure of § 7–209 of the State Finance and Procurement Article, or otherwise if the General Assembly in striking or reducing the appropriation, prohibited its restoration. However, except for emergency capital projects, if the General Assembly explicitly reduces in the budget bill an appropriation proposed for a major capital project as defined in § 2–103.1(a)(4) of this article, the appropriation may not be restored for the same purpose as originally proposed by the budget amendment procedure of § 7–209 of the State Finance and Procurement Article or otherwise unless the General Assembly, in striking or reducing the appropriation, expressly authorized its restoration.

(3) For each fiscal year, the Department shall use the funds in the Transportation Trust Fund for the purposes specified in subsection (c)(2)(ii) of this section, which may include construction and maintenance of:

(i) Public bicycle areas as defined in § 21–101(o) of this article;

(ii) Bicycle ways as defined in § 21–101(d) of this article; and

(iii) Sidewalks as defined in § 21–101(w) of this article.

(4) Each year, before the General Assembly considers the proposed Maryland Transportation Plan and the Consolidated Transportation Program, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(i) The expenditures made toward the attainment of the bicycle and pedestrian transportation goals during the preceding fiscal year under Title 2, Subtitle 6 of this article; and

(ii) The progress made toward attainment of the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(e) (1) Except as otherwise provided in this subsection, this section is effective notwithstanding any other provision of law.

(2) Nothing in this section may adversely affect in any way the security of any of the following bonds while they are outstanding and unpaid:

(i) State highway construction bonds, second issue;

(ii) State highway construction bonds, third issue;

(iii) County highway construction bonds; or

(iv) County highway construction bonds, second issue.

(3) It is the intent of the General Assembly that, as long as any of the bonds listed in paragraph (2) of this subsection are outstanding and unpaid:

(i) The sinking fund requirements established for the payment of the principal of and interest on those bonds shall remain unchanged, as if this section had not been enacted; and

(ii) The taxes and revenues pledged to the payment of the principal of and interest on those bonds as they become due and payable may not be repealed, diminished, or applied to any other purpose until:

1. The bonds and the interest on them have become due and fully paid; or

2. Adequate and complete provision for payment of the principal and interest has been made.

(f) (1) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to the General Fund of the State unless approved by the General Assembly through legislation passed by a three–fifths majority vote of the full standing committee assigned the legislation in

each of the two Houses of the General Assembly and enacted into law.

(2) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State, unless approved by the General Assembly through legislation passed by a three–fifths majority vote of the full standing committee assigned the legislation in each of the two Houses of the General Assembly and enacted into law. No part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State pursuant to the provisions of § 7–209(e)(2) of the State Finance and Procurement Article, unless the requirements of this paragraph have been satisfied.

(3) Funds in the Transportation Trust Fund may be used for defense or relief purposes only if:

(i) The State is invaded by land, sea, or air or a major catastrophe occurs; and

(ii) The Governor:

1. Proclaims a State of Emergency; and

2. Declares that the use of the funds for defense or relief purposes is necessary for the immediate preservation of the public health or safety.

(4) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, the Treasurer shall advise the Governor and the General Assembly of the potential impact of the transfer or diversion on the credit rating of bonds or other debt instruments issued by the Department.

(5) (i) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, a determination shall be made of the potential impact of the transfer or diversion on the additional bonds test set forth in the Secretary's resolution and the credit rating of bonds or other debt instruments issued by the Department.

(ii) A transfer or diversion may not occur if it is determined that the transfer or diversion would:

1. Cause the Department to fail the additional bonds test; or

2. Result in a downgrade of the Department's bonds.

(6) This subsection does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8–403 of this article.

§3–217.

(a) Any funds in the Transportation Trust Fund transferred or diverted from that Fund to the General Fund or a special fund shall be repaid within 5 years after the transfer or diversion as follows:

(1) At least 10 percent of a transfer or diversion in a fiscal year shall be repaid in the first fiscal year after the transfer or diversion;

(2) A cumulative total of at least 30 percent of a transfer or diversion in a fiscal year shall be repaid within 2 fiscal years after the transfer or diversion;

(3) A cumulative total of at least 55 percent of a transfer or diversion in a fiscal year shall be repaid within 3 fiscal years after the transfer or diversion;

(4) A cumulative total of at least 80 percent of a transfer or diversion in a fiscal year shall be repaid within 4 fiscal years after the transfer or diversion; and

(5) A cumulative total of 100 percent of a transfer or diversion in a fiscal year shall be repaid within 5 fiscal years after the transfer or diversion.

(b) This section does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8–403 of this article.

§3–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Bonds" means bonds issued under this subtitle.

(c) "Highway user revenues" has the meaning stated in § 8-401 of this article.

§3–302.

The purposes of this subtitle are to enable the counties of this State to:

(1) Accelerate programs of road construction and reconstruction;

(2) Provide local participating funds for federally aided transportation projects;

(3) Make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions; and

(4) Generally finance the capital cost of transportation facilities.

§3–303.

(a) Subject to the limitations of this subtitle, the Department from time to time

may:

(1) Borrow money and evidence the borrowing by the issuance and sale of its bonds in substantially the form and manner and subject to the same general provisions and tax exemption applicable to consolidated transportation bonds under §§ 3-203 through 3-207, 3-212, and 3-213 of this title;

(2) Disburse the proceeds of the borrowing pursuant to agreements with participating counties; and

(3) Pay the principal of and interest on the bonds.

(b) The bonds shall be known as "Department of Transportation -- County Transportation Bonds -- First Issue".

§3–304.

(a) Subject to the provisions of § 3-307 of this subtitle, any county in this State may participate in the proceeds of the sale of bonds issued under this subtitle.

(b) On the date designated by the Department, a county that desires to participate shall notify the Department of:

(1) Its desire to participate in the proceeds of the next series of bonds to be issued by the Department; and

(2) The proposed amount of its participation.

(c) The Department may extend the date for notification when appropriate.

§3–305.

(a) After notification by the county, the Department shall determine the total proceeds of the highway user revenues allocable to the county under Title 8, Subtitle 4 of this article, exclusive of any amounts distributed to any municipalities in the county.

(b) The Department next shall determine the total amount of bonds that it could issue under this subtitle on behalf of the county, with adequate annual debt service coverage, from the annual amount of the highway user revenues so allocated to the county after providing for the debt service on all outstanding and unpaid bonds that have been previously issued on behalf of the county and to which its share of the highway user revenues has been pledged.

(c) After making all necessary determinations, the Department shall notify the county of the amount of bonds of the next series that the Department will issue on behalf of the county. The Department then shall issue and sell that amount of its bonds under this subtitle as a part of the next series of bonds and shall disburse the net proceeds of that amount of the bonds pursuant to an agreement with the county, after deducting

the county's proportionate share of the cost of the issuance of the bonds.

§3–306.

(a) The Department may not issue bonds on behalf of a county if the county's share of highway user revenues for the latest fiscal year is less than twice its annual debt service on county highway construction bonds and county transportation bonds.

(b) Subject to annual recomputation, the maximum amount of the bonds that the Department may issue on behalf of a county, as computed under this section and § 3-304 of this subtitle, is the limit of participation for the county.

(c) In its discretion, the Department may limit the participation of any county in any series of bonds. In determining the amount of participation of a county, the Department shall consider the highway maintenance and other transportation needs of the county and any other factors that the Department considers appropriate.

§3–307.

(a) Before it sells any bonds, the Department and the county shall enter into an agreement as required by this section.

(b) The agreement shall specify that:

(1) The bonds to be issued on behalf of the county will be repaid, with interest, within 15 years after their date of issue;

(2) Each issue of bonds on behalf of the county shall be approved by resolution of the Board of Public Works before they are issued;

(3) Unless the county elects to deposit the amount with the State Comptroller under item (4) of this subsection, and except as provided in § 3-104 of this title, the State Comptroller may withhold and deposit money to the credit of a sinking fund maintained to pay the principal of and interest on the bonds from funds allocable to the county under Title 8, Subtitle 4 of this article, after first providing for sinking fund requirements on outstanding and unpaid county highway construction bonds issued pursuant to Chapter 657 of the Laws of 1953, until an amount equal to the debt service payable in the current fiscal year and the next succeeding fiscal year is accumulated and, thereafter, an amount equal to debt service on the bonds in the succeeding fiscal year, but no part of the funds that have been previously pledged for debt service on outstanding and unpaid bonds of the county, as provided in Title 8, Subtitle 4, may be withheld;

(4) In any year in which any bonds covered by the agreement are outstanding and unpaid, the county may make an annual levy on its taxable basis in the rate and amount sufficient to provide a sum equal to the amount to be withheld by the State Comptroller, as provided in item (3) of this subsection, in which event the State Comptroller may not withhold any more of the highway user revenues of the

county than necessary to assure payment of the principal of and interest on the bonds in the current fiscal year and the next succeeding fiscal year;

(5) At regular intervals, the State Comptroller shall pay from the sinking fund to the Department amounts sufficient to pay the principal of and interest on the bonds; and

(6) The county shall use and invest its share of the proceeds of the bonds within the parameters established by the Department and take, or refrain from taking, such other and further actions as may be required of it by the Department to maintain the exemption from federal income taxation of interest on the bonds.

(c) If a county violates its agreement with the Department in a manner that causes the bonds to lose their tax-exempt status, the Department may prohibit the county from participating in the Department's county bond program for 3 years from the date the violation is discovered.

§3–308.

In any fiscal year, if the county fails to levy the tax authorized in its agreement with the Department and if the county's share of highway user revenues is insufficient to meet the debt service on bonds in that year, the State Comptroller, notwithstanding the provisions of Title 8, Subtitle 4 of this article on the distribution of highway user revenues, may withhold from the share of highway user revenues payable to municipalities in the county an amount sufficient to pay the debt service on the bonds in that year.

§3–309.

Bonds issued under this subtitle are the obligations of the Department and may not be considered to constitute a debt of the county for the purpose of determining its debt limitations.

§3–310.

(a) In this section, "government obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(b) Adequate and complete provision for payment of the principal and interest of any issue or series of county transportation bonds may be made by the Secretary and the State Treasurer by making a transfer of government obligations from the Transportation Trust Fund to the State Treasurer or to a bank or trust company as escrow fund agent in an amount which, together with the income due thereon, will be sufficient to pay in full when due the maturing principal of and interest on the county transportation bonds.

(c) To the extent that adequate and complete provision has been made for the

payment of county transportation bonds under this title, those bonds shall no longer be deemed to be outstanding and unpaid under this title.

§3–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Bonds" means bonds issued under this subtitle and includes bonds, notes, or any other evidences of obligation.

(c) "Counties" means the counties of Maryland and includes the Mayor and City Council of Baltimore.

§3–502.

The purpose of this subtitle is to authorize the Department and the counties to establish a financing program, as an alternative to Subtitle 3 of this title, that will enable the counties to finance the cost of transportation facilities without the issuance of State or departmental debt.

§3–503.

(a) Subject to the limitations of this subtitle, the Department from time to time may:

(1) Issue revenue bonds on behalf of and for the benefit of participating counties;

(2) Loan the proceeds of those bonds to the participating counties for use in paying the counties' cost of transportation facilities; and

(3) Provide for the payment of the principal of and interest on the bonds solely from the revenues pledged for that purpose by the counties participating in an issue of bonds under this subtitle.

(b) The bonds shall be known as "County Transportation Revenue Bonds".

(c) Bonds issued under this subtitle are not "County Transportation Bonds" under Subtitle 3 of this title.

§3–504.

(a) A resolution authorizing the issuance of bonds under this subtitle shall determine and specify:

(1) The date or dates of issue;

(2) The date or dates and amount or amounts of maturities, which need not be in equal principal amounts or consecutive annual installments, but a bond may

not be issued to mature later than 30 years after the date of its issue;

(3) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;

(4) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be by any bank or trust company within or without this State;

(5) Whether the bonds are to be issued in coupon, registered or book entry form and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;

(6) Whether the bonds are to be sold at public or private sale, as determined by the Secretary;

(7) If the bonds are to be sold at public sale, the form of notice of sale, which shall outline the terms and conditions of the sale, and the form of advertisement of a summary notice of sale, which shall be published at least once in an appropriate newspaper of general circulation as determined by the Secretary;

(8) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and

(9) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

(b) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.

(2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.

(ii) The notice may be given by Munifacts News Service or a similar service or such other method as the Secretary deems appropriate.

(c) (1) Bonds shall be executed by the manual or facsimile signature of the Secretary.

(2) Other signatures on the bonds may be either manual or facsimile.

(d) If an individual whose manual or facsimile signature appears on any bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

§3–505.

Notwithstanding any other provision of law or any recitals in the instruments, bonds issued under this subtitle are investment securities under the laws of this State.

§3–506.

Bonds issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

§3–507.

Before the preparation of definitive bonds, the Department may issue interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

§3–508.

(a) The Department may issue bond anticipation notes under this subtitle, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of bonds.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

§3–509.

Bonds issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

§3–510.

(a) Bonds under this subtitle may be authorized by trust agreement between the Department and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the State. Any such trust agreement shall describe the source or sources of revenue to be pledged to pay debt service on the bonds and may contain:

(1) Subject to then existing agreements with bondholders or noteholders,

provisions pledging or assigning all or any part of the revenues of the participating counties, mortgages or loans made by the participating counties or the security therefor, the proceeds of any bonds issued under this subtitle, or any combination of these and any other assets of the participating counties to secure payment of bonds;

(2) Provisions protecting and enforcing rights and remedies of bondholders, including restrictions on the rights of holders, and covenants setting forth duties of or restrictions on the Department and the participating counties;

(3) Provisions appointing one or more trust companies or banks with trust powers to act as depositaries of the proceeds of any bonds or notes. Any depositary bank or trust company incorporated in the State may furnish indemnifying bonds or pledge securities, as required by the Department;

(4) Provisions as to custody, safeguarding, application, and investment of funds credited pursuant to this subtitle;

(5) Provisions establishing and controlling all aspects of reserve funds, including debt service reserve funds;

(6) Provisions for the payment of debt service on bonds and refunding bonds, including redemption premiums and interest; or

(7) Any other provisions deemed reasonable and proper for the security of bondholders.

(b) A trust agreement may provide that the bonds may be sold either at public or private sale and that the maturity of the bonds may not exceed 30 years after their date of issue.

§3–511.

The Department may issue bonds under this subtitle:

(1) Without obtaining the consent of any instrumentality, agency, or unit of this State; and

(2) Without any proceedings or the happening of any conditions or things other than those specifically required by this subtitle.

§3–512.

(a) The bonds shall be payable solely from the revenues received by the Department from the participating counties for that purpose.

(b) The revenues of the State and the Department are not pledged, and may not be used, to pay the principal of or interest on the bonds.

(c) The Transportation Trust Fund established by § 3-216 of this title is not pledged, and may not be used, to pay the principal of or interest on the bonds.

§3–513.

(a) Bonds issued under this subtitle are not debt of the State or the Department.

(b) Bonds issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland or the Department.

(c) All bonds issued under this subtitle shall contain a statement on their face to the effect that:

(1) Neither the State nor the Department is obligated to pay the principal of or the interest on them; and

(2) Neither the faith and credit nor the taxing power of the State or the Department is pledged to the payment of the principal of or the interest on them.

(d) Bonds issued under this subtitle are obligations of the participating counties.

§3–514.

(a) Subject to § 3-515 of this subtitle, the Department may allow any county in this State to participate in an issue of bonds under this subtitle.

(b) On the date designated by the Department, a county that desires to participate shall notify the Department of:

(1) Its desire to participate in the proceeds of the next series of bonds to be issued under this subtitle;

(2) The proposed amount of its participation; and

(3) A description of the revenues to be pledged by the county to pay debt service on the bonds.

(c) The Department may extend the date for notification when appropriate.

§3–515.

(a) After notification by the county, the Department shall determine the total amount of bonds that it should issue under this subtitle on behalf of participating counties, giving consideration to the amount of revenues from each county available to pay debt service on the bonds.

(b) (1) After making all necessary determinations, the Department shall

notify the counties of the amount of bonds of the next series that the Department will issue on behalf of the counties.

(2) The Department shall then issue and sell that amount of bonds under this subtitle as a part of the next series of bonds and shall disburse the net proceeds of that amount of the bonds pursuant to appropriate agreements with the participating counties, after deducting the counties' proportionate share of the cost of the issuance of the bonds and the appropriate share of the Department's costs of administering the program established under this subtitle which is attributable to each bond issue.

§3–516.

(a) Counties which can demonstrate an ability to pay their proportionate share of debt service on the bonds may participate in the program only after:

(1) The county's participation in the program has been approved by a local ordinance or resolution enacted after public notice and public hearings as required in accordance with State and local public laws, charters, or ordinances; and

(2) A list of projects which may be undertaken under the local program has been available for review by the public at the public hearing.

(b) The obligations undertaken under this subtitle by participating counties, the borrowing which they represent, any pledge of the full faith and credit of the participating counties or any other guarantee of the participating counties, and the programs or projects being financed are subject to:

(1) Any referendum requirements of the charter or other local law of the counties; and

(2) Any limitation of the charter or local law on the rate of taxation or the aggregate amount of taxes that may be levied within the counties.

§3–517.

(a) Before it sells any bonds under this subtitle, the Department shall enter into an agreement with each participating county as required by this section.

(b) The agreement shall:

(1) Specify that the bonds to be issued on behalf of the county will be repaid by the county under such terms and conditions as the Department and the counties deem appropriate;

(2) Describe the source and nature of revenues the county will pledge to the repayment of the bonds, which revenues may include highway user revenues under § 8-401 of this article or any other revenues of the county; and

(3) Describe any other terms or conditions that the Department deems necessary or appropriate to assure prompt and full repayment of the bonds.

(c) The Department may pledge or assign all or a portion of its rights under agreements made pursuant to this section to guarantee repayment of bonds.

(d) (1) In order to enhance the security or the marketability of the bonds, a county may agree with the Department to pledge any moneys that the county is entitled to receive from the county's share of highway user revenues, but a county may not pledge moneys that are pledged or dedicated to another purpose by State law.

(2) In the event of such pledge, the State Comptroller and the State Treasurer may cause in accordance with the terms of such agreement such moneys to be paid to the Department or any trustee designated by the Department.

§3–518.

(a) Counties may borrow the proceeds of bonds issued under this subtitle and enter into agreements with the Department evidencing the counties' obligation to repay such loans, pursuant to such terms and conditions as the Department and the counties deem appropriate.

(b) A county may enter into any agreement necessary or appropriate to allow it to participate in a bond issue under this subtitle.

(c) An agreement authorized by this subsection may have such provisions, terms, and conditions, and may be of such duration, as the county by ordinance or resolution may determine.

(d) Except as provided in subsection (f) of this section, any payment obligation in an agreement authorized by this section may be either:

(1) A general obligation of the county to which its full faith and credit and unlimited taxing power is pledged and which may not be subject to annual appropriation by the county; or

(2) Any other obligation which the county is authorized to undertake.

(e) A payment obligation in an agreement authorized by this section may be undertaken by a county pursuant to a public or private sale, with or without public bidding.

(f) If a State constitutional provision limits a county in undertaking a payment obligation described in this section or requires a county to comply with certain procedures prior to undertaking a payment obligation described in this section, the county may provide that the payment obligation:

(1) Is a limited obligation of the county repayable from assets and

revenues as provided in the agreement; or

(2) Is subject to annual appropriation by the county.

(g) The obligations undertaken under this subtitle by participating counties, the borrowing which they represent, any pledge of the full faith and credit of the participating counties or any other guarantee of the participating counties, and the programs or projects being financed are not subject to any requirement of charter or local law as to the form or public sale of bonds or obligations of the counties.

§3–519.

(a) The Department may from time to time issue revenue refunding bonds under this subtitle for:

(1) Refunding any bonds issued under this subtitle, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the date of redemption of the bonds; and

(2) Refunding any bonds issued under Subtitle 3 of this title.

(b) This issuance of refunding bonds under this section, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to them are governed by the provisions of this subtitle relating to revenue bonds, insofar as those provisions may be applicable, except that the issuance of such refunding bonds and the obligations with respect to them are not subject to the provisions of § 3-516 of this subtitle.

§3–601.

(a) In order to utilize to the greatest extent possible the benefits of available financial resources relating to transportation purposes, including federal grants, loans, transportation facility revenue sources, and other programs, the Department from time to time may issue its bonds and otherwise borrow funds, as provided in this subtitle, to finance the costs of transportation facilities.

(b) The Department may apply for any financial assistance in support of projects deemed appropriate by the Secretary.

(c) The Department may undertake the following actions and do all things necessary and appropriate consistent with such actions to utilize the available resources specified in subsection (a) of this section:

(1) Pledge and use existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes for the payment of the principal of and interest on the Department's bonds or other debt obligations issued under this subtitle to finance the costs of transportation facilities; and

(2) (i) Borrow funds from the federal government or its agencies, and evidence such borrowing with a promissory note or other evidence of obligation;

(ii) Borrow funds from a nongovernment lender if the loan is guaranteed by the federal government or its agencies; and

(iii) 1. Use the proceeds of the loans described in items (i) and (ii) of this paragraph in connection with transportation facilities including use of the proceeds to pay the costs of financing transportation facilities and the payment of debt service on the Department's bonds issued in connection with such transportation facilities;

2. Repay the loans with revenues attributable to the transportation facilities being financed; and

3. Pledge revenues attributable to the transportation facilities being financed in order to secure the Department's obligations to the federal government or its agencies or a nongovernment lender in connection with the loans.

(d) If the Department intends to pledge any future federal aid from any source to support repayment of bonds issued under this subtitle:

(1) The aggregate principal amount of debt issued under this subtitle or Title 4, Subtitle 3 of this article that is secured by a pledge of future federal aid may not exceed $750,000,000;

(2) The date of maturity may not be later than 12 years after the date of issue;

(3) Notwithstanding § 3–215(d) of this title, if future federal aid is insufficient to pay the principal of and interest on the bonds issued under this subtitle when due, the tax levied under § 3–215 of this title, to the extent the proceeds of such tax are not necessary to provide the sinking fund required under § 3–215(c) of this title, is irrevocably pledged to the payment of the principal of and interest on the bonds issued under this subtitle as they become due and payable;

(4) The lien of the pledge under item (3) of this subsection shall at all times be subordinate to the lien of the pledge of such tax under § 3–215(d) of this title to the payment of principal of and interest on consolidated transportation bonds; and

(5) No part of the tax levied under § 3–215 of this title may be repealed, diminished, or applied to any other purpose until:

(i) The bonds issued under this subtitle and interest on them have become due and fully paid; or

(ii) Adequate and complete provision for payment of the principal and interest has been made.

(e) (1) By resolution of the Secretary, the Department may:

(i) Borrow funds to finance the costs of transportation facilities;

(ii) Evidence the borrowing by the issuance and sale of revenue–backed bonds; and

(iii) Pledge and use a dedicated revenue source, which may include revenues attributable to the transportation facilities being financed, for the payment of the principal of and interest on the Department's revenue–backed bonds described in this subsection.

(2) Payment of the principal of or interest on revenue–backed bonds issued under this subtitle may not be supported directly or indirectly by State tax revenues pledged to meet debt service on Consolidated Transportation Bonds as prescribed under § 3–215 of this title.

§3–602.

(a) Bonds issued by the Department under this subtitle shall be known as "special transportation project revenue bonds".

(b) A resolution authorizing the issuance of special transportation project revenue bonds shall:

(1) Describe generally the transportation facilities to be financed by the sale of bonds;

(2) State the estimated cost of financing these transportation facilities; and

(3) With respect to the bonds, specify:

(i) The date of issue;

(ii) The date of each maturity, which may not be later than 30 years after the date of issue;

(iii) The amount of each maturity, which need not be in equal principal amounts or consecutive annual installments;

(iv) The rate of interest payable on the bonds, or the manner of determining the rate of interest, and the date or dates of payment of interest;

(v) The tenor, form, denomination, manner of execution, and place of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without the State;

(vi) Whether the bonds are to be issued in coupon, registered or book

entry form and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;

(vii) Whether the bonds are to be sold at public or private sale, as determined by the Secretary;

(viii) If the bonds are to be sold at public sale:

1. The form of notice of sale, which shall outline the terms and conditions of the sale; and

2. The form of advertisement of a summary notice of sale, which shall be published at least once in an appropriate newspaper of general circulation as determined by the Secretary;

(ix) Whether all or any part of the bonds are redeemable before maturity and any terms, conditions, and prices of redemption; and

(x) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

(c) (1) The resolution may provide that the Secretary may postpone the time for receipt of proposals for the bonds without republishing the form of advertisement for the bonds.

(2) (i) The Secretary shall provide notice of the new date and time of sale not less than 24 hours prior to the time proposals are to be submitted, which date may not be more than 30 days after the originally scheduled date of sale.

(ii) The notice may be given by TM3 News Service or a similar service or any other method that the Secretary deems appropriate.

(d) (1) Special transportation project revenue bonds shall be executed on behalf of the Department by the manual or facsimile signature of the Secretary.

(2) Other signatures on the bonds may be either manual or facsimile.

(3) If an individual whose manual or facsimile signature appears on any bond or coupon ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all purposes as if the individual had remained in that capacity until delivery of the bond.

(e) Forty-five days before each issuance of bonds under this section, the Department must report the proposed issuance to the Legislative Policy Committee for review and comment.

(f) Each issue of special transportation project revenue bonds shall be approved

before sale by resolution of the Board of Public Works.

§3–603.

(a) Notwithstanding any other provision of law or any recitals in the instruments, the bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

(b) The bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article.

§3–604.

(a) The Department from time to time may issue its refunding bonds for refunding any special transportation project revenue bonds.

(b) The powers granted and limitations imposed in this subtitle as to the issuance of special transportation project revenue bonds also apply to the issuance of refunding bonds.

(c) The State Treasurer shall segregate the proceeds of the sale of any refunding bonds in a separate trust fund to be used only to pay the purchase or redemption prices of the bonds to be refunded.

§3–605.

(a) Before the preparation of definitive bonds, the Department may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

(b) The Department may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of special transportation project revenue bonds.

(c) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the renewal of these notes at maturity, with or without resale.

(d) The issuance of bond anticipation notes, the details of issuance, the rights of their holders, and the rights, duties, and obligations of the Department with respect to the bond anticipation notes are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued.

§3–606.

(a) (1) Bonds issued under this subtitle may be secured by a trust agreement

between the Department and a corporate trustee, which may be any trust company or bank having trust powers within or without the State.

(2) The trust agreement may pledge or assign:

(i) All or any part of the existing and anticipated federal funds paid to or expected to be paid to the Department for transportation purposes; or

(ii) Revenue from a dedicated revenue source, which may include revenues attributable to the transportation facilities being financed.

(3) The trust agreement may not pledge or assign any State tax revenues pledged to meet debt service on Consolidated Transportation Bonds as prescribed under § 3–215 of this title.

(b) Any trust agreement or bond authorizing resolution may:

(1) Contain provisions for the protection and enforcement of the rights and remedies of bondholders as are considered reasonable and proper, including covenants setting forth the duties of the Department as to the financing or development of any transportation facility, the extension, enlargement, improvement, maintenance, operation, repair, and insurance of the transportation facility, and the custody, safeguarding, and application of money;

(2) Provide for the employment of consulting engineers in connection with the construction or operation of any transportation facility;

(3) Set forth the rights and remedies of the bondholders and of the trustee;

(4) Restrict the individual right of action by bondholders; and

(5) Contain any other provisions that the Department considers reasonable and proper for the security of the bondholders.

(c) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the transportation facility in connection with which the bonds have been issued.

(d) The proceeds of the sale of bonds shall be paid to the trustee under the trust agreement securing the bonds and shall be disbursed in the manner and under the restrictions, if any, provided in the trust agreement.

(e) Any bank or trust company incorporated under the laws of this State that acts as depositary of the proceeds of the bonds or of revenues may furnish any indemnifying bonds or pledge any securities that the Department requires.

§3–607.

(a) The bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt from taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies.

(b) The bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable, as to both principal and interest, only from the proceeds of the revenues pledged or made available under this subtitle for this purpose.

(c) The Department's pledge of revenues and funds to secure its bonds, notes, and other evidences of obligation issued under this subtitle, shall be valid and binding against any person having a claim against the Department, and shall have priority over any such claim, regardless of whether the person has notice of the Department's pledge.

(d) Notwithstanding any other provision of law, the Department is only required to file or record in the records of the Department any resolution, trust agreement, or other instrument that creates a lien on, a security interest in, or an assignment of:

(1) Any revenues;

(2) Any rights to receive revenues; or

(3) Any moneys or securities in the funds and accounts pledged to the bonds, notes, or other evidence of obligation of the Department.

§4–101.

(a) In this title the following words have the meanings indicated.

(b) "Authority" means the Maryland Transportation Authority.

(c) "Cost", as applied to any transportation facilities project, includes the cost of and all expenses incident to the construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance, and repair of the project, including the cost and expenses of:

(1) All property acquired in connection with it;

(2) Financial, architectural, consulting, engineering, and legal services;

(3) Plans, specifications, surveys, estimates, feasibility reports, and direct and indirect labor, material, equipment, and administrative expenses; and

(4) Financing the project, including financing charges and interest before, during, and for 1 year after completion of construction.

(d) "Outstanding and unpaid" does not include:

(1) Bonds purchased and held in sinking funds by or for the Authority; or

(2) If the money for their payment or redemption has been provided:

(i) Matured bonds not presented for payment; or

(ii) Bonds called for redemption but not presented for redemption.

(e) "Refunding" means the retirement and cancellation of bonds, including revenue bonds of prior issues, after their acquisition by or for the Authority, whether before, at, or after maturity, either in exchange for other bonds or by payment, purchase, or redemption with the proceeds of the sale of other bonds.

(f) "Resolution", as used with respect to the Authority, means a resolution adopted by the affirmative vote of a majority of the appointed members of the Authority and concurred in by the Chairman.

(g) "Revenue bonds of prior issues" means:

(1) "State of Maryland Bridge and Tunnel Revenue Bonds" dated as of October 1, 1954;

(2) "State of Maryland Northeastern Expressway Revenue Bonds" dated as of January 1, 1962;

(3) "State of Maryland Bridge and Tunnel Revenue Bonds":

(i) "(Series 1968)" dated as of October 1, 1968; and

(ii) "(Series 1975)" dated as of July 1, 1975; and

(4) Any other revenue bonds issued under the same provisions of law that authorized the issuance of the bonds listed in this subsection.

(h) "Transportation facilities project" includes:

(1) The Susquehanna River Bridge, the Harry W. Nice Memorial Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;

(2) A vehicle parking facility located in a priority funding area as defined

in § 5–7B–02 of the State Finance and Procurement Article;

(3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and

(4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.

(i) "Transportation facility" has the meaning stated in § 3–101 of this article.

(j) "Vehicle parking facility" means a controlled entrance and exit building, structure, surface lot, and other facility for parking vehicles, for which fees or charges are established for the use of the facility.

§4–102.

The exercise of the powers granted by this title is in all respects for the benefit of the people of this State and for the improvement of their health and living conditions, and the activities of the Authority and the operation and maintenance of its projects constitute essential governmental functions.

§4–201.

There is a Maryland Transportation Authority.

§4–202.

(a) The Secretary of Transportation is the Chairman of the Authority.

(b) (1) In addition to the Chairman, the Authority consists of eight members appointed by the Governor with the advice and consent of the Senate.

(2) The appointed members of the Authority may not be employees of the Executive Branch of the State government.

(3) Of the appointed members:

(i) One shall have expertise in structural engineering;

(ii) One shall have expertise in transportation planning;

(iii) One shall have expertise in land use planning; and

(iv) One shall have expertise in finance.

(4) The appointed members of the Authority shall reflect the racial, gender, and geographic diversity of the population of the State.

(c) (1) Each appointed member serves for a term of 4 years and until a

successor is appointed and qualifies.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Authority on January 1, 2007.

(3) An appointed member may not serve more than three consecutive terms.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) A member of the Authority is entitled to:

(1) The compensation provided in the State budget; and

(2) Reimbursement for expenses, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

§4–203.

(a) The Authority is entitled to the staff provided in the State budget.

(b) The Secretary shall provide the Authority with the personnel of the Department that the Secretary considers necessary for performance of the maintenance and other functions required of the Authority to meet its obligations with respect to its transportation facilities projects.

§4–204.

(a) Acting on behalf of the Department, the Authority has those powers and duties relating to the supervision, financing, construction, operation, maintenance, and repair of transportation facilities projects as are granted to it by this title or any other provisions of law.

(b) The Authority has general supervision over all transportation facilities projects.

(c) The Authority shall finance, construct, operate, repair, and maintain in good order all transportation facilities projects.

§4–205.

(a) Subject to § 4–306 of this title and in addition to the powers otherwise specifically granted by law, the Authority has the powers described in this section.

(b) The Authority may acquire, hold, and dispose of property in the exercise of its powers and performance of its duties.

(c) (1) Subject to the limitations described in paragraph (2) of this subsection,

the Authority may make any contracts and agreements necessary or incidental to the exercise of its powers and performance of its duties.

(2) Not less than 45 days before entering into any contract or agreement to acquire or construct a revenue–producing transportation facilities project, subject to § 2–1246 of the State Government Article, the Authority shall provide, to the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee, for review and comment, and to the Department of Legislative Services, a description of the proposed project, a summary of the contract or agreement, and a financing plan that details:

(i) The estimated annual revenue from the issuance of bonds to finance the project; and

(ii) The estimated impact of the issuance of bonds to finance the project on the bonding capacity of the Authority.

(d) (1) Subject to paragraph (2) of this subsection, the Authority may employ and fix the compensation of attorneys, consulting engineers, accountants, construction and financial experts, superintendents, managers, and any other agents and employees that it considers necessary to exercise its powers and perform its duties. The compensation established by the Authority for executive management positions shall be consistent with the compensation of comparable positions in the Department of Transportation. The compensation established by the Authority shall be reported to the General Assembly each year as part of the Authority's presentation of its budget.

(2) The expense of employing these persons may be paid only from revenues or from the proceeds of revenue bonds issued by the Authority.

(e) The Authority may apply for and receive grants from any federal agency for the planning, construction, operation, or financing of any transportation facilities project and may receive aid or contributions of money, property, labor, or other things of value from any source, to be held, used, and applied for the purposes for which the grants, aid, and contributions are made.

(f) The Authority may adopt rules and regulations to carry out the provisions of this title.

(g) The Authority may do anything else necessary or convenient to carry out the powers granted in this title.

§4–206.

Subject to Title 12 of the Real Property Article and Ch. 608, Acts of 1976, the Authority may condemn property for any transportation facilities project authorized to be financed with revenue bonds of prior issues.

§4–207.

Except for water and sewer charges imposed by this State or any of its agencies or political subdivisions, the Authority, its activities, and the property it owns or controls are exempt from all taxes, assessments, and charges, whether federal, State, or local, now or subsequently levied or imposed.

§4–208.

(a) (1) There is a Maryland Transportation Authority Police Force.

(2) Subject to subsection (b) of this section, a Maryland Transportation Authority police officer has all the powers granted to a peace officer and a police officer of this State.

(b) (1) A Maryland Transportation Authority police officer may exercise the powers described in subsection (a)(2) of this section on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, and Maryland Port Administration.

(2) (i) This paragraph does not apply to a highway as defined in § 8-101 of this article or other public property or waterway open for public conveyance.

(ii) For purposes of establishing perimeter security subject to the requirements of paragraph (3) of this subsection, a Maryland Transportation Authority police officer may exercise the powers described in subsection (a)(2) of this section:

1. Within 500 feet of property described in paragraph (1) of this subsection; and

2. On or within 500 feet of any other property owned, leased, operated by, or under the control of the Department.

(3) A Maryland Transportation Authority police officer may exercise the powers described in paragraph (2) of this subsection, if:

(i) The Chairman of the Maryland Transportation Authority, with the approval of the Governor, determines on the basis of specific and articulable facts that the exercise of the powers is reasonable to protect against actual or threatened physical injury or damage to State employees or State property or assets and provides notice of the exercise of the powers to the:

1. Chief of police, if any, or the chief's designee, in a municipal corporation;

2. Chief of police or the chief's designee in a county with a county police department;

3. Sheriff or the sheriff's designee in a county without a police department;

4. Police Commissioner or the Police Commissioner's designee in Baltimore City;

5. Secretary of Natural Resources or the Secretary's designee on any property owned, leased, operated by, or under the control of the Department of Natural Resources;

6. Secretary of State Police or the Secretary's designee; or

7. Secretary of a principal department that maintains a police force or the secretary's designee if the department would be affected by the actions of the Maryland Transportation Authority Police Force of this subsection; or

(ii) Ordered to do so by the Governor pursuant to a proclamation or declaration by the Governor of a state of emergency under Title 14 of the Public Safety Article.

(4) The police officer may not exercise these powers on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

(iii) Ordered to do so by the Governor.

(5) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any federal, State, or local law enforcement agency, or any other federal police or federal protective service.

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Secretary of Transportation shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Maryland Transportation Authority police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Secretary of Transportation shall adopt standards that are similar to the standards adopted for the Department of State Police.

(3) Standards adopted on or after July 1, 1974, on minimum hiring qualifications of Maryland Transportation Authority police officers may not affect the status of any individual who was a qualified toll facilities police officer on that date.

(d) The Authority shall adopt rules and regulations governing the operation

and conduct of the Maryland Transportation Authority Police Force and of Maryland Transportation Authority police officers. These rules and regulations shall be consistent with the standards established by the Secretary.

(e) The Maryland Transportation Authority Police Force shall provide police services to the Authority, to the Maryland Aviation Administration, and to the Maryland Port Administration.

(f) (1) Any person who was a member in good standing, as of July 1, 1977, of the Maryland Aviation Administration Police Force of the Department and subsequently an airport police employee of the State Police, shall become a member of the Maryland Transportation Authority Police Force, and shall continue as such without diminution in salary, except for shift differential, until retirement, resignation, or termination, and shall be paid in accordance with the Maryland Transportation Authority Police Force pay plan.

(2) Each employee described in paragraph (1) of this subsection shall remain a member of the Baltimore City fire and police employees retirement system. The Authority shall reimburse the City for the employer's cost of the pension coverage.

(g) (1) Any person who is a member in good standing, as of July 1, 1998, of the Maryland Port Administration Police Force of the Department shall become a member of the Maryland Transportation Authority Police Force and shall continue as such without diminution in salary until retirement, resignation, or termination of employment, and shall be paid in accordance with the Maryland Transportation Authority Police Force plan.

(2) Each employee described in paragraph (1) of this subsection may elect to join the Law Enforcement Officers' Pension System under the provision of Title 26 of the State Personnel and Pensions Article.

§4–208.1.

(a) The chief police officer of the Maryland Transportation Authority Police Force may appoint employees of the Authority to exercise the powers specified in subsection (b) of this section.

(b) (1) An employee appointed under this section may issue citations to the extent authorized by the chief police officer for violations of those provisions of § 5-426 of this article relating to motor vehicle parking at Baltimore-Washington International Thurgood Marshall Airport.

(2) The issuance of citations under this section shall comply with the requirements of Title 26, Subtitle 3 of this article.

(c) The chief police officer, in consultation with the Maryland Police Training Commission, shall adopt regulations establishing:

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

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

§4–209.

As to revenue bonds, including revenue bonds of prior issues, and transportation facilities projects:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the State Roads Commission remains in effect until changed by the Maryland Transportation Authority; and

(2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the State Roads Commission means the Maryland Transportation Authority.

§4–210.

(a) Each year, the Authority shall develop and adopt a 6–year financial forecast for the operations of the Authority.

(b) In accordance with § 2–1246 of the State Government Article, the Authority shall submit to the General Assembly:

(1) A draft of the financial forecast on submission of the budget bill to the presiding officers of the General Assembly; and

(2) The financial forecast as approved by the Authority on or before July 1 of each year.

(c) The financial forecast shall include the following components:

(1) A schedule of operating expenses;

(2) A schedule of revenues, including concessions income, investment income, other income, and transfers from the Department;

(3) A schedule of toll revenues, including the average toll per vehicle, the average toll increase, the number of paid vehicles, and the toll revenue by toll facility by fiscal year;

(4) A schedule of planned bond issuances, including a detailed summary of bonds issued to fund the capital program and bonds issued to fund capitalized interest;

(5) A schedule of debt service in each fiscal year for each bond issuance of all debt issued by the Authority, including debt service estimates of planned bond

issuances; and

(6) A summary schedule for the Authority that includes:

(i) The total cash balance;

(ii) The amount of the cash balance that is encumbered;

(iii) The annual cash surplus or deficit;

(iv) Revenues;

(v) Transfers to the Department from the Authority;

(vi) Transfers to the Authority from the Department;

(vii) Bond sales;

(viii) Expenditures for debt service;

(ix) Operating expenses;

(x) Capital expenses;

(xi) Maintenance and operations expense reserve accounts;

(xii) Forecasted bond interest rates;

(xiii) Total bonds outstanding; and

(xiv) Financial coverage ratios, including the ratio of total cash to toll revenues, the debt service coverage ratio, and the rate covenant compliance ratio.

(d) The financial forecast shall include, for each of the components specified in subsection (c) of this section:

(1) Actual information for the last full fiscal year; and

(2) Forecasts of the information for each of the 6 subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next 4 subsequent fiscal years.

§4–301.

By one or more resolutions, the Authority may:

(1) Finance the cost of transportation facilities projects;

(2) Borrow money from time to time for that purpose; and

(3) Evidence the borrowing by the issuance and sale of revenue bonds, notes, or other evidences of obligation on the terms, conditions, and limitations contained in this subtitle.

§4–302.

(a) Except as provided in § 4-306(b) of this subtitle, without limiting the power of the Authority to issue additional revenue bonds under the provisions of law that authorize the issuance of revenue bonds of prior issues, the Authority from time to time may issue its revenue bonds to finance the cost of any one or more or combination of transportation facilities projects.

(b) As to revenue bonds of any issue, the Authority may determine:

(1) The date or dates of issue;

(2) The date or dates and amount or amounts of maturity, which need not be in equal principal amounts or consecutive annual installments, but a bond may not be issued to mature later than 40 years after the date of its issue;

(3) The rate or rates of interest payable on the bonds, or the manner of determining the rate or rates of interest, and the date or dates of payment of interest;

(4) The tenor, form or forms, denomination or denominations, manner of execution, and place or places of payment of the principal of and interest on the bonds, which may be at any bank or trust company within or without this State;

(5) Whether the bonds are to be issued in coupon or registered form or both and whether provision is to be made for the registration of the principal only of coupon bonds, for the reconversion of fully registered bonds into coupon form, and for the replacement of bonds that are mutilated, lost, or destroyed;

(6) Whether all or any part of the bonds are redeemable before maturity and, if so, the terms, conditions, and prices of redemption; and

(7) Any other matter relating to the form, terms, conditions, issuance, sale, and delivery of the bonds.

§4–303.

(a) (1) Revenue bonds issued under this subtitle shall be executed on behalf of the Authority by the manual signature of at least one authorized individual.

(2) Other signatures on the bonds may be either manual or facsimile.

(b) If an individual whose manual or facsimile signature appears on any bond or coupon issued under this subtitle ceases to serve in an authorized capacity before the delivery of the bond, the signature nevertheless is as valid and sufficient for all

purposes as if the individual had remained in that capacity until delivery of the bond.

§4–304.

Notwithstanding any other provision of law or any recitals in the instruments, the revenue bonds, notes, and other evidences of obligation issued under this subtitle are investment securities under the laws of this State.

§4–305.

The revenue bonds, notes, and other evidences of obligation issued under this subtitle and their issuance and sale are exempt from the provisions of §§ 8-206 and 8-208 of the State Finance and Procurement Article, and the Authority may sell them at either public or private sale in the manner and for the price that it determines.

§4–306.

(a) Except as provided in subsection (b) of this section, revenue bonds may be issued by the Authority:

(1) Without obtaining the consent of any instrumentality, agency, or unit of this State; and

(2) Without any proceedings or the happening of any conditions or things other than those specifically required by this subtitle.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, revenue bonds secured by toll revenue may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of the revenue bonds secured by toll revenue and revenue bonds of prior issues does not exceed $3,000,000,000 on June 30 of any year.

(ii) The maximum aggregate amount of revenue bonds that may be outstanding and unpaid under subparagraph (i) of this paragraph shall be reduced by the amount of:

1. Any loan extended to the State under the federal Transportation Infrastructure Finance and Innovation Act; and

2. Any line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, to the extent the State draws on the line of credit.

(2) Except as otherwise provided in this section and § 4–205 of this title, without the approval of the General Assembly, the Authority may issue bonds to refinance all or any part of the cost of a transportation facility project for which the Authority previously issued bonds authorized under this subtitle.

§4–307.

(a) Subject to the provisions of §§ 4-306(b), 4-320, and 4-321 of this subtitle, if by reason of increased construction costs, error in estimates, or otherwise, the proceeds of the revenue bonds of any issue are less than the amount required for the purpose for which the bonds are authorized, additional revenue bonds may be issued in a similar manner to provide the amount of the deficiency.

(b) The additional bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority, as the bonds first issued. If the proceeds of the additional bonds exceed the amount required, the excess shall be deposited to the credit of any reserve fund for the bonds or, if so provided in the trust agreement securing the bonds, may be applied to the cost of any additional project.

§4–308.

(a) The Authority from time to time may issue its revenue refunding bonds for:

(1) Refunding any bonds issued under this subtitle or any revenue bonds of prior issues, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the date of redemption of the bonds;

(2) Constructing improvements or extensions to or enlargements of any transportation facilities project; and

(3) Paying all or any part of the cost of any additional transportation facilities project.

(b) The issuance of revenue refunding bonds, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Authority with respect to them are governed by the provisions of this subtitle relating to revenue bonds, insofar as those provisions may be applicable.

§4–309.

Before the preparation of definitive bonds, the Authority may issue its interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when the definitive bonds have been executed and are available for delivery.

§4–310.

(a) The Authority may issue its bond anticipation notes, payable to the bearer or registered holder of the notes out of the first proceeds of the next sale of bonds issued under this subtitle.

(b) The resolution authorizing the issuance of bond anticipation notes may provide for the issuance of these notes in series, as funds are required, and for the

renewal of these notes at maturity, with or without resale.

(c) The issuance of bond anticipation notes, the details of their issuance, the rights of their holders, and the rights, duties, and obligations of the Authority with respect to them are governed by the provisions of this subtitle relating to the issuance of the bonds in anticipation of the sale of which the notes are issued, insofar as those provisions may be applicable.

§4–311.

(a) (1) Revenue bonds issued under this subtitle may be secured by a trust agreement between the Authority and a corporate trustee, which may be any trust company or bank having trust powers within or without this State.

(2) The trust agreement may pledge or assign all or any part of the revenues of the Authority or of any transportation facilities project, but may not mortgage any part of any transportation facilities project.

(b) Any trust agreement or bond authorizing resolution may:

(1) Contain any provisions for the protection and enforcement of the rights and remedies of bondholders as are considered reasonable and proper, including covenants setting forth the duties of the Authority as to the financing or development of any transportation facilities project, the extension, enlargement, improvement, maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of money;

(2) Provide for the employment of consulting engineers in connection with the construction or operation of any transportation facilities project;

(3) Set forth the rights and remedies of the bondholders and of the trustee;

(4) Restrict the individual right of action by bondholders; and

(5) Contain any other provisions that the Authority considers reasonable and proper for the security of the bondholders, including:

(i) Covenants to restrict or prohibit the construction or operation of competing transportation facilities of the same mode; and

(ii) Covenants relating to the issuance of additional parity bonds on stated conditions consistent with the requirements of this subtitle.

(c) All expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of the transportation facilities project in connection with which the bonds have been issued.

(d) The proceeds of the sale of bonds shall be paid to the trustee under the trust

agreement securing the bonds and shall be disbursed in the manner and under the restrictions, if any, provided in the trust agreement.

(e) Any bank or trust company incorporated under the laws of this State that acts as depositary of the proceeds of the bonds or of revenues may furnish any indemnifying bonds or pledge any securities that the Authority requires.

§4–311.1.

(a) This section applies to the financing of a vehicle parking facility not located at a transportation facility, as defined in § 3-101 of this article.

(b) (1) Revenues from a vehicle parking facility shall be used to pay all operating and maintenance costs and the service on any debt for each year the debt is outstanding and unpaid.

(2) Moneys from the Transportation Authority Fund may not be used as a cash investment for a vehicle parking facility.

(3) The Authority shall give priority to projects that are located within a transit-oriented development area.

(c) Not less than 30 days before entering into any contract or agreement to finance a vehicle parking facility, the Authority shall provide, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House Appropriations Committee information on the proposed contract or agreement, including the level of any State, local, and private contributions.

(d) The Authority shall adopt regulations specifying:

(1) The types of vehicle parking facilities for which the Authority may provide financing;

(2) The basic standards an entity must meet to qualify for vehicle parking facility financing; and

(3) The criteria upon which the Authority shall base the financing decisions for vehicle parking facilities.

§4–312.

(a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may continue to be charged on the John F. Kennedy Memorial Highway and any project constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

(2) As to all or any part of any transportation facilities project, the

Authority may:

(i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and other charges and revenues for its use or for its services; and

(ii) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or revenues for this use.

(3) (i) Before the Authority adopts an increase in tolls, fees, or other charges on any part of a fixed toll transportation facilities project or adopts an increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on a variably priced toll transportation facilities project, the Authority shall provide an opportunity for public review and comment on the proposed increase at one or more meetings held at a time and place of convenience to the public in each county in which the increase is proposed to be implemented.

(ii) At least 10 working days before the start of the first meeting under subparagraph (i) of this paragraph, the Authority shall provide to the public on the Authority's official Web site the proposed increase in tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges and information and studies used in its analysis to justify the proposed increase.

(iii) For a period of at least 10 working days after the last scheduled meeting for public review and comment under subparagraph (i) of this paragraph, the Authority shall provide the public with an opportunity to submit additional written comments on the proposal.

(iv) Within 10 days after the close of the written comment period under subparagraph (iii) of this paragraph, the Authority shall provide to the public on its official Web site and to the members of the Authority a summary and analysis of the comments received from the public on the proposal.

(4) Before the Authority votes on any proposal to increase tolls, fees, or other charges on any part of a fixed toll transportation facilities project or votes on an increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on any part of a variably priced toll transportation facilities project, the Authority shall:

(i) Provide in writing to all of the members of the Authority and, on request, to the public any recommendation of the Authority regarding the proposal;

(ii) For a period of at least 10 working days after making any recommendation on the proposal, provide an opportunity for public review and written comment on the recommendation;

(iii) Provide to the public on its official Web site:

1. Any recommendation of the Authority regarding the

proposal; and

2. The time, place, and date of the meeting at which the Authority will vote on the proposal; and

(iv) Provide to each member of the Authority and provide to the public on its official Web site a summary and analysis of any public comments received under item (ii) of this paragraph by the Authority regarding the Authority's recommendation.

(5) (i) At any meeting in which a recommendation to increase tolls, fees, or other charges on a fixed toll transportation facilities project or a recommendation to increase mileage rate ranges, pricing periods, toll zones, fees, or other charges on a variably priced transportation facilities project is scheduled for consideration, the Authority shall provide the public a reasonable amount of time to comment on the recommendation before the Authority votes on the recommendation.

(ii) If the Authority amends its recommendation after receiving public comment at the meeting under subparagraph (i) of this paragraph and then votes on the amended recommendation at that meeting, the Authority is not required to provide an additional opportunity for public comment under paragraph (4) of this subsection.

(6) (i) If the Authority determines that it must increase tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges within a time period or in a manner that will not permit compliance with paragraphs (3) and (4) of this subsection to remain in compliance with the provisions of any trust agreement, escrow deposit agreement, or resolution that provides for the payment of bonds issued by the Authority, or to ensure that unforeseen circumstances do not adversely affect the continuity of operations at one or more transportation facilities projects, the Authority shall determine that an emergency status exists.

(ii) If the Authority determines that an emergency status exists under subparagraph (i) of this paragraph, the Authority shall adopt temporary adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges that shall take effect immediately on adoption by the Authority or on the effective date established by the Authority.

(iii) If the Authority adopts any temporary adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges under subparagraph (ii) of this paragraph, the Authority shall:

1. Provide notice to the public on the Authority's official Web site of any temporary adjustment adopted under subparagraph (ii) of this paragraph; and

2. Commence the public notice and comment procedures under paragraphs (3) and (4) of this subsection immediately.

(iv) An emergency status determination may not exceed 180 days and may be subject to one or more additional conditions imposed by the Authority.

(v) When the emergency status expires, the temporary adjustments adopted under subparagraph (ii) of this paragraph shall end.

(b) The rentals, rates, fees, tolls, and other charges and revenues designated as security for any bonds issued under this subtitle shall be fixed and adjusted from time to time, either with respect to a particular transportation facilities project or in respect of the aggregate of the charges and revenues from other transportation facilities projects under the control of the Authority, as may be specified by law or in any applicable resolution or trust agreement, so as to provide funds that, together with any other available revenues, are sufficient as long as the bonds are outstanding and unpaid to:

(1) Pay the costs of maintaining, repairing, and operating the transportation facilities project or projects financed in whole or in part by one or more series of outstanding and unpaid bonds, to the extent that payment is not otherwise provided;

(2) Pay the principal of and the interest on these bonds as they become due and payable;

(3) Create reasonable reserves that are anticipated will be needed for these purposes; and

(4) Provide funds for paying the cost of replacements, renewals, and improvements.

(c) (1) Except as otherwise provided in this subsection, the rentals, rates, fees, tolls, and other charges and revenues are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.

(2) This subtitle does not permit the exercise of any power or the undertaking of any activity that would conflict with the provisions and limitations of the federal Urban Mass Transportation Act of 1964.

(3) Tolls for the use of the bridge carrying the John F. Kennedy Memorial Highway over the Susquehanna River may not be less than the comparable tolls charged for the use of the Susquehanna River Bridge.

(4) Prior to fixing or revising tolls on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:

(i) The annual revenues generated by the toll charges;

(ii) The proposed use of the revenues; and

(iii) The proposed commuter discount rates.

§4–312.1.

The Maryland Transportation Authority shall take whatever steps may be necessary to obtain a modification of the trust agreement, dated as of July 1, 1978, between the Authority and Maryland National Bank, as trustee, to permit free access to and from the John F. Kennedy Memorial Highway from the ramps in Harford County and Cecil County. Upon the execution of this modification of the trust agreement, and after the cost of obtaining this modification has been recouped by the State through the accumulated revenues produced by the ramp tolls on the Kennedy Highway in Harford County and Cecil County, the Authority shall eliminate the ramp tolls on the Kennedy Highway in Harford County and Cecil County and may not thereafter charge or collect tolls at these ramps.

§4–313.

(a) (1) All rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project shall be set aside in a fund known as the "Transportation Authority Fund", except to the extent that they are pledged under an applicable trust agreement to secure either:

(i) Revenue bonds issued under this subtitle if the trust agreement or bond authorizing resolution expressly provides that this section does not apply to those bonds; or

(ii) Revenue bonds of prior issues.

(2) The Transportation Authority Fund shall be pledged to and charged with the payment of:

(i) The interest on bonds issued under this subtitle as it falls due;

(ii) The principal of the bonds as it falls due;

(iii) The necessary charges of paying agents for paying principal and interest; and

(iv) The redemption price or purchase price of bonds retired by call or purchase as provided in the bond authorizing resolution or trust agreement.

(b) (1) The pledge is valid and binding from the time it is made.

(2) Rentals, rates, fees, tolls, and other charges and revenues or other money so pledged and later received by the Authority immediately shall be subject to the lien of the pledge without physical delivery or any further act.

(3) The lien of the pledge is valid and binding as against all parties having any claims of any kind in tort, contract, or otherwise against the Authority, whether or not these parties have notice of the pledge.

(4) Notwithstanding any law to the contrary, neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded other than in the records of the Authority.

(c) (1) Any amount set aside in the Transportation Authority Fund that is not needed to provide for the payment of the items specified in subsections (a)(2) and (b) of this section may be transferred, upon the recommendation of the Secretary and after the approval of the Board of Public Works, to the Transportation Trust Fund to be used as appropriated by the General Assembly unless prohibited by any applicable resolution or trust agreement.

(2) The use and disposition of money to the credit of the Transportation Authority Fund is subject to the provision of the applicable bond authorizing resolution or trust agreement.

§4–314.

(a) Without in any way limiting or restricting its effect or application, this subtitle is intended to authorize the Authority to finance any one or more or any combination of transportation facilities projects by any one or more or combination of issues or series of bonds secured by the pledge of the net or gross or any combination of the net or gross rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project or combination of projects designated by any bond authorizing resolution or trust agreement securing the bonds.

(b) However, all funds collected from rentals, rates, fees, tolls, and other charges and revenues which are not needed to meet the costs which they are required to meet under § 4-312 of this subtitle or any trust agreement and are not needed to meet obligations of the Transportation Authority Fund, may be used in the discretion of the Secretary to provide adequate and complete payment of all principal and interest on all bonds issued in connection with the John F. Kennedy Memorial Highway and any project constructed under the provisions of Section 3 (bridge, tunnel, and motorway revenue bonds) of Chapter 608, of the Acts of the General Assembly of 1976. All such remaining funds thereafter remaining may be transferred, upon the recommendation of the Secretary and after the approval of the Board of Public Works, to the Transportation Trust Fund and may be used for any purpose to which funds in the Transportation Trust Fund may be applied.

§4–315.

All money that is received by the Authority as proceeds from the sale of revenue bonds, notes, or other evidences of obligation under this subtitle and by way of rentals, rates, fees, tolls, and other charges and revenues derived from any transportation

facilities project or combination of projects and that is designated by any authorizing resolution or trust agreement as security for the bonds, notes, or other evidences of obligation shall be deemed to be trust funds to be held and applied only as provided in this subtitle.

§4–316.

Except to the extent restricted by the trust agreement, the trustee or any holder of revenue bonds issued under this subtitle or of any of the coupons appertaining to the bonds may:

(1) Bring a suit, action, mandamus, or other proceeding at law or in equity to protect and enforce any right under the laws of this State or under the bond authorizing resolution or trust agreement; and

(2) Enforce and compel the performance of all duties required by this subtitle or by the trust agreement to be performed by the Authority or by any of its officers, including the fixing, charging, and collecting of rentals, rates, fees, tolls, and other charges and revenues.

§4–317.

All public officers and public agencies of this State and its political subdivisions, all banks, trust companies, savings and loan associations, investment companies, and others carrying on a banking business, all insurance companies, insurance associations, and others carrying on an insurance business, all personal representatives, guardians, trustees, and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them, in revenue bonds, notes, and other evidences of obligation issued under this subtitle. These bonds, notes, and other evidences of obligation may legally and properly be deposited with and received by any State or municipal officer or any agency or political subdivision of this State for any purpose for which the deposit of bonds or other obligations of this State is authorized by law.

§4–318.

The revenue bonds, notes, and other evidences of obligation issued under this subtitle, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

§4–319.

(a) The revenue bonds, notes, and other evidences of obligation issued under this subtitle are not and may not be considered to constitute a debt or a pledge of the faith and credit of the State of Maryland, but shall be payable only from the funds from or revenues provided by this subtitle for that purpose.

(b) All revenue bonds, notes, and other evidences of obligation issued under this subtitle shall contain a statement on their face to the effect that:

(1) This State is not obligated to pay the principal of or the interest on them except from revenues; and

(2) Neither the faith and credit nor the taxing power of this State is pledged to the payment of the principal of or the interest on them.

§4–320.

If the Authority intends to pledge any future federal aid from any source to support repayment of any debt instrument issued under this subtitle:

(1) The aggregate principal amount of debt issued under this subtitle or Title 3, Subtitle 6 of this article that is secured by a pledge of future federal aid may not exceed $750,000,000;

(2) The date of maturity may not be later than 12 years after the date of issue;

(3) Notwithstanding § 3-215(d) of this article, if future federal aid is insufficient to pay the principal of and interest on the bonds issued under this subtitle when due, the tax levied under § 3-215 of this article, to the extent the proceeds of such tax are not necessary to provide the sinking fund required under § 3-215(c) of this article, is irrevocably pledged to the payment of the principal of and interest on the bonds issued under this subtitle as they become due and payable;

(4) The lien of the pledge under item (3) of this subsection shall at all times be subordinate to the lien of the pledge of such tax under § 3-215(d) of this article to the payment of principal of and interest on consolidated transportation bonds; and

(5) No part of the tax levied under § 3-215 of this article may be repealed, diminished, or applied to any other purpose until:

(i) The bonds issued under this subtitle and interest on them have become due and fully paid; or

(ii) Adequate and complete provision for payment of the principal and interest has been made.

§4–320.1.

(a) The Authority may issue bond anticipation notes secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act.

(b) Notes issued under this section shall have a maturity date of up to 3 years

after the date of issue.

(c) A pledge of a line of credit as authorized under this section does not constitute the pledge of future federal revenues, and notes issued under this section are not subject to § 3–601(d) of this article or § 4–320 of this subtitle.

§4–321.

(a) In this section, "Intercounty Connector" means the east–west multimodal highway in Montgomery and Prince George's counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of $750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector $22,000,000 in fiscal 2005 and $38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year 2014 equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007;

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012, fiscal year 2013, or fiscal year 2014; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.

(f) (1) In addition to other amounts provided to finance the Intercounty

Connector under this section, the Authority may:

(i) Issue bond anticipation notes for the Intercounty Connector secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act as authorized under § 4–320.1 of this subtitle; and

(ii) Use up to an amount approved by the U.S. Department of Transportation from a loan or line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act.

(2) (i) Subject to subparagraph (ii) of this paragraph, in addition to amounts transferred to the Authority under subsections (d) and (e)(1) of this section, the Governor may transfer up to $75,000,000 from the Transportation Trust Fund to the Authority for the Intercounty Connector.

(ii) Any amounts transferred from the Transportation Trust Fund under subparagraph (i) of this paragraph shall be repaid by the Authority to the Transportation Trust Fund from General Fund appropriations to the Authority.

(g) (1) On or before December 1 of each year until completion of construction of the Intercounty Connector, in accordance with § 2–1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of $2,447,000,000 provided to the committees in January 2005;

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns;

(iv) Planned expenditures by year, categorized by planning and engineering, right–of–way acquisitions, and construction;

(v) Funding sources by year, categorized by:

1. Grant Anticipation Revenue Vehicle bond issuances;

2. Transfers from the Transportation Trust Fund;

3. Transfers from the General Fund;

4. Federal funds;

5. Authority cash reserves;

6. Authority revenue bond issuances;

7. Draws on a loan or line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act;

8. Bond anticipation notes; and

9. Any other revenue source;

(vi) A schedule of debt service for the Grant Anticipation Revenue Vehicle bond issuances and Authority revenue bond issuances; and

(vii) Financing assumptions, including maturities of bond issuances and forecasted interest rates.

§4–401.

If the Authority considers it necessary or desirable to insure the proper operation and maintenance of any transportation facilities project, it may designate, establish, limit, and control the entrances and exits of the project and may prohibit entrance or exit from any undesignated point.

§4–402.

After study, the Authority shall erect signs at each approach to the Baltimore Harbor Tunnel Throughway to warn motorists of a delay in the flow of traffic through the tunnel, so that they may choose an alternate route.

§4–403.

The Authority may not permit any person to locate railroad tracks on any part of the John F. Kennedy Memorial Highway.

§4–404.

(a) The Authority shall construct any gasoline service facilities that it finds to be needed on the John F. Kennedy Memorial Highway.

(b) The Authority may require a gasoline service facility located on the John F. Kennedy Memorial Highway to sell a blend of fuel that is at least 5% biodiesel fuel or other biofuel approved by the U.S. Environmental Protection Agency as a fuel or fuel

additive or approved under the EPA Renewable Fuels Standard 2 Program.

(c) The Authority shall regulate the prices of fuel products sold on the highway to the extent necessary to achieve reasonable costs to patrons.

(d) The lessee of any service station established under this section shall accept in payment for products sold and services rendered those credit cards that the Authority directs.

§4–405.

(a) For the purpose of providing information to the driving public on the availability of gas, food, lodging, or camping facilities, the Authority may place along interstate highways specific information or business signs as defined in the applicable federal standards.

(b) In implementing this program, the Authority shall conform with the provisions of § 8-605(d) of this article, and shall utilize the rules and regulations adopted by the State Highway Administration under that subsection.

§4–407.

(a) This section applies to:

(1) Caroline County;

(2) Cecil County;

(3) Dorchester County;

(4) Kent County;

(5) Queen Anne's County;

(6) Somerset County;

(7) Talbot County;

(8) Wicomico County; and

(9) Worcester County.

(b) A State agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

§5–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the Maryland Aviation Administration.

(c) (1) "Aeronautics" means the science and art of flight.

(2) "Aeronautics" includes:

(i) Transportation by aircraft;

(ii) The operation, construction, repair, or maintenance of aircraft, aircraft power plants, and their accessories;

(iii) The repair, packing, and maintenance of parachutes;

(iv) The design, acquisition, establishment, construction, extension, operation, improvement, repair, regulation, or maintenance of airports, airport facilities, and air navigation facilities; and

(v) Instruction in flying and related ground subjects.

(d) (1) "Air navigation facility" means any facility that is used in, available for use in, or designed for use in the aid of air navigation.

(2) "Air navigation facility" includes any one or more or combination of structures, mechanisms, lights, beacons, markers, communication systems, and other instrumentalities or devices useful or designed for use as an aid or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport or airport facility.

(e) "Aircraft" means any device used or designed for navigation of or flight in the air.

(f) "Airport" means any area established for the landing and taking off of aircraft, including any appurtenant airport facilities.

(g) "Airport facility" includes any one or more or combination of:

(1) Lands, airfield improvements, terminal area improvements, general aviation facilities, air cargo facilities, general site improvements, utilities, roads, streets, parking lots, and other facilities useful or designed for use in connection with the operation of an airport; and

(2) All other appurtenances and equipment useful or designed for use in the handling of air carrier service, general aviation activities, and other related activities.

(h) "Airport hazard" means any structure, tree or other vegetation, or use of land that:

(1) Obstructs the airspace required for the landing and taking off of aircraft at an airport;

(2) Is hazardous to the landing or taking off of aircraft at an airport; or

(3) Interferes with communication between an airport and aircraft.

(i) "Commission" means the Maryland Aviation Commission.

(j) "Executive Director" means the Executive Director of the Maryland Aviation Administration.

(k) "Operate aircraft" means to navigate, pilot, or otherwise use aircraft in the air or on land or water.

(l) "Police officer" means any State or local officer authorized to make arrests for violations of State or local laws.

(m) "Structure" means any object constructed or placed on or above the ground, including any building, fence, derrick, haystack, pole, wire, tower, or smokestack.

§5–102.

(a) The purpose of this title is to further the public interest and aeronautical progress by:

(1) Promoting safety in and protecting aeronautics;

(2) Cooperating to promote uniformity of aeronautics laws and regulations in the several states, consistent with federal aeronautics laws and regulations;

(3) Granting powers to the Administration and imposing duties on it to enable this State to perform properly its functions relating to aeronautics and to exercise effectively its jurisdiction over persons and property, assist in the development of a statewide system of airports and airport facilities, cooperate with and assist the political subdivisions of this State and others engaged in aeronautics, and encourage and develop aeronautics;

(4) Establishing only those regulatory provisions that are essential, so that persons may engage in any aspect of aeronautics with the least possible restriction, consistent with the safety, health, welfare, and the rights of others; and

(5) Providing for cooperation:

(i) With federal authorities in developing a national system of civil aviation; and

(ii) With the political subdivisions of this State in developing and coordinating aeronautics in this State.

(b) (1) The acquisition of any property under this title, the planning, acquisition, establishment, construction, improvement, maintenance, equipping, and operation of airports, airport facilities, and air navigation facilities, whether separately by this State or by a political subdivision or jointly by this State with any political subdivision, and the exercise of any other powers granted by this title are public and governmental functions, exercised for a public purpose, as matters of public necessity.

(2) All property and privileges acquired and used by or on behalf of this State or a political subdivision under this title are acquired and used for public and governmental purposes, as matters of public necessity.

§5–103.

(a) The law of this State defines and governs all crimes, torts, and other wrongs committed in flight over this State.

(b) All contractual and other legal relations entered into by any person while in flight over this State have the same effect as if entered into on the land or water beneath.

§5–104.

(a) Except where granted to and assumed by the federal government under a constitutional grant from the people of this State, sovereignty in the space above the lands and waters of this State rests in this State.

(b) The ownership of the space above the lands and waters of this State is vested in the owner of the surface beneath, subject to:

(1) The right of flight described in § 5-1001 of this title; and

(2) The zoning and related powers set forth in Subtitles 5 through 8 of this title.

§5–105.

If a political subdivision has the power to appropriate money, it annually may impose a tax in the political subdivision and appropriate an amount sufficient to carry out its powers and duties under this title.

§5–106.

Notwithstanding any other provision of State or local law, the establishment of a commercial use airport in the sixth election district of Queen Anne's County is prohibited.

§5–201.

(a) There is a Maryland Aviation Commission.

(b) The Commission shall:

(1) Establish policies directed toward the Maryland Aviation Administration's ability to improve and promote the role of the Baltimore-Washington International Thurgood Marshall Airport as an airport of service to the Washington-Baltimore metropolitan area;

(2) Approve regulations for the operation of the State-owned airports prior to their adoption by the Executive Director;

(3) Direct the Administration in developing and implementing airport management policy for all State-owned airports;

(4) Approve major capital projects, as defined in § 2-103.1(a)(4) of this article, at any State-owned airport prior to the submission of those projects to the Governor and General Assembly for approval;

(5) Exercise those powers granted to the Commission by this title or by any other provision of law; and

(6) In carrying out the provisions of this subtitle, consider information and advice from the air carrier industry, the airport concessionaire industry, the airline support services industry, and citizen advisory groups.

(c) (1) The Commission shall consist of nine voting members:

(i) Eight appointed by the Governor with the advice and consent of the Senate; and

(ii) The Secretary of Transportation, who shall be the Chairman of the Commission.

(2) The Secretary of Business and Economic Development shall serve as a nonvoting ex officio Commission member.

(d) (1) Subject to the provisions of paragraph (3) of this subsection, the Governor may not appoint to the Commission:

(i) An officer or employee of the State, except as provided in subsection (c) of this section;

(ii) A representative of any entity whose principal activities are related to the operation of State-owned airports;

(iii) A person employed by any entity whose principal activities are

related to the operation of State-owned airports; or

(iv) A member of the General Assembly.

(2) In appointing the eight members of the Commission, the Governor shall take into consideration both the geographic and ethnic representation of the State such that all segments of the population of the State to the extent possible are represented on the Commission.

(3) Notwithstanding paragraph (1) of this subsection, a member of any State board, commission, or authority may be appointed a member of the Maryland Aviation Commission. Any person so appointed who is compensated by the State is not entitled to any compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, for any services rendered as a Commissioner.

(e) (1) Each appointed member serves for a term of 3 years and until a successor is appointed and qualifies.

(2) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 1994.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(f) (1) The Commission shall meet at a time and place designated by the Chairman of the Commission.

(2) The Commission shall meet as often as its duties require, but not less than quarterly.

(3) (i) Attendance by five members shall constitute a quorum.

(ii) No formal action may be taken by the Commission except by an affirmative vote of a majority of the entire Commission.

(g) Except as provided under subsection (d)(3) of this section, members of the Commission appointed by the Governor are entitled to the compensation and expenses provided for in the State budget. Members of the Commission are subject to the provisions of § 8-501 of the State Government Article.

§5–201.1.

(a) (1) Notwithstanding any other provision of law, the Commission shall determine the qualifications and appointment, as well as compensation and leave, for

up to 12 management personnel positions required by the Administration to operate and administer all State-owned airports.

(2) (i) In making determinations and appointments under this subsection, the Commission shall consider the comparative status of employees serving in similar positions and discharging similar duties at comparable airports or aeronautical agencies.

(ii) In selecting comparable airports or agencies, the Commission shall consider operational and traffic data, market area characteristics, airport or agency competitiveness, and any other factors the Commission considers appropriate.

(3) Except for general salary increases approved by the General Assembly, the Commission shall submit to the Secretary of Budget and Management at least 10 days prior to the effective date of any management personnel position salary increase notice of the proposed adjustment.

(4) The Secretary of Budget and Management shall:

(i) Review the proposed adjustment; and

(ii) Within 10 days of receipt of the proposed adjustment, advise the Commission whether the adjustment poses an adverse impact on special fund expenditures.

(5) Failure of the Secretary of Budget and Management to advise the Commission in a timely manner shall be deemed a determination that the proposed adjustment poses no adverse impact.

(6) Employees appointed under this subsection are State employees and shall be entitled to participate in the retirement and pension systems for employees of the State of Maryland authorized under Division II of the State Personnel and Pensions Article.

(b) Actions of the Commission which, in the judgment of the Chairman, have an impact upon the Transportation Trust Fund are subject to the approval of the Chairman.

(c) The Chairman of the Commission shall:

(1) Based on the advice of the Commission and subject to the approval of the Governor, appoint the Executive Director of the Administration in accordance with § 5–501 of the General Provisions Article; and

(2) Approve the Administration's budget before its submission for the Governor's approval and inclusion in the proposed budget submitted to the General Assembly.

(d) The Chairman of the Commission with the advice of the Commission may remove the Executive Director of the Administration.

§5–201.2.

(a) Subject to § 2-1246 of the State Government Article, the Commission shall report by January 15 of each year to the General Assembly on the activities of the Commission during the previous year.

(b) The report shall include:

(1) A review of the financial and operational results for all State-owned airports during the previous year and any recommendations of the Commission for future changes in legislation, capital funding, or operational flexibility;

(2) Subject to review by the Department of Budget and Management, an estimate of all expenditures necessary for the operation of the Commission. The estimate shall identify staff resources allocated to the Commission that are provided by the Department or other State agencies; and

(3) Actions taken by the Commission pursuant to § 5-201.1(a) of this subtitle, including the consideration of the comparative status of employees serving at comparable airports or aeronautical agencies.

§5–202.

There is a Maryland Aviation Administration in the Department.

§5–202.1.

(a) The head of the Administration is the Executive Director.

(b) (1) The Executive Director shall report directly to the Commission.

(2) Subject to the direction of the Commission and in accordance with other provisions of law, the Executive Director is responsible for:

(i) Carrying out the powers and duties vested by law in the Administration; and

(ii) Adopting and carrying out regulations.

(c) The Executive Director is entitled to the salary provided in the State budget.

§5–203.

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, to the authority of the Maryland Transportation Authority.

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.

§5–204.

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration has general supervision over aeronautics in this State.

(c) The Administration shall:

(1) Encourage, foster, and assist in the development of aeronautics in this State;

(2) Encourage the establishment of airports, airport facilities, and air navigation facilities; and

(3) Cooperate with and assist the federal government, any political subdivision of this State, and any other person in the development of aeronautics, and coordinate the aeronautical activities of these bodies and persons.

(d) With the approval of the Secretary, the Administration may:

(1) Recommend necessary legislation to advance the interests of this State in aeronautics;

(2) Represent this State in aeronautics matters before any agency of this or any other state or of the federal government;

(3) Participate on behalf of this State or any political subdivision or citizen of this State as party plaintiff or defendant or as intervenor in any controversy that involves the interest of this State in aeronautics; and

(4) Adopt rules and regulations for the functioning and administration of the Administration.

§5–205.

Any political subdivision may cooperate with the Administration in the development of aeronautics and aeronautics facilities in this State.

§5–206.

(a) The Administration may confer or hold joint hearings with any federal agency in connection with any matter that:

(1) Arises under this title; or

(2) Relates to the sound development of aeronautics.

(b) To the extent practicable, the Administration:

(1) May use the cooperation, services, records, and facilities of federal agencies in the administration and enforcement of this title; and

(2) Shall furnish to federal agencies its cooperation, services, records, and facilities.

(c) Any police officer who is informed of an aeronautics accident in this State shall:

(1) Report the accident to the Administration and to the appropriate federal agency; and

(2) To the extent practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in the accident until the Department of State Police or the appropriate federal agency institutes an investigation.

§5–207.

(a) In this section, "State airway" means any route designated by the Administration as a route suitable for air navigation above the land or waters of this State.

(b) (1) Subject to paragraph (2) of this subsection, the Administration may:

(i) Designate, design, and establish, expand, or modify a State airways system that best serves the interest of this State; and

(ii) As required in the public interest, chart the system and arrange for publication and distribution of maps, charts, notices, and bulletins relating to the airways.

(2) A State airway may not be established, expanded, or modified unless, after a hearing open to interested parties, the Administration finds that such action is necessary to the safety and advancement of aeronautics in this State.

(c) The State airways system:

(1) Shall be supplementary to and coordinated in design and operation with the federal airways system; and

(2) May include any type of publicly or privately owned air navigation facility conforming to federal safety standards.

§5–208.

(a) (1) The Administration may perform any act, issue and amend any order, adopt and amend any general or special rule, regulation, or procedure, and establish any minimum standard consistent with this title and necessary:

(i) To perform its duties and carry out the provisions of this title;

(ii) To protect the general public safety, the safety of persons who operate, use, or travel in aircraft, the safety of persons who receive instructions in flying or ground subjects that relate to aeronautics, or the safety of persons and property on land or water; or

(iii) To develop and promote aeronautics in this State.

(2) The Administration may adopt rules and regulations by which a person engaging in aeronautics may be required to establish financial responsibility for any damage or injury that might be caused by the person.

(3) (i) The Administration shall adopt rules and regulations requiring the use of security identification badges in airports consistent with any airport security program regulations adopted under this section.

(ii) After notice and opportunity for a hearing as provided under § 5-210 of this subtitle, the Administration may order a civil penalty not exceeding $1,000 for the misuse of a security identification badge in violation of an airport security program adopted under subparagraph (i) of this paragraph.

(b) (1) A rule or regulation adopted by the Administration may not apply to any airport, airport facility, or air navigation facility that is owned or operated by the United States.

(2) A rule, regulation, order, or standard of the Administration may not be inconsistent with or contrary to federal law.

(c) Copies of all rules, regulations, and standards shall be filed in accordance with the Administrative Procedure Act and the State Documents Law and shall be made available to the public.

§5–209.

(a) The Executive Director or any officer or employee of the Administration designated by the Executive Director may conduct investigations, inquiries, and hearings as to:

(1) Any matter covered by this title or by a rule, regulation, or order of the Administration; or

(2) Any aeronautics accident in this State.

(b) Hearings shall be:

(1) Open to the public; and

(2) Except as provided in § 5–210 of this subtitle, held on such notice as the Executive Director considers advisable.

(c) The Executive Director or his designee may:

(1) Administer oaths;

(2) Certify to all official acts; and

(3) Issue subpoenas and orders for the attendance and testimony of witnesses and the production of papers, books, and documents.

(d) (1) If a person fails to comply with any subpoena or order issued under this section, the Executive Director or his designee may invoke the aid of a court of competent jurisdiction.

(2) The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

§5–210.

(a) (1) If the Administration issues an order directing compliance with a specific requirement or if the Administration denies, suspends, or revokes a license, certificate, or other approval, the order or the denial, suspension, or revocation, as the case may be, shall state the reasons for the Administration's action and shall specify the acts to be done or requirements to be met before approval by the Administration will be given, the license, certificate, or other approval granted or restored, or the order modified or changed.

(2) Orders issued by the Administration shall be served on the affected persons by personal service or certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

(b) (1) If notice and opportunity for hearing are required under any provision of this title:

(i) The order or other action of the Administration shall specify, on not less than 21 days' notice, the time and place of hearing or the time within which the affected person may request a hearing; and

(ii) The order or other action becomes effective on expiration of the time for exercising the opportunity for hearing, unless a hearing is held or requested

within the time provided, in which case the order or other action is suspended until the Administration, after the hearing or on default by the affected person, affirms, disaffirms, or modifies the order or other action.

(2) The Administration shall conduct the hearing at or near its principal office.

(c) Any person aggrieved by an order of the Administration or by the grant, denial, suspension, or revocation of any license, certificate, or other approval may appeal as provided by the Administrative Procedure Act.

§5–211.

An officer or employee of the Department may not be required to testify in any suit, action, or other proceeding that involves aircraft, either:

(1) With respect to any fact ascertained in or information gained by reason of his official capacity; or

(2) As an expert witness.

§5–212.1.

(a) The Executive Director may designate employees of the Administration to exercise the powers specified in subsection (b) of this section.

(b) (1) An employee appointed under this section may issue citations to the extent authorized by the Executive Director for violations of those provisions of § 5-426 of this title relating to motor vehicle parking at the airport.

(2) The issuance of citations under this section shall comply with requirements of Title 26, Subtitle 3 of this article.

(c) The Executive Director, in consultation with the chief police officer of the Maryland Transportation Authority Police and the Maryland Police Training Commission, shall adopt regulations establishing:

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

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

§5–213.

(a) The Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.

(b) Subject to the provisions of Division II of the State Finance and Procurement

Article, if the planning, acquisition, construction, improvement, maintenance, or operation of any airport facility is financed with federal money, the Administration may contract as required by the federal authorities acting under federal law.

§5–215.

The Administration may make available its engineering and other technical services, with or without charge, to any person for the planning, acquisition, construction, improvement, or operation of an airport, airport facility, or air navigation facility.

§5–215.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.

§5–216.

Every rule, regulation, form, order, and directive adopted by or relating to the former State Aviation Commission of Maryland or the Director of Aeronautics remains in effect until changed by the Executive Director or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the State Aviation Commission of Maryland or the Director of Aeronautics means the Administration or the Executive Director, respectively.

§5–217.

(a) An agent or employee of the Administration or member of the Commission may not:

(1) Contract with the Administration for the delivery of goods or services at any State-owned airport;

(2) Have any direct or indirect interest in a contract with the Administration concerning the delivery of goods or services at any State-owned airport; or

(3) Have any direct or indirect interest in the sale or purchase by the Administration of any property, except for employee participation in programs established by Subtitle 12 of this title.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§5–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Commercial use airport" means any publicly or privately owned airport at which:

(1) Landing or tie down fees are charged;

(2) Aviation fuel or oil is sold;

(3) Space is rented;

(4) Goods or services are sold; or

(5) Any other activity is carried on for remuneration.

(c) "Public use airport" means any publicly or privately owned airport that is open to flight operations by the public.

§5–302.

(a) This subtitle does not apply to any airport owned or operated by the United States.

(b) To the extent necessary and in accordance with any reasonable classification, the Administration from time to time shall exempt any other class of airports from any requirement of a rule or regulation adopted under this subtitle, if the application of the requirement would be an undue burden on the class and is not required in the interest of public safety.

§5–303.

(a) The Administration may adopt rules and regulations providing for the approval of airport sites and the issuance of certificates of approval.

(b) If the Administration provides for the approval of airport sites, any political subdivision or other person desiring or planning to construct or establish an airport may apply to the Administration for approval of the site before its acquisition or before construction or establishment of the proposed airport.

(c) On receipt of an application under this section, the Administration shall issue a certificate of approval, with reasonable promptness and without charge, if it is satisfied that:

(1) The site is adequate for the proposed airport;

(2) The proposed airport will meet minimum standards of safety, which may not be more stringent than those standards, if any, recommended by the Federal

Aviation Administration for similar airports;

(3) Safe air traffic patterns can be worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity; and

(4) The intended operator of the proposed airport has complied with the requirements of this title on environmental noise control.

(d) (1) The Administration may approve a site subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.

(2) Unless sooner revoked by the Administration, the approval remains in effect until a license or registration for an airport on the approved site is issued under this subtitle.

(e) After notice to the holder of a certificate of approval and opportunity for hearing, the Administration may revoke an approval if it reasonably determines that:

(1) The site has been abandoned as an airport site;

(2) There has been a failure within the time required or, if no time has been required, within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval;

(3) Because of a change of physical or legal conditions or circumstances, the site is no longer usable for the purposes for which the approval was granted; or

(4) The intended operator of the proposed airport has failed to comply with the requirements of this title on environmental noise control.

§5–304.

(a) (1) The Administration may adopt rules and regulations providing for:

(i) The licensing of commercial use airports and public use airports; and

(ii) The annual renewal of airport licenses.

(2) For an airport license, the Administration may charge a license fee of not more than:

(i) $25 for each original license; and

(ii) $10 for each renewal.

(b) If the Administration provides for the licensing of these airports, a person may not operate a commercial use airport or a public use airport unless the person has an airport license as required by the rules and regulations of the Administration.

(c) On receipt of an application for an original license under this section and payment of the required fee, the Administration shall issue the appropriate license, with reasonable promptness, if it is satisfied that:

(1) The site is adequate for the airport;

(2) The airport meets minimum standards of safety, which may not be more stringent than those standards, if any, recommended by the Federal Aviation Administration for similar airports;

(3) Safe air traffic patterns have been worked out for the airport and for all existing airports and approved airport sites in its vicinity; and

(4) The airport operator has complied with the requirements of this title on environmental noise control.

(d) (1) The Administration may issue an airport license or renewal subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.

(2) Before renewal of an airport license and at any other reasonable time, the Administration may require that the airport operator provide the Administration with a list, by serial number and description, of all aircraft, based at the airport for which renewal is sought and the names and addresses of their owners.

(e) (1) The Administration may suspend an airport license pending a hearing if it reasonably determines that:

(i) A condition exists that endangers the lives or property of persons using the airport or that endangers the occupants of the land near the airport; and

(ii) It is in the interest of public safety and the general welfare to stop use of the airport.

(2) After notice to the licensee and opportunity for hearing, the Administration may revoke or refuse to renew an airport license if it reasonably determines that:

(i) The site has been abandoned as an airport;

(ii) There has been a failure to comply with the conditions of the license or renewal;

(iii) Because of a change of physical or legal conditions or circumstances, the airport has become unsafe or unusable for the purposes for which the license or renewal was issued; or

(iv) The airport operator has failed to comply with the requirements

of this title on environmental noise control.

§5–305.

(a) In connection with an application for approval of a proposed airport site or for an airport license, the Administration on its own motion may, and on request shall, hold a public hearing as provided in § 5-210 of this title.

(b) If the Administration holds a hearing before issuance or renewal of a commercial use airport license, the license applicant shall pay all of the reasonable costs of the hearing up to $100.

§5–306.

(a) (1) The Administration may adopt rules and regulations providing for the registration of airports not required to be licensed under this subtitle.

(2) Registration under this section shall be without charge unless the airport is used to base aircraft that do not belong to the registrant, in which event the Administration may charge a registration fee of not more than:

(i) $10 for each original registration; and

(ii) $5 for each renewal.

(b) On payment of the required fee, the Administration shall issue a registration certificate subject to any reasonable condition that it considers necessary to fulfill any purpose of this subtitle.

(c) Each registration certificate is renewable annually on payment of the required fee.

§5–401.

In this subtitle, "establish or operate" includes plan, acquire, construct, equip, maintain, alter, enlarge, improve, reconstruct, repair, regulate, protect, or police.

§5–402.

This subtitle does not limit any right, power, or authority of this State or a political subdivision to regulate any airport hazard by zoning.

§5–404.

(a) With the approval of the Secretary, the Administration may establish or operate on behalf of and in the name of this State any airport, airport facility, or air navigation facility within or without this State.

(b) These airports and facilities shall be established and operated out of funds

available for that purpose under Titles 3 and 4 of this article.

§5–405.

(a) With the approval of the Secretary, the Administration may acquire, by gift, purchase, lease, condemnation, or otherwise, any property, including any easement in airport hazards or in land outside the boundaries of an airport or airport site, for the purposes of establishing or operating an airport, airport facility, or air navigation facility, if the acquisition is necessary:

(1) To permit the safe and efficient operation of an airport;

(2) To permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards; or

(3) To prevent the establishment of airport hazards.

(b) The Administration may acquire, in like manner, any existing airport, airport facility, or air navigation facility. However, it may not acquire any airport, airport facility, or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

(c) Any condemnation proceedings under this section shall be instituted and maintained in the name of this State and conducted under Title 12 of the Real Property Article.

§5–406.

(a) With the approval of the Secretary, the Administration may sell, lease, or otherwise dispose of any property that it acquires under this subtitle.

(b) The Administration shall dispose of its property in accordance with the laws of this State governing the disposition of State property generally.

§5–407.

Any power granted by this subtitle to the Administration may be exercised by the Administration jointly with the federal government, any other state, or any political subdivision or agency of this or any other state.

§5–408.

(a) In its operation of an airport, airport facility, or air navigation facility owned or controlled by this State, the Administration, with the approval of the Secretary and subject to the direction of the Commission, may contract, lease, or otherwise arrange with any person to:

(1) Provide the person with services furnished by the Administration or

its agents at the airport or facility; or

(2) Grant to the person the privilege of:

(i) Using or improving for commercial purposes any part of the airport or facility; or

(ii) Supplying services, facilities, goods, commodities, or other things at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

(i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

(2) The Administration shall monitor the charges, fees, or prices of any goods or services offered to the public by persons granted the privilege under this section. Every contract, lease, or other arrangement shall provide that charges, fees, or prices:

(i) May not be increased without the prior approval of the Administration; and

(ii) Are to be reasonable. In determining reasonableness the Administration shall consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall:

(i) Monitor the employment practices under Title 20, Subtitle 6 of the State Government Article of persons granted privileges under this section; and

(ii) Refer for investigation all alleged violations of § 20–606 of the State Government Article to the Commission on Civil Rights, the Equal Employment Opportunity Commission, or any appropriate State or federal administrative body.

(c) (1) In this subsection, "commercial activity" means the sale, merchandising, marketing, or promotion of any goods or services.

(2) Commercial activity is permitted at an airport operated by the Administration only when expressly authorized by and in a manner prescribed by the

Administration.

§5–409.

(a) With the approval of the Secretary and subject to the direction of the Commission, the Administration may, consistent with the provisions of Division II of the State Finance and Procurement Article, contract, lease, or otherwise arrange with any person to grant to the person the privilege of operating, as agent of this State or otherwise, any airport or airport facility owned or controlled by this State.

(b) A contract, lease, or other arrangement made under this section may be for any term not exceeding 10 years and for the consideration that the Administration determines.

(c) The Administration may not authorize any person:

(1) To operate the airport or facility other than as a public airport or facility; or

(2) To make any contract, lease, or other arrangement in the operation of the airport or facility that the Administration itself could not make under § 5-408 of this subtitle.

§5–410.

This State has a lien on any personal property to enforce the payment of any charge for any repair, improvement, storage, or care of that property made or furnished by the Administration or its agents in the operation of an airport, airport facility, or air navigation facility owned or controlled by this State. The Administration may enforce the lien under Title 16 of the Commercial Law Article.

§5–411.

(a) The Administration may accept, receive, receipt for, disburse, and spend any federal or other public or private money made available to accomplish, wholly or partly, any of the purposes of this subtitle.

(b) All federal money accepted under this section shall be accepted and spent by the Administration on the terms and conditions that the federal government requires.

(c) In accepting federal money under this section, the Administration has the same authority to contract on behalf of this State as that granted to the Administration under § 5-422 of this subtitle for federal money accepted on behalf of a political subdivision, consistent with the provisions of Division II of the State Finance and Procurement Article.

(d) Unless otherwise required by the person from whom the money was received, all money received by the Administration under this section is subject to §

3-216 of this article on the Transportation Trust Fund.

§5–412.

(a) Except as otherwise provided by law, the Administration shall operate and administer all State-owned airports.

(b) Notwithstanding any other provision of law, the Administration may not enter into a contract for the provision of services at a State-owned airport that would result in the termination of State employees unless:

(1) The contract and all supporting information have been submitted to the Legislative Policy Committee for its review and comment; and

(2) Written comment from the Legislative Policy Committee has been received or 45 days have elapsed after the Legislative Policy Committee has received the contract.

§5–413.

(a) Any person who is or becomes a full-time employee of the Maryland Aviation Administration Fire Rescue Service on or before September 30, 1993 shall remain or become a member of the Baltimore City Fire and Police Employees Retirement System. The Administration shall reimburse the City for the employer's cost of the pension coverage.

(b) Notwithstanding any public local or other law, the operator of a taxicab authorized and licensed to operate in a political subdivision of this State may, without being required to obtain an additional permit or license from any other political subdivision:

(1) Transport passengers to Baltimore-Washington International Thurgood Marshall Airport from the political subdivision in which the taxicab is authorized and licensed to operate; and

(2) After transporting passengers to the airport from that political subdivision, pick up passengers at the airport and transport them to the political subdivision on its return trip.

(c) The Administration may not begin construction of the new parallel transport runway, identified in the Airport Master Plan as runway 10 R/28L, until:

(1) The Administration:

(i) 1. Reviews the current airport noise zone and abatement procedures, such reviews to include an examination and an evaluation of runway curfews; and

2. Updates the noise zone as proposed by the Administration on February 25, 1987;

(ii) Adopts the proposed noise assistance programs for residential areas within the airport noise zone including, but not limited to:

1. Extension of the voluntary acquisition program;

2. In cooperation with the Board of Airport Zoning Appeals established by Subtitle 5 of this title, strengthening of zoning permit procedures as necessary; and

3. Establishment of a homeowner assistance program; and

(iii) Implements a pilot program of homeowner assistance in fiscal year 1988; and

(2) The State Highway Administration completes construction of the following highway projects required in conjunction with airport improvements:

(i) Hammonds Ferry Road/Poplar Avenue intersection improvements;

(ii) MD 170/Poplar Avenue intersection;

(iii) Poplar Avenue widening;

(iv) MD 176 widenings;

(v) MD 176/Hammonds Ferry Road intersection;

(vi) Nursery Road/MD 295 interchange; and

(vii) MD 3/MD 176 interchange (auxiliary lane).

(d) The international terminal at Baltimore-Washington International Thurgood Marshall Airport shall be named the Governor William Donald Schaefer International Terminal.

§5–414.

(a) There is a Citizens Committee for the Enhancement of Communities Surrounding Baltimore-Washington International Thurgood Marshall Airport.

(b) (1) The Citizens Committee consists of 11 members who are appointed by the Secretary after recommendation by the members of the legislative delegation from legislative districts 12, 13, and 32 as follows:

(i) Two members of the Citizens Committee shall be recommended

by each of the delegates representing district 32;

(ii) One member of the Citizens Committee shall be recommended by the delegates representing district 12;

(iii) One member of the Citizens Committee shall be recommended by the delegates representing district 13; and

(iv) Three members of the Citizens Committee shall be recommended by the senator representing district 32.

(2) The members shall be representatives of community associations that are either wholly or partially situated:

(i) In the most recent certified noise zone, adopted under § 5-806 of this title, for Baltimore-Washington International Thurgood Marshall Airport; or

(ii) In a border extending 2 miles outside of the certified noise zone.

(c) (1) The term of a member of the Citizens Committee is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Citizens Committee on October 1, 2001.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(d) From among the members of the Citizens Committee, the Secretary shall appoint a chairman.

(e) (1) The Citizens Committee shall meet regularly at the call of the chairman.

(2) The Secretary, or the Secretary's designee, shall meet with the Citizens Committee at least quarterly.

(f) A member of the Citizens Committee may not receive compensation or other reimbursement for expenses.

(g) The Citizens Committee shall:

(1) Evaluate issues of livability in the communities located in the area described in subsection (b)(2) of this section and the unique impacts on livability in these communities arising from their close proximity to Baltimore-Washington International Thurgood Marshall Airport;

(2) Develop projects designed to address transportation issues that affect livability in the communities; and

(3) Make recommendations to the Secretary for the funding of projects designed to address transportation issues that affect livability in the communities.

(h) (1) The Secretary shall consider the recommendations of the Citizens Committee.

(2) The Secretary may make grants-in-aid, under § 2-103(i)(2) of this article, to fund transportation related projects recommended by the Citizens Committee.

(3) (i) The Secretary shall identify in the annual budget for the Department an amount designated for the grants-in-aid authorized under this subsection.

(ii) In making a budget designation under this paragraph, the Secretary shall consider the number of aircraft operations at Baltimore-Washington International Thurgood Marshall Airport for the most recent available calendar year.

(iii) A budget amount designated under this paragraph shall include an amount equal to at least one dollar for every takeoff and landing of an aircraft that occurs at Baltimore-Washington International Thurgood Marshall Airport for the most recent available calendar year.

(i) Staff support for the Citizens Committee shall be provided by the Department.

§5–415.

(a) In this section, "Fire Rescue Service" means the Maryland Aviation Administration Fire Rescue Service.

(b) Subject to subsection (c) of this section, the Fire Rescue Service shall charge an ambulance transport fee set in regulations adopted under subsection (d) of this section to an individual if the Fire Rescue Service transports the individual to a hospital from property owned by the Administration or property subject to a mutual aid agreement to which the Administration is a party.

(c) (1) The Fire Rescue Service may not:

(i) Question an individual about ability to pay the ambulance transport fee at the time that ambulance transportation is requested or provided; or

(ii) Fail to provide ambulance transportation and emergency medical services because of an individual's actual or perceived inability to pay the ambulance transport fee.

(2) The Administration may procure the services of a third party billing company to administer its ambulance transport fee program.

(d) The Administration shall adopt regulations to:

(1) Set the ambulance transport fee; and

(2) Administer the collection of the ambulance transport fee, including regulations governing:

(i) A waiver of the ambulance transport fee in the event of financial hardship;

(ii) The acceptance of reduced payments by commercial insurers and other third–party payors, including Medicare and Medicaid; and

(iii) A requirement that each individual receiving an ambulance transport provide financial information, including the individual's insurance coverage, and assign insurance benefits to the Administration.

(e) The Administration shall deposit the fees collected under this section in the Transportation Trust Fund.

§5–416.

(a) As provided in this section, a political subdivision of this State, whether acting alone or jointly with another political subdivision, may:

(1) Establish or operate any airport, airport facility, or air navigation facility; and

(2) For this purpose, use any suitable property owned or controlled by the political subdivision.

(b) An airport or facility may be established under this section:

(1) By a county, only within its boundaries or the boundaries of any other county with which it is acting jointly; and

(2) By Baltimore City or a municipal corporation, either within or without its boundaries.

§5–417.

(a) A political subdivision may acquire, by purchase or, if unable to agree on terms, by condemnation, any property, including any air right or interest, needed to establish or operate an airport, airport facility, or air navigation facility.

(b) Any condemnation of property under this section shall be under the law by

which the political subdivision may condemn property for public purposes other than street purposes or, if it has no such law, under Title 12 of the Real Property Article.

§5–418.

(a) Any political subdivision that acquires, leases, controls, or sets apart any property for an airport, airport facility, or air navigation facility may:

(1) Establish and operate the airport or facility;

(2) Lease or grant to any person, on the terms and conditions it considers proper, any right or interest in the airport or facility;

(3) Fix any charges, rentals, or fees for the use of the airport or facility and for any right or interest granted to any person under this section; and

(4) Delegate any of its powers under this section to any suitable officer or agency of the political subdivision and, for this purpose, create any new agency or unit.

(b) The costs and expenses incurred in connection with any act performed under this section shall be the responsibility of the political subdivision.

§5–419.

(a) Any political subdivision that has general taxing power in its jurisdiction may:

(1) Issue its bonds in the amounts, at the rates of interest, and with the serial maturities that the governing body of the political subdivision determines by resolution, order, or ordinance; and

(2) Use the proceeds from the sale of the bonds to acquire sites and construct, enlarge, alter, or improve airports, airport facilities, and air navigation facilities.

(b) (1) The principal of and interest on the bonds issued by a political subdivision under this section shall be secured by the full faith and credit of the political subdivision. For the payment of the principal of and interest on the bonds as they become due and payable, the political subdivision annually shall levy a general tax on all of the assessable property subject to taxation in its jurisdiction.

(2) A political subdivision may not issue any bonds under this section in an amount that, together with the aggregate amount of all other bonded indebtedness of the political subdivision, exceeds a total of 4 percent of the total assessed valuation of the real property located in the political subdivision and 10 percent of the total assessed valuation of personal property and operating real property described in § 8-109(c) of the Tax - Property Article located in the political subdivision.

(c) This section supersedes any other general or local law to the extent of any conflict. No part of this section may be deemed to be impliedly repealed or superseded by any subsequent legislation if such construction reasonably can be avoided.

§5–420.

(a) The powers granted to political subdivisions by this subtitle include the power to acquire any property, including air rights or interests, for an airport, airport facility, or air navigation facility to be maintained by any common carrier of passengers or freight by air.

(b) If a political subdivision contracts with a common carrier of passengers or freight by air to acquire an airport, airport facility, or air navigation facility and to sell the acquired property to the common carrier, the political subdivision may:

(1) Borrow money not exceeding the amount of the purchase price under the contract; and

(2) Use the money to acquire the property, by purchase, condemnation, or otherwise.

§5–421.

(a) With the approval of the Secretary, the Administration may grant or lend money to:

(1) Any political subdivision or any authority created under State law to assist in the establishment or operation of an airport that is or is to be owned or controlled wholly or in part by the political subdivision or authority; or

(2) Any other person to assist in the establishment or operation of any privately owned airport made available for use by the public.

(b) When awarding loans and grants under this section, the Administration shall give priority to publicly owned airports.

§5–422.

(a) (1) With the approval of the Secretary, the Administration may act as agent of any political subdivision to:

(i) Accept, receive, receipt for, disburse, or spend any federal or other public or private money made available to finance, wholly or partly, the establishment or operation of an airport, airport facility, or air navigation facility; and

(ii) Contract for and supervise the establishment or operation of the airport or facility.

(2) Each political subdivision may designate the Administration as its agent for any purpose of this subsection.

(b) All federal money accepted under this section shall be accepted and transferred or spent by the Administration on the terms and conditions that the federal government requires.

(c) Any political subdivision and, with the approval of the Secretary, the Administration, as principal for this State, may contract with each other, the federal government, or any other person to the extent required for a grant or loan of federal money for an airport, airport facility, or air navigation facility.

(d) (1) All money received by the Administration under this section:

(i) Shall be deposited in the State Treasury; and

(ii) Unless otherwise required by the person from whom the money was received, shall be kept in a separate fund designated for the purpose for which the money was made available and shall be held by this State in trust for that purpose.

(2) This money is not part of the Transportation Trust Fund and is not subject to § 3-216 of this article.

§5–426.

(a) After holding a public hearing, the governing body of any publicly owned airport in this State may adopt regulations for:

(1) The parking of motor vehicles at the airport, including provision of a uniform system for accessible parking for individuals with disabilities to enhance the safety of people with disabilities in conformity with:

(i) The "Uniform System for Parking for Persons With Disabilities" (23 C.F.R. Part 1235);

(ii) The "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" (Appendix A to 28 C.F.R. Part 36 and 36 C.F.R. Part 1191.1); and

(iii) 14 C.F.R. Part 382.23(a);

(2) The movement of traffic at the airport;

(3) Safety at the airport; and

(4) The preservation of order at the airport.

(b) All regulations adopted under this section shall be posted conspicuously in a public place at the airport.

§5–427.

(a) Any person who violates a parking regulation adopted and posted under § 5-426 of this subtitle is subject to a fine not exceeding $50. A violation of a parking regulation is not a misdemeanor.

(b) Any person who violates any other rule or regulation adopted and posted under § 5-426 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§5–4A–01.

(a) (1) In this section, "airport district" means:

(i) Designated land on which a privately owned commercial or public use airport is situated; and

(ii) Designated private land proximate to a commercial or public use airport.

(2) "Commercial use airport" means a publicly or privately owned airport at which:

(i) Landing or tie down fees are charged;

(ii) Aviation fuel or oil is sold;

(iii) Space is rented;

(iv) Goods or services are sold; or

(v) Other activities are carried out for remuneration.

(3) "Public use airport" means any publicly or privately owned airport that is open to flight operations by the public.

(b) It is the intent of the Maryland General Assembly to establish and preserve airport districts for the purpose of:

(1) Conserving land that is available for the future development of airports;

(2) Ensuring access to commercial and recreational aviation in the State; and

(3) Protecting airports and land proximate to airports as open space land.

(c) (1) A county or municipal corporation containing a commercial or public use airport may:

(i) Establish a policy for preserving land for airports;

(ii) Establish airport districts;

(iii) Acquire an easement for development rights in an airport district;

(iv) Alter or abolish an easement in an airport district; and

(v) Promote the preservation of airports in the county or municipal corporation by offering information and assistance to affected landowners with respect to the establishment of an airport district and the purchase of an easement.

(2) (i) A county or municipal corporation that establishes an airport district shall establish the airport district by ordinance.

(ii) The establishment of an airport district may not take effect until all landowners in the proposed airport district have executed and recorded along with land records an agreement with the county or municipal corporation stipulating that:

1. After the establishment of the airport district the landowner may agree to keep the landowner's land compatible with airport use in accordance with this section; and

2. The landowner has the right to offer to sell to the county or municipal corporation under the provisions of this subtitle an easement for development rights in the landowner's land.

(3) In designating land as an airport district or acquiring an easement in an airport district, a county or municipal corporation shall:

(i) Solicit from the county or municipal corporation planning and zoning body a study of the impact of an easement before acquiring an easement in an airport district;

(ii) Consider current local regulations;

(iii) Consider local patterns of land development; and

(iv) Consider local priorities for the preservation of airport land.

(4) (i) A county or municipal corporation shall hold a public hearing before acquiring an easement in an airport district.

(ii) A county or municipal corporation shall provide adequate notice to all landowners in the proposed airport district and all interested parties before holding a public hearing.

(d) A county or municipal corporation may coordinate its acquisition of an easement in an airport district with other programs and shall dedicate such funds to

the acquisition as it considers appropriate.

(e) (1) Except as otherwise provided in this subsection, a landowner whose land is subject to an easement may not use the land for a commercial, industrial, or residential purpose.

(2) (i) A landowner may exclude from the easement restrictions 1 acre for each single dwelling that exists at the time of the sale of the easement, by a land survey and recordation provided at the expense of the owner.

(ii) 1. Before an exclusion is granted under subparagraph (i) of this paragraph, an owner shall agree with the county or municipal corporation not to subdivide further for residential purposes land allowed to be excluded.

2. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.

(3) An easement in an airport district may not restrict a landowner from engaging in commercial or other activities involving agriculture, forestry, topographical enhancement, or other activities that are compatible with the future development of an airport.

(4) An easement in an airport district may not prevent a landowner from engaging in commercial or other activities on the land related to normal airport operations including, but not limited to, the sale of maintenance products and services, and training schools.

(f) Acquisition of an easement by a county or municipal corporation does not grant to the public a right of access or right of use of the airport district.

(g) A county or municipal corporation may adopt regulations and procedures for administering this section.

(h) Nothing in this section shall prohibit a landowner from selling the landowner's property.

(i) (1) The county or municipal corporation may review the use of land in an airport district and alter or abolish an airport district.

(2) The county or municipal corporation shall distribute funds acquired from the sale of an easement in an airport district to the county's or municipal corporation's general fund.

(j) In the event of condemnation of land under an airport preservation easement, the condemning authority shall pay:

(1) To the landowner the full amount that the landowner would be entitled to if the land was not under easement, less any amount paid to the landowner by the

county or municipal corporation for the easement; and

(2) To the county or municipal corporation, to be deposited into the county's or municipal corporation's general fund, the value of the easement.

§5–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Board" means the Board of Airport Zoning Appeals.

(c) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

§5–502.

(a) Subject to the provisions of this subtitle, the Administration may adopt airport zoning regulations to protect the aerial approaches of any airport owned by this State.

(b) (1) The Administration shall compile in one file an accurate copy of this subtitle, Subtitle 6 of this title, and all airport zoning regulations adopted under this subtitle.

(2) This file shall be kept at all times in the office of the Administration and shall be open to public inspection at all times during regular office hours.

(c) (1) If there is any conflict between any airport zoning regulation adopted under this subtitle and any other regulation applicable to the same area, the more stringent limitation or requirement governs.

(2) The provisions of all airport zoning regulations adopted under this subtitle are severable. If any provision of the regulations or its application is held invalid, the invalidity does not affect any other provision or application that can be given effect notwithstanding the invalidity.

§5–503.

(a) As to each airport, in the establishment of airport zoning districts or the adoption or amendment of its airport zoning regulations, the Administration shall consider, among other things, to the extent that they affect and in order to promote the public health, safety, order, or security, the following:

(1) The character of the flying operations conducted or expected to be conducted at the airport;

(2) The surrounding terrain;

(3) The height of existing structures and trees or other vegetation in the

vicinity;

(4) The feasibility of lowering or removing existing structures or trees or other vegetation in the vicinity;

(5) As to the aerial approaches necessary for safe flying operations at the airport, the opinion of the federal agency charged with fostering civil aeronautics;

(6) The risks associated with aerial traffic at the airport;

(7) The type, size, weight, and load capacity of aircraft that use or might use the airport;

(8) The weather conditions generally prevailing in the vicinity;

(9) The size and layout of the landing area of the airport; and

(10) The present and future needs of the inhabitants of this State with reference to the use of the airport for public transportation.

(b) An airport zoning regulation adopted under this subtitle may not:

(1) Require the removal or alteration of any structure that, as it existed when the regulation was adopted, did not conform to the regulation; or

(2) Otherwise interfere with the continuance of any nonconforming use.

(c) Except as otherwise provided in this subtitle, an airport zoning district or airport zoning regulation adopted under this subtitle may not apply to any property located more than 3 miles beyond the outer perimeter of any airport.

§5–504.

(a) A person may not, in violation of this subtitle or any regulation adopted under it:

(1) Establish or construct any new structure;

(2) Make any new use of any existing structure or land;

(3) Substantially alter any existing structure or use of land; or

(4) As to any tree or other vegetation:

(i) Plant or replant any of such a height as to be an airport hazard;

(ii) Allow any to grow to such a height as to be an airport hazard; or

(iii) Even if it is nonconforming, allow any that is an existing airport

hazard to grow any higher.

(b) If any person violates any provision of this section, the Administration, in addition to any other remedy, may institute any appropriate judicial action to prevent, restrain, correct, or abate the unlawful action or condition.

§5–505.

(a) Unless he has an appropriate permit issued by the Administration, a person may not, in any airport zoning district:

(1) Substantially alter any nonconforming structure or use; or

(2) Undertake or allow any activity prohibited by § 5-504(a) of this subtitle.

(b) (1) Before any work that requires a permit under this section is started on an operation or project and before any growth that requires a permit under this section is allowed of a tree or other vegetation, the owner of the land or structure shall obtain a permit from the Administration.

(2) The application for a permit shall be accompanied by the plats, drawings, and other information necessary to enable the Administration to determine if the proposed operation or project will comply with every applicable airport zoning regulation.

(c) (1) Except as otherwise provided in paragraph (3) of this subsection, the Administration may not issue a permit unless every airport zoning regulation applicable to the airport zoning district in which the land or structure is located will be complied with fully.

(2) The Administration shall issue a permit as a matter of right for the replacement or alteration of a nonconforming use or structure, except that the Administration may not issue any permit that will allow a structure or tree or other vegetation to be higher than or to be a greater hazard to air navigation than it was when the applicable airport zoning regulation was adopted.

(3) The Administration may issue a permit to any person acting on behalf of the Administration or any federal agency on land owned by the State or the federal government if the proposed activity complies with all applicable federal aviation regulations.

(d) The Administration may condition any permit so as to require the owner of the land or structure to which the permit applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

(e) If the Administration disapproves an application:

(1) The Administration shall notify the applicant in writing of its reasons for the disapproval; and

(2) If the Board of Airport Zoning Appeals is authorized to grant a variance from the applicable regulation, the applicant may appeal to the Board as provided in § 5-507 of this subtitle.

(f) A local agency may not issue a use permit or a permit for any construction, reconstruction, extension, repair, or alteration within an airport zoning district until the applicant has been issued an airport zoning permit by the Administration.

§5–506.

(a) There is a Board of Airport Zoning Appeals in the Department.

(b) (1) The Board consists of 10 members appointed by the Governor with the advice of the Secretary and the advice and consent of the Senate.

(2) Of the members of the Board:

(i) Three shall be residents of Anne Arundel County;

(ii) Three shall be residents of Baltimore County;

(iii) Two shall be residents of Howard County; and

(iv) Two, including the Chairman, shall be residents of a county other than those counties specified in items (i), (ii), and (iii) of this paragraph.

(3) The Governor shall designate one of the members of the Board as its Chairman.

(c) (1) Each member serves for a term of 4 years and until his successor is appointed and qualifies. The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1982.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) The Department may employ the personnel necessary to enable the Board to exercise its powers and perform its duties properly.

(e) A member or employee of the Board is entitled to the compensation provided in the State budget. A member of the Board also is entitled to reimbursement for expenses, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.

(f) The Board has the powers and duties set forth in § 5-507 of this subtitle and shall comply with all the applicable provisions of Subtitle 6 of this title.

(g) The Board shall sit in panels as follows:

(1) If an application for a variance or an appeal to the Board concerns property located in Anne Arundel County or Howard County, the Board panel shall consist of all members except those who are from Baltimore County; and

(2) If an application for a variance or an appeal to the Board concerns property located in Baltimore County, the Board panel shall consist of all members except those who are from Anne Arundel County and Howard County.

§5–507.

(a) In a case of practical difficulty or unnecessary hardship, the Board, after public notice and hearing, may grant a specific variance from the airport zoning regulations adopted under this subtitle.

(b) Any person who desires to use his property in a manner prohibited by an airport zoning regulation adopted under this subtitle may apply to the Board for a variance from the regulation.

(c) On application for a variance, the Board shall act as a fact finding body and, among other things, shall consider any testimony or evidence presented regarding:

(1) The rules, regulations, restrictions, guides, and standards set forth in this subtitle and in the airport zoning regulations that the Administration adopts;

(2) The existing or proposed height, width, and use of the structure or tree or other vegetation for which the variance is requested;

(3) Whether the structure or tree or other vegetation will create or become an airport hazard;

(4) Whether issuance of the permit will result in endangering the public health, safety, security, or order; and

(5) The impact of the proposed variance upon the surrounding community.

(d) The Board may condition any variance so as to require the owner of the land or structure to which the variance applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

§5–508.

An appeal may be taken from a decision of the Board to a court of competent jurisdiction in the county in which the airport is located. The appeal shall be taken in the manner set forth in § 5-615 of this title.

§5–509.

(a) In this section, "district" means the land area established for Baltimore-Washington International Thurgood Marshall Airport delineated by and contained within a circle the radius of which is 4 miles from a point the Maryland grid coordinates of which are E893,909.99 -- N490,279.30.

(b) (1) Except as otherwise provided in this subtitle, a structure may not be erected, altered, or maintained and a tree or other vegetation may not be allowed to grow or be maintained at a height greater than the height limit established for the district.

(2) The Administration shall adopt regulations establishing the maximum height limit any structure, tree, or other vegetation may be allowed to grow or be maintained in the district, consistent with applicable federal aviation regulations.

(3) The Administration shall file in the land records of Anne Arundel County, Baltimore County, and Howard County a map depicting the district established by this section.

§5–510.

Except as provided in this subtitle, a person may not use any land located within any airport zoning district created under this subtitle for any:

(1) Transformer station;

(2) High-tower transmission line;

(3) Manufacturing establishment or other use that produces smoke that would interfere with the safe use of the airport;

(4) Rifle range or private landing field that would interfere with the health, safety, or general welfare of the public in the use of the airport;

(5) Plant or business of any kind that emits smoke, gases, or odors that would interfere with the health, safety, or general welfare of the public in the use of the airport;

(6) Business or structure of any kind that may be detrimental to the health, safety, or general welfare of the public in the use of the airport; or

(7) Use that would:

(i) Create electrical interference with radio communication between the airport and aircraft;

(ii) Make it difficult for airmen to distinguish between airport lights

and other lights;

(iii) Cause glare in the eyes of airmen using the airport;

(iv) Impair visibility in the vicinity of the airport; or

(v) Otherwise endanger the landing, taking off, or maneuvering of aircraft.

§5–511.

Any person who violates any provision of this subtitle or of any rule or regulation adopted by the Administration under this subtitle is guilty of a misdemeanor and on conviction is subject to a fine of not more than $500 for each day or part of a day that the violation continues.

§5–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Airport" means any airport licensed by the Administration.

(c) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

§5–602.

An airport hazard endangers the lives and property of the users of an airport and of the occupants of land in its vicinity, and it also reduces, in effect, the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport. It is, therefore, in the interest of public health, safety, and general welfare that the political subdivisions of this State be authorized to adopt zoning regulations, as provided in this subtitle, and to acquire property, by purchase, grant, lease, or condemnation, in order to eliminate airport hazards.

§5–603.

This subtitle does not apply to Baltimore County or to any part of any airport or property located in Baltimore County.

§5–604.

(a) Subject to the provisions of this subtitle, each political subdivision of this State may adopt, under its police power, airport zoning regulations to protect the aerial approaches of:

(1) Any airport not owned by this State and located in the political subdivision; and

(2) Subject to § 5-609 of this subtitle, any airport owned by the political subdivision and located wholly or partly outside of the political subdivision.

(b) If a political subdivision has or adopts a general zoning ordinance regulating the height of buildings, any airport zoning regulations adopted under this subtitle for all or a part of the same area may be made a part of the general zoning regulations and administered and enforced with them. However, the general zoning regulations may not limit the effectiveness or scope of any regulation adopted under this subtitle.

§5–605.

(a) (1) By appropriate action of their respective governing bodies, any two or more political subdivisions may agree to create a joint board and delegate to it the power granted by this subtitle to adopt and enforce airport zoning regulations for any airport located wholly or partly in any one or more of the political subdivisions.

(2) If a joint board is created under this section, it may exercise the powers granted by this subtitle to a political subdivision or its legislative body to the extent that these powers have been delegated to it by the political subdivision and subject to the rules, restrictions, guides, and standards established by the governing bodies of the political subdivisions that created it.

(b) Each joint board shall consist of:

(1) Two representatives of each political subdivision that creates the joint board, appointed by the chief executive officer of the political subdivision; and

(2) One additional member, who shall be the chairman, elected by a majority of the appointed members.

(c) (1) Each member of a joint board serves for a term of 4 years and until his successor is appointed and qualifies.

(2) On written charges and after a public hearing, the respective appointing authority may remove any member of a joint board for cause.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) Each joint board shall adopt rules for the conduct of its business.

(2) Meetings of a joint board shall be held at the call of the chairman or a majority of the joint board. All meetings of the board shall be open to the public.

(3) Each joint board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the joint board and shall be a public record.

(e) (1) At a meeting of a joint board, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

§5–606.

(a) Regulations adopted under this subtitle shall divide the area surrounding the airport to which they apply into districts of the number, shape, and size that the political subdivision considers best suited for the purposes of this subtitle. Within each district, the political subdivision may regulate and restrict the height of structures and trees or other vegetation and the purposes for which land may be used.

(b) All regulations shall be uniform throughout the district to which they apply. However, regulations in one district may differ from those for other districts.

(c) As to each airport, in the establishment of districts or in the adoption or amendment of its airport zoning regulations, the political subdivision shall consider, among other things, to the extent that they affect and in order to promote the public health, safety, order, or security, the following:

(1) The character of the flying operations conducted or expected to be conducted at the airport;

(2) The surrounding terrain;

(3) The height of existing structures and trees or other vegetation in the vicinity;

(4) The feasibility of lowering or removing existing structures or trees or other vegetation in the vicinity;

(5) As to the aerial approaches necessary for safe flying operations at the airport, the opinion of the federal agency charged with fostering civil aeronautics;

(6) The risks associated with aerial traffic at the airport;

(7) The type, size, weight, and load capacity of aircraft that use or might use the airport;

(8) The weather conditions generally prevailing in the vicinity;

(9) The size and layout of the landing area of the airport; and

(10) The present and future needs of the inhabitants of this State with reference to the use of the airport for public transportation.

(d) An airport zoning regulation adopted under this subtitle may not:

(1) Require the removal or alteration of any structure that, as it existed when the regulation was adopted, did not conform to the regulation; or

(2) Otherwise interfere with the continuance of any nonconforming use.

§5–607.

(a) Subject to the provisions of this subtitle, the legislative body of a political subdivision shall provide for the manner in which airport zoning regulations and boundaries of airport zoning districts are to be adopted, amended, enforced, and repealed.

(b) (1) Airport zoning regulations and boundaries of airport zoning districts are not effective until there has been a public hearing at which interested parties and the public have an opportunity to be heard.

(2) At least 15 days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in each of the political subdivisions in which the airport is or will be located.

(c) (1) Any regulation and boundary may be amended or repealed from time to time. However, if the owners of at least 20 percent of the area included in a proposed change sign a protest against the change, the change is not effective unless approved by two thirds of all the members of the joint board or of the legislative body of the political subdivision, as the case may be.

(2) Subsection (b) of this section on public hearings and notices applies to all changes made under this subsection, and, if the change is in a boundary of any airport zoning district, notice of the hearing also shall be posted within that district, at the place that the zoning authorities designate.

§5–608.

(a) (1) For purposes of this subtitle, the legislative body of the political subdivision shall appoint an airport zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced.

(2) A zoning board of appeals of the political subdivision may be designated as the airport zoning commission.

(b) The commission shall make a preliminary report and hold a public hearing on it before submitting its final report. The legislative body may not hold its public hearings or take any action until it receives the final report of the commission.

§5–609.

(a) If an airport owned by a political subdivision is located wholly or partly outside of the political subdivision, the adoption of airport zoning regulations under this subtitle is subject to this section.

(b) Before any airport zoning regulation or amendment adopted under this section is effective, it shall be submitted to and approved by:

(1) The governing body of each other political subdivision in which any part of the airport is located; or

(2) If one is created under § 5-605 of this subtitle, a joint board of the political subdivisions in which any part of the airport is located.

(c) (1) Within 60 days after a regulation is submitted to it under this section, the joint board or governing body shall either:

(i) Approve the regulation; or

(ii) By written notice specifying its reasons, disapprove the regulation.

(2) If a joint board or governing body fails to disapprove a regulation as provided in paragraph (1) of this subsection, the regulation is deemed to be approved by it. The approval or disapproval of a joint board or governing body, as the case may be, is final and binding.

(3) A regulation is effective only if approved by the joint board or governing body of each political subdivision in which any part of the airport is located.

(d) If an airport zoning regulation adopted by a political subdivision under this section conflicts with any airport zoning or other regulation of any other political subdivision, the regulation adopted under this section governs.

§5–610.

(a) The legislative body of a political subdivision that adopts airport zoning regulations under this subtitle may:

(1) Delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction; or

(2) Create a new administrative agency to perform this duty.

(b) The duties of the administrative agency include receiving applications for and deciding whether or not to issue permits applied for under § 5-611 of this subtitle.

(c) The administrative agency may not be or include any member of the board

of appeals, and it may not exercise any of the powers delegated to the board of appeals.

§5–611.

(a) To facilitate the enforcement of airport zoning regulations adopted under this subtitle, a political subdivision may establish a system and adopt rules and regulations for the granting of permits to:

(1) Establish or construct any new structure;

(2) Make any new use of any existing structure or land;

(3) Substantially alter any existing structure or use of land; or

(4) As to any tree or other vegetation:

(i) Plant or replant any of such a height as to be an airport hazard;

(ii) Allow any to grow to such a height as to be an airport hazard; or

(iii) Even if it is nonconforming, allow any that is an existing airport hazard to grow any higher.

(b) (1) Whether or not a permit system is established under subsection (a) of this section, before any work is started to substantially alter any nonconforming structure and before any growth described in subsection (a) of this section is allowed of a tree or other vegetation, a permit shall be obtained from the administrative agency authorized to administer and enforce the zoning regulations.

(2) The administrative agency shall issue a permit as a matter of right for the replacement or alteration of a nonconforming use or structure, except that the agency may not issue any permit that will allow a structure or tree or other vegetation to be higher than or to be a greater hazard to air navigation than it was when the applicable airport zoning regulation was adopted.

(c) If the administrative agency grants a permit under this section that does not have to be issued as a matter of right, it may condition the permit so as to require the owner of the land or structure to which the permit applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

§5–612.

(a) Airport zoning regulations adopted under this subtitle shall provide for a board of appeals with the power:

(1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the administrative agency in the enforcement of this subtitle

or of any ordinance or other legislation adopted under this subtitle;

(2) If required by an ordinance or other legislation adopted under this subtitle, to hear and decide special exceptions to the terms of the ordinance or other legislation; and

(3) To hear, decide, and, in proper cases, grant specific variances from the zoning regulations adopted under this subtitle, subject to the rules, regulations, restrictions, guides, and standards established under this subtitle.

(b) A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) (1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) (1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this subtitle.

§5–613.

(a) (1) Appeals to the board of appeals may be taken by any aggrieved person or by any officer or agency of the political subdivision affected by any decision of the administrative agency.

(2) An appeal shall be taken within 30 days of the decision by filing, with the administrative agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds for the appeal. The agency immediately shall send to the board the papers that constitute the record on which the action appealed from was taken.

(b) (1) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board that, because of the facts stated in the certificate, a stay in its opinion would cause imminent peril to life or property.

(2) If the agency certifies as provided in paragraph (1) of this subsection, the proceedings may not be stayed other than by a restraining order granted by the board of appeals or by a court of record. On application and notice to the administrative agency, a restraining order may be granted for good cause shown.

(c) (1) The board shall:

(i) Set a reasonable time for hearing the appeal;

(ii) Give public notice of the hearing;

(iii) Give notice to the parties in interest; and

(iv) Decide the appeal within a reasonable time.

(2) Any party may appear at the hearing in person or by his agent or attorney.

(d) In compliance with this subtitle, the board:

(1) May reverse, affirm, or modify the decision appealed from; and

(2) For this purpose:

(i) May make any order, requirement, decision, or determination that it considers proper; and

(ii) Has all the powers of the administrative agency from which the appeal is taken.

§5–614.

(a) The legislative body of a political subdivision may authorize the board of appeals in cases of practical difficulty or unnecessary hardship to grant specific variances from the airport zoning regulations adopted under this subtitle, subject to the rules, regulations, restrictions, guides, and standards established by the legislative body.

(b) If the board is authorized to grant variances, any person who desires to use his property in a manner prohibited by an airport zoning regulation adopted under this subtitle may apply to the board for a variance from the regulation.

(c) The board may condition any variance so as to require the owner of the land or structure to which the variance applies to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of an airport hazard.

§5–615.

(a) Any aggrieved person or any officer or agency of the political subdivision may appeal from a decision of the board of appeals to a court of competent jurisdiction.

(b) If, at the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a commissioner to take the evidence that the court directs and report to the court with his findings of fact and conclusions of law. These findings and conclusions constitute a part of the proceedings on which the determination of the court shall be made.

(c) The court may:

(1) Reverse, affirm, or modify the decision brought up for review; and

(2) If necessary, order further proceedings by the board of appeals.

(d) It is not necessary to join the board of appeals as a party.

(e) An appeal under this subtitle has preference over all other civil actions and proceedings.

(f) An appeal may be taken to the Court of Special Appeals from any decision of the court of record reviewing the decision of the board of appeals.

§5–616.

(a) A political subdivision that owns, controls, or operates an airport may acquire, by purchase, grant, lease, or condemnation, any property, including any air right or interest, needed to eliminate an airport hazard, to protect the aerial approaches to the airport, or to effectuate the purpose of this subtitle, if:

(1) A nonconforming use, structure, or tree or other vegetation is an airport hazard, and it is necessary or desirable to remove, lower, or otherwise terminate it;

(2) Because of constitutional limitations, the aerial approaches to the airport cannot be made or kept safe by airport zoning regulations adopted under this subtitle;

(3) It is advantageous to make and keep aerial approaches to the airport safe by the acquisition of property rather than by airport zoning regulations; or

(4) Any zoning regulation or any action of a zoning authority interferes with the use or enjoyment of private property or otherwise infringes on private property rights so much that it would be taking of private property without the just compensation required by the Constitution of the United States or the Maryland Constitution.

(b) Any condemnation of property under this section shall be under the law by which the political subdivision may condemn property for public purposes other than street purposes or, if it has no such law, under Title 12 of the Real Property Article.

§5–617.

(a) (1) Each political subdivision, by action of its legislative body, may provide for the enforcement of this subtitle and of any rule, regulation, or ordinance or other legislation adopted under it.

(2) In addition to any other remedy, the political subdivision or its proper agency may institute or cause to be instituted any appropriate legal, equitable, or criminal action to enforce any provision of this subtitle or of any rule, regulation, or ordinance or other legislation adopted under this subtitle.

(b) Any person who violates any provision of this subtitle or of any rule, regulation, or ordinance or other legislation adopted by a political subdivision under this subtitle is guilty of a misdemeanor and on conviction:

(1) Is subject to the punishment of fine or imprisonment or both provided for by the political subdivision; or

(2) If the political subdivision does not provide for any punishment, is subject to a fine of not more than $500 for each day or part of a day that the violation continues.

§5–701.

(a) An obstruction to air navigation:

(1) Interferes with the public right of freedom of transit in air commerce;

(2) Endangers the lives and property of those using the airspace for transportation; and

(3) Endangers the lives and property of the occupants of land in this State.

(b) The public health, safety, and welfare require regulation of the erection and maintenance of obstructions to air navigation.

§5–702.

(a) The Administration shall adopt rules and regulations to govern the erection and maintenance of obstructions to air navigation.

(b) These rules and regulations shall incorporate the Federal Aviation Administration obstruction standards except to the extent that, after public hearing, the Executive Director finds any part of the federal standards to be detrimental to the general public safety, the safety of persons operating, using, or traveling in aircraft, or the safety of persons and property on land or water.

§5–703.

Except as provided in § 5-704 of this subtitle, a person may not build any structure, permit any structure to be built, or permit any object to grow to a height that, in violation of any rule or regulation adopted under this subtitle, constitutes an obstruction to air navigation at or near any licensed public use airport, as that term is defined in § 5-301 of this title.

§5–704.

(a) Except as to the land area subject to jurisdiction of the Board of Airport Zoning Appeals as established under Subtitle 5 of this title, a political subdivision or a joint board established under Subtitle 6 of this title may grant any variance to a rule or regulation adopted under this subtitle, if the variance will not endanger the public health, safety, and welfare.

(b) Unless the legislative body of the political subdivision or the joint board provides otherwise, any person who desires a maximum height variance may apply for the variance in accordance with the local procedure for requesting a variance to the comprehensive zoning regulations of the political subdivision.

(c) If an application for a variance is made, the political subdivision or joint board shall notify the Administration of the application at least 10 days before any hearing is held on it.

§5–705.

The Administration, political subdivision, or joint board may require the owner of any structure or other object that exceeds the height limitations permitted by the

rules and regulations adopted under this subtitle to install, operate, and maintain at his expense the markers and lights necessary to indicate to aircraft the presence of the obstruction.

§5–705.1.

(a) In this section, "governing body of a political subdivision" means the Baltimore County Council or the County Commissioners of Carroll County.

(b) If a tower located in Baltimore County or Carroll County is equipped with a fully operational replacement obstruction lighting system that meets applicable State and federal aviation regulations, the governing body of that political subdivision may order the owner of a television or radio transmitting tower that is equipped with a pulsating high intensity white light system, as defined in Federal Communications Commission regulations, to cease nighttime operation of the pulsating high intensity white light system.

(c) A governing body of a political subdivision may issue an order described under subsection (b) of this section only after a public hearing conducted by the governing body.

(d) A governing body that conducts a public hearing under this section shall:

(1) Provide reasonable advance notice of the time, place, and subject matter of the hearing;

(2) Provide a reasonable opportunity for all interested persons to present oral and written comments; and

(3) Notify the Administration at least 10 days before any hearing is held.

(e) The governing body of a political subdivision or a joint board established under Subtitle 6 of this title, shall hold a public hearing under subsection (b) of this section on the petition of at least 50 individuals who:

(1) Reside within the political subdivision and within a 3-mile radius of a television or radio transmitting tower or other structure that is equipped with a pulsating high intensity white light system; and

(2) Claim that the nighttime operation of the pulsating high intensity white light system interferes with the quiet enjoyment of their property.

(f) A political subdivision may grant to an owner who is required to cease operation of a pulsating high intensity white light system under this section, not more than 180 days to convert the pulsating high intensity white light system to a system utilizing red aviation obstruction lights or a dual lighting system as defined in Federal Communications Commission regulations, and which are consistent with other applicable State and federal aviation regulations.

(g) The owner of a pulsating high intensity white light system shall pay the costs of the conversion to a red aviation obstruction or a dual lighting system under this section.

§5–706.

This subtitle does not require any change in the height or location of any structure or other object in existence or any structure under construction before July 1, 1976.

§5–707.

If there is any conflict between any regulation adopted under this subtitle with any other regulation applicable to the same area, the more stringent limitation or requirement governs.

§5–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Airport" means any airport licensed by the Administration.

(c) "Cumulative noise exposure" means a calculated or measured value for the exposure to aircraft noise in a 24-hour period at a given location.

(d) "Impacted land use area" means an area within a noise zone occupied by a land use with a limit for cumulative noise exposure that is less than the actual cumulative noise exposure in that area.

(e) "Limit for cumulative noise exposure" means the maximum cumulative noise exposure for a given land use that is compatible with that land use.

(f) "Noise zone" means an area of land surrounding an airport within which the cumulative noise exposure is equal to or greater than the lowest limit for cumulative noise exposure established by the Executive Director.

(g) "Substantially alter" includes reconstruct, rebuild, replace, or substantially change or repair.

§5–802.

The purpose of this subtitle is to:

(1) Provide a positive basis for abatement of existing noise problems in communities near airports and to prevent new noise problems; and

(2) Protect the health and general welfare of the occupants of land near airports.

§5–804.

(a) With the endorsement of the Secretary and the Secretary of the Environment and after a public hearing following 60 days' notice, the Executive Director shall adopt regulations that establish limits for cumulative noise exposure for residential and other land uses on the basis of the noise sensitivity of a given land use.

(b) In adopting limits under this section, the Executive Director shall:

(1) Consider:

(i) The general health and welfare;

(ii) The rights of property owners;

(iii) Accepted scientific and professional standards; and

(iv) The recommendations of the Federal Aviation Administration and Environmental Protection Agency; and

(2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost and without impairing the safety of flight, is consistent with attaining the environmental noise standards adopted by the Department of Health and Mental Hygiene.

§5–805.

(a) (1) Each airport operator, including each person intending to operate a proposed airport, shall assess the noise environment created by the operation and projected future use of the airport.

(2) The assessment method shall follow the procedures that the Executive Director establishes for calculating or measuring cumulative noise exposure.

(3) The assessment shall delineate any noise zone and identify any impacted land use area.

(b) (1) If an impacted land use area exists within a noise zone, the airport operator shall develop a noise abatement plan to reduce the size of or eliminate the impacted land use area by altering the coverage of the noise zone through the application of the best available technology, at a reasonable cost and without impairing safety of flight.

(2) The plan may include:

(i) A development of runway and flight path use to reduce adverse noise impact;

(ii) Establishment of noise abatement glide slopes;

(iii) Establishment of noise abatement flight and ground procedures;

(iv) Restrictions on operations of noisy aircraft;

(v) Restrictions on noisy maintenance operations;

(vi) Relocation of runways; and

(vii) Acquisition of property to reduce the size of or eliminate an impacted land use area.

(c) (1) Unless required earlier as part of an environmental impact study or by the Executive Director, an assessment of the noise environment for each airport and any noise abatement plan required by this section shall be submitted to the Executive Director for approval by July 1 of each fifth year after July, 1976.

(2) Before the Executive Director approves any assessment or plan, the Executive Director shall furnish it to the chief executive officer and the zoning board of any affected political subdivision and give them an opportunity to comment.

§5–806.

(a) (1) As to each noise abatement plan the Executive Director approves, the airport operator shall:

(i) Begin to carry out the plan within 6 months of its approval; and

(ii) Except as provided in paragraph (2) of this subsection, fully carry out the plan within 18 months of its approval.

(2) The Executive Director may grant a delay of up to 2 years to carry out the plan fully if the Executive Director finds that, despite the good faith efforts of the operator, the operator cannot comply with the schedule required by this subsection.

(b) After notice and a public hearing, the Executive Director shall certify and publish, as a noise zone for purposes of Parts III and IV of this subtitle, any noise zone that results from an approved assessment or an approved plan.

(c) On application by the airport operator or an affected political subdivision, the Executive Director shall consider any adjustment to an approved plan or noise zone that is needed to reflect potential operational changes, changes in adjoining land uses, or other factors. Adjustments may be made only by recertification of the noise zone by the Executive Director, after notice and a public hearing.

(d) Before any hearing under this section, the Executive Director shall give the chief executive officer and zoning board of any affected political subdivision an opportunity to comment. After certification of a noise zone, the Administration shall notify them of the certified noise zone.

(e) The Executive Director may adopt rules and regulations for monitoring compliance with approved plans.

§5–807.

The Executive Director may help to develop and carry out any noise abatement plan required by this subtitle. His help may include technical and financial aid.

§5–810.

(a) For airports not owned by this State, within 180 days after the Executive Director certifies and publishes a noise zone under Part II of this subtitle, each political subdivision that has a noise zone wholly or partly within its jurisdiction shall adopt, under its police power, noise zone regulations establishing local noise zones. These noise zones may not be less restrictive than the noise zone certified by the Executive Director.

(b) The political subdivision shall identify the noise zones established under this section on each zoning map, comprehensive plan, and other appropriate document.

(c) (1) If a political subdivision has or adopts a general zoning ordinance, any noise zone regulations adopted under this section for all or a part of the same area may be made a part of the general zoning regulations and administered and enforced with them.

(2) The legislative body of a political subdivision that adopts noise zone regulations under this section may delegate the duty of administering and enforcing the regulations to any administrative agency under its jurisdiction. However, the administrative agency may not be or include any member of the board of appeals.

§5–811.

(a) If a political subdivision fails to adopt noise zone regulations as required by this part, the Administration shall adopt, administer, and enforce appropriate regulations for any noise zone wholly or partly within the jurisdiction of the subdivision.

(b) An appeal from a decision of the Administration may be made in the manner provided in §§ 5-814 and 5-816 of this subtitle.

§5–812.

(a) Unless a person has an appropriate permit issued by the political subdivision, the person may not, in a noise zone established under this part:

(1) Establish or construct any new structure;

(2) Make any new use of any existing structure or land; or

(3) Substantially alter any existing structure or use of land.

(b) A political subdivision may not grant a permit if the proposed action would enlarge the size of or create an impacted land use area.

(c) Before a political subdivision acts on any permit application, the political subdivision shall notify the Administration of the application and give the Administration an opportunity to comment.

§5–813.

(a) The legislative body of a political subdivision may provide for a board of appeals with the power:

(1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the political subdivision or its administrative agency in the enforcement of this part or of any ordinance or other legislation adopted under this part; and

(2) To hear, decide, and, in proper cases, grant specific variances from noise zone regulations adopted under this part, subject to § 5-815 of this subtitle.

(b) A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) (1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations

and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) (1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this part.

§5–814.

(a) (1) Appeals to the board of appeals may be taken by the Administration, by any aggrieved person, or by any officer or agency of the political subdivision affected by any decision of the administrative agency.

(2) An appeal shall be taken within 30 days of the decision by filing, with the administrative agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds for the appeal. The agency immediately shall send to the board the papers that constitute the record on which the action appealed from was taken.

(3) Before the hearing, the agency also shall send a copy of the decision to the Administration and give it an opportunity to comment.

(b) (1) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board that, because of the facts stated in the certificate, a stay in its opinion would cause imminent peril to life or property.

(2) If the agency certifies as provided in paragraph (1) of this subsection, the proceedings may not be stayed other than by a restraining order granted by the board of appeals or by a court of record. On application and notice to the administrative agency, a restraining order may be granted for good cause shown.

(c) (1) The board shall:

(i) Set a reasonable time for hearing the appeal;

(ii) Give public notice of the hearing;

(iii) Give notice to the parties in interest; and

(iv) Decide the appeal within a reasonable time.

(2) Any party may appear at the hearing in person or by his agent or attorney.

(d) In compliance with this part, the board may:

(1) Reverse, affirm, or modify, the decision appealed from; and

(2) For this purpose:

(i) May make any order, requirement, decision, or determination that it considers proper; and

(ii) Has all the powers of the administrative agency from which the appeal is taken.

§5–815.

(a) Subject to the provisions of this subtitle, the board of appeals may grant specific variances from noise zone regulations adopted under this part, if the design of a proposed structure or the repair, replacement, or change of a structure or use of land provides for sound insulation adequate to insure that interior noise levels resulting from airport operations will not exceed those levels that would occur if the structure or land use were outside of the noise zone.

(b) Any person who desires to use his property in a manner prohibited by a noise zone regulation adopted under this part may apply to the board for a variance from the regulation.

(c) The board may condition any variance so as to require the owner of any structure or land use to which the variance applies to construct the proposed structure or to repair, replace, or change the structure or use of land at his expense in a way that meets the requirements of subsection (a) of this section.

(d) When reviewing a request for a variance under the airport noise zone regulations, the board shall consider any facts and circumstances relevant to the request for variance, including any testimony or evidence presented regarding possible impacts on the surrounding community of the grant or denial of the proposed variance.

§5–816.

(a) The Administration, any aggrieved person, or any officer or agency of the political subdivision may appeal from a decision of the board of appeals to a court of competent jurisdiction.

(b) If, at the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a commissioner

to take the evidence that the court directs and report to the court with his findings of fact and conclusions of law. These findings and conclusions constitute a part of the proceedings on which the determination of the court shall be made.

(c) The court may:

(1) Reverse, affirm, or modify the decision brought up for review; and

(2) If necessary, order further proceedings by the board of appeals.

(d) It is not necessary to join the board of appeals as a party.

(e) An appeal may be taken to the Court of Special Appeals from any decision of the court of record reviewing the decision of the board of appeals.

§5–819.

For all airports owned by this State, the Executive Director shall discharge all of the obligations required of an airport operator by §§ 5-805 and 5-806 of this subtitle, including the delineation of noise zones and the establishment of any required noise abatement plans.

§5–820.

(a) After the Executive Director certifies and publishes a noise zone for a State-owned airport, he shall adopt, administer, and enforce regulations for the airport in the same manner that a political subdivision enforces its regulations under Part III of this subtitle.

(b) As to new airports, the Executive Director shall establish noise zones, any required noise abatement plan, and noise zone regulations as follows:

(1) For any newly constructed State-owned airport, before the initial operation of the airport; and

(2) For any newly acquired State-owned airport, within 1 year of the acquisition of the airport.

§5–821.

(a) Unless a person has an appropriate permit issued by the Administration, the person may not, in a noise zone established under this part:

(1) Establish or construct any new structure;

(2) Make any new use of any existing structure or land; or

(3) Substantially alter any existing structure or use of land.

(b) Notwithstanding subsection (a) of this section, the Administration may not require any person to obtain a permit to construct an addition to a residential structure in a noise zone established under this part, if:

(1) The resultant improved structure retains the same number of family dwelling units; and

(2) The addition is not made eligible for participation in any State funded noise assistance program established under Subtitle 12 of this title.

(c) The Administration may not grant a permit if the proposed action would:

(1) Enlarge the size of or create an impacted land use area; or

(2) Violate local land use and zoning laws.

(d) Unless a person has an appropriate permit issued by the Administration or a variance granted by the Board of Airport Zoning Appeals, a political subdivision may not approve a final subdivision plan or issue any permit that is prerequisite to the construction of improvements in a noise zone established under this subtitle.

§5–822.

(a) Appeals to the Board of Airport Zoning Appeals may be taken in the manner set forth in § 5–814 of this subtitle by any aggrieved person or by any officer or agency of a political subdivision affected by the decision of the Administration.

(b) The Board of Airport Zoning Appeals may grant variances for State owned airports in the manner set forth in § 5–815 of this subtitle.

(c) The Board of Airport Zoning Appeals shall condition any variance prerequisite to the grant of a permit required by § 5–821 of this subtitle so as to require the applicant to:

(1) Construct the proposed structure so as to comply with all applicable noise insulation regulations promulgated by the Administration; and

(2) Grant to the Administration an avigation easement as defined by § 5–1201(d) of this title, such easement including a provision relinquishing any right to receive remuneration or other compensation or benefit under any program of this State designed to allay, abate, or compensate for the effects of aircraft noise and emissions in connection with the operation of Baltimore–Washington International Thurgood Marshall Airport.

(d) After consultation with the Board of Airport Zoning Appeals and affected local governments, the Administration shall adopt regulations to further the intent of this section and to meet the sound insulation goals set forth in § 5–815(a) of this subtitle.

(e) Any aggrieved person or any officer or agency of an affected political subdivision may appeal from a decision of the Board of Airport Zoning Appeals in the manner set forth in § 5–816 of this subtitle.

(f) Upon timely application, an affected political subdivision may intervene in any appeal taken under this subtitle to the Board of Airport Zoning Appeals or to a court of competent jurisdiction.

§5–823.

(a) The Executive Director may acquire, by purchase or condemnation, any property for noise compatibility purposes in any noise zone surrounding a State-owned airport.

(b) Any property acquired under subsection (a) of this section may be resold, with or without deed restrictions, or leased, wholly or partly. However, if the disposition of an interest in real property is for a nonairport related use, it shall be made in accordance with plans of the political subdivision in which the property is located.

§5–824.

(a) If the State purchases real property within the noise zone of Baltimore-Washington International Thurgood Marshall Airport for noise mitigation purposes with federal, State, or local funds, the Administration may not use the real property to construct or extend any terminal, fuel farm, runway, or taxiway.

(b) This section does not preclude the Administration from purchasing real property for noise mitigation purposes or for projects to promote the public safety as it is affected by existing or future airport operations and facilities.

§5–901.

(a) In this subtitle the following words have the meanings indicated.

(b) "Air school" means, except as provided in subsection (c) of this section, any person who, whether or not for compensation, gives or offers to give instruction in flying or in ground subjects relating to aeronautics.

(c) "Air school" does not include:

(1) Any public school or other noncollegiate educational institution approved by the State Board of Education; or

(2) Any college, university, or other institution of postsecondary education approved by the Maryland Higher Education Commission.

§5–902.

The Administration may adopt rules and regulations providing for the licensing of air schools.

§5–903.

(a) If the Administration provides for the licensing of air schools, a person may not operate an air school unless the person has an air school license as required by the rules and regulations of the Administration.

(b) A person may not give instruction in flying for compensation unless he is an authorized flight instructor under federal law.

§5–904.

(a) Except as provided in subsection (b) of this section and in § 5-905 of this subtitle, the Administration:

(1) Shall issue any air school license that it requires, if the air school is in compliance with the rules and regulations of the Administration; and

(2) May charge an annual license fee of not more than $25.

(b) On application and, except for the considerations expressly listed in § 5-905(b) of this subtitle, without further requirement, the Administration shall issue any license required by it, at an annual fee of $1, to each air school that has been issued an appropriate federally approved air school certificate or rating.

§5–905.

(a) After notice and opportunity for hearing, the Administration may suspend, revoke, or refuse to issue an air school license if it reasonably determines that the air school is unqualified.

(b) In determining whether a license should be suspended, revoked, or refused, the Administration shall be governed by the standards required by § 5-208 of this title and, among other things, shall consider:

(1) Whether the air school has violated any law of this State or of the United States relating to aeronautics; and

(2) Whether any instructor of the air school:

(i) Is addicted to the use of narcotics or other habit forming drugs;

(ii) Is addicted to the excessive use of alcoholic beverages;

(iii) Has made a material false statement in connection with an

application to the Administration under this subtitle; or

(iv) Has been guilty of conduct dangerous to the public safety or to the safety of those engaged in aeronautics.

§5–906.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§5–1001.

(a) There is a public right to freedom of transit in air commerce through the airspace of this State.

(b) The operation of aircraft over the lands and waters of this State is lawful, unless the operation is:

(1) At so low an altitude as to interfere with any lawful existing use of the land or water or the space above the land or water; or

(2) Conducted in a manner imminently dangerous to persons or property on the land or water.

(c) (1) Except for a forced or emergency landing, a person may not land an aircraft on the lands or waters of any other person without the consent of that other person.

(2) For damages caused by a forced or emergency landing, a person is liable as set forth in § 5-1005 of this subtitle.

§5–1002.

(a) (1) For purposes of this subsection, "operate" shall include any use of the aircraft which involves remuneration to the owner, including but not limited to leasing, rental, and use for instructional purposes.

(2) The owner of any aircraft based or hangared in this State may not operate that aircraft unless there is a liability insurance policy in force on the aircraft which covers the owner and the pilot for claims by passengers or other persons for any injuries to them or their property that might arise out of the operation of the aircraft.

(b) The liability insurance shall provide coverage for at least:

(1) $50,000 bodily injury per individual;

(2) $100,000 bodily injury per accident; and

(3) $50,000 property damage protection.

(c) All airport operators in this State shall maintain a roster of aircraft based or hangared at the facility. This roster shall include for each aircraft:

(1) The "N" number, type, and model of the aircraft;

(2) The name and address of the owner or operator of the aircraft, and the period of time the aircraft has been based or hangared at the facility;

(3) The liability insurance policy or binder number;

(4) The name of the insurance company shown on the policy; and

(5) The name of the insurance producer.

(d) The Administration, at the time of annual on–site airport inspection and licensing of public use airports in this State, shall have access to liability insurance policy information to determine compliance with subsection (b) of this section.

§5–1003.

On demand, the holder of a federal airman's certificate of competency shall present the certificate for inspection to:

(1) Any authorized representative of the Administration; or

(2) Any State or local police officer.

§5–1004.

The liability of the owner of one aircraft to the owner of another aircraft or to any person in either aircraft for damages caused by collision on land or in the air is governed by the rules of law applicable to torts on land.

§5–1005.

(a) The owner and lessee of an aircraft operated above the lands and waters of this State are each prima facie liable, jointly and severally, for any injury to persons or property on the land or water beneath them that is caused by the operation of the aircraft or by the falling of any object from the aircraft, unless:

(1) The injury is caused in whole or in part by the negligence of the injured person or of the owner or bailee of the injured property; or

(2) At the time of the injury, the aircraft is being used without consent of the owner or the lessee, as the case may be.

(b) The presumption of liability on the part of the owner or lessee may be rebutted by proof that the injury was not caused by negligence on the part of:

(1) The owner or the lessee, as the case may be;

(2) Any person operating the aircraft with the permission of the owner or lessee; or

(3) Any person maintaining or repairing the aircraft with the permission of the owner or lessee.

(c) A person who is not the owner or lessee of the aircraft is liable only for the consequences of his own negligence.

(d) (1) The injured person or the owner or bailee of the injured property has a lien on the aircraft to the extent of the damage caused by the aircraft or the object falling from it, if he registers and records with the Administration a sworn notice of the lien within 30 days from the date of the injury. The notice of lien shall set forth in detail the injury or damage sustained by him or his property.

(2) A notice of a lien not so recorded is void against subsequent good faith purchasers and mortgagees without actual notice. The lien terminates on rebuttal of the prima facie liability by the owner or lessee of the aircraft.

§5–1006.

(a) A person may not operate any aircraft in this State:

(1) While under the influence of any intoxicating liquor, narcotic, or other habit forming drug; or

(2) In a careless or reckless manner that endangers the life or property of another.

(b) In determining whether there has been careless or reckless operation of aircraft, the standards required by federal law governing aeronautics for safe operation of aircraft shall be considered.

(c) (1) In addition to or instead of the penalties provided for in Subtitle 11 of this title or as a condition to the suspension of a sentence imposed under that subtitle, the court may prohibit any person who violates a provision of this section from operating an aircraft in this State for any period of not more than 1 year.

(2) Violation of an imposed prohibition of a court under this subsection may be treated as a separate offense under this section or as a contempt of court.

(d) This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license.

§5–1007.

(a) A person may not operate an aircraft towing an advertisement for promotional purposes in violation of applicable federal aviation regulations that relate to altitude or horizontal radius over any public or private sporting arena in Baltimore City.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,500.

§5–1008.

(a) Except as specifically authorized by State or federal law, a person may not be aboard, board, or attempt to board any aircraft engaged in certificated air commerce services with any firearm or explosive on or about his person, whether openly or concealed.

(b) Any person who violates any provision of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

§5–1009.

Aircraft capable of operating on water shall be governed by the rules of water navigation while at rest on or operating in contact with water.

§5–1101.

(a) The Administration may:

(1) Report to the appropriate federal agencies and agencies of other states:

(i) All proceedings instituted for an alleged violation of §§ 5-1002 and 5-1006 of this title; and

(ii) All penalties imposed on the owners or operators of aircraft or other persons for violations of the aeronautics laws of this State or violations of any rule, regulation, or order of the Administration;

(2) Receive reports of penalties and other information from these agencies; and

(3) If necessary, contract with these agencies for the delivery, receipt, exchange, and use of reports and information.

(b) The Administration may make the reports and information of the federal agencies, the agencies of other states, and the courts of this State, available to any court of this State or to any State or local officer of this State who is authorized to enforce the aeronautics laws of this State.

§5–1102.

The Administration and all police officers shall enforce and assist in the enforcement of:

(1) This title and the rules, regulations, and orders adopted under it; and

(2) All other aeronautics laws of this State.

§5–1103.

The Administration, in the name of this State, may enforce this title and the rules, regulations, and orders adopted under it, by application for injunction or other judicial process.

§5–1104.

(a) If a person is apprehended by a police officer for the violation of any provision of this title that is punishable as a misdemeanor or for the violation of any rule, regulation, or order adopted under this title that is punishable as a misdemeanor, the officer shall prepare and sign a written citation.

(b) The citation shall contain:

(1) A notice to the person charged to appear in court;

(2) The name and address of the person charged;

(3) The State registration number of any aircraft involved in the offense;

(4) The offense charged;

(5) The time and place the person charged is required to appear in court;

(6) A form for the written promise of the person charged to appear in court; and

(7) Any other necessary information.

(c) The person charged may give his written promise to appear in court by signing the form for written promise on the citation prepared by the police officer. In this event, the officer need not take the person into physical custody for the violation unless:

(1) The person charged does not furnish satisfactory evidence of identity; or

(2) The officer has reasonable grounds to believe the person charged will disregard a written promise to appear.

(d) (1) Regardless of the disposition of the charge for which the citation was issued, a person may not violate his written promise to appear given on the issuance of a citation.

(2) A written promise to appear in court may be complied with by an appearance by counsel.

§5–1105.

(a) Except as otherwise provided in this title, any person who violates any provision of this title or of any rule, regulation, or order adopted or issued under this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 90 days or both.

(b) In Carroll County or Baltimore County, a person who violates the provisions of § 5-705.1 of this title is subject to a fine of $100,000 for each violation and each month that a violation continues.

§5–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Airport" means Baltimore–Washington International Thurgood Marshall Airport.

(c) "Annual day–night (average) sound level" means the annual average aircraft noise level occurring during a 24–hour period, the calculation of which includes the addition of a 10 decibel penalty to noises occurring between 10 p.m. and 7 a.m. daily.

(d) "Avigation easement" means a written privilege granted by a homeowner related to aircraft overflight, noise, and associated effects which may arise in the ordinary operation of the airport.

(e) "Board" means the Board of Airport Zoning Appeals established under Subtitle 5 of this title.

(f) "Cumulative noise exposure" means a calculated or measured value for the exposure to aircraft noise in a 24–hour period, using the annual day–night (average) sound level (LDN) methodology.

(g) "Homeowner" means an owner of residentially used real property situated within the airport noise zone.

(h) "Noise zone" means an area of land surrounding the airport within which the cumulative noise exposure is equal to or greater than the lowest limit for cumulative noise exposure established by the Executive Director, under Subtitle 8 of this title.

(i) "School" means a public or privately operated elementary, secondary,

postsecondary, or noncollegiate institution, with facilities in use on or before April 1, 1987, which is:

(1) Located within the airport noise zone; and

(2) Certified or accredited by the State Board of Education.

§5–1202.

(a) The General Assembly finds, based on State and federal standards associating various cumulative noise exposure levels with compatible land uses, that there are approximately 1,200 housing units and at least one public and one private school within the current airport noise zone that are exposed to noise levels deemed either undesirable or unacceptable for residential or educational use.

(b) The General Assembly further finds that, in the interest of public health, safety, and welfare, the Administration should be authorized to develop and implement noise assistance programs to address incompatible land uses surrounding the airport.

§5–1203.

(a) Subject to the provisions of this subtitle, the Administration shall establish a voluntary land acquisition program under which it shall purchase residentially occupied real property subject to a cumulative noise exposure of 70 LDN or greater, as identified by the most recently adopted airport noise zone, if the owner of the real property volunteers to sell the real property to the Administration.

(b) Local governments are encouraged, in the exercise of their police powers, to cooperate with Administration efforts to create a land use buffer zone composed of noise compatible commercial, industrial, and other nonresidential uses in areas contiguous to the airport.

(c) The Secretary is directed to request full funding for the program as part of the 1989 fiscal year budget and subsequent departmental budget requests.

§5–1204.

(a) (1) Subject to the provisions of this subtitle, the Administration shall establish a homeowners assistance pilot program for existing residentially occupied real property in those communities and neighborhoods identified by the Administration as being situated entirely or in part within the 65 LDN noise contour as established by the most recently adopted airport noise zone.

(2) The pilot program established under this subsection shall provide at least 2 homeowner assistance options including:

(i) An option enabling homeowners to sell their real property, with the Administration assuring the resale value of the property; and

(ii) An option enabling homeowners who occupy single-family housing or rent such property for residential use to receive financial assistance from the Administration for noise-attenuating improvements which may include weather stripping, caulking, window glazing, augmentation of wall, door, ceiling, and attic insulation, and installation of forced air ventilation or other types of air conditioning systems.

(3) The Administration shall select at least 40 residential properties situated within the airport noise zone to participate in the pilot program, including at least 20 properties in each of the program options described in paragraph (2) of this subsection.

(b) (1) Before conveying a fee interest in residential real property to a third party, a homeowner participating in the pilot program option described in subsection (a)(2)(i) of this section shall grant to the Administration an avigation easement.

(2) A homeowner participating in the pilot program option described in subsection (a)(2)(ii) of this section shall grant to the Administration an avigation easement.

(c) The Administration shall:

(1) Implement the homeowners assistance pilot program in fiscal year 1988;

(2) Submit to the 1988 Session of the General Assembly, in accordance with § 2-1246 of the State Government Article, a report on the results of the program, including a study of the feasibility of making noise-attenuating improvements to schools; and

(3) Make recommendations as part of the Department's fiscal year 1989 budget request for the continued funding of the program.

§5–1205.

(a) No real property for which a specific variance has been granted by the Board under Subtitle 8 of this title, or that is encumbered by an avigation easement granted to the Administration, may be selected for participation in the pilot program established by § 5-1204 of this subtitle.

(b) The Board may not grant any variance under Subtitle 8 of this title from noise zone regulations for any proposed residential or educational use of real property during the period that the pilot program established by § 5-1204 of this subtitle is in operation.

§6–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the Maryland Port Administration.

(c) "Commission" means the Maryland Port Commission.

(d) "Executive Director" means the Executive Director of the Maryland Port Administration.

(e) "Port facility" includes any one or more or combination of:

(1) Lands, piers, docks, wharves, warehouses, sheds, transit sheds, elevators, compressors, refrigeration storage plants, buildings, structures, and other facilities, appurtenances, and equipment useful or designed for use in connection with the operation of a port;

(2) Every kind of terminal or storage structure or facility useful or designed for use in handling, storing, loading, or unloading freight or passengers at marine terminals;

(3) Every kind of transportation facility useful or designed for use in connection with any of these; and

(4) An international trade center constituting a facility of commerce and consisting of one or more buildings, structures, improvements, and areas that the Department considers necessary, convenient, or desirable for the centralized accommodation of functions, activities, and services for or incidental to the transportation of persons by water, the exchange, buying, selling, and transportation of commodities and other property in international and national waterborne trade and commerce, the promotion and protection of this trade and commerce, and governmental services related to them and other federal, state, and municipal agencies and services, including foreign trade zones, offices, marketing and exhibition facilities, terminal and transportation facilities, customhouses, custom stores, inspection and appraisal facilities, parking areas, commodity and security exchanges, and, in the case of buildings, structures, improvements, and areas in which such accommodation is afforded, all the buildings, structures, improvements, and areas, although other parts of the buildings, structures, improvements, and areas might not be devoted to purposes of the international trade center other than the production of incidental revenue available for the expenses and financial obligations of the Department in connection with the international trade center and although other parts of the buildings, structures, improvements, and areas might be rented or leased for the use or occupancy of departments, bureaus, units, or agencies of the United States, this State, or any political subdivision of this State.

(f) "Project" means any port facility acquired, constructed, controlled, or operated by the Administration, including all property acquired for the construction or operation of the port facility.

§6–102.

(a) The General Assembly of Maryland makes the following declarations of its intent in the enactment of this title.

(b) The ports and harbors of this State are assets of value to the entire State. The residents of all parts of this State benefit directly from the waterborne commerce that they attract and service. Any improvement to these ports and harbors that increases their export and import commerce will benefit the people of the entire State.

(c) (1) The purpose of this title is to increase the waterborne commerce of the ports in this State and, by doing so, benefit the people of this State.

(2) Commerce may be attracted to these areas by:

(i) Developing existing facilities to provide quicker, cheaper, and better handling of cargoes; and

(ii) Effectively advertising and promoting the facilities and the use of the several port areas.

(d) (1) Since existing port and terminal facilities of Baltimore and other port areas have been provided mostly by private enterprise, the General Assembly seeks primarily to improve the facilities and strengthen the workings of the private operators.

(2) However, the private operators in the port areas have a public responsibility to provide modern port and harbor facilities suited to the needs of the public that they serve. Therefore, the Administration should have power to obtain information about the rates and practices of private operators, and, while it should assist and encourage the extension and improvement of privately operated port facilities, it also should have the power, if private facilities are inadequate or inadequately operated at any time, to construct and, if necessary, to operate any supplementary public facilities that it considers to be required in the public interest.

(e) The development of ports able to attract increasing amounts of waterborne commerce will require the construction of additional modern facilities and installations. A public port authority, using public funds, will be able to construct and, if necessary, operate these facilities and installations if the immediate financial returns are not sufficient to attract private capital.

(f) In order to meet increased competition from other states' ports that are operated with public funds either directly as state agencies or indirectly as private operating companies, the Administration should have the authority, subject to approval of the Commission, to operate public port facilities either directly or indirectly in the form and manner that the Commission deems necessary.

§6–102.1.

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

(2) "Cargo" does not include a vessel's machinery or supplies, or the vessel's equipment transported onto or off of the vessel.

(3) "Drug" means:

(i) A controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; and

(ii) A prescription drug as defined in § 21-201 of the Health - General Article, to the extent that the drug affects job performance and worker safety at a marine facility.

(4) "Employee" means any individual who is an employee, independent contractor, subcontractor, or other individual who provides labor for compensation at a marine facility for a person.

(5) "Marine facility" means a terminal or storage structure or facility used for the purpose of handling, storing, loading, or unloading freight in the Port of Baltimore.

(6) "Program" means an alcohol-free and drug-free workplace program for a marine facility that meets the requirements of this section.

(7) (i) "Safety-sensitive employee" means an employee who operates heavy machinery.

(ii) "Safety-sensitive employee" includes, but is not limited to:

1. An operator of a crane, winch, or top loader; and

2. A driver of a hustler or forklift.

(b) This section does not apply to:

(1) Employees, contractors, independent contractors, or agents of the Maryland Port Administration;

(2) Vessel employees, or employees of contractors or subcontractors that attend vessels, who do not load or unload cargo between a vessel and a pier, or from one stowage position to another on a vessel, at a marine facility; or

(3) Individuals or employees required by federal or State law to comply with 49 C.F.R. Parts 40 and 382 of the Federal Motor Carrier Safety Regulations.

(c) Persons that lease space at a marine facility from the Maryland Port

Administration shall implement a program that:

(1) Prohibits the sale, purchase, transfer, use, or possession of alcohol or drugs at a port facility;

(2) Provides a plan that includes the nondiscriminatory administration of tests for the presence of alcohol or drugs in accordance with established testing procedures, including random, reasonable cause, post accident, and return-to-work, or post treatment testing of safety-sensitive employees, and pre-employment test for the presence of drugs, of employees;

(3) Provides for rehabilitation programs and disciplinary and sanction procedures for individuals who violate the Program;

(4) Provides sufficient notice to employees of testing procedures, consent, and other requirements of the Program;

(5) Provides adequate security measures for collection, chain of custody, and handling of test material; and

(6) Establishes procedures for the reporting, review, and appeal of test results.

(d) The Program shall generally comply with the guidelines for a drug-free workplace program established by the Maryland Center for Workplace Safety and Health.

(e) A member of a labor organization or other group of employees at a marine facility that is subject under a labor agreement or contract to an alcohol and drug program that generally conforms to the provisions of this section shall be deemed to be in compliance with the requirements, testing procedures, and other provisions of this section.

§6–103.

(a) Except as otherwise provided in this title, the Administration has jurisdiction and may exercise its powers and duties in or near any of the navigable waters of this State or at inland properties or facilities acquired, leased, or operated by the Administration for the transport or storage of cargo and equipment.

(b) The Administration does not have any jurisdiction in Queen Anne's County.

(c) (1) The Administration has jurisdiction in Calvert County, Charles County, or St. Mary's County only after the county government and its legislative delegation give consent to this jurisdiction.

(2) The required consent may be given only after sufficient public hearings and public notice.

(3) The county government of the county for which consent is requested shall give public notice of the hearings:

(i) By publication once a week for 2 successive weeks before the hearing in a newspaper published in those counties that may be directly affected by granting the requested consent; or

(ii) In any other manner that the county government requires.

§6–201.

(a) There is a Maryland Port Commission.

(b) The Commission shall:

(1) Establish policies directed toward improving the competitive position of the ports of Maryland within the international port industry;

(2) Adopt regulations for the operation of the Administration in a competitive manner within the port industry;

(3) Exercise those powers granted to the Commission and to the Maryland Port Administration by this title or by any other provision of law;

(4) Unless otherwise directed by the Secretary, serve as the board of directors of any private operating company created under this title; and

(5) In carrying out the provisions of this subtitle, seek information and advice from port labor and management groups.

(c) (1) The Commission shall consist of 7 voting members, 6 of whom shall be appointed by the Governor with the advice and consent of the Senate and the 7th shall be the Secretary of Transportation who shall be the Chairman of the Commission.

(2) The Secretary of Business and Economic Development shall serve as a nonvoting ex officio Commission member.

(d) (1) Subject to the provisions of paragraph (3) of this subsection, the Governor may not appoint to the Commission:

(i) An officer or employee of the State;

(ii) A representative of any entity whose principal activities are ports-related;

(iii) A person employed by any entity whose principal activities are ports-related; or

(iv) A member of the General Assembly.

(2) The Governor shall take into consideration geographic representation when appointing the 6 members of the Commission.

(3) Notwithstanding paragraph (1) of this subsection, a member of the Maryland Transportation Authority or any other State board, commission, or authority may be appointed a member of the Maryland Port Commission. Any person so appointed who is compensated by the State is not entitled to any compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, for any services rendered as a Commissioner.

(e) (1) Each appointed member serves for a term of 3 years and until a successor is appointed and qualifies. The terms of appointed members shall be staggered as required by the original appointments to the Commission, 2 of which shall be for 3 years, 2 of which shall be for 2 years, and 2 of which shall be for 1 year.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term or until a replacement is appointed.

(f) The Commission shall meet at a time and place designated by the Chairman of the Commission. The Commission shall meet as often as its duties require, but not less than quarterly. Attendance by 4 voting members shall constitute a quorum.

(g) Except as provided under subsection (d)(3) of this section, members of the Commission appointed by the Governor are entitled to the compensation and expenses provided for in the State budget. Members of the Commission are subject to the provisions of § 8-501 of the State Government Article.

§6–201.1.

(a) All actions of the Commission which, in the judgment of the Chairman, impact upon the Transportation Trust Fund are subject to the approval of the Chairman.

(b) The Chairman of the Commission shall:

(1) Subject to the approval of the Governor, appoint the Executive Director of the Administration in accordance with § 5–501 of the General Provisions Article; and

(2) Approve the Administration's budget before its submission to the General Assembly as part of the Governor's proposed budget.

(c) The Chairman of the Commission may:

(1) Remove the Executive Director of the Administration; and

(2) While acting as Secretary of the Department, provide the Commission and the Administration with the personnel of the Department that the Secretary

considers necessary to carry out the provisions of this title.

§6–201.2.

(a) (1) The Commission may appoint up to a total of 12 management personnel employees to operate and manage all State–owned port facilities or to perform services for private operating companies created under § 6–204(q) of this subtitle.

(2) Notwithstanding any other provision of law, the Commission may determine the qualifications and appointment, as well as compensation and leave, for employees appointed under this subsection.

(3) At least 10 days before the effective date of the change, the Commission shall submit to the Secretary of Budget and Management each change to the salaries of those employees that involves increases in salary ranges other than those associated with general salary increases approved by the General Assembly.

(4) The Secretary of Budget and Management shall:

(i) Review the proposed changes; and

(ii) Within 10 days of receipt of the proposed changes, advise the Commission whether the changes would have an adverse effect on special fund expenditures.

(5) Failure of the Secretary of Budget and Management to respond in a timely manner is deemed to be a statement that the change will have no adverse effect.

(6) Employees appointed under this subsection are State employees and shall be entitled to participate in the retirement and pension systems for employees of the State of Maryland authorized under Division II of the State Personnel and Pensions Article.

(7) The budget submitted by the Governor to the General Assembly shall include personnel detail for the management personnel positions under this subsection in the form and manner provided for an agency in the State Personnel Management System.

(8) Subject to § 2–1246 of the State Government Article, on or before December 1 of each year, the Commission shall report to the Governor and the Legislative Policy Committee of the General Assembly on actions taken by the Commission under this subsection during the previous fiscal year with regard to individuals subject to this subsection.

(b) (1) (i) Subject to approval of the Administration's budget by the General Assembly as provided in § 3–216 of this article and subject to State fiscal procedures, including those governing budgeting, accounting, and auditing, the

Commission may adopt regulations establishing procedures for the approval and control of Administration expenditures.

(ii) The Commission shall present regulations proposed under this subsection to the Board of Public Works for approval.

(2) The Commission may adopt any other regulations necessary to carry out the provisions of this title.

(c) (1) Subject to § 2–1246 of the State Government Article, the Commission shall report by January 15 of each year to the General Assembly on the activities of the Port Commission during the previous year.

(2) The report shall include a review of the port's competitive position during the previous year and any recommendations of the Commission for future changes in legislation, capital funding, or operational flexibility for consideration by the General Assembly.

(3) The report shall also include any substantive changes in its regulations for procurement and personnel.

§6–202.

There is a Maryland Port Administration.

§6–203.

(a) The head of the Administration is the Executive Director.

(b) (1) The Executive Director shall report directly to the Commission.

(2) Subject to the authority of the Commission, the Executive Director is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) The regulations adopted by the Commission.

(3) The Executive Director is entitled to the salary provided in the State budget.

§6–204.

(a) In addition to the specific powers granted under this title, and subject to the supervision of the Commission, the Administration has the powers granted by this section.

(b) The Administration may sue and be sued in its own name.

(c) The Administration may propose for adoption by the Commission regulations to carry out the provisions of this title.

(d) Either directly or by expert consultants, the Administration may make any investigations and surveys, including:

(1) Studies of business conditions, freight rates, and port services;

(2) Physical surveys of the conditions of channels and structures;

(3) Studies of the need for additional port facilities to develop, improve, and more speedily handle commerce; and

(4) Any other study, survey, or estimate necessary for the exercise of its powers under this title.

(e) The Administration may apply for and receive grants from any federal agency for the planning, construction, operation, or financing of any port facility and may receive aid or contributions of money, property, labor, or other things of value from any source, to be held, used, and applied for the purposes for which the grants, aid, and contributions are made.

(f) The Administration may do anything necessary to promote and increase commerce within its territorial jurisdiction, including:

(1) Purchasing advertising;

(2) Engaging in public relations programs;

(3) Publishing literature;

(4) Soliciting business by correspondence and traveling representatives; and

(5) Cooperating with civic, technical, professional, and business organizations and associations.

(g) To increase the commerce of ports in this State, the Administration may establish and maintain a traffic bureau or other office to investigate and seek improvement in rates, rate structures, practices, and charges affecting these ports.

(h) (1) Except as provided in paragraph (2) of this subsection, the Administration may apply for the establishment, maintenance, and operation of foreign trade zones within its territorial jurisdiction and may operate and maintain these zones under the laws or regulations of the United States for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States.

(2) The Administration may not apply for the establishment, operation, and maintenance of a foreign trade zone unless it has the specific approval of the Board of Public Works. Approval of the Board of Public Works shall be based on information and advice, as received from the Department of Natural Resources, the Department of Business and Economic Development, other interested agencies of this State, and the county government of each involved county, on the potential effects of the foreign trade zone on the water resources, fisheries, and economic life of this State.

(i) The Administration may acquire, construct, reconstruct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair, and operate either directly or through State created private operating companies port facilities within its territorial jurisdiction, including the dredging of ship channels and turning basins and the filling and grading of land.

(j) The Administration may designate the location and character of all port facilities and improvements that the Administration holds, owns, or over which it is authorized to act, and it may regulate all matters related to the location and character of these facilities and improvements.

(k) (1) In the exercise of its powers and the performance of its duties under this title, the Administration may acquire and hold in its own name and may lease, convey, or otherwise dispose of any property, including:

(i) Lands lying under water;

(ii) Riparian rights in and adjacent to lands; and

(iii) Property devoted to a public use in or near the navigable waters within the territorial jurisdiction of the Administration.

(2) The acquisition by or on behalf of the Administration of personal property to be used outside of this State is not subject to Title 4, Subtitle 3 of the State Finance and Procurement Article requiring purchases through the Department of General Services.

(l) The Administration may fix, revise, charge, and collect rates, fees, rentals, or other charges for the use of any project under its control.

(m) The Administration may appear in its own behalf before any board, commission, department, or agency of the federal government, of any state, or of any international conference and before any committee of the Congress of the United States or the General Assembly of Maryland, or any appropriate nongovernmental body, in any matter:

(1) That relates to the design, establishment, construction, extension, operation, improvement, repair, or maintenance of a project operated and maintained by the Administration under this title;

(2) That relates to rail rates, water rates, port services and charges, demurrage, switching, wharfage, towage, pilotage, differentials, discriminations, labor relations, trade practices, river and harbor improvements, aids to navigation, or permits for structures in navigable waters; or

(3) That affects the physical development or business interest of the Administration and those it serves.

(n) (1) The Administration may employ consulting engineers, accountants, attorneys, construction and financial experts, superintendents, traveling representatives, managers, clerks, stenographers, and laborers, and any other agents and employees that it considers necessary to carry out the provisions of this subtitle.

(2) This subsection does not affect the duties of the Attorney General specified in § 2-106 of this article.

(o) The Administration may do anything else necessary or convenient to carry out the powers granted in this title.

(p) The exercise of the powers under this title is an essential governmental function of the State.

(q) (1) The Administration, with the approval of the Commission, may create private operating companies for the purpose of operating public port facilities.

(2) Other than employees appointed by the Commission under § 6–201.2(a) of this subtitle, employees of a private operating company created under this subsection are not State employees.

§6–204.1.

The Administration, or with the approval of the Administration, a private operating company created under § 6-204(q) of this subtitle may:

(1) Upon its own terms and conditions determine an appropriate operational unit of employees involved in the operation of port facilities for purposes of collective bargaining;

(2) Upon its own terms and conditions accredit and recognize a labor organization as the exclusive representative of a majority of employees employed in the appropriate operational unit as determined under item (1) of this section; and

(3) Bargain with and enter into written collective bargaining agreements concerning wages or salaries, hours, benefits, and working conditions with the labor organization accredited and recognized under item (2) of this section.

§6–205.

Under the authority granted by § 6-204(i) of this subtitle, the Maryland Port Administration may operate and maintain the port facility presently under its jurisdiction at Cambridge, Maryland. The operation and maintenance may include the leasing of the facility. The Maryland Port Administration may expend the necessary funds for the development of the port facility at Cambridge. The Administration may sell, transfer, or otherwise dispose of the facility in accordance with § 10-305 of the State Finance and Procurement Article.

§6–206.

(a) Subject to Subtitle 4 of this title, the Administration may:

(1) Provide for the preservation of navigation within its territorial jurisdiction, including the establishment of lines beyond which piers, bulkheads, wharves, pilings, structures, obstructions, or extensions may not be made or extended;

(2) In order to foster and facilitate navigation and prevent injury to persons or property:

(i) Prohibit, provide for, and regulate within its territorial jurisdiction the shipment, storage, handling, and transportation of explosives and other materials that it determines to be dangerous;

(ii) Provide for the stationing, anchoring, and moving of vessels or other watercraft; and

(iii) Adopt rules and regulations to prevent any refuse or other matter from being thrown into, deposited in, or placed where it may fall or be washed into any navigable waters;

(3) Make surveys or charts of navigable waters within its territorial jurisdiction and ascertain the depth and course of the channels of these waters;

(4) In order to prevent injury to navigation or health:

(i) Erect, maintain, and authorize the erection and maintenance of wharves, bulkheads, piers, and pilings; and

(ii) Adopt regulations governing their erection, maintenance, and repair, including regulations concerning the erection, maintenance, or repair of any wharf, dock, pier, bulkhead, or piling that is associated with the construction of a dwelling unit or other nonwater dependent structure on a pier; and

(5) As to wharves, docks, piers, bulkheads, or pilings, it owns or controls:

(i) Regulate their use;

(ii) Lease or rent them;

(iii) Impose and collect dockage from vessels and watercraft lying at or using them; and

(iv) Collect wharfage and other charges on goods, wares, merchandise, or other articles landed at, shipped from, stored on, or passed over them.

(b) Except for docks or wharves owned, controlled, or operated by the Administration, this title does not:

(1) Impose any duty on the Administration as to the safety of any person using any waters;

(2) Render the Administration liable for any loss of life, injury, or damage to any person or property because of any obstruction in or unsafe condition of any part of the waters; or

(3) Render the Administration liable for any failure to adopt or enforce any rule or regulation under this title.

(c) The powers in this section may not be exercised in any county unless the county approves the operations of the Administration in the county.

(d) (1) Any ordinance or regulation that was adopted before June 1, 1959 by any State agency, political subdivision, or other public body and that relates to a subject matter over which authority is granted to the Administration by subsection (a) of this section:

(i) Continues to be in effect, except as otherwise provided in this subsection;

(ii) Has the status of a regulation adopted by the Administration; and

(iii) Like other regulations of the Administration, may be readopted, amended, or repealed by the Administration.

(2) Only the Administration may readopt, amend, or repeal these ordinances or regulations.

§6–207.

(a) The Administration may establish and maintain facilities in the Baltimore harbor area to dispose of waste matter, other than oil, collected from commercial vessels under the applicable provisions of Title 8 of the Natural Resources Article.

(b) The Administration shall make a reasonable charge for the use and service

of this facility.

§6–208.

Except as otherwise provided in this title, the Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.

§6–209.

(a) The Administration may permit gaming aboard a passenger cruise vessel if:

(1) The vessel has overnight cabin accommodations for at least 300 passengers;

(2) The vessel is operated by an authorized cruise ship operator certified under the International Convention for the Safety of Life at Sea (SOLAS); and

(3) The owner or operator of the vessel has obtained the required authorization as provided in this section.

(b) (1) The owner, operator, or any franchise holder of a cruise vessel described in subsection (a) of this section may apply to the Administration for authorization to conduct gaming aboard the vessel.

(2) An application for authorization under this subsection shall include the following information:

(i) The applicant's corporate name, address, and place of incorporation;

(ii) The name of the applicant's liability insurer;

(iii) The gaming rules to be in effect while the vessel is in the waters of the State; and

(iv) A schedule of all cruise operations for which authorization is requested, including arrival and departure dates and the identification of the vessel for each cruise.

(3) In addition to the information required under paragraph (2) of this subsection, the applicant shall send a complete copy of the application to the Department of State Police.

(c) (1) An authorization issued by the Administration to a qualified applicant under this section shall remain valid for a period of not more than 1 year.

(2) An authorization issued under this section authorizes gaming on the waters of the State only while the vessel:

(i) Is underway;

(ii) Is east of the Francis Scott Key Bridge; and

(iii) Is operating under an itinerary that either originates or terminates in a foreign port outside the continental United States.

(3) The Administration may not issue an authorization under this section for a vessel on an excursion undertaken solely for gaming purposes even though the vessel may leave the territorial waters of the United States during the excursion.

(d) Any legal disputes arising from an authorization issued under this section shall be adjudicated under the applicable State or international maritime law.

(e) A violation of any provision of this section or of any other applicable gaming law of the State:

(1) Shall be investigated jointly by the Administration and the Department of State Police; and

(2) In addition to any other penalties provided by law, may result in the withdrawal of an authorization issued under this section after the affected party has been granted an opportunity for a hearing.

(f) The Administration may adopt regulations as necessary to carry out the provisions of this section.

§6–210.

(a) Subject to subsection (b) of this section, on or before December 1 of each year, the Administration, in accordance with § 2-1246 of the State Government Article, shall provide an annual report to the General Assembly based on the vulnerability assessment information concerning public terminals submitted by the Administration to the United States Coast Guard under the federal Maritime Transportation Security Act of 2002.

(b) With respect to any vulnerability concerns reported by the Administration to the United States Coast Guard, the report to the General Assembly required under this section:

(1) Shall provide an estimate of the costs of addressing the vulnerability concerns;

(2) Shall state the amount of any grants or other federal funds received or requested by the Administration to address the vulnerability concerns and shall include information on the status of any pending requests for federal funds; and

(3) May not include the specific details of any vulnerability concerns the

disclosure of which could compromise, in any way, transportation security.

§6–211.

(a) The Commission may adopt and enforce regulations for the parking and operation of motor vehicles in and on its port facilities.

(b) The regulations shall:

(1) Be reasonably necessary for the safety of persons and property or for the efficient operation of the port facilities;

(2) Provide for a uniform system for accessible parking for individuals with disabilities to enhance the safety of people with disabilities in conformity with the "Uniform System for Parking for Persons with Disabilities" (23 C.F.R. Part 1235) and the "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" (Appendix A to 28 C.F.R. Part 36 and 36 C.F.R. Part 1191.1); and

(3) Include procedures for the voluntary payment of fines directly to the Administration in uncontested parking cases.

(c) The Maryland Transportation Authority Police Force may issue citations for violations of the motor vehicle regulations adopted under this section.

(d) (1) Any person who violates a parking regulation adopted under this section is subject to a fine not exceeding $50. A violation of a parking regulation is not a misdemeanor.

(2) Any person who violates any other regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§6–212.

(a) An agent or employee of the Administration or member of the Commission may not:

(1) Contract with the Administration;

(2) Have any direct or indirect interest in a contract with the Administration; or

(3) Have any direct or indirect interest in the sale or purchase by the Administration of any property.

(b) An agent, employee, member, or officer of a local port authority or local port commission may not:

(1) Contract with the authority or commission;

(2) Have any direct or indirect interest in a contract with the authority or commission;

(3) Have any direct or indirect interest in a company that does business with the authority or commission; or

(4) Have any direct or indirect interest in the sale or purchase by the authority or commission of any property.

(c) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§6–212.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.

§6–213.

Except as provided in § 3-102 of this article:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Maryland Port Authority remains in effect until changed by the Administrator or the Secretary; and

(2) Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Maryland Port Authority means the Maryland Port Administration.

§6–301.

(a) Subject to the provisions of this subtitle, the Administration may acquire in its own name, by purchase or by condemnation, any property, including any public land, land lying under water, or riparian right, necessary or convenient to construct or operate any project.

(b) (1) Any condemnation proceedings under this section shall be conducted under Title 12 of the Real Property Article.

(2) The Administration may not condemn any property unless the property is located entirely within the territorial jurisdiction of the Administration.

(3) The Administration may not condemn any property that belongs to a public service company subject to Division I of the Public Utilities Article, if the property

is:

(i) Devoted to public use; or

(ii) Reasonably necessary for future public use by the public service company.

§6–302.

Notwithstanding any contrary provision of law, this State, its agencies, and its political subdivisions may lease, lend, grant, or otherwise convey to the Administration, at its request, any property, including property devoted to public use, that is necessary or convenient for the purposes of the Administration.

§6–303.

(a) The Administration may not acquire by purchase or condemnation any property owned by this State or any of its agencies without the prior approval of the Board of Public Works.

(b) Subject to prior approval of the Board of Public Works, the Administration may use any land owned by this State, including land lying under water, that the Administration considers necessary or convenient to construct or operate any project.

§6–304.

(a) The Administration may not acquire by purchase or condemnation any property located in any political subdivision of this State without the prior approval of the political subdivision, as provided for in this section.

(b) Approval required by this section shall be obtained as follows:

(1) If the property is located in a county other than Baltimore City and not in any municipal corporation, from the county;

(2) If the property is located in a municipal corporation within any county, both from the mayor and council, by whatever name known, of the municipal corporation and from the county; and

(3) If the property is located in Baltimore City, from the Board of Estimates of Baltimore City.

(c) If the Administration makes a written request for approval of the appropriate body, the approval required by this section is deemed to be given unless the Administration is notified in writing to the contrary within 90 days after it makes the request.

(d) This section does not affect the right of the Administration to acquire an

option or institute any condemnation proceedings for later acquisition of the property once the approval required by this section is obtained.

§6–305.

In any county where planning and development regulations have legal status, the Administration shall comply with and is subject to those regulations to the same extent as a private commercial or industrial enterprise.

§6–306.

(a) The Administration and its authorized agents and employees may enter on any lands, waters, and other property in this State to make any surveys, soundings, drillings, and examinations that it considers necessary for the purposes of this title.

(b) An entry made under this section is not a trespass and may not be considered an entry under any pending condemnation proceeding.

(c) The Administration shall pay for any actual damages to the land, waters, or other property that result from an entry made under this section.

§6–307.

(a) For purposes of this section, the territorial jurisdiction of the Administration is not limited by § 6–103 of this title or any other provision of this title and extends to and includes the area within any political subdivision in this State.

(b) (1) Any political subdivision in this State may apply to the Administration, by ordinance or resolution, for the construction, acquisition, extension, enlargement, or improvement of port facilities in the political subdivision.

(2) If the Administration finds that the proposal furthers the purposes of this title, it may approve the application.

(c) (1) If the Administration approves the application, the political subdivision that applied may contract with the Administration for the construction, acquisition, extension, enlargement, or improvement of these port facilities.

(2) Under the contract, the political subdivision may incur indebtedness to the Administration in an amount not exceeding $1 million at any one time.

(3) The contract by which the indebtedness is incurred shall require that:

(i) All project costs of the port facilities be set out in an account to be known as the investment account; and

(ii) The share of the costs assumed by the political subdivision under the contract be repaid within not more than 40 years.

(d) For purposes of this section, a political subdivision, through its governing body, may:

(1) Participate with the Administration in the construction, acquisition, extension, enlargement, or improvement of port facilities in the political subdivision; and

(2) Participate by contract with the Administration in the operation and maintenance of these port facilities.

(e) (1) A county and any municipal corporation in the county jointly may participate with the Administration, by agreement confirmed by resolution or ordinance, in carrying out any of the purposes of this section.

(2) If there is joint participation under this subsection by a county and a municipal corporation, the loan limitation imposed by subsection (c)(2) of this section is increased to $2 million, and the respective liabilities of the county and the municipal corporation shall be determined by agreement between them.

§6–308.

(a) In this section, "cargo handling facilities" includes any one or more or combination of lands, piers, docks, wharves, warehouses, sheds, transit sheds, elevators, compressors, refrigerated storage plants, buildings, structures, and other facilities, appurtenances, and equipment useful or designed for use in connection with the handling, storing, loading, or unloading of freight and any other personal property at marine terminals.

(b) (1) Except as otherwise provided in this subsection, each county retains the right to impose annual taxes on land and improvements on land acquired and developed in the political subdivision by the Administration. The Administration is subject also to all benefit assessments, including any sewer and water charges that may be levied by operation of law.

(2) The right to impose taxes does not apply to any land or improvements acquired from the county, to any cargo handling facilities owned or leased, as lessor or lessee, by the Administration, or to any land used only in conjunction with these cargo handling facilities. From the date any of this property is purchased, erected, constructed, or leased, it is exempt from all property taxes and benefit assessments to their owner, to the Administration, and to the lessees of the Administration.

(3) The right to impose taxes does not apply to the international trade center described in § 6-101(e)(4) of this title, which trade center is exempt from all property taxes and benefit assessments to the Administration.

(c) The Administration and the county may make any agreements:

(1) For the Administration to pay to the county a stated sum in place of

any taxes or benefit assessments to which the Administration is subject; or

(2) For voluntary contributions as to tax-exempt property.

(d) (1) Each lease of a cargo handling facility for a term of more than 1 year, including renewal options, that is made between the Administration and a lessee engaged in business for profit shall contain a provision requiring the lessee to pay to the Administration annually, except to the extent that the improvements are taxed to the lessee, a sum of money computed on the basis of the full cash value of the leased land and improvements on it multiplied by the assessment percentage under § 8-103(c)(1) of the Tax - Property Article, multiplied by the current State and local real estate tax rates.

(2) The supervisor of assessments of the county in which the leased land is located shall cooperate with the Administration in establishing the full cash value of the leased land and improvements on it.

(e) The Administration may not acquire on a lease-back basis any land or improvement on it without the prior consent of the political subdivision in which the land or improvements are located.

(f) This section does not affect any agreement made before June 1, 1966, between the Administration and any county as to tax exemptions or payments in place of taxes or benefit assessments.

§6–309.

(a) Notwithstanding any other provision of this title, this section controls as to Anne Arundel County.

(b) (1) The Administration may not acquire any interest in land or improvements on land in Anne Arundel County without the prior approval of the county, given after a public hearing.

(2) This subsection does not affect the right of the Administration to acquire an option for later acquisition of the property or improvements once the approval required by this subsection is obtained.

(3) If the Administration makes a written request for approval of the county, the approval required by this subsection is deemed to be given unless the Administration is notified in writing to the contrary within 90 days after it makes the request.

(c) Anne Arundel County retains the right to impose taxes on any land and improvements on land acquired under this title in Anne Arundel County by the Administration or any other person.

(d) The Administration and Anne Arundel County may make any agreements

for the Administration to pay to the county a stated sum in place of any of these taxes.

(e) This section shall be strictly construed.

§6–401.

(a) The Administration may purchase and Baltimore City may sell to the Administration any of the title and interest that Baltimore City has in any of the following:

(1) All of the property described in the contract, dated December 29, 1926, between the Mayor and City Council of Baltimore and the Western Maryland Railway Company (ratified by Ordinance No. 965, approved February 4, 1927, of the Mayor and City Council of Baltimore) and the contract, dated April 27, 1955, between the same parties (ratified by Ordinance No. 1483, approved May 19, 1955, of the Mayor and City Council of Baltimore), which deal with the construction, improvement, addition to, and leasing of the McComas Street Terminal at Port Covington in Baltimore City;

(2) All of the property described in the contract, dated August 4, 1944, between the Mayor and City Council of Baltimore and the National Gypsum Company (ratified by Ordinance No. 133, approved August 29, 1944, of the Mayor and City Council of Baltimore), which deals with the construction of the National Gypsum Company Pier in Baltimore City; and

(3) The Broadway Pier (Recreation Pier) at the foot of Broadway in Baltimore City.

(b) Any sale under this section shall be on the terms and conditions and at the price agreed to by the Administration and the Board of Estimates of Baltimore City.

§6–402.

(a) (1) If the Administration and Baltimore City cannot agree on the terms, conditions, and price for any of the property described in § 6-401 of this subtitle, the matter shall be referred to an arbitration board.

(2) The arbitration board shall consist of three members appointed as follows:

(i) One by the Administration;

(ii) One by the Board of Estimates of Baltimore City; and

(iii) One jointly by the two members already appointed.

(3) If, within 15 days after the appointment of the second arbitrator, a third arbitrator has not been appointed, the Governor shall appoint the third arbitrator.

(4) If the party seeking arbitration appoints its arbitrator and gives written notice of this appointment to the other party, the other party shall appoint its arbitrator within 30 days after the receipt of the notice. If the other party refuses or neglects to appoint its arbitrator within the 30-day period, the arbitrator appointed by the party seeking arbitration may review the entire matter in controversy as if that individual were an arbitrator appointed by both parties for that purpose.

(b) (1) If only one arbitrator is appointed under subsection (a) of this section, the decision of that arbitrator:

(i) Shall be made within 90 days after the Administration or the Board of Estimates, as the case may be, refuses or neglects to appoint its arbitrator;

(ii) Shall be reported in writing to both parties; and

(iii) Is final and binding on both parties.

(2) If three arbitrators are appointed under subsection (a) of this section, the decision of the majority of them:

(i) Shall be made within 90 days after the first two arbitrators are appointed or within any additional period not exceeding 30 days as may be agreed to by the Administration and the Board of Estimates in writing;

(ii) Shall be reported in writing to both parties; and

(iii) Is final and binding on both parties.

(c) The arbitration board or, if only one arbitrator is appointed, the arbitrator may, among other things:

(1) Require that each party to the controversy submit a written statement of its contention to the board and send a copy of the statement to the other party;

(2) Make investigations, inspections, and examinations;

(3) Take, receive, and keep a permanent record of testimony and other evidence;

(4) Hold hearings after notice to the parties in interest; and

(5) Adopt rules and regulations for the conduct of the arbitration proceedings.

(d) Each party shall pay 50 percent of the arbitration expenses.

§6–403.

(a) Notwithstanding any other provision of this title, any agreement between

the Administration and the Mayor and City Council of Baltimore in connection with the transfer of the McComas Street Terminal, the National Gypsum Company Pier, or the Broadway Pier (Recreation Pier) shall state:

(1) The duties and functions of Baltimore City or any of its agencies that are imposed by any law on the harbor or port of Baltimore or their operation and that the Administration must perform; and

(2) The time when the Administration must perform these duties and functions.

(b) As long as neither the Administration nor Baltimore City or any of its agencies takes an arbitrary or unreasonable position as to the matters described in subsection (a) of this section, there is no obligation for any of them to submit the matters to arbitration under § 6-402 of this subtitle.

§6–404.

(a) On the transfer of the McComas Street Terminal or the National Gypsum Company Pier to the Administration, the Administration is vested with the control, operation, and maintenance of the transferred facility and all its rentals, charges, and revenues, subject only to any existing lease or contract relating to the facility.

(b) (1) The transfer to the Administration of the McComas Street Terminal or the National Gypsum Company Pier does not affect in any way:

(i) The terms, conditions, and covenants of the contracts between the Mayor and City Council of Baltimore and the Western Maryland Railway Company or between the Mayor and City Council of Baltimore and the National Gypsum Company, respectively; or

(ii) The rights, privileges, and duties of the Western Maryland Railway Company or the National Gypsum Company, respectively, as granted or imposed by these contracts.

(2) Effective on the day of the transfer of the McComas Street Terminal or the National Gypsum Company Pier, the Western Maryland Railway Company or the National Gypsum Company, as the case may be, shall pay to the Administration the rent reserved under the contracts relating to the transferred facility, in the same manner as required by the contracts. This rent is considered as income to the Administration.

§6–405.

(a) Except for property needed or used in the operation of the fire or police departments of Baltimore City, the Administration may purchase and Baltimore City may sell to the Administration any interest that Baltimore City has in any property used in the operation of the port of Baltimore.

(b) Any sale under this section shall be on the terms and conditions and at the price agreed to by the Administration and the Board of Estimates of Baltimore City.

§6–406.

(a) The purpose of §§ 6-406 through 6-410 of this subtitle is:

(1) To avoid duplication of effort by the Administration and Baltimore City, to the extent that they have coextensive authority in matters relating to harbors, docks, wharves, and port development; and

(2) To assure the uninterrupted continuation of needed services.

(b) The duty to exercise all authority in this field continues in Baltimore City to the extent that the authority has not been transferred to the Administration by agreement made under § 6-407 of this subtitle.

(c) (1) If, by agreement made under § 6-407 of this subtitle, Baltimore City transfers to the Administration any duty, only the Administration may perform that duty.

(2) Any ordinance or regulation that was adopted before June 1, 1959, by the Mayor and City Council of Baltimore and that relates to any authority transferred to the Administration by agreement made under § 6-407 of this subtitle:

(i) Continues to be in effect, except as otherwise provided in this subsection;

(ii) Has the status of a regulation adopted by the Administration; and

(iii) Like other regulations of the Administration, may be readopted, amended, or repealed by the Administration.

(3) Only the Administration may readopt, amend, or repeal these ordinances or regulations.

§6–407.

The Administration and the Board of Estimates of Baltimore City shall provide by agreement for the apportionment between the Administration and Baltimore City of the duties imposed on and performed by Baltimore City under:

(1) Article 2 (10) of the Charter of Baltimore City (1964 Revision);

(2) Article 2 (28) of the Charter of Baltimore City (1964 Revision); and

(3) Sections 321 through 326 and § 641 of the Code of Public Local Laws of Baltimore City (1949 Edition).

§6–408.

(a) An agreement made under § 6-407 of this subtitle may provide for the transfer by Baltimore City to the Administration of any officers, including the harbor engineer of Baltimore City, and any employees of Baltimore City as are necessary or convenient for the Administration to perform the duties that it undertakes by the agreement.

(b) Each transferred officer and employee covered by and subject to the provisions of the City Service Commission of Baltimore City as a classified employee is entitled, without further examination or restriction, to all the rights and privileges and is subject to all the provisions of the State Personnel and Pensions Article.

(c) (1) The transfer of an officer or employee may not result in any decrease of the salary or status of the officer or employee.

(2) To the extent reasonably possible, each transfer shall be to a position of comparable rank and responsibility.

(d) Notwithstanding any other law to the contrary, each transferred officer and employee is eligible for membership in the State Employees' Retirement System, and all rights of the officer or employee under the employees' retirement system of Baltimore City may be transferred to the State Employees' Retirement System as provided by law.

(e) If the Administration and Baltimore City cannot agree by negotiation on the number or type of officers or employees to be transferred under this section, they shall submit the matter to arbitration as provided in § 6-402 of this subtitle.

§6–409.

(a) Except as expressly provided in this title, this title does not repeal, modify, or otherwise affect in any manner:

(1) Any certificates of indebtedness issued by the Mayor and City Council of Baltimore before June 1, 1956, under:

(i) Chapter 560 of the Laws of Maryland of 1920, as amended by Chapter 242 of the Laws of Maryland of 1929;

(ii) Chapter 201 of the Laws of Maryland of 1951;

(iii) Baltimore City Ordinance No. 539, approved October 2, 1928;

(iv) Baltimore City Ordinance No. 1097, approved July 16, 1930;

(v) Baltimore City Ordinance No. 1613, approved April 4, 1951; or

(vi) Any other law;

(2) Anything done or any contract, lease, agreement, or other legal instrument made before June 1, 1956, by the Mayor and City Council of Baltimore, the Commissioners of Finance of Baltimore City, the Board of Estimates of Baltimore City, the Port Development Commission of Baltimore City, or the Port of Baltimore Commission under or in connection with any of the laws listed in item (1) of this subsection or any other law; or

(3) Any of the powers or duties of the Mayor and City Council of Baltimore, the Commissioners of Finance of Baltimore City, the Board of Estimates of Baltimore City, or the Port of Baltimore Commission under or in connection with any of the laws listed in item (1) of this subsection or any other law.

(b) After the Mayor and City Council of Baltimore has issued and sold enough of its certificates of indebtedness under the laws listed in subsection (a) (1) of this section or any other law to comply fully with all of its obligations, duties, and responsibilities under the contract, dated April 27, 1955, between the Mayor and City Council of Baltimore and the Western Maryland Railway Company (ratified by Ordinance No. 1483, approved May 19, 1955), the authority of the Mayor and City Council of Baltimore to issue or sell any more certificates of indebtedness under the laws listed in subsection (a) (1) of this section terminates.

§6–410.

Except as expressly provided in an agreement made under § 6-407 of this subtitle, §§ 6-406 through 6-410 of this subtitle may not interfere with or impede the exercise by the Mayor and City Council of Baltimore of any of its rights, privileges, or powers under those provisions of the Charter or Public Local Laws of Baltimore City referred to in § 6-407 of this subtitle.

§6–411.

(a) The Administration shall make annual payments in lieu of taxes to the Mayor and City Council of Baltimore for the properties known as "McComas-A2", "DMT-Bendix", "Seagirt-Parcel B", and "Toyota-Md. Ship".

(b) The payments required under this section shall be:

(1) For fiscal year 1998, $410,000 in aggregate amount;

(2) For fiscal year 1999, $418,200 in aggregate amount; and

(3) For fiscal year 2000 and each subsequent fiscal year, the product of multiplying the applicable Baltimore City real property tax rate times the assessment of the land as determined under Title 8 of the Tax - Property Article, not including the assessment of any improvements, for each of the properties.

(c) Payments under this section shall be subject to such terms and conditions, if any, as may be provided by agreement between the Administration and Baltimore City.

§6–601.

This title is necessary for the welfare of this State and its inhabitants and shall be liberally construed to accomplish its purposes.

§6–602.

Except as otherwise provided in this title, any person who violates any provision of this title or of any rule or regulation adopted by the Administration is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 1 year or both.

§7–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the Maryland Transit Administration.

(c) "Administrator" means the Maryland Transit Administrator.

(d) "District" means:

(1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and

(2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.

(e) "Excursion train" means any special event train sponsored or contracted for in connection with the promotion of a public event benefiting the State and its citizens.

(f) "Light rail transit" means rail transit which is electrically powered and can operate in mixed traffic with automobiles.

(g) "Private carrier" means any person that renders transit service within the District under an operating permit or license issued by an agency of this State exercising regulatory jurisdiction over transportation of passengers within this State and over persons engaged in that business.

(h) "Proof of fare payment" means evidence of fare prepayment authorized by the Administration for the use of transit service.

(i) "Railroad company" means any entity engaged in the providing of railroad

service under this title.

(j) (1) "Railroad facility" means any facility used in providing railroad services, and includes any one or more or combination of:

(i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the transportation of persons or goods by rail; and

(ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.

(2) "Railroad facility" does not include any transit facility.

(k) "Railroad service" means any service utilizing rail or railroad facilities performed by any common carrier operating under the jurisdiction of the State or federal government as a common carrier and includes any such service performed by the National Railroad Passenger Corporation.

(l) "Transit facility" includes any one or more or combination of tracks, rights–of–way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

(m) "Transit–oriented development" means a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

(1) Is part of a deliberate development plan or strategy involving:

(i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station; or

(ii) Property, any part of which is located within one–half mile of the passenger boarding and alighting location of a planned or existing transit station;

(2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and

(3) Is designated as a transit–oriented development by:

(i) The Secretary, after considering a recommendation of the Smart Growth Subcabinet established under § 9–1406 of the State Government Article; and

(ii) The local government or multicounty agency with land use and

planning responsibility for the relevant area.

(n) (1) "Transit service" means the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the District.

(2) "Transit service" does not include any:

(i) Taxicab service;

(ii) Vanpool operation; or

(iii) Railroad service.

(o) (1) "Transit station" means any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles.

(2) "Transit station" includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

(p) "Transit vehicle" means a mobile device used in rendering transit service.

§7–102.

(a) (1) The development of improved and expanded railroad facilities, railroad services, transit facilities, and transit services operating as a unified and coordinated regional transportation system, and the realization of transit–oriented development throughout the State, represent transportation purposes that are essential for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality, and the development of the metropolitan area of Baltimore and other political subdivisions of the State.

(2) The establishment of the realization of transit–oriented development as a transportation purpose under paragraph (1) of this subsection may not be construed to:

(i) Limit the authority of local governments to govern land use as established under any other law; or

(ii) Grant the State or a department of the State additional authority to supersede local land use and planning authority.

(b) It is the policy of this title to create a regional transportation system in the District that will provide compatibility with other contiguous or neighboring systems.

(c) The desired regional transportation system cannot be achieved by the unilateral action of any one political subdivision, but requires action by this State

through a State agency that is politically responsive to local needs and will assure that the development of the regional transportation system fosters general development plans for this State, the region, and the local development plans of the participating political subdivisions.

§7–102.1.

(a) (1) In this subsection, "net project costs" means that part of the capital costs that is incurred in constructing and acquiring transit facilities eligible for assistance under the federal Urban Mass Transportation Act of 1964 and that cannot be reasonably financed from revenues.

(2) It is the policy of this title that:

(i) Consistent with the alleviation of traffic congestion in the District and the attainment of a balanced transportation system using each mode of transportation to its best advantage, all costs incurred to construct, acquire, operate, and maintain transit facilities for the regional transit system shall be covered, as far as practicable, by fares charged for the services performed by the transit facilities owned or controlled by the Administration;

(ii) For light rail projects, at least 10 percent of the net project costs shall be paid by grants contributed by the federal government; and

(iii) At least two-thirds of the net project costs for all other transit facilities shall be paid by grants contributed by the federal government.

(b) (1) The public interest in efficient and economical transit service requires that the transit facilities operated by private carriers be operated to provide, with the transit facilities owned or controlled by the Administration, a unified and coordinated regional transit system without unnecessary duplicating or competing service.

(2) Subject to this standard, it is the policy of this title to utilize private carriers to the fullest extent practicable in providing transit service.

(c) Adequate provisions should be made for assuring that, if allocation of State financial resources for the benefit of this regional system is made, it will be accompanied by a parity allocation for the benefit of taxpayers supporting transit facilities in the political subdivisions of the Washington Suburban Transit District.

(d) Adequate provisions should be made for the protection of transit labor in the development and operation of transit services.

(e) (1) The public interest requires the development of an effective and efficient transit service to meet the special needs of elderly and handicapped persons.

(2) When providing transit service to meet the special needs of disabled persons, the Administration shall:

(i) Apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services, in accordance with paragraph (3) of this subsection, for State and national criminal history records checks of the Administration's employees who are or will be employed to provide transit service to disabled persons;

(ii) Ensure that any entity that contracts with the Administration to provide transit service to disabled persons applies to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services, in accordance with paragraph (3) of this subsection, for State and national criminal history records checks of the contractor's employees who provide transit service to disabled persons; and

(iii) Ensure that all employees of the Administration or a contractor of the Administration who are or will be employed to provide transit service to disabled persons successfully complete a course, jointly developed by the State Department of Education and the Department of Disabilities and approved by the Administration, on matters relating to appropriate accommodation, including customer service, sensitivity, and respectful and courteous treatment of all passengers, including disabled persons.

(3) (i) In this paragraph, "Central Repository" has the meaning stated in § 10–201 of the Criminal Procedure Article.

(ii) The Administration or contractor shall apply to the Central Repository for a State and national criminal history records check for each employee subject to this subsection.

(iii) As part of the application for a criminal history records check, the Administration or contractor shall submit to the Central Repository:

1. Two complete sets of the employee's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

2. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

3. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(iv) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the employee and the Administration or contractor a printed statement of the employee's criminal history record information.

(v) Information obtained from the Central Repository under this subsection shall be:

1. Confidential and may not be disseminated; and

2. Used only for the purpose authorized by this subsection.

(vi) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

§7–201.

There is a Maryland Transit Administration in the Department.

§7–202.

(a) The head of the Administration is the Maryland Transit Administrator, who shall be appointed by the Secretary with the approval of the Governor.

(b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.

(2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.

(c) The Administrator is entitled to the salary provided in the State budget.

§7–203.

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority.

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.

§7–204.

(a) In addition to the specific powers granted under this title, the Administration has the powers granted by this section.

(b) The Administration may sue and be sued in its own name.

(c) The Administration may adopt rules and regulations to carry out the

provisions of this title.

(d) If necessary or useful in rendering transit service or railroad service or incidental activities, the Administration may:

(1) Construct, acquire, own, operate, maintain, and control any interest in any property, whether by contract, purchase, condemnation, lease as lessor or lessee, license, gift, mortgage, or otherwise; and

(2) If the property is no longer required for the purposes of the Administration, sell, convey, or otherwise dispose of it.

(e) The Administration may apply for and receive grants, gifts, payments, loans, advances, and other funds, appropriations, properties, and services from the federal government, this State, any of their agencies or political subdivisions, or any other public or private person and may enter into agreements for them and for any studies, plans, demonstrations, or projects.

(f) The Administration may contract with this State or any of its agencies or political subdivisions for providing transit facilities and transit services, including service in any county contiguous to the District, and for any other purposes incidental to the establishment, financing, and operation of the regional transportation system.

(g) The Administration may enter into and manage contracts with railroad companies to provide passenger and freight railroad services.

(h) The Administration may contract with any public utility, railroad company, transportation company, or private carrier for the joint use of property or rights.

(i) The Administration may contract for planning, engineering, and technical services and may contract for or employ consultants, engineers, attorneys, and other professional, planning, engineering, and technical services.

(j) The Administration may make any contract necessary for or incidental to the performance of its duties and the exercise of its powers under this title.

(k) The Administration shall develop and coordinate policies and plans for the preservation, improvement, or provision of railroad facilities and railroad services.

(l) The Administration shall conduct project planning and preliminary engineering related to railroad facilities.

(m) The Administration shall supervise construction of State-owned or financed railroad facilities and related capital improvements performed under contract with the Administration.

(n) The Administration shall supervise the maintenance and rehabilitation of State-owned or financed railroad facilities and equipment.

(o) The Administration shall advise the Secretary on matters concerning compliance with § 8-639 of this article.

(p) The Administration shall monitor railroad passenger and freight services to assure maximum benefits to Maryland communities and business.

(q) Subject to the limitations imposed by this title, the Administration may exercise all powers reasonably necessary to the declared objects and purposes of this title.

§7–206.

(a) (1) Without regard to the laws of this State relating to other State employees, and subject to § 2-103.4 of this article, the Administration may:

(i) Create and abolish any position other than one specifically provided for in this title; and

(ii) Determine the qualification, appointment, removal, term, and tenure of its employees.

(2) The Administration may determine the compensation of:

(i) Employees if the compensation is determined pursuant to Subtitle 6 of this title;

(ii) Executive management positions, as recommended by the Secretary and approved by the Governor, subject to approval in the budget; and

(iii) Management positions, subject to approval by the Secretary and the Governor and the availability of funds in the budget.

(b) (1) Subject to § 2-103.4 of this article, the Administration may establish a personnel system based on merit and fitness.

(2) The Administration may:

(i) Subject to Division II of the State Personnel and Pensions Article, participate in the Employees' Retirement System and the Employees' Pension System of the State of Maryland on terms and conditions mutually acceptable to the Administration and the Board of Trustees for the State Retirement and Pension System; and

(ii) Establish and maintain an independent system of pensions and retirement benefits for its employees.

(c) The Administrator may appoint and remove all employees of the Administration, subject to the rules of procedure and standards that the Secretary

adopts.

§7–207.

(a) The Administration shall establish and maintain a police force to provide protection for its patrons, personnel, and all railroad facilities and transit facilities owned, leased, or operated upon, by, or under the control of the Administration. The police force is charged with the responsibility of enforcing the applicable laws, ordinances and regulations of the State and political subdivisions and the rules and regulations of the Administration.

(b) (1) A Maryland Transit Administration police officer has all the powers granted to a peace officer and a police officer of this State. These powers may be exercised only on property owned, leased, or operated upon, by, or under the control of the Administration and not on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

(iii) Ordered to do so by the Governor.

(2) Members of the police force have concurrent jurisdiction in the performance of their duties with the law enforcement agencies of the State and of the political subdivisions in which any transit facility or railroad facility of the Administration is located or in which the Administration operates any transit service or railroad service. Nothing contained in this section relieves the State or a political subdivision or agency thereof from a duty to provide police, fire and other public safety service and protection or affects the jurisdiction of other police, fire, and public safety agencies.

(c) (1) In consultation with the Maryland Police Training Commission, the Administrator, with the approval of the Secretary, shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for Maryland Transit Administration police officers, including standards for the performance of their duties.

(2) The Administrator shall adopt standards similar to the standards adopted for the Department of State Police.

(d) The Administrator with the approval of the Secretary shall adopt rules and regulations governing the operation and conduct of the Maryland Transit Administration police force.

(e) The Administration may enter into agreements with railroad companies, political subdivisions, and public safety agencies, including those of the federal government, for the delineation of the functions and responsibilities of the

Administration's police force.

(f) The Maryland Transit Administration police force may issue citations for violations of the rules and regulations adopted by the Administration under this title.

§7–208.

(a) Subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the Administration has jurisdiction:

(1) Consistent with the provisions of Division II of the State Finance and Procurement Article, for planning, developing, constructing, acquiring, financing, and operating the transit facilities authorized by this title; and

(2) Over the services performed by and the rentals, rates, fees, fares, and other charges imposed for the services performed by transit facilities owned or controlled by the Administration.

(b) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.

(2) The Administration shall submit, in accordance with § 2–1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(i) Separate farebox recovery ratios for the prior fiscal year for:

1. Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

2. Commuter bus service provided under contract to the Administration in the Baltimore region; and

3. Maryland Area Rail Commuter (MARC) service provided under contract to the Administration;

(ii) A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection;

(iii) Comparisons of farebox recovery ratios for the Administration's

mass transit services and other similar transit systems nationwide; and

(iv) The estimated fare prices necessary to achieve the farebox recovery requirement established in paragraph (1) of this subsection for the next fiscal year.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in an amount sufficient to achieve the farebox recovery requirement established in subsection (b) of this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in subparagraph (ii) of this paragraph by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2–year period for which the amount is being calculated;

(ii) Every 5 years, increase one–way zone fare prices and the cost of multiuse passes to the nearest dollar for commuter rail and commuter bus service by:

1. At least the same percentage as the 5–year increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2009, to December 31, 2013, and each subsequent 5–year period for which the amount is being calculated; and

2. Any additional amount the Administration determines is necessary after considering factors affecting commuting costs applicable to the jurisdictions in which the Administration provides commuter service, including:

A. Monthly parking fees;

B. The retail price per gallon of motor fuel;

C. The amount of any monthly federal commuting subsidy;

D. Fare prices for intercity rail service; and

E. Any other relevant commuting costs; and

(3) May not reduce the level of services provided by the Administration for the purpose of achieving the farebox recovery requirement;

(4) May not increase fares for all transit services except those services listed in paragraph (2)(ii) of this subsection by more than the amount required under

paragraph (2)(i) of this subsection;

(5) May not increase fares under paragraph (2)(i) and (ii)1 of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under paragraph (2)(i) and (ii)1 of this subsection.

(b–2) An increase in the Administration's fare prices by the minimum amount required under subsection (b–1) of this section is not subject to the requirements of § 7–506 of this article.

(c) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall implement performance indicators to track service efficiency for the Administration's mass transit services, including:

(i) Operating expenses per revenue vehicle mile;

(ii) Operating expenses per passenger trip; and

(iii) Passenger trips per revenue vehicle mile.

(2) The Administration shall submit, in accordance with § 2–1246 of the State Government Article, an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators listed in paragraph (1) of this subsection for the prior fiscal year, including a discussion of the failure or success in meeting the goals established for the prior fiscal year by the Administration;

(ii) The status of managing–for–results goals of the Administration as they pertain to mass transit service in the Baltimore area;

(iii) Comparisons of performance indicators for the Administration's mass transit services and other similar systems nationwide; and

(iv) The Administration's goals for each of the measures in paragraph (1) of this subsection for the next fiscal year.

(d) (1) The Administration shall provide for an independent management audit of the operational costs and revenues of the Administration's mass transit services every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary

in evaluating the operations of the Administration's mass transit system.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

(e) The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.

(f) Notwithstanding any other provision of this title or the Public Utilities Article, the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

(g) Except as provided in this title, the Administration does not have any jurisdiction over transportation in the District by private carriers.

§7–209.

The Administrator shall employ a general counsel who serves at the pleasure of the Administrator. The general counsel is entitled to the compensation determined by the Administrator.

§7–210.

(a) The Administrator or any officer or employee of the Administration designated by him may conduct investigations, inquiries, and hearings as to any matter affecting railroad services and transit services in the District with which the Administration is concerned.

(b) The Administrator or his designee may:

(1) Administer oaths;

(2) Certify to all official acts; and

(3) Issue subpoenas and orders for the attendance and testimony of witnesses and the production of papers, books, and documents.

(c) (1) If a person fails to comply with any subpoena or order issued under this section, the Administrator or his designee may invoke the aid of a court of competent jurisdiction.

(2) The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

§7–211.

(a) An officer or employee of the Administration may not:

(1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of property to which the Administration is a party;

(2) In connection with services performed in the scope of his official duties or employment, solicit or accept money or any other thing of value in addition to the compensation or expenses paid him by the Administration; or

(3) Offer money or anything of value for or in consideration of obtaining an appointment, promotion, or privilege in his official capacity or employment with the Administration.

(b) In the discretion of the Administration, any officer or employee who willfully violates any provision of this section forfeits his office or employment.

(c) The Administration may void any contract made in violation of this section.

(d) This section does not abrogate or limit the applicability of any other law that is violated by any action prohibited by this section.

§7–211.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.

§7–212.

Every rule, regulation, form, order, and directive adopted by or relating to the former Metropolitan Transit Authority remains in effect until changed by the Administrator or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document to the Metropolitan Transit Authority or the Public Transit Administration means the Maryland Transit Administration.

§7–301.

(a) The Administration shall prepare plans to meet the transit needs of the District and from time to time shall review and revise these plans.

(b) The plans shall specify:

(1) The transit facilities to be constructed or acquired, including the

location of terminals, stations, and parking facilities;

(2) The character, nature, design, and location of the transit facilities;

(3) Whether the transit facilities are to be constructed or acquired by lease, purchase, or condemnation;

(4) A timetable for providing the transit facilities;

(5) Anticipated capital costs;

(6) Estimated operating expenses and revenues;

(7) The type of equipment to be used;

(8) The areas to be served and the routes and schedules of service expected to be provided;

(9) The expected fares and charges for service;

(10) The plan of financing the capital costs and operation of the transit facilities;

(11) When applicable, improvements in interjurisdictional commuter transit services including the location of corridors, routes, stations, and terminals;

(12) Improvements to fare payment systems that will:

(i) Allow for the processing of fare media in electronic form; and

(ii) Provide electronic fare media for distribution to employees as part of a commuter benefits program; and

(13) Any other information that the Administration considers relevant.

(c) A plan may provide for demonstration or testing facilities and for the use of the facilities for research and development.

§7–302.

(a) To the extent practicable, the transit plans prepared by the Administration shall:

(1) Implement the general development plan of the Baltimore Metropolitan Council; and

(2) In order to provide for a balanced transportation system and for the coordination of transit planning and general planning, be prepared in consultation with the Baltimore Metropolitan Council.

(b) The Administration shall cooperate with the planning agencies of the Department of Planning and any other State or federal agency concerned with transit plans.

(c) To provide a framework for regional participation in the planning process, the Administration may create technical committees concerned with planning and the collection and analyses of information to aid in the transportation planning process. On request of the Administration, the Department of Planning may make appointments to these committees.

§7–303.

(a) A transit plan is not effective and steps may not be taken to implement it until the plan has been adopted by the Secretary.

(b) (1) The Secretary may not approve or adopt the location of corridors, routes, stations, and terminals in any political subdivision unless the locations have been approved by the legislative body of the political subdivision.

(2) If the legislative body does not advise the Secretary in writing of its action within 180 days after its receipt of notice of the proposed locations, the legislative body is deemed to have approved the location.

(c) Before the adoption, revision, or amendment of any transit plan, the Secretary shall send the proposed plan, revision, or amendment to the following, for comment to be made within the time that the Secretary specifies:

(1) The Governor;

(2) The chief executive officers and the councils or the boards of county commissioners in the District;

(3) The Public Service Commission;

(4) The Baltimore Regional Council of Governments;

(5) The Department of Planning;

(6) Each private carrier operating in the District;

(7) Each labor union representing employees engaged in transit operations in the District;

(8) The legislative representatives of any affected political subdivisions; and

(9) Any other agency that the Secretary determines.

§7–304.

(a) The Administration shall:

(1) Release to the public information as to any proposed transit plan or proposed amendment or revision of a transit plan; and

(2) Keep a copy of the proposal and information at its office for public inspection.

(b) (1) The Administration shall hold a public hearing on the proposed plan, revision, or amendment.

(2) The Administration shall give at least 30 days' prior notice of the hearing. The notice shall be published once a week for 2 successive weeks in one or more newspapers of general circulation in the District. The 30-day period begins when the notice first appears in the newspaper.

(c) The Administration shall consider the evidence submitted and the comments made at the hearing. With the approval of the Secretary and without any further hearing, the Administration may make any changes in the proposed plan, amendment, or revision that it considers appropriate.

§7–305.

The Administration may not construct, acquire, or incur a commitment or obligation in connection with any transit facilities specified in a transit plan until the necessary funds are available or provision has been made for the funds under Title 3 or 4 of this article.

§7–306.

(a) Subject to constitutional limitations, this State and its political subdivisions may:

(1) Make grants to the Administration;

(2) Guarantee any obligations of the Administration;

(3) Make contributions to meet any operating expenses of the Administration; and

(4) Contract with the Administration, any lender, or any trustee under an indenture or loan agreement made by the Administration.

(b) Unless otherwise authorized by law, the Administration:

(1) Does not have any power to impose any commitment or obligation on this State or any of its political subdivisions; and

(2) May not levy any tax.

§7–308.

(a) The Department may execute any agreement, lease, or equipment trust certificate for the purchase or rental of transit facilities or equipment such as rolling stock, substantially in the form customarily used in these cases and appropriate to effect the purchase or rental. The Department may dispose of an equipment trust certificate in the manner that it determines to be in its best interests.

(b) Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked on both sides, followed by the words "owner and lessor".

(c) (1) The money required to be paid by the Department under these agreements, leases, and equipment trust certificates shall be payable from revenues available under this title or Title 3 or 4 of this article.

(2) Payment for the purchase or rental of transit facilities or equipment may be made in installments, and deferred installments may be evidenced by equipment trust certificates. Title to the transit facilities or equipment may not vest in the Department until the equipment trust certificates are paid.

(d) An agreement by the Department to purchase transit facilities or equipment may:

(1) Direct the seller to sell and assign the equipment to a bank or trust company authorized to do business in this State or to the United States Department of Transportation, as trustee, lessor, or seller, for the benefit and security of the equipment trust certificates;

(2) Direct the trustee to deliver the transit facilities and equipment to one or more designated agents of the Department; and

(3) Authorize the trustee simultaneously with the delivery to execute and deliver a lease of the transit facilities or equipment to the Department.

(e) The agreements and leases shall be acknowledged in the form required for the acknowledgment of deeds. The agreements, leases, and equipment trust certificates shall be authorized by the Secretary and contain the covenants, conditions, and provisions that the Secretary considers necessary or appropriate to insure the payment of the equipment trust certificates from the revenues derived from the operation of the transit system and other funds.

(f) The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates may not conflict with any trust agreement securing the payment of bonds or other obligations of the Department then outstanding and may not conflict with the rights of the holders of any other bonds or obligations.

§7–401.

(a) In connection with any matter under its jurisdiction, the Administration may acquire by condemnation any property located in the District.

(b) The Administration may purchase the capital stock of a private carrier or acquire by purchase, lease, or condemnation any property of a private carrier used or useful in rendering transit service, including any rolling stock, shops, garages, terminals, and other assets, property, or facilities.

(c) Any condemnation of real or personal property under this section shall be instituted and maintained in the name of the Administration and conducted under Title 12 of the Real Property Article.

§7–403.

(a) Purchases on behalf of the Administration of rolling stock and other property peculiar to the operation of transit facilities or railroad facilities are not subject to law governing procurement by the Department of General Services.

(b) The selection of long-lead equipment items for purposes of a light rail transit system shall be made in accordance with the provisions of the State procurement laws and regulations and shall use either a competitive sealed bid or competitive sealed proposal method of procurement.

§7–404.

(a) The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and § 7 of the federal Urban Mass Transportation Act of 1964 apply to persons covered by those acts and displaced from real property by action of the Administration, whether or not financial assistance is sought by or extended to the Administration under those acts.

(b) Notwithstanding any other law, a relocation payment made by the Administration may not be less than that required by the law of the place where the acquired property is located.

(c) If real property is acquired for the Administration by a federal, State, or local agency or instrumentality, the Administration may reimburse the acquiring agency or instrumentality for any relocation payments that it makes.

§7–405.

(a) Notwithstanding § 7-404 of this subtitle on relocation program and payments, any highway, other public facility, or facility of a public utility company dislocated by action of the Administration shall be relocated if the facility is devoted to public use.

(b) If a substitute facility is necessary, the Administration shall pay the reasonable nonbetterment cost of relocation.

(c) This section may not be construed to affect any agreement relating to, or any interest in, real property owned or controlled by the Administration.

§7–501.

The Administration may provide transit service by:

(1) Operating the transit facilities it owns, leases, or otherwise controls; or

(2) Causing any other person to operate these or other transit facilities, in whole or in part, under contract, lease, or other arrangement.

§7–502.

(a) The Public Service Commission may not grant or renew any operating permit or license unless, after notice and opportunity for hearing, it finds that the route to be served and the service to be performed under the permit or license will conform to the legislative policy stated in § 7-102 of this title.

(b) Except as otherwise provided in this section, on application, complaint, or its own motion, the Public Service Commission shall:

(1) Direct private carriers to coordinate their service schedules with those of the transit facilities owned or controlled by the Administration;

(2) Direct private carriers to improve or extend any existing service or to provide additional service over additional routes; and

(3) If, after notice and opportunity for hearing, it finds that through service and joint fares are required by the public interest:

(i) Authorize a private carrier, under an agreement between the carrier and the Administration, to establish and maintain through routes and joint fares for transportation to be rendered with transit facilities owned or controlled by the Administration and otherwise to integrate its service with the service performed by the transit facilities owned or controlled by the Administration; or

(ii) In the absence of agreement, direct a private carrier to establish and maintain with the Administration through routes and joint fares.

(c) (1) Unless the private carrier is earning a reasonable return on its operation as a whole in rendering transportation subject to the jurisdiction of the Public Service Commission, the Public Service Commission may not authorize or direct a private carrier to perform any service, including the establishment or continuation

of a joint fare for a through route with the Administration, if the service is based on a division between the Administration and private carrier that does not provide a reasonable return to the private carrier.

(2) In determining the issue of reasonable return, the Public Service Commission shall consider any income that is derived from the Administration, whether as payment for services or otherwise, and is attributable to the private carrier or to any corporation, firm, association, or other entity owned in whole or in part by the carrier.

(d) The Public Service Commission may not require the Administration to establish and maintain any through service or joint fare.

§7–503.

(a) In cooperation with private carriers and the Public Service Commission, the Administration shall coordinate, to the fullest extent practicable, the routes and service of its transit facilities with the routes and service of private carriers.

(b) Subject to the approval of the Public Service Commission, the Administration shall:

(1) Enter into agreements with private carriers to establish and maintain through routes and joint fares and to provide for the division of these joint fares; or

(2) In the absence of agreement, establish and maintain through routes and joint fares in accordance with orders issued by the Public Service Commission and directed to the private carriers, if the terms and conditions for the through service and joint fares are acceptable to the Administration.

§7–504.

If the Public Service Commission fails, refuses, or is unable to direct a private carrier to perform a specified service requested by the Administration, the Administration:

(1) With the transit facilities it owns or controls, may perform any transit service it considers necessary to provide adequate transit service; and

(2) By agreement, may make reasonable subsidy payments to private carriers to encourage them to render bus service to the extent practicable.

§7–505.

(a) As to all or any part of any railroad facility or transit facility, the Administration may:

(1) Fix, revise, charge, and collect rentals, rates, fees, fares, and other

charges for its use or for its services; and

(2) Contract with any person who desires its use for any purpose and fix the terms, conditions, rentals, rates, fees, fares, and other charges for this use.

(b) To the extent practicable and consistent with providing adequate service at reasonable fares, the rentals, rates, fees, fares, and other charges imposed for and the services provided by the transit facilities and railroad facilities owned or controlled by the Administration shall be fixed and adjusted in respect of the aggregate of the charges so as to provide funds that, together with any other revenues, are sufficient to:

(1) Maintain, repair, and operate the transit facilities and railroad facilities;

(2) Provide for depreciation of the transit facilities and railroad facilities;

(3) Replace, enlarge, extend, reconstruct, renew, and improve the transit facilities and railroad facilities;

(4) Pay the costs of purchasing, leasing, or otherwise acquiring and installing rolling stock and other equipment;

(5) Pay the principal of and interest on any outstanding obligations of the Administration, including obligations incurred for the acquisition of rolling stock;

(6) Pay the current expenses of the Administration; and

(7) Provide for any purpose that the Administration considers necessary and desirable to carry out the provisions of this title.

(c) Except for the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the rentals, rates, fares, fees, and other charges imposed by the Administration are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.

(d) (1) The Administration may contract with the federal government, this State, or any of their agencies or political subdivisions for payments to the Administration for free or reduced fare transportation of employees or other persons.

(2) With respect to the operation of transit service, the Administration shall allow individuals with disabilities who are employed by sheltered workshops and who earn less than the current minimum wage, as determined by the Federal Wage and Hours Board, to travel free to and from those workshops.

§7–506.

(a) (1) Except as provided in subsection (b) of this section or § 7–208(b–2) of this title, until a public hearing is held on the matter, the Administration may not:

(i) Fix or revise any fare or rate charged the general public;

(ii) Establish or abandon any bus or rail route listed on a published timetable;

(iii) Change a bus or rail route alignment listed on a published timetable, unless the change is needed because of temporary construction or changes in the road network;

(iv) Reduce the frequency, number of days, or days of service for a commuter bus or commuter rail route without substituting a comparable level of service, unless the reduction is temporary or a result of:

1. A natural disaster;

2. Weather or other emergency conditions;

3. Schedule adjustments required by a third party that operates service on the same right–of–way; or

4. Other circumstances beyond the control of the Administration; or

(v) Establish or abandon a rail transit station.

(2) The Administration may only implement a change described in paragraph (1) of this subsection during the time period that begins 6 weeks after the public hearing and ends 6 months after the public hearing.

(3) (i) If the Administration gives inadequate or defective notice of a public hearing on a change described in paragraph (1) of this subsection, the Administration may not implement the change unless the Administration makes a reasonable effort to correct the inadequacy or defect and a legally sufficient public hearing is held.

(ii) For the purposes of this paragraph, notice shall be considered inadequate or defective if:

1. The Administration does not comply with the newspaper publication requirements under subsection (d) of this section;

2. The Administration does not comply with the notice requirements for affected jurisdictions prescribed under subsection (d) of this section;

3. At least 30% of the Administration's facilities are not posted as required under subsection (d) of this section; or

4. The notice contains erroneous information.

(4) A public hearing required under paragraph (1) of this subsection shall be at a place and time that is reasonably accessible and convenient to the patrons of the service to be affected.

(5) The Administration shall accept written comments for 30 days after a hearing held on a change described in paragraph (1) of this subsection.

(b) The Administration may add service on a new alignment branching off of an existing route without holding a public hearing, if the addition of the new alignment does not alter the existing route.

(c) (1) The following persons may request the Administration to hold a hearing on any rentals, rates, fares, fees, or other charges of the Administration or any service rendered by the transit facilities owned or controlled by the Administration:

(i) Any person served by or using the transit facilities;

(ii) The People's Counsel, as a representative of the general public; and

(iii) Any private carrier operating in the District.

(2) The request for a hearing shall:

(i) Be in writing;

(ii) State the matter sought to be heard; and

(iii) Set forth clearly the grounds for the request.

(3) As soon as possible after the Administration receives a request for a hearing, a designated employee of the Administration shall confer on the matter with the person requesting the hearing. After the conference, if the Administration considers the matter meritorious and of general significance, it may call a hearing.

(d) (1) The Administration shall give at least a 30–day notice before a hearing.

(2) The notice shall be:

(i) Published once a week for 2 successive weeks in two or more newspapers of daily circulation throughout the District;

(ii) Posted in all of the Administration's offices, stations, and terminals and all of the vehicles and rolling stock used in revenue service by the mode of transportation that will be affected by the proposed action described in subsection (a) of this section; and

(iii) Provided to the governing body of each county or municipal corporation affected by a change in transit service or fare or rate described under

subsection (a)(1) of this section.

(3) The Administration may establish a process for providing notice to local governments under paragraph (2)(iii) of this subsection.

(4) The 30–day period begins when the notice first appears in the newspaper.

(e) Before calling a hearing under this section, the Administration shall file at its main office and make available for public inspection:

(1) Its report on the subject matter of the hearing; and

(2) If the hearing was requested under subsection (c) of this section, the written request for the hearing and all documents filed in support of it.

§7–507.

An entity that submits a bid or proposal to the Administration on a procurement contract to provide MARC service that is funded in whole or in part by public funds shall comply with the requirements of Title 12, Subtitle 5 of the State Finance and Procurement Article.

§7–601.

(a) In this subtitle the following words have the meanings indicated:

(1) "Accredited representative" includes the representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section. As of December 31, 1983, "accredited representative" included only:

(i) The Amalgamated Transit Union, Division No. 1300;

(ii) The Office and Professional Employees International Union, Local 2; and

(iii) The American Federation of State, County, and Municipal Employees, Local 1859, Council 67.

(2) "Employees" means those employees who are validly represented by an accredited representative.

(b) The Administration shall bargain collectively and enter into written collective bargaining agreements as to wages, salaries, hours, working conditions, and pension and retirement provisions with the accredited representatives of its employees who are employed in:

(1) Job classifications that on December 31, 1983, were included in

recognized bargaining units pursuant to agreements in force on that date between the Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii) of this section; and

(2) New or revised classifications comparable to those described in paragraph (1) of this subsection, provided, however, that supervisory, managerial, professional, confidential, including secretaries or assistants to administrative department and section heads or to other management staff personnel, and engineering classifications shall not be included.

(c) The Administration may provide its employees with automatic cost-of-living wage adjustments in accordance with any applicable formula in a collective bargaining agreement between the parties, provided that the aggregate of automatic cost-of-living wage adjustments provided to any employee in any contract year does not exceed 5 percent of the employee's base wage rate as that base wage rate existed immediately prior to commencement of the contract year.

§7–602.

(a) In this section, "labor dispute" is to be construed broadly and includes any controversy as to:

(1) Wages, salaries, hours, or other working conditions;

(2) Benefits, including health and welfare, sick leave, insurance, pension, or retirement provisions;

(3) Grievances that arise; or

(4) Collective bargaining agreements, including:

(i) The making or maintaining of any collective bargaining agreement;

(ii) The terms to be included in it; or

(iii) Its interpretation or application.

(b) If, in a labor dispute between the Administration and any employees described in § 7-601 of this subtitle, collective bargaining does not result in agreement, the Administration shall submit the dispute to an arbitration board.

(c) (1) The arbitration board shall consist of three members appointed as follows:

(i) One by the Administration;

(ii) One by the authorized representative of the employees; and

(iii) One jointly by the Administration and the authorized representative.

(2) If, within 10 days after the appointment of the second arbitrator, a third arbitrator has not been appointed, either arbitrator may request the Federal Mediation and Conciliation Service or any other entity specified by contract between the Administration and the authorized representative to furnish a list of five persons, from which the third arbitrator shall be selected. Promptly after receiving the list, the two appointed arbitrators shall determine the order of elimination by lot and, in the determined order, each shall eliminate one name alternately until only one name remains. The remaining person is the third arbitrator.

(3) The third arbitrator is the chairman of the board.

(d) A majority determination of the board is final and binding on all disputed matters.

(e) Each party shall pay 50 percent of the arbitration expenses.

§7–603.

(a) This section does not apply to a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7-207 of this title.

(b) The Administration may establish and maintain a system of pensions and retirement benefits for any of its employees.

(c) The Administration may:

(1) Fix the terms of and restrictions on admission to the system and the classifications in it;

(2) Provide that individuals eligible for admission to the system are not eligible for admission to or eligible to receive any benefits from any other pension system, except Social Security benefits, if the other system is financed or funded, whether wholly or partially or directly or indirectly, by funds paid or appropriated by the Administration; and

(3) Provide a system of benefits payable to the beneficiaries and dependents of any participant in the system after the death of the participant, whether accidental or not and whether occurring in the performance of duty or not, subject to any exceptions, conditions, restrictions, and classifications that the Administration provides.

(d) Unless the Administration determines otherwise, no employee of the Administration and no beneficiary or dependent of any employee of the Administration is eligible to receive any pension, retirement, or other benefit both under the

Administration's system and under any other pension or retirement system established by an acquired transportation system or provided for under any collective bargaining agreement between the Administration and the authorized representatives of its employees.

(e) The pension system shall be financed or funded as the Administration determines economically feasible.

§7–604.

(a) The Administration shall take the action necessary to ensure that every laborer and mechanic employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works undertaken or financially assisted by the Administration:

(1) Is paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the federal Davis-Bacon Act; and

(2) Receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week over 8 hours in any work day or 40 hours in any work week, as the case may be.

(b) A provision specifying the minimum wages and stating the requirement that overtime be paid as provided in this section shall be consistent with the provisions of Division II of the State Finance and Procurement Article, and shall be:

(1) Set out in each invitation for bids or request for proposals; and

(2) Made a part of the contract covering the project, which contract is deemed to be a contract of the character specified in § 103 of the federal Contract Work Hours and Safety Standards Act.

(c) The requirements of this section also apply to the employment of laborers and mechanics in the construction, alteration, or repair, including painting and decorating, of the transit facilities owned or controlled by the Administration, if the work is performed by a contractor under an agreement with the operator of the transit facilities.

§7–605.

(a) The rights, benefits, and other employee protective conditions and remedies of § 13(c) of the federal Urban Mass Transportation Act of 1964, as determined by the Secretary of Labor, apply to the operation by the Administration of the transit facilities owned or controlled by it and to any contract or other arrangement for the operation of those transit facilities.

(b) (1) If the Administration operates any transit facility or makes any

contractual or other arrangement for the operation of any transit facility, the Administration shall do whatever is necessary to give employees of affected mass transportation systems, in accordance with seniority, the first opportunity for reasonably comparable employment in any available nonsupervisory job as to those operations for which they can qualify after a reasonable training period.

(2) This employment may not result in:

(i) Any worsening of the employee's position from that which he enjoyed in his former employment; or

(ii) Any loss of wages, hours, working conditions, seniority, fringe benefits, or related rights or privileges.

§7–606.

If the Administration acquires existing transit facilities from a public or privately owned public utility, whether by condemnation or otherwise, the Administration shall assume all existing labor contracts and pension obligations.

§7–607.

(a) (1) If the Administration acquires an existing transportation system, all employees of the system who are necessary for its operation by the Administration, except executive and administrative officers, shall be transferred to and employed by the Administration, subject to all the rights and benefits of this title.

(2) These employees shall be given credit for seniority, sick leave, vacation, insurance, and pension benefits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations, and status with respect to the established system.

(b) As to any transportation system that the Administration acquires, the Administration shall assume the obligations of the system as to wages, salaries, hours, working conditions, sick leave, and health, welfare, pension, and retirement provisions for employees.

(c) The Administration shall assume any collective bargaining agreement between an acquired transportation system and the authorized representative of its employees.

(d) The Administration and the transferred employees, through their authorized representative, shall do whatever is necessary to have pension trust funds under the joint control of the acquired transportation system and the participating employees or their authorized representative transferred to the trust fund to be established, maintained, and administered jointly by the Administration and the

participating employees through their authorized representative.

(e) An employee of an acquired transportation system who is transferred to a position with the Administration may not be placed, by reason of the transfer, in any worse position than that which he enjoyed as an employee of the acquired system with respect to workers' compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other benefits.

§7–701.

(a) With respect to the operation of transit service, the Administration shall comply with all laws, ordinances, and regulations of Baltimore City, Anne Arundel County, and Baltimore County as to:

(1) Use of streets, highways, and other vehicular facilities;

(2) Traffic control and regulations;

(3) Zoning;

(4) Signs; and

(5) Buildings.

(b) The Administration may not locate, construct, maintain, or operate any of its transit or related facilities in, on, over, or under any highway, bridge, or other vehicular facility or any parkway or park land without the consent of and except on the terms and conditions required by the affected local government or its agency.

§7–702.

(a) Subject to the provisions of this section, the Administration is liable for its contracts and torts and for the torts of its officers, agents, and employees in connection with the performance of the duties and functions of the Administration under this title.

(b) The exclusive remedy for a breach of contract or for a tort committed by the Administration, its officers, agents, or employees is a suit against the Administration. No execution may be levied on any property of this State or of the Administration.

(c) Subsection (d) of this section does not apply to a tort claim that is asserted by cross-claim, counterclaim, or third-party claim.

(d) A tort claimant may not institute an action under this section unless:

(1) The claimant submits a written notice of claim to the Administrator or the Administrator's designee within 1 year after the injury to person or property that is the basis of the claim;

(2) The Administrator or the Administrator's designee denies the claim;

and

(3) The action is filed within 3 years after the cause of action arises.

(e) A notice of claim under this section shall:

(1) Contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;

(2) State the name and address of the claimant;

(3) State the name, address, and telephone number of counsel for the claimant, if any; and

(4) Be signed by the claimant, or the legal representative or counsel for the claimant.

(f) A claim under this section is denied:

(1) If the Administrator or the Administrator's designee sends the claimant, or the legal representative or counsel for the claimant, written notice of denial; or

(2) If the Administrator or the Administrator's designee fails to give notice of a denial within 6 months after the sending of the notice of claim.

(g) Notwithstanding any other provision of this section, unless the Administration affirmatively shows that its defense has been prejudiced by the lack of the required notice, a court may allow the action to proceed even if the written notice of claim was not submitted.

§7–703.

(a) The Administration shall self insure or purchase and maintain insurance against:

(1) Loss or damage to its property; and

(2) Liability for injury to persons or property.

(b) The Administration may purchase insurance against loss of revenue from any cause.

(c) Subject to the requirements of any agreement in connection with the issuance by the Administration of its obligations, all insurance coverage shall be in the form and amount that the Administration determines.

(d) (1) Each lease of Administration property shall require the lessee to purchase, maintain, and pay for insurance that:

(i) Reasonably protects the Administration from liability related to the property; and

(ii) Insures the leased property in the name of the Administration for its full insurable value against all reasonable and insurable risks.

(2) Each lease of Administration property shall require the lessee to indemnify and hold the Administration harmless for the negligence of the lessee, its agents, and its employees.

§7–704.

(a) The creation of the Administration and the carrying out of its purposes are in all respects for the benefit of the people of this State and the District and for a public purpose, and the activities of the Administration are essential governmental functions.

(b) Except for water and sewer charges imposed by this State or any of its agencies or political subdivisions, the Administration, its activities, and the property it owns or controls are exempt from all taxes, assessments, and charges, whether State or local, now or subsequently levied or imposed.

§7–704.1.

(a) In this section, "unattended transit vehicle or facility" means a transit vehicle or facility the entrance of which is not controlled by the presence of an authorized fare collection agent of the Administration.

(b) Any person entering an unattended transit vehicle or facility owned or controlled by the Administration for the purpose of obtaining transit service shall prepay the applicable fare charged by the Administration in the required manner.

(c) If a person engages in an act prohibited under § 7-705 of this subtitle and a police officer or an authorized agent of the Administration requests the person to provide identification, the person shall provide:

(1) The person's true name and address; and

(2) Any written verification of the person's true name and address in the person's possession.

(d) (1) Upon receipt of satisfactory evidence of identification and a written promise to appear in court, a person who is charged with any of the offenses specified in § 7-705 of this subtitle, may be issued a citation by an authorized agent of the Administration or a police officer.

(2) A police officer may arrest a person in lieu of the issuance of a citation when:

(i) The officer is not furnished satisfactory evidence of identity;

(ii) The officer has reasonable grounds to believe the person will disregard a written promise to appear; or

(iii) The person refuses to sign a written promise to appear after being advised by the officer that such refusal may result in the person's arrest.

(e) The form of the citation shall be prescribed by the District Court and shall contain:

(1) The offense charged;

(2) A notice to appear in District Court on the date shown on the citation or when notified by the court;

(3) A promise to appear to be signed by the person charged;

(4) The signature and title of the authorized issuer; and

(5) Such other information as the Administration and the court shall require.

(f) (1) A person shall comply with the notice to appear in District Court by:

(i) Appearing in person;

(ii) Appearance by counsel; or

(iii) Payment of the fine in advance of trial.

(2) (i) A person who fails to comply with the notice to appear shall be guilty of a misdemeanor and subject to a fine of $100.

(ii) In addition, the court may notify the person by mail at the address indicated on the citation that a warrant for the person's arrest may be issued unless, within 15 days from the mailing of the notice, the person:

1. Pays the fine or posts a penalty deposit on the charge as stated on the citation; and

2. Posts a penalty deposit of $100 for failing to appear.

(g) Notwithstanding any other provision of this section, by July 1, 1997, the Administration shall:

(1) Install and maintain a video monitoring system on all light rail transit vehicles to enhance security on the light rail transit system; and

(2) Take any other actions reasonably considered by the Administrator to be necessary to restrict public access to any unattended transit vehicle within the light rail transit system.

§7–705.

(a) It is unlawful for any person entering a transit facility or transit vehicle owned or controlled by the Administration for the purpose of obtaining transit service or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service to:

(1) Fail to pay the applicable fare charged by the Administration in the required manner; or

(2) Fail to:

(i) Pay the applicable fare;

(ii) Exhibit proof of payment; or

(iii) Provide truthful identification.

(b) It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Administration or a train owned or controlled by the Administration or operated by a railroad company under contract to the Administration to provide passenger railroad service:

(1) Expectorate;

(2) Smoke or carry a lighted or smoldering pipe, cigar, or cigarette;

(3) Consume food or drink, or carry any open food or beverage container;

(4) Discard litter, except into receptacles designated for that purpose;

(5) Play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

(6) Carry or possess any explosives, acids, concealed weapons or other dangerous articles;

(7) Carry or possess any live animals, except seeing–eye animals and hearing–ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;

(8) Board any transit vehicle through the rear exit door, unless so directed by an employee or agent of the Maryland Transit Administration;

(9) Urinate or defecate, except in restrooms;

(10) Fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;

(11) Fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or

(12) Except by contract with the Administration, solicit the purchase of any goods or services.

(c) As used in this section, "elderly and handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use transit facilities and transit services or railroad facilities and railroad services as effectively as a person who is not so affected.

(d) The provisions of subsection (b)(3), (5), (8), and (12) of this section do not apply to charter bus service rendered by the Administration. The provisions of subsection (b)(2) and (12) of this section do not apply to excursion train service rendered by the Administration or by a railroad company under contract to the Administration. The provisions of subsection (b)(3) of this section do not apply to any railroad service rendered by the Administration or by a railroad company under contract to the Administration.

(e) Except as provided in subsection (f) of this section, any person who violates any provision of this section is guilty of a misdemeanor and is subject to a fine of not more than $500 for each offense.

(f) (1) It is unlawful for any person to obstruct, hinder, or interfere with:

(i) The operation or operator of a transit vehicle or railroad passenger car; or

(ii) A person engaged in official duties as a station agent, conductor, or station attendant who is employed by:

1. The Administration;

2. An entity that provides transit service under contract with the Administration;

3. A local government agency or public transit authority;

4. A private entity that provides public transit service; or

5. An entity that provides transit service under a transportation compact under Title 10 of this article.

(2) Any person who violates this section is guilty of a misdemeanor and is subject to a fine of not more than $1,000, imprisonment not exceeding 90 days, or both, for each offense.

(g) This section does not prohibit enforcement of any other State or local law or regulation that is consistent with the provisions of this section.

§7–706.

This title is necessary for the welfare of this State and its inhabitants and, except for § 7-705 of this subtitle, shall be liberally construed to accomplish its purposes.

§7–707.

(a) The Administration may adopt and enforce regulations for the parking, operation, towing, impoundment, and sale of motor vehicles and unauthorized articles and pieces of equipment improperly placed or abandoned on property owned or controlled by the Administration.

(b) The Administration police force and local police agencies may issue citations for violations of the regulations adopted under this section.

(c) Any person who violates a regulation pertaining to this section:

(1) Is subject to a fine as specified; and

(2) Is not guilty of a criminal offense.

§7–801.

Anne Arundel County, Calvert County, Carroll County, Frederick County, Garrett County, Howard County, and Montgomery County may:

(1) Levy and collect taxes for:

(i) The organization, operation, and maintenance of public transportation services; and

(ii) The purchase, sale, construction, maintenance, and operation of all real and personal property necessary or incidental to public transportation services; and

(2) Establish, modify, amend, and abolish special taxing areas for public transportation services.

§7–901.

(a) (1) In this section, "railroad corridor property" means any railroad property owned or maintained by a railroad company over which passenger or rail

freight traffic moved from one destination to another, not to exceed 100 feet in width, and is or was subject to the Interstate Commerce Commission's abandonment process.

(2) "Railroad corridor property" does not include a rail yard, depot, station, or industrial park.

(b) (1) With the approval of the Board of Public Works, the Secretary or the Administration may acquire on behalf of this State, by gift, purchase, lease, condemnation, or otherwise, for any transportation related purpose, any railroad corridor property that has been abandoned pursuant to action or regulations of the Interstate Commerce Commission or other governing agency with jurisdiction in the matter.

(2) Any condemnation proceeding under this section shall be instituted and maintained in the name of this State and is governed by Title 12 of the Real Property Article.

(c) If a railroad company intends to sell or otherwise dispose of any railroad corridor property that is located in this State and for which the company has received permission from the Interstate Commerce Commission or other governmental agency with jurisdiction in the matter to abandon transportation services, the company shall notify the Secretary and the Administration of its intent to sell or otherwise dispose of the property.

(d) Within 120 days after the State receives a notice under subsection (c) of this section, the State may respond to the railroad company and notify the company of whether this State intends to acquire the railroad corridor property.

(e) If the State does not respond within the time required by subsection (d) of this section or if the State notifies the railroad company that this State does not intend to acquire the railroad corridor property, the railroad company:

(1) Is relieved of all responsibility to this State under this section; and

(2) May sell or otherwise dispose of this property in any manner it considers appropriate.

(f) To be effective, all notifications provided for in this section shall be in writing and mailed by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

§7–902.

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

(2) "Level of service" includes the number of round trips operated on a route and the number of stations along a route.

(3) "Route" means a passenger railroad service line described under subsections (b) through (d) of this section.

(b) The Administration shall continue to operate the following passenger railroad services at levels of service at least equivalent to the level of service established as of July 1, 1981:

(1) The CSX line between Brunswick and the District of Columbia;

(2) The Amtrak line between Penn Station in Baltimore and the District of Columbia; and

(3) The CSX line between Camden Station in Baltimore and the District of Columbia.

(c) The Administration shall continue to operate the passenger railroad service on the Amtrak line between Perryville and Penn Station in Baltimore at the level of service at least equivalent to the level of service established as of May 1, 1991.

(d) The Administration shall continue to operate the passenger services on the CSX line between Frederick and Point of Rocks at the level of service at least equivalent to the level of service established as of December 17, 2001.

(e) (1) The Administration may not close a station on any route before June 30, 2008.

(2) Notwithstanding the provisions of this section, the Administration may close the Jessup Station on the CSX line between Camden Station in Baltimore and the District of Columbia at any time if the Administration finds that the ridership at the Jessup Station does not warrant keeping the station open.

(f) The Administration shall adopt regulations to facilitate the transportation of bicycles on board passenger railroad services.

(g) Before closing a station on a passenger railroad service line described in subsection (b) of this section, the Maryland Transit Administration shall review and report, in accordance with § 2–1246 of the State Government Article, to the Governor and the General Assembly, on the following:

(1) With respect to the Dickerson and Boyds MARC stations on the CSX line between Brunswick and the District of Columbia:

(i) The impact on traffic congestion along the Interstate 270, Md State Route 117, and Md State Route 28 corridors as a result of the station closures;

(ii) The impact of future growth in upper Montgomery and southern Frederick counties, particularly in Clarksburg over the next 5 years, and the projected ridership for the Boyds and Dickerson stations as a result of that future growth;

(iii) The impact of the projected growth in upper Montgomery and southern Frederick counties on traffic congestion along the Interstate 270, Md State Route 117, and Md State Route 28 corridors and the transit alternatives that are contemplated to meet any increased demand;

(iv) The methodology used to compute average daily ridership;

(v) The impact on projected ridership on the line if the stations are closed and later reopened due to impending growth;

(vi) The projected ridership if train stops are increased from three stops each to nine stops each for trains arriving at Washington Union Station and from four stops each to ten stops each (to discharge passengers only) for trains departing Washington Union Station;

(vii) Under an expanded schedule, the estimated increase in train service as a result of increasing the number of stops;

(viii) Options to increase ridership at stations with low ridership, including investing in a ridership campaign to promote stations with low ridership;

(ix) The projected ridership after investing in a ridership campaign to promote the stations;

(x) The schedule for installing ticket vending machines at the stations and whether such vending machines have already been purchased;

(xi) Whether a vending machine that is scheduled to be installed at another station could temporarily be used at either or both of these stations;

(xii) The impact on riders boarding at these stations if vending machines are not installed at the stations;

(xiii) An evaluation of potential increased bus service to the stations, and parking lot expansion near the stations, including any possible options for parking lot expansion;

(xiv) Specific efforts undertaken to:

1. Attract new riders on the lines and to retain riders already using the lines; and

2. Improve access for individuals with disabilities;

(xv) Potential alternatives to closing stations that would achieve greater efficiency on the Brunswick and Camden CSX lines;

(xvi) Potential sources of alternative funding for the operating

and capital costs of keeping the stations open, including collaboration with local governments; and

(xvii) The description of the $300,000 passenger warning system for the Dickerson Station and whether other possible, less costly, passenger warning systems were considered and the reasons why such systems were not employed; and

(2) With regard to the St. Denis Station on the CSX line between Camden Station in Baltimore and the District of Columbia:

(i) The information required under items (1)(vii) through (xvi) of this subsection;

(ii) The implications of closing a passenger railroad service facility that is a State or federally designated historic landmark or that is located in a State or federally designated historic district;

(iii) The impact on traffic congestion along the Interstate 95, Interstate 295, and Md State Route 100 corridors as a result of the station closure;

(iv) The effect of closing the St. Denis Station on ridership at the Halethorpe Station, including the effect on traffic and parking at the Halethorpe Station and in Arbutus;

(v) The projected ridership at the St. Denis Station if train stops are increased up to nine stops; and

(vi) The projected ridership at the St. Denis Station if service to and from Baltimore is resumed.

(h) (1) Until a public hearing is held on the matter, the Administration may not establish or abandon a station on a route.

(2) The Administration shall give notice of a hearing at least 30 days before the hearing.

(3) The notice shall be:

(i) Published once a week for 2 successive weeks in two or more newspapers of wide circulation throughout the Administration's commuter rail service area; and

(ii) Posted in all of the Administration's offices, stations, and terminals and all of its commuter rail rolling stock in revenue service.

(4) The 30–day period begins when the notice first appears in the newspaper.

(5) (i) If the Administration gives inadequate notice of a public hearing on a matter described in paragraph (1) of this subsection, the Administration may not establish or abandon a station unless a legally sufficient public hearing is held.

(ii) For the purposes of this paragraph, notice shall be considered inadequate if:

1. The Administration does not comply with the newspaper publication requirement under paragraph (3)(i) of this subsection; or

2. At least 30% of the Administration's facilities are not posted as required under paragraph (3)(ii) of this subsection.

(6) The Administration may implement a change of policy on a matter described in paragraph (1) of this subsection only during the time period beginning 6 weeks after the date of the public hearing and ending 6 months after the date of the public hearing.

§7–903.

Every rule, regulation, form, order, and directive adopted by or relating to the former State Railroad Administration remains in effect until changed by the Maryland Transit Administrator or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, deed or any other document to the State Railroad Administration means the Maryland Transit Administration.

§7–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) "Door–to–door transportation" means providing, through prearranged appointment, safe escort from a departure point, into and out of a transport vehicle and to the door of the destination.

(c) "Low–income to moderate–income" means the household income of an individual does not exceed 400% of the poverty threshold that is established by the United States Department of Commerce, Bureau of Statistics for a given year.

(d) "Program" means the Maryland Senior Rides Program established under this subtitle.

(e) "Program applicant" means a government agency, nonprofit entity, or faith–based agency that provides transportation services and is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(f) "Program participant" means a Program applicant that has been approved for participation in the Program.

(g) "Senior" means an individual age 60 or older.

§7–1002.

(a) There is a Maryland Senior Rides Program in the Administration.

(b) The purpose of the Program is to encourage regional providers to provide door–to–door transportation for low–income to moderate–income seniors.

(c) The Administration shall award grants to qualified Program applicants, as provided in § 7–1003 of this subtitle, for the operation of transportation services as specified in this section.

(d) To be eligible for a grant under § 7–1003 of this subtitle, a Program applicant shall:

(1) Provide door–to–door transportation for low–income to moderate–income seniors who have difficulty accessing or using other existing transportation systems;

(2) Use primarily volunteer drivers who drive their own vehicles;

(3) Use a dispatcher system to respond quickly to requests from low–income to moderate–income seniors for door–to–door transportation; and

(4) Define a geographic area for which door–to–door transportation is provided.

(e) A Program participant may provide door–to–door transportation to an eligible senior who does not reside in the geographic area defined by the Program participant under subsection (d)(4) of this section when applying to participate in the Program, so long as service is not diminished to an eligible senior who does reside in the defined geographic area.

(f) A Program participant shall expend a matching fund of at least 25% of the total capital or operating costs associated with providing door–to–door transportation for low–income to moderate–income seniors.

(g) The Administration may not award more than $500,000 in grants per year.

(h) A Program participant may charge reasonable fees for door–to–door transportation provided by the Program participant.

(i) Nothing in this section prohibits a Program participant from providing services in addition to those described in subsection (d) of this section.

§7–1003.

The Administration shall:

(1) Solicit grant applications from prospective Program applicants;

(2) Award grants to qualified Program applicants;

(3) Ensure that the grants awarded under item (2) of this section are distributed among Program applicants to provide door–to–door transportation in the following areas:

(i) The Baltimore Metropolitan Area;

(ii) The Washington, D.C. Metropolitan Area;

(iii) Western Maryland;

(iv) Southern Maryland; and

(v) The Eastern Shore; and

(4) Ensure, to the extent practicable, that at least one grant is awarded to Program applicants to provide door–to–door transportation in each of the following areas:

(i) A rural area;

(ii) An urban area; and

(iii) A suburban area.

§7–1004.

(a) The Administration shall consult with the Department of Aging when considering the eligibility of a Program applicant for a grant under § 7-1003 of this subtitle.

(b) When awarding a grant under § 7-1003 of this subtitle, the Administration shall consider:

(1) The ability of the Program applicant to provide door-to-door transportation to low-income to moderate-income seniors;

(2) The projected volume of ridership;

(3) The Program applicant's marketing and outreach plan to attract riders and drivers;

(4) The ability of the Program applicant to sustain door-to-door transportation for low-income to moderate-income seniors beyond the time when grants may be available;

(5) The ability of the Program applicant to coordinate its dispatcher system with a local central dispatcher system; and

(6) The extent to which the Program applicant encourages:

(i) Shared ridership;

(ii) Coordination between public and private sector transportation providers; and

(iii) Innovations in risk management for drivers and riders.

(c) In consultation with the Department of Aging, the Maryland Insurance Administration, and senior citizen advocacy groups, the Administration shall adopt regulations to implement this subtitle, including regulations governing:

(1) Criminal background and driving record checks of drivers;

(2) Driver and vehicle safety;

(3) Driver training; and

(4) The liability coverage of a Program applicant that provides door-to-door transportation under the Program.

§7–1005.

A Program participant that receives a grant under § 7-1003 of this subtitle shall submit to the Administration a written report annually, which shall include:

(1) The number of riders and drivers participating in the Program;

(2) The amount and source of matching funds used for grants awarded under § 7-1003 of this subtitle;

(3) The nature of cooperative efforts between the Program participant and other government and private-sector entities;

(4) Innovations in risk management for drivers and riders;

(5) If the Program participant charges fees for door-to-door transportation:

(i) The fee schedule used by the Program participant;

(ii) The methodology used in establishing the fee schedule; and

(iii) The total amount of fees collected by the Program participant;

(6) The amount and source of any revenue, other than fees reported under

item (5) of this section, generated by the Program participant in connection with the Program; and

(7) Any other information required by the Administration to evaluate and operate the Program and monitor the use of grant funds awarded to the Program participant.

§8–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the State Highway Administration.

(c) "Administrator" means the State Highway Administrator.

(d) "Bicycle and pedestrian priority area" means a geographical area where the enhancement of bicycle or pedestrian traffic is a priority.

(e) "Commission" means the State Roads Commission.

(f) "Controlled access highway" means a major highway with the same characteristics as an expressway, except that the conflict of cross streams of traffic is not eliminated necessarily at each intersection by grade separation structures.

(g) "County road" means any public highway:

(1) The title to which or the easement for the use of which, is vested in a public body or governmental agency; and

(2) That is not a State highway or located in Baltimore City.

(h) "Expressway" means a major highway of two or more traffic lanes in each direction that is designed to eliminate principal traffic hazards and has the following characteristics:

(1) A median divider separating opposing traffic lanes to eliminate head-on collisions and sideswiping;

(2) Grade separation structures to eliminate the conflict of cross streams of traffic at each intersection;

(3) Points of entrance and exit limited to predetermined locations;

(4) Vertical curves long enough to provide long sight distances; and

(5) Shoulders wide enough to permit vehicles to stop or park out of traffic lanes.

(i) "Highway" includes:

(1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

(2) Any other property acquired for the construction, operation, or use of the highway.

(j) "Interstate highway" means a State highway that is part of the national interstate system in this State, as designated by the Administration and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(k) (1) "Maintenance" means the upkeep and repair by which a highway, building, equipment, and other property is kept in an ordinarily efficient operating condition.

(2) "Maintenance" does not include construction, reconstruction, or relocation.

(l) "Primary highway" means a State highway that has been designated a primary highway by the Administration with the approval of the Secretary.

(m) "Project" means the construction, reconstruction, or relocation of one or more sections or parts of the State highway system.

(n) (1) "Railroad grade separation" means any overpass or underpass that eliminates a railroad grade crossing.

(2) "Railroad grade separation" includes:

(i) The overpass and underpass structure and the approaches to them;

(ii) Any related entrance plazas, interchanges, connecting highways, and other structures; and

(iii) Any other property acquired for the construction, operation, or use of the railroad grade separation.

(o) "Road" means a highway.

(p) "Secondary highway" means a State highway that is neither a primary highway nor interstate highway.

(q) "State highway" means any public highway owned by this State.

(r) "State highway system" means the system of State-owned primary and secondary highways throughout this State.

(s) "Street" means a highway.

§8–102.

(a) It is the policy of this title to promote an efficient and economical transportation system.

(b) The Department of Transportation and the State Highway Administration may not proceed to the final project planning phase unless it has been determined that the objective of the proposed project cannot be reasonably achieved through:

(1) Improvements in highway maintenance and safety;

(2) Projects that modify existing highways but provide for minimal relocation or new highway construction; and

(3) Improvements in, or adoption of, transit alternatives, including mass transit alternatives.

§8–201.

There is a State Highway Administration in the Department.

§8–202.

(a) The head of the Administration is the State Highway Administrator, who shall be appointed by the Secretary with the approval of the Governor.

(b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.

(2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:

(i) The powers and duties vested by law in the Administration, except those powers and duties that are vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution; and

(ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.

(c) The Administrator is entitled to the salary provided in the State budget.

§8–203.

(a) The exercise of the powers and duties of the Administration is subject to

the authority of the Secretary and, where applicable, the Maryland Transportation Authority.

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary or the Maryland Transportation Authority, as the case may be.

(c) This section does not apply to the powers and duties vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution.

§8–204.

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration may adopt rules and regulations to carry out the provisions of this title.

(c) (1) The Administration shall:

(i) Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and

(ii) 1. If the Administration and a local government designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.

2. If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.

(2) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:

(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and

(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.

(d) The Administration may consult, confer, and contract with any agency or representative of the federal government, this State, or any other state or with any other person in furtherance of the duties of the Administration and the purposes of this title.

(e) (1) Subject to § 2-103.4 of this article, the Administration may employ

engineers, accountants, professional and technical experts, surveyors, skilled and unskilled laborers, advisors, consultants, and any other agents and employees that it considers necessary to carry out its powers and duties.

(2) Any employee of the Administration may be bonded under Title 9, Subtitle 17 of the State Government Article.

(3) The Administration may determine the compensation of executive management positions, as recommended by the Secretary of Transportation and approved by the Governor, subject to approval in the budget.

(f) The Administration may purchase any machines, tools, implements, appliances, supplies, materials, and working agencies that it considers necessary to carry out any of its powers or duties under this title.

(g) The Administration may rent or lease any offices and other places that it considers necessary to carry out its powers and duties.

(h) By rules or regulations consistent with the safety and welfare of the traveling public, the Administration may govern the control and use of rest areas, scenic overlooks, roadside picnic areas, and other public use areas within State highway rights-of-way.

(i) The Administration shall:

(1) Plan, select, construct, improve, and maintain the State highway system; and

(2) By July 1, 1997, in coordination with local governments, draft a plan for a bicycle priority route system that provides a viable network for bicycle transportation throughout the State.

§8–205.

(a) (1) The Administration shall keep books that show in detail all expenditures made to establish or improve highways in this State or to perform any other of its duties.

(2) The Administration shall compile and publish annually and shall keep copies of maps, plans, and statistics that show the progress and status of work on all State highways and, by county, the county roads of each county in this State.

(3) The Administration shall keep a record of each contract, agreement, grant, or license that it makes or issues.

(b) Except as provided by law, all books and records of the Administration are public records and open to public inspection.

§8–206.

The Administration shall keep its accounts relating to State highway construction, reconstruction, and maintenance so as to make readily obtainable information on expenditures for the following:

(1) Preliminary work, including: preliminary engineering surveys; preliminary plans and estimates; preliminary engineering investigations and studies; subsoil investigations and borings; test piles; traffic studies; and traveling, transportation, and subsistence expenses of personnel assigned to preliminary work;

(2) Acquisition of rights-of-way, including: property surveys; legal costs in connection with property acquisition; cost of property acquired; appraisals; traveling, transportation and subsistence expenses of personnel assigned to rights-of-way; and any other costs incurred in the acquisition of property;

(3) Construction, including: payments made to contractors, builders, and materialmen, including payments for all labor and material for the construction of the project; demolition; machinery; and equipment;

(4) Engineering, including: preparation of contract plans and specifications; estimates; supervision of construction; inspection of workmanship and materials; mill and shop inspection; tests of materials; control surveys; traveling, transportation, and subsistence expenses of engineers assigned to the design and preparation of contract plans and specifications, surveys, supervision of construction, and inspection of construction work;

(5) Administrative and legal services, including: accounting; supervision; legal expenses; traveling, transportation, and subsistence expenses of personnel; and other administrative expenses, including any parts of the general administrative expenses of the Administration allocated or prorated to the project; and

(6) Miscellaneous expenses, including: any other item of expense not otherwise covered by this section.

§8–207.

Except as provided in §§ 3–102 and 4–209 of this article or as otherwise reasonably required for purposes of Part II of this subtitle or for purposes of the powers and duties vested in the State Roads Commission by Article III, § 40B of the Maryland Constitution:

(1) Every resolution, rule, regulation, form, order, and directive adopted by or relating to the former Director of Highways of the State of Maryland or adopted by or relating to the State Roads Commission or its Chairman remains in effect until changed by the Administrator or the Secretary; and

(2) Except as otherwise provided in this article or by the Administrator or

the Secretary, every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document:

(i) To the State Roads Commission, means the Administration; and

(ii) To the Director of Highways or the Chairman of the State Roads Commission, means the Administrator.

§8–210.

There is a State Roads Commission in the Administration.

§8–211.

(a) The Administrator is the Chairman of the Commission.

(b) In addition to the Chairman, the Commission consists of seven regional members appointed by the Secretary with the approval of the Governor.

(c) (1) At least two of the regional members of the Commission shall be registered members of one of the two leading political parties in this State other than the party to which the Governor belongs.

(2) Of the regional members of the Commission:

(i) One shall be a resident of the Eastern Shore of Maryland;

(ii) One shall be a resident of Anne Arundel County, Charles County, Calvert County, or St. Mary's County;

(iii) One shall be a resident of Prince George's County;

(iv) One shall be a resident of Montgomery County;

(v) One shall be a resident of Baltimore County, Harford County, or Howard County;

(vi) One shall be a resident of Baltimore City; and

(vii) One shall be a resident of Carroll County, Frederick County, Washington County, Allegany County, or Garrett County.

§8–212.

(a) Each member of the Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.

(b) (1) Each regional member of the Commission serves for a term of 5 years and until his successor is appointed and qualifies. The terms of these members shall

be staggered as required by prior appointments, three of which were made for a 1–year term beginning June 1, 1959, three of which were made for a 2–year term beginning June 1, 1959, and one of which was made for a 4–year term beginning June 1, 1969.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(c) A regional member of the Commission is entitled to the compensation provided in the State budget, but in no event may compensation exceed $10,000 per member annually.

§8–213.

(a) With the approval of the Secretary, the Chairman of the Commission may adopt any bylaws and rules of procedure that the Chairman considers necessary to conduct the business of the Commission.

(b) (1) The Commission shall meet at least twice each month and at any other time that the Chairman or the Secretary requests.

(2) A majority of the members of the Commission constitutes a quorum for the conduct of its business.

§8–214.

(a) With the approval of the Secretary of Transportation, the Commission shall appoint a secretary to the Commission.

(b) The Commission secretary may not be a member of the Commission.

(c) The Commission secretary is entitled to the compensation that the Secretary determines, as provided in the State budget.

(d) The Commission secretary shall:

(1) Keep accurate minutes of all meetings and records of all other transactions of the Commission;

(2) Make copies of all notices that the Chairman directs to be published;

(3) Preserve all certificates of publication; and

(4) Perform any other duties imposed by law or assigned by the Chairman.

§8–215.

(a) The Chairman of the Commission may appoint one or more employees of the Administration to serve as assistant secretaries.

(b) (1) An assistant secretary has the duties provided by law, assigned by the Chairman, or delegated by the Commission secretary.

(2) If the Commission secretary temporarily is unable to perform his duties, an assistant secretary designated by the Chairman shall perform those duties.

(c) An assistant secretary is not entitled to any compensation in addition to that which he receives as an employee of the Administration.

§8–216.

(a) (1) The Commission secretary shall keep a journal for the Commission and enter in the journal detailed minutes of meetings and records of other transactions of the Commission.

(2) The Chairman and the Commission secretary shall attest to the accuracy of each entry in the journal at the next Commission meeting held after the entry is made.

(b) Except as provided by law, the journal and all other records of the Commission are public records and open to public inspection.

§8–217.

A member of the Commission may not have any financial interest in any contract made for work, material, or otherwise in connection with any of the activities of the Administration.

§8–218.

(a) The Commission has the powers and duties:

(1) That are vested in it by Article III, § 40B of the Maryland Constitution, subject to and in accordance with the provisions of Subtitle 3, Parts III and IV of this title; and

(2) That otherwise are vested in it by law or delegated to it by the Administrator or the Secretary.

(b) Only the Commission may exercise the condemnation powers and duties vested in it by Article III, § 40B of the Maryland Constitution.

§8–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Court" means the circuit court for any county.

(c) "Land" means real property or any interest in it.

(d) "Plat" means a plat or a map.

§8–302.

(a) The Administration may acquire for this State, by condemnation under Title 12 of the Real Property Article or by lease, agreement, gift, grant, purchase, or otherwise, any private property for any public purpose that it considers necessary or desirable to perform the duties imposed by this title or for any other purpose authorized under this title.

(b) On behalf of and at the request of the Administration, the State Roads Commission may exercise the authority vested in it by Article III, § 40B of the Maryland Constitution and acquire for this State, by condemnation under Part III or Part IV of this subtitle, any private property for any highway purpose.

§8–303.

(a) As provided in this section, the Administration may acquire any publicly owned property or jurisdiction over it, for any purpose authorized by this subtitle.

(b) (1) Notwithstanding any other provision of law, any political subdivision or agency of State or local government may transfer to this State, for use by the Administration in a highway project, any publicly owned property or jurisdiction over it, as necessary or desirable for that project.

(2) If title to property already is held by this State for the use of a political subdivision or agency of State or local government and the political subdivision or agency consents to the transfer, this State may transfer to itself, for use by the Administration in a highway project, any required part of the property or jurisdiction over it.

(c) (1) The terms of a transfer of property under this section shall be those that the Administration and the transferor agree to as reasonable and fair.

(2) A transfer under this section may be made even if the property is used or is intended to be used for another public purpose.

(3) Neither a transfer under this section nor the terms of the transfer may modify or impair any contract, commitment, declaration of trust, or similar instrument made by the transferor.

(d) This section does not create a condition precedent to or otherwise limit in any way the power to condemn property under this subtitle.

§8–304.

(a) The Administration and any political subdivision may agree to transfer title to, jurisdiction over, or responsibility for maintenance of:

(1) A county road to this State; or

(2) A State highway to the political subdivision.

(b) If the Administration acquires title to a county road, it shall pay necessary relocation assistance to any public service company that, because of the exercise of its franchise, has occupied the road or acquired any interest in it and is required to relocate its facilities.

§8–305.

(a) Upon a preliminary determination by the Administration to undertake acquisition of any property for any project in advance of a public hearing on that project at which proposed right-of-way lines are identified, and prior to the obtainment of appraisals and property surveys, the Administration shall:

(1) Notify the local governing body of any county and any municipality within which the property is located of the intent to acquire the property and the purpose for which it is to be acquired; and

(2) Provide such local governing bodies at least 30 days in which to submit comments on the proposed acquisition.

(b) Acquisitions for traffic signals, safety and resurfacing and spot improvement projects are exempt from these requirements.

§8–306.

(a) When property is acquired under this subtitle, the real estate taxes due on the property shall be apportioned as of the earlier of:

(1) The date on which the Administration or Commission takes possession or has the right to take possession of the property; or

(2) The date on which the title to the property is transferred.

(b) The Administration or Commission shall pay its share of those real estate taxes as are due for the year in which the date of apportionment occurs.

§8–307.

(a) (1) Subject to paragraph (2) of this subsection, if any property acquired under this subtitle is subject to a front-foot or other benefit assessment levied by a special tax district, the amount of the assessment unpaid at the date of the acquisition, including any interest on the assessment accrued to that date, immediately becomes due and payable to the special tax district and constitutes a lien against the property.

(2) If the property acquired is only a part of a larger lot, parcel, or

other unit of land on which a single assessment is levied, the amount of the unpaid assessment and accrued interest that becomes due and payable and subject to this section is limited to that percentage of the full assessment and interest that is equitably attributable to the part acquired, computed and prorated in accordance with the basis, whether front footage, size, number of units, or otherwise, by which the full assessment was computed for and levied on the entire lot, parcel, or other unit.

(b) If the property is acquired otherwise than by condemnation, the Administration, before final settlement with the property owner, shall provide for payment of the unpaid amount of the assessment to the special tax district by deducting this amount from the total amount to be paid to the property owner. Until the assessment is paid and the lien satisfied, a deed evidencing the acquisition may not be recorded among the land records of the county.

(c) (1) If the property is acquired by condemnation, the provisions of this subsection apply.

(2) If the special tax district is not a party to the condemnation proceeding, the jury may consider the amount of the unpaid assessment in determining the amount of damages. If it does so, the property owner is entitled to the full amount awarded for the property value, and the amount due for the unpaid assessment shall be paid by the Administration to the special tax district. If it does not do so, the Administration shall provide for the payment of the unpaid assessment as required by subsection (b) of this section.

(3) If the special tax district is a party to the condemnation proceeding, the jury shall make:

(i) An award in favor of the special tax district for the unpaid amount of the assessment; and

(ii) A separate award in favor of the property owner for the value of the property, less the unpaid amount of the assessment.

§8–308.

(a) Subject to any terms and conditions imposed by the Administration and approved by the Board of Public Works, any land acquired under this subtitle may be used by the transferor of the land in common with the Administration until construction of the transportation project actually begins.

(b) This section does not prevent the Administration, in its discretion, from removing any building or structure from the land. In addition, the transferor may not construct any building or other structure on the land or use the land in any way that will result in the payment of any additional money or damages for the land.

§8–309.

(a) The purpose of this section is to return unneeded land to the tax rolls of the counties and to make this land available for use by a county or municipality for any transportation purpose.

(b) (1) Notwithstanding any other statute to the contrary, if land acquired under this subtitle is not needed for present or future State, county, or municipal transportation purpose or other public purposes, the Administration shall dispose of the land as soon as practicable after the completion or abandonment of the project for which the land was acquired.

(2) (i) If the land is from a project that was abandoned, and the Secretary determines that the property is no longer needed for any State transportation purpose, a county or municipality may acquire the land for a transportation purpose, with the approval of the Secretary, on payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(ii) If the land is not needed for a county or municipal transportation purpose, the person from whom the land was acquired or the successor in interest of that person has the right to reacquire the land, on payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market value calculated from the time of acquisition to the time of disposition and administrative costs.

(iii) If neither of these rights is exercised, the land shall be disposed of under this section in the same manner as if the land were from a project that has been completed or otherwise as permitted by this section.

(c) (1) (i) As to land from a completed project:

1. The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, within 30 days after making a determination that the land is not needed by the Administration and that the land is available for reacquisition;

2. Within 5 years from the date the land was acquired, the person from whom the land was acquired, or the successor in interest of that person, may reacquire the land, on payment of an amount equal to the consideration that the

Administration or Commission originally paid for the property; and

3. After 5 years from the date the land was acquired, the person from whom the land was acquired, or the successor in interest of that person, has the right to reacquire the land at the current market value.

(ii) If the right to reacquire the land as provided in subparagraph (i) of this paragraph is not exercised within 8 months after the Administration provides the notice that the land is available, the Administration shall sell the land at public auction as provided in this subsection.

(2) Before the sale:

(i) The Administration shall appraise the land; and

(ii) If the Administration believes that the land has a value of more than $25,000, the land also shall be appraised by at least one independent, qualified real estate appraiser.

(3) The Administration shall notify the public of the sale by:

(i) Posting a notice of the sale on the land at least 2 weeks before the sale; and

(ii) Publishing the notice for 2 consecutive weeks in a newspaper that is published or has general circulation in the county in which the property is located.

(4) The notice of the sale shall:

(i) Describe generally the property to be sold;

(ii) State the date, time, and place of the sale; and

(iii) Contain any other information that the Administration considers proper.

(5) The sale shall be held on or near the land and may be conducted by Administration personnel.

(6) At the conclusion of the sale, the Administration's representative in charge of the sale shall announce publicly the name of the highest bidder and the amount of the bid. If the highest bid does not approximate the appraised value of the land, the representative may reject all bids and cancel the sale.

(7) The results of the sale shall be recorded and, if the highest bid was accepted by the Administration's representative, presented to the Administrator for approval or rejection. If the Administrator approves the sale, the Administrator may execute a deed conveying the land to the buyer.

(8) If there is no bidder for the land, if all bids are rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the Administrator considers all bids inadequate, the land shall be reoffered for sale within 6 months on the same terms and in the same manner as the original sale.

(9) At the second sale, if there is no bidder for the land, if all bids are rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the Administrator considers all bids inadequate, the Administrator may negotiate a sale of the land. If the Board of Public Works approves the negotiated sale and the deed, the Administrator may execute a deed conveying the land to the buyer.

(d) As to any land from a completed project, if the Administration considers the land to be too small or otherwise unsuitable for private use or development, the Administration shall establish a plan of disposal for that land. If the Board of Public Works approves the plan and the deed, the Administrator may execute a deed conveying the land under the plan.

(e) (1) Notwithstanding any other provision of this section, the Administration may convey land from an abandoned or completed transportation project by exchanging the land for privately or publicly owned land of substantially equal value when the land to be acquired by the exchange is needed for a current State highway purpose that has been identified within the current consolidated transportation program as approved by the General Assembly, or has otherwise received prior legislative approval for planning.

(2) In the case of an abandoned or completed project, the person from whom the land was acquired, or the successor in interest of that person, shall have the first right of refusal to reacquire the land, except that the offer and acceptance shall be as follows:

(i) The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, in writing, by certified mail, return receipt requested of the proposed exchange and the value of the property;

(ii) Within 90 days from the date of the notice, the person from whom the land was acquired, or the successor in interest of that person, shall notify the Administration in writing of its intent to exercise its right to reacquire the land; and

(iii) Within 90 days from the date of notifying the Administration of its intent to reacquire the land, the person from whom the land was acquired, or the successor in interest of that person, must tender payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from

the time of acquisition to the time of disposition and administrative costs.

(3) The person from whom the land was acquired, or the successor in interest of that person, is deemed to have waived its right of first refusal if the person or the successor in interest fails to follow the procedures set forth in paragraph (2) of this subsection.

(4) In the case of a completed project or an abandoned project for which the right of first refusal was waived, the procedure for the exchange shall be as follows:

(i) If the exchange is not one proposed by a county or municipality, the Administration shall:

1. Notify by registered mail any affected county or municipality of the offer for an exchange of a parcel;

2. Allow 60 days after notification for any affected county or municipality to make a request to acquire the parcel or part of the parcel located within the borders of the county or municipality and for the Administration to consider any such request; and

3. If any affected county or municipality makes an offer to acquire the parcel, or part thereof within that jurisdiction's borders, that is equal to or greater than, or includes land of an equal or greater value than, the appraised value of the parcel or applicable portion thereof, the Administration shall accept that offer;

(ii) Before making an exchange under this subsection, the exchange must be approved by the Board of Public Works; and

(iii) If the Administrator and the Board of Public Works approved the terms and conditions of the exchange and all deeds, the Administrator may execute and accept deeds effecting the conveyances necessary to complete the exchange.

(5) Before the exchange:

(i) The Administration shall appraise all parcels of land to be exchanged; and

(ii) If the Administration believes that any parcel of land in the exchange has a value of more than $25,000, the parcels of land also shall be appraised by at least one independent, qualified real estate appraiser.

(6) In the event that the properties to be exchanged are determined to be of unequal value, the Administrator may agree to accept or pay an amount necessary to substantially equalize the value of land conveyed by the State.

(7) The owner of land exchanged under this subsection is not entitled to first right of refusal if the exchanged land is later offered for sale by the State.

(f) (1) Except as required by this section for property from an abandoned project, this section does not prevent the Administration from conveying any of its surplus land to an adjacent property owner:

(i) As all or part of the consideration for a right-of-way transaction; or

(ii) If the Administration believes that public auction of the surplus land will affect adversely the value or use of the surplus land, on a negotiated sale with a price based on the appraised value of the land.

(2) If the Administration believes that any land proposed for sale under this subsection has a value of more than $25,000, the land shall be appraised by at least one independent, qualified real estate appraiser.

(3) If the Board of Public Works approves the sale and the deed, the Administrator may execute a deed conveying the land to the adjacent property owner.

(g) Except as required by this section for property from an abandoned project, this section does not prevent the Administration, with the approval of the Board of Public Works, from conveying any of its surplus land to any State or local agency that:

(1) Needs the property for a public purpose; and

(2) Pays the Administration an amount equal to the lesser of:

(i) The appraised value of the land; or

(ii) The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(h) (1) If the land is not to be used for any other public purpose by a State or local agency, the person from whom unimproved land was acquired shall have the first right of refusal to lease back the property at the fair market rent established by the acquiring agency.

(2) (i) The person from whom an owner-occupied residential property was acquired shall have the first right of refusal to lease back the property at the fair market rent established by the acquiring agency.

(ii) On the exercise of the right to lease back the property, the period of eligibility for an additional payment as authorized under § 12-202 of the Real Property Article shall be calculated as provided in § 12-203(1) of the Real Property Article.

(i) (1) (i) In this subsection, "former owner" means only that person from whom the State acquired the land or who executed the instrument conveying the land

to the State.

(ii) "Former owner" includes a decedent's:

1. Surviving spouse, as defined in § 1-202 of the Estates and Trusts Article; and

2. Child, as defined in § 1-205 of the Estates and Trusts Article.

(2) Notwithstanding any other law to the contrary, the Administration may, after giving notice to the Maryland Department of Planning and with the approval of the Board of Public Works, convey any of its surplus land if the conveyance will promote economic development in the State of Maryland.

(3) Prior to conveying land in accordance with paragraph (2) of this subsection, the Administration shall notify the former owner of that person's right to reacquire the land.

(4) Within 45 days after the notice to the former owner by the Administration that the land is not needed and is available for reacquisition, the former owner may notify the Administration of its intent to exercise the right to reacquire the land in accordance with this subsection.

(5) Within 45 days of the notice to the county or municipal corporation by the Administration that the land is not needed and is available for purchase, the county or municipal corporation in which the property is located may notify the Administration of its interest in purchasing the land.

(6) The right of a former owner to reacquire land under this subsection:

(i) Is not assignable and may be transferred only as a result of the death of a former owner;

(ii) Is null and void unless the person or persons exercising the right tender the required payment within 60 days of the approval of the sale by the Board of Public Works to that person or persons; and

(iii) Shall take precedence over the right of the county or municipal corporation to acquire the land in the event both the former owner and the county or municipal corporation notify the Administration of their intent to purchase.

(7) (i) The Administration may negotiate the sale of land to be conveyed under this section.

(ii) In determining the consideration to be paid for the land, the Administration shall consider:

1. The appraised value of the land; and

2. The economic benefits to the State of the proposed development of the property.

(iii) The consideration may include payment in cash or exchange of privately or publicly owned land.

(8) The notification and disposition provisions contained in this section do not apply to a conveyance made under this subsection.

(9) Land conveyed under this subsection shall be subject to local zoning laws.

§8–310.

(a) In this section, "Board" means the State Highway Access Valuation Board.

(b) (1) The Secretary shall establish a State Highway Access Valuation Board in the Administration.

(2) The Board shall consist of:

(i) The Administrator or the Administrator's designee;

(ii) The Secretary of the Department of Planning or the Secretary's designee; and

(iii) The Secretary of the Department of Business and Economic Development or the Secretary's designee.

(3) The Administrator or the Administrator's designee shall serve as chairman of the Board.

(4) The Board shall determine the times and locations of its meetings and shall conduct business in accordance with procedures established by the Board.

(5) A member of the Board:

(i) May not receive compensation as a member of the Board; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(6) The Administration shall provide staff to the Board.

(c) (1) This subsection does not apply to an interstate highway.

(2) If an owner of property that abuts a State highway where the State

owns control of access seeks to purchase a right of access to the highway, the owner may petition the Administration to sell to the owner a right of access.

(3) Within 60 days of receiving a petition under paragraph (2) of this subsection, the Administration shall act on the petition.

(4) The Administration shall:

(i) Approve the granting of the right to access the State highway, the terms governing access, and, if available at the time, the cost of the right of access; or

(ii) Deny the petition, citing the Administration's reasons for denial.

(5) If the Administration is willing to grant access to a State highway to the owner of abutting property but is unable to determine the cost within the time required under paragraph (3) of this subsection, the Administration shall inform the property owner of the cost of the right of access within 60 days after its response under paragraph (4)(i) of this subsection.

(d) If a petitioner is not satisfied with the decision of the Administration on the cost of the right of access under subsection (c)(4) or (5) of this section, the owner may appeal the Administration's decision to the Board.

(e) Following receipt of an appeal under subsection (d) of this section, the Board shall:

(1) Review the appeal and request any documentation that the Board considers necessary to fully consider the property owner's request to purchase the right of access and the Administration's response;

(2) Hold at least one public hearing on the appeal of the property owner and response of the Administration; and

(3) Evaluate the appeal in terms of the impact that a grant of access rights would have on economic development, environmental protection, and other policy considerations that the Board considers relevant.

(f) (1) At any time following the public hearing, but within 6 months of the date of the petition, the Board shall render a final decision on the appeal.

(2) The Board may affirm, reverse, or modify the decision of the Administration on the cost of the right of access from which the property owner appealed.

(3) The Board may include the terms of the sale related to the cost of the right of access in its decision on the cost of the right of access.

(4) A decision by the Board under this subsection:

(i) Shall be based on the record developed by the Board;

(ii) Shall require the affirmative vote of at least two members of the Board; and

(iii) Notwithstanding any other provision of law, shall be binding on the Administration, but subject to approval of the Board of Public Works.

§8–312.

(a) The purposes of acquisition specified in this part are in addition to any others specified by law.

(b) Unless otherwise expressly provided in this part, property acquired for any purpose specified in this part may be acquired by any of the means authorized by § 8-302 of this subtitle.

§8–313.

(a) (1) Any land may be acquired under this subtitle for any State highway construction purpose.

(2) Any land along or near any State highway may be acquired under this subtitle:

(i) To protect the highway or any scenery along or near it;

(ii) For landscaping the highway;

(iii) To provide parking and service areas along the highway; or

(iv) For any similar purpose.

(b) Land may not be acquired under this section by condemnation unless the Administration determines that the land is needed for immediate or proposed construction of a State highway or a related parking or service area. However, land may be acquired for a related parking or service area only if it is adjacent to a controlled access highway.

(c) (1) A motel, restaurant, or gasoline or automobile service station may not be operated or permitted by the Administration or by any other agency or political subdivision of this State on any highway or related parking or service area the land for which was acquired under this subtitle.

(2) This subsection does not apply to any toll highway.

(d) The interests in land that may be acquired under this section include

easements restricting or subjecting to administrative regulation the right of the owner or other persons to:

(1) Erect buildings or other structures;

(2) Construct a private drive or road;

(3) Remove or destroy shrubbery or trees;

(4) Place trash or unsightly or offensive material on the land; or

(5) Display signs, billboards, or advertisements on the land.

(e) If any land is acquired under this section, the instrument conveying the land shall set forth clearly the specific restrictions or other interests acquired. These restrictions shall run with the land to which they apply and bind all subsequent holders, except as the instrument otherwise expressly provides.

§8–314.

(a) The purposes of this section are:

(1) To promote the public safety, convenience, and enjoyment of travel on and protect the public investment in the highways of this State;

(2) To restore, preserve, and enhance scenic beauty along these highways; and

(3) To enable this State to receive from and spend the nonmatching funds provided by the federal government under Title 23 of the United States Code.

(b) For the purposes specified in subsection (a) of this section, land may be acquired under this subtitle as the Administration considers necessary:

(1) To restore, preserve, or enhance scenic beauty along federal-aid highways in this State; or

(2) To construct publicly owned and controlled rest and recreation areas and sanitary and other facilities along the highway as necessary to accommodate the traveling public.

§8–315.

(a) Even if not needed for highway purposes, property along controlled access highways may be acquired under this subtitle if:

(1) The property is cut off from suitable access to a public highway because of the construction or reconstruction of any controlled access highway; or

(2) The property is needed to provide a right-of-way or entrance to a public highway from any property that has been denied access to a public highway because of the construction or reconstruction of a controlled access highway.

(b) Property may be acquired under this subtitle for a highway beautification project as specified in Subtitles 7 and 8 of this title, by the means and for the purposes specified in those subtitles.

§8–318.

(a) If property is to be condemned under this subtitle for a highway purpose, the Administration shall request the Commission to condemn the necessary property under this part. However, if the Commission considers the procedures of this part inappropriate, the property may be condemned by the Commission under Part IV of this subtitle or by the Administration under Title 12 of the Real Property Article.

(b) Except as provided in this part, condemnation proceedings under this part shall follow the procedures set forth in Title 12 of the Real Property Article and the Maryland Rules.

§8–319.

Property may be acquired under this part for a State highway only if the highway has:

(1) Each of its termini within an area in this State that the Administration recognizes as a principal traffic generating center;

(2) Each of its termini at or near a public highway in this State;

(3) One terminus within an area in this State that the Administration recognizes as a principal traffic generating center and the other terminus at or near a public highway in this State; or

(4) One terminus within an area in this State that the Administration recognizes as a principal traffic generating center or at or near a public highway in this State and the other terminus at the boundary of another State connecting with a highway recognized by the Administration as a principal traffic distribution, collection, or dispersal artery.

§8–320.

(a) Before any property is condemned under this part, the Administration shall:

(1) Complete appropriate engineering and other studies; and

(2) Prepare a construction plan that shows:

(i) The location of the highway to be constructed, improved, or reconstructed;

(ii) The length of the construction; and

(iii) The width of the right-of-way necessary for the construction.

(b) After preparing the construction plan, the Administration shall prepare plats that include:

(1) The construction plan;

(2) The fee simple and easement area to be acquired, by showing:

(i) The centerline of the construction;

(ii) The length and termini of the construction; and

(iii) The width of the necessary right-of-way on either side of the centerline; and

(3) According to information obtained by the Administration, the property lines of the property owners whose property will be affected by the acquisition.

(c) After the plats are prepared, the Administration shall:

(1) Make the engineering and real estate studies, evaluations, and investigations necessary to determine, in its opinion:

(i) The fair value of the property to be acquired; and

(ii) The fair compensation for any resulting damages to the remaining property of the owner;

(2) Prepare an estimate of this fair value and fair compensation; and

(3) Provide for payment of these estimated amounts as required by § 8-323 of this subtitle.

§8–321.

(a) The plats and estimates prepared by the Administration require approval by a resolution of the Commission.

(b) If the plats and estimates are approved by the Commission:

(1) The Chairman of the Commission shall sign the cover sheet of each set of plats; and

(2) A set of plats and its signed cover sheet shall be filed for record with:

(i) The secretary of the Commission; and

(ii) The State Archives.

(c) (1) The secretary of the Commission shall record the plats filed with him.

(2) Plats filed with the State Archives shall be electronically recorded as provided in § 9-1011 of the State Government Article.

§8–322.

(a) The plats and estimates approved by the Commission shall be kept as part of the permanent records of the Commission.

(b) Notwithstanding any other statute to the contrary:

(1) Except as permitted by the Commission, the plats prepared by the Administration are not public information or open to public inspection until they have been recorded; and

(2) Except when filed with a board of property review or a court, the estimates prepared by the Administration are not public information or open to public inspection until all the property shown on the plats has been acquired or its price determined.

§8–323.

(a) After the plats are filed for record, the Commission immediately shall:

(1) File, in the court for the county in which the property to be acquired is located, a petition for condemnation that includes:

(i) The name and address of the property owner;

(ii) The location of the property to be acquired; and

(iii) The estimated fair value of the property to be acquired and estimated fair compensation for any damage resulting to the remaining property of the owner; and

(2) Pay to the owner of the property or into the court for the owner's benefit, the estimated fair value and fair compensation specified in the petition.

(b) On written request to the clerk of the court, the property owner is entitled to receive any amount paid into the court for the property owner's benefit, within 10 business days of the request, without prejudice to any of the property owner's rights, if the property owner agrees to repay to the Commission any excess of that amount over

the final award that is allowed in the subsequent condemnation proceedings.

(c) A payment made under this section does not limit in any way the amount of the final award that may be allowed in the subsequent condemnation proceedings.

§8–324.

(a) Except as provided in subsection (b) of this section, after the petition is filed and payment is made under § 8-323 of this subtitle:

(1) The Commission may take possession of the property to be acquired, as shown on the recorded plats;

(2) The Administration may proceed with construction without interference by the owner; and

(3) With the permission of the Administration and under its supervision, any public or private utility may install its facilities on any land being acquired by the Commission in fee simple.

(b) Unless the owner agrees otherwise, if a dwelling or place of business is taken, the resident or occupant need not vacate the dwelling or place of business until the title to the property has been acquired by deed or condemnation.

§8–325.

(a) After the petition is filed and payment is made under § 8-323 of this subtitle, the Commission shall seek to acquire the property by amicable negotiation.

(b) For purposes of these negotiations, the Commission shall determine the value of the property to be acquired as of the date the payment is made to the property owner or into court under § 8-323 of this subtitle.

§8–326.

(a) Except as provided in subsection (b) of this section, if the Commission is unable to acquire the property by negotiation, it shall certify the case to the board of property review for the county in which the property is located, as provided in the Maryland Rules.

(b) A case shall be filed as a condemnation case in the court for the county in which the property is located and may not be heard by a board of property review if:

(1) The Commission determines that valid, marketable title is unobtainable without a court proceeding; or

(2) A nonresident has an interest in the property and will not accept service of process and agree to the board's jurisdiction.

§8–327.

(a) (1) There is a board of property review in each county.

(2) If necessary, additional boards may be appointed in any county.

(b) (1) Each board of property review of a county has three members who are appointed by the judges of the circuit court for the county.

(2) Of the members of each board:

(i) One shall be a lawyer;

(ii) One shall be a farmer engaged in some agricultural pursuit; and

(iii) One shall be an engineer or a person with an engineering background and knowledge.

(3) A member of the General Assembly may not be a member of a board during his term of office.

(c) (1) Each board member serves for a term of 2 years and until his successor is appointed and qualifies.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) A board member is entitled to the per diem compensation set by the Court of Appeals. The compensation shall be uniform statewide and shall be paid monthly by the Commission, on vouchers approved by the clerk of the court.

(e) Each board shall appoint its chairman and may adopt rules not inconsistent with this title or the Maryland Rules.

(f) Each county shall provide a suitable place for its board to meet and, whenever possible, the clerk of the court shall provide suitable clerical assistance. If the clerk fails to provide clerical assistance, the Administration shall provide it on request of the board.

(g) Each board is under the jurisdiction of the court and each member of the board is an officer of the court.

§8–328.

(a) Each board of property review:

(1) Shall hear promptly all cases certified to it by the Commission;

(2) Shall determine the total amount of the award to be paid by the

Commission; and

(3) May determine the portion of an award to be paid to persons, other than the fee owner, who have an interest in the property.

(b) Unless all parties in a case certified to a board agree otherwise, the full board shall hear and decide the case. If a member of the board is absent or disqualified from hearing or deciding any case, the judges of the court that appointed the board shall designate another individual with qualifications similar to those of the absent or disqualified member to serve instead.

(c) The board shall determine the fair value of the property to be acquired as of the date payment is made under § 8-323 of this subtitle.

§8–329.

If any party is dissatisfied with the findings or award of a board of property review, the case may be appealed to the court. On appeal, the court shall hear and determine the case de novo, as provided by law and the Maryland Rules.

§8–330.

If, within 1 year after payment is made under § 8-323 of this subtitle, the Commission fails to ascertain the entire amount to be paid for the property and acquire title to it by deed or condemnation or, within that same 1-year period, fails to file timely a petition for condemnation as required by the Maryland Rules, then the fair value of the property shall be the greater of the values determined as of:

(1) The date the title to the property is acquired; and

(2) The date the payment was made under § 8-323 of this subtitle.

§8–331.

At the conclusion of all proceedings, the Commission shall pay to the property owner:

(1) Any excess of the final award over the amount paid under § 8-323 of this subtitle; and

(2) Interest on the excess from the date of payment under § 8-323 of this subtitle at the rate of 6 percent a year.

§8–334.

(a) If the Commission determines that condemnation under Part III of this subtitle is inappropriate, the Commission may acquire property by condemnation under this part, after making every reasonable and good faith effort to negotiate.

(b) Except as provided in this part, condemnation proceedings under this part shall follow the procedures set forth in Title 12 of the Real Property Article and the Maryland Rules.

§8–335.

To condemn property under this part, the Commission shall:

(1) File a petition for condemnation in the court for the county in which the property to be acquired is located; and

(2) Pay to the owner of the property or into the court for the owner's benefit, the amount that the Commission estimates to be the fair value of the property to be acquired and fair compensation for any damage resulting to the remaining property of the owner.

§8–336.

After the petition is filed and payment is made under § 8-335 of this subtitle:

(1) The Commission may take possession of the property to be acquired; and

(2) The Administration may proceed with construction without interference by the owner.

§8–337.

On written request to the clerk of the court, the property owner is entitled to receive any amount paid into the court for the property owner's benefit within 10 business days of the request, without prejudice to any of the property owner's rights, if the property owner agrees to repay to the Commission any excess of that amount over the final award that is allowed in the subsequent condemnation proceedings.

§8–338.

A payment made under § 8-335 of this subtitle does not limit in any way the amount of the final award that may be allowed in the subsequent condemnation proceedings.

§8–339.

At the conclusion of all proceedings, the Commission shall pay to the property owner any excess of the final award over the amount paid under § 8-335 of this subtitle.

§8–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "County" does not include Baltimore City.

(c) "Debt service" means the amount annually needed to pay the maturing principal of and interest on bonds, notes, and other evidences of obligation and to meet sinking fund requirements for these purposes.

(c–1) "Eligible municipality" means a municipality authorized by law to construct or maintain streets or roads.

(d) "Highway user revenues" means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

(e) "Municipality" means any municipal corporation, special taxing district, or other political subdivision of this State other than a county or Baltimore City.

§8–402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two–thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2–614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short–term vehicle rentals under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year:

(i) 90.4% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(2) For fiscal years 2010 through 2013, the Account shall be distributed as

follows:

(i) A portion to the General Fund of the State for fiscal years 2010 through 2012 as follows:

1. 19.5% for fiscal year 2010;

2. 23% for fiscal year 2011; and

3. 11.3% for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;

2. 68.5% for fiscal year 2011;

3. Subject to paragraph (3) of this subsection, 79.8% for fiscal year 2012; and

4. 90% for fiscal year 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) For fiscal year 2012, from the amount allocated to the Transportation Trust Fund under paragraph (2)(ii)3 of this subsection, $40,000,000 shall be transferred from the Transportation Trust Fund to the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.

§8–403.

(a) Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year, from the total highway user revenues:

(1) An amount equal to 7.7% of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to 1.5% of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to 0.4% of total highway user revenues.

(b) (1) For fiscal year 2010:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.6% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.

(2) For fiscal year 2011:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.1% of total highway user revenues.

(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.8% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.6% of total highway user revenues.

(4) For fiscal year 2013:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.1% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.

§8–404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues to be distributed to the counties under § 8–403 of this subtitle, the county's share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, not including the total mileage of county roads in eligible municipalities in the county, bears to the total mileage of county roads in all of the counties, not including the total mileage of county roads in eligible municipalities in the State; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, not including motor vehicles registered to owners having addresses in eligible municipalities in the county, bears to the total number of motor vehicles registered to owners in all the counties, not including motor vehicles registered to owners having addresses in eligible municipalities in the State.

§8–405.

(a) An eligible municipality may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.

(b) Highway user revenues shall be allocated to the eligible municipalities:

(1) One half on a municipal road mileage basis, as provided in subsection (c)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (c)(2) of this section.

(c) The Administration shall allocate for the account of each eligible municipality, out of the highway user revenues to be distributed to the municipalities under § 8–403 of this subtitle the eligible municipality's share, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the eligible municipality bears to the total mileage of county roads located in eligible municipalities in the State; and

(2) The amount that results from applying to one half of the available

revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the eligible municipality bears to the total number of motor vehicles registered to owners having addresses in eligible municipalities in the State.

(d) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George's County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

§8–406.

(a) A distribution of highway user revenues may not be made to any county, municipality, or Baltimore City unless the local government in its current fiscal year certifies to the Administration that revenues will be used in compliance with all applicable laws.

(b) If any highway user revenues otherwise distributable under this subtitle are not distributed by the close of the fiscal year of the county, municipality, or Baltimore City because the local government failed to make the required certification, these highway user revenues shall revert to the Transportation Trust Fund.

(c) The county governments and other local authorities are relieved from the requirements of existing local law for levying a minimum amount or rate for road maintenance, and the portions of all public local laws making any such requirement are suspended.

(d) The Secretary of the Department of Transportation may reduce highway user revenues to each appropriate local governing body in the following fiscal year by the specific amount of the cost necessary to correct individual instances of noncompliance concerning State standards of uniformity for traffic control devices.

§8–407.

(a) (1) If a county's or municipality's road construction, reconstruction, or maintenance is performed by the Administration, the county's or municipality's share of highway user revenues shall be credited to the account of the Administration to be spent on warrants of the State Comptroller.

(2) If a county has paid any debt service on bonds or other evidences of obligation issued by a municipality in the county for the construction, reconstruction, or maintenance of roads or streets, an amount sufficient to reimburse the county for these payments shall be paid to the county from the municipality's share of highway user revenues.

(3) In all other cases, a county's or municipality's share of highway user revenues shall be paid to or on the order of:

(i) The proper official of the county or municipality designated by local law; or

(ii) If no designation is made, the county or municipality.

(b) Payments of a county's or municipality's share of highway user revenues shall be made:

(1) At monthly intervals; or

(2) At other appropriate times reasonably requested.

§8–408.

(a) Highway user revenues distributed to Baltimore City and Kent County may be used only to pay or finance:

(1) Costs incurred in the construction, reconstruction, or maintenance of its highways and streets;

(2) Costs incurred by its police department for carrying out traffic functions and enforcing the traffic laws;

(3) Costs incurred in its other highway related activities for:

(i) Lighting the highways;

(ii) Stormwater drainage of the highways; and

(iii) Street cleaning, but not including the cost of collection of garbage, trash, and refuse;

(4) The payment of its debt service on bonds or other evidences of obligation for:

(i) The construction, reconstruction, or maintenance of its highways and streets; and

(ii) Any other of its highway activities, including lighting the highways and providing stormwater drainage;

(5) The cost of transportation facilities, as defined in § 3–101 of this article; or

(6) As to Kent County:

(i) The cost of maintaining county owned boat landings; and

(ii) Costs incurred in providing traffic crossing guards.

(b) The net share of highway user revenues distributed for a county other than Kent County may be used only:

(1) First, to pay debt service on outstanding bonds or other evidences of obligation issued before June 1, 1947, by or for the county or any municipality in the county to finance construction, reconstruction, or maintenance of roads or streets, to the extent that gasoline tax revenues have been lawfully dedicated, pledged, or otherwise committed to that debt service, so that the dedication, pledge, or commitment remains unimpaired and continues as a charge against the county's share of the gasoline tax to the same extent that it was a charge against any gasoline tax revenues under prior laws; and

(2) Then, as to the remainder of the county's share, to pay or finance:

(i) The cost of transportation facilities, as defined in § 3–101 of this article;

(ii) For Talbot County, maintenance of private roads as authorized in § 12–539 of the Local Government Article;

(iii) The construction, reconstruction, or maintenance of county roads; and

(iv) Debt service on bonds or other evidences of obligation that, for the construction, reconstruction, or maintenance of county roads, are lawfully issued on or after June 1, 1947, by or for the county or by or for a municipality in the county that is not receiving its own share under § 8–407 of this subtitle.

(c) The net share of highway user revenues distributed for a municipality may be used only to pay or finance:

(1) The cost of transportation facilities, as defined in § 3–101 of this article;

(2) The construction, reconstruction, or maintenance of roads or streets; and

(3) Debt service on bonds or other evidences of obligation lawfully issued by or for the municipality for the construction, reconstruction, or maintenance of roads or streets.

§8–409.

(a) It is the policy of this State that bicycle trails are important and their construction is encouraged wherever feasible.

(b) To establish and maintain footpaths, bridle paths or horse trails, and bicycle trails:

(1) Baltimore City, any county, or any municipality that receives highway user revenues may spend a reasonable part of its net share for these purposes; and

(2) The Administration, Baltimore City, any county, or any municipality that receives highway user revenues may credit a part of them to a financial reserve or a special fund to be used within 10 years for these purposes.

(c) Highway user revenues may not be used for footpaths, bridle paths or horse trails, or bicycle trails if:

(1) Their establishment would be contrary to public safety;

(2) Their cost would be too great considering their need or probable use; or

(3) The sparseness of population, the existence of other available ways, or other factors show that there is no need for them.

(d) (1) If requested by a local government, the Administration shall provide technical assistance and advice on carrying out the purposes of this section.

(2) The Administration shall recommend construction standards for footpaths, bridle paths or horse trails, and bicycle trails and shall establish a uniform system of signs for all the footpaths, bridle paths or horse trails, and bicycle trails constructed under this section, whether construction is undertaken by the Administration or by the local government.

(e) Unless the Administration or local government specifically approves other uses, as provided in subsection (g) of this section, footpaths and bicycle trails may be used only by pedestrians, nonmotorized vehicles, and electric personal assistive mobility devices as defined in § 21–101(j) of this article.

(f) Unless the Administration or local government specifically approves other uses, as provided in subsection (g) of this section, bridle paths or horse trails may be used only by pedestrians, horses, or horse drawn vehicles.

(g) If the Administration or local government specifically approves the use of footpaths and bicycle trails by other than pedestrians and nonmotorized vehicles, or of bridle paths or horse trails by other than pedestrians, horses, or horse drawn vehicles, the Administration or local government shall post signs on the paths or trails indicating the uses specifically approved.

(h) A person may not operate a moped on a footpath, bicycle trail, bridle path, or horse trail unless the path or trail is posted with signs in accordance with subsection (g) of this section specifically approving the use of mopeds.

(i) Notwithstanding the provisions of this subsection, the use of footpaths and bicycle trails shall be denied to sports cycles, trail bikes, and minibikes.

§8–410.

A road or street may not be constructed or reconstructed by a county or municipality under § 8-408 of this subtitle unless the Administration first has approved the proposed location, plans, and specifications for the construction or reconstruction. Approval shall be granted if, in the Administration's judgment, the road or street, when constructed or reconstructed, will be reasonably adequate and appropriate to an existing or potential integrated secondary highway system.

§8–411.

(a) The purpose of this section is to enable the Administration to make the computations required by this subtitle.

(b) On or before December 31 of each year, each municipality that has requested its share of highway user revenues and each county shall make a report to the Administration in the form that it requires. This report shall show the mileage of county roads added to or removed from the county road system in the county or municipality during the 12 months ending on December 1 of that year.

(c) The Motor Vehicle Administration and each county shall give the Administration any other information that the Administration requires for purposes of this subtitle.

§8–412.

On or before January 1 of each year, Baltimore City, each county, and each eligible municipality that received highway user revenues in the preceding fiscal year shall submit to the Administration, the Governor, and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Ways and Means Committee an accounting report that:

(1) Shows the actual costs of the preceding fiscal year;

(2) Shows the expenditure budget of the current fiscal year; and

(3) As to each, accurately identifies the costs enumerated in § 8–408 or § 8–409 of this subtitle.

§8–413.

Within 45 days after the end of each month, the Administration shall send to each county and Baltimore City a statement that shows, segregated according to the classifications adopted for its records:

(1) The expenditures made from the highway user revenue funds allocated for each of the counties and Baltimore City and held by the Administration;

(2) The purposes for which the expenditures were made, such as for construction, reconstruction, or maintenance of county or Baltimore City roads or for debt service;

(3) The total receipts credited in each month;

(4) The disbursements from the Account;

(5) The balance remaining to the credit of the county or Baltimore City at the end of each month; and

(6) The amount, if any, of this balance that is encumbered and for what purpose.

§8–501.

In this subtitle, "federal acts" means:

(1) The federal-aid highway acts of the United States Congress;

(2) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

(3) Any rule or regulation adopted under any of these acts.

§8–502.

The purpose of this subtitle is to assist the national recovery and promote the general welfare by enabling this State and its political subdivisions to provide matching funds for and secure the benefits of any federal funds available under the federal acts for the construction and reconstruction of State highways and county roads and for related State or local projects.

§8–503.

(a) The General Assembly of Maryland assents to the federal acts.

(b) The Administration, for itself or for any political subdivision of this State, and each political subdivision of this State may do anything necessary or desirable to comply with any term, condition, or provision and to obtain the benefits of any of the federal acts.

(c) The Administration may:

(1) Accept any federal funds available to this State under the federal acts, for the use of this State or any of its political subdivisions;

(2) In accordance with the federal acts, allocate and apportion these federal funds to itself and to the political subdivisions of this State;

(3) Represent any political subdivision of this State for the purpose of negotiating, contracting, or dealing with the federal government as to construction and reconstruction under the federal acts;

(4) Undertake all contracts, plans, specifications, and estimates relating to this construction and reconstruction; and

(5) Supervise directly the construction and reconstruction work done under the federal acts.

§8–504.

(a) (1) Each political subdivision of this State may raise funds to obtain the benefits of the federal acts by:

(i) Issuing bonds, interim certificates, and other evidences of debt or obligation; and

(ii) Taxation.

(2) Bonds may be issued under this subsection notwithstanding any debt or other limitation set by any other law.

(b) If federal funds available to this State under the federal acts are allocable to a political subdivision of this State, but the political subdivision has not provided for necessary matching funds in any other manner permitted by this subtitle, the Administration, the State Treasurer, and the State Comptroller may authorize the political subdivision to use its share of highway user revenues to provide the matching funds necessary to secure these federal funds.

(c) Notwithstanding any other provision of this title, if any federal funds available for a State highway project require matching State funds, the Administration may provide the necessary matching funds by using any State funds it is authorized by law to use for State highway projects.

§8–505.

(a) In addition to its other powers, the Administration, with funds received from the federal government or any federal agency, may:

(1) Construct, reconstruct, improve, and maintain the State highway system; and

(2) For this purpose, as agreed to by the Administration and any affected railroad company, subject to compliance with § 8-639 of this title:

(i) Construct, reconstruct, alter, repair, or relocate any railroad grade separation; and

(ii) Otherwise eliminate any highway hazard at a railroad grade crossing.

(b) All federal funds accepted under this section shall be accepted and spent by the Administration on the terms and conditions that the federal government requires.

(c) (1) Except as otherwise provided by federal law, the total cost of any project undertaken with federal funds shall be borne entirely by those funds to the extent that they are available.

(2) If federal funds for a project are insufficient or unavailable to pay the total cost of the project, the excess of the total cost over the federal funds received shall be borne as provided by law.

§8–506.

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

(2) "Publicly owned utility" means a utility owned or operated by a political subdivision of this State or by a public agency created under the laws of this State.

(3) "Relocate" includes realign, raise, lower, rebuild, or remove.

(b) (1) Except as provided in paragraph (2) of this subsection, if, as a result of the construction, reconstruction, or improvement of an interstate highway, it is necessary to relocate any facility of a publicly owned utility, the Administration shall pay to the owner of the facility, without regard to the governmental function of the utility, the cost to the utility of the relocation, less any increase in the value of the new facility and the salvage value of the old facility.

(2) The Administration is required to make this payment for relocation only:

(i) If federal funds are available to this State under §§ 108 (e) and 111 of the Federal-Aid Highway Act of 1956 for reimbursement of all or part of the payment; and

(ii) If the payment otherwise would be required for relocation of a facility of a nonpublicly owned utility.

(c) The regulations and orders of the Administration:

(1) May not prohibit or be construed to constitute a contract prohibiting any payment required by this section; and

(2) Are expressly waived to the extent necessary to authorize any payment required by this section.

(d) This section does not relieve the owner of any utility from any legal or contractual obligation to comply promptly with any order or request of the Administration to perform the work necessary to relocate its facilities.

§8–507.

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

(2) "Municipality" means any municipal corporation in this State that is entitled to receive federal-aid urban funds.

(3) "Urban area" means an area with boundaries fixed by the Administration that includes and is adjacent to a municipality or other urban place having a population of at least 5,000, as determined by the latest federal census.

(b) (1) There is a County Highway Construction Fund in the Transportation Trust Fund.

(2) There is a Municipality-Urban Area Highway Construction Fund in the Transportation Trust Fund.

(c) In accordance with this section and Part II of Title 7, Subtitle 2 of the State Finance and Procurement Article, and with the consent of the Secretary, the Administration in any fiscal year may allocate from the Transportation Trust Fund:

(1) To the County Highway Construction Fund, an amount equal to the amount of federal-aid secondary highway funds that:

(i) Are available to the Administration from the Federal Highway Administration;

(ii) Are allocated by the Administration to the counties; and

(iii) The counties later release to the Administration for use on the State highway system; and

(2) To the Municipality-Urban Area Highway Construction Fund, with the approval of the releasing municipalities or urban areas, an amount equal to the amount of federal-aid urban highway funds that:

(i) Are available to the Administration from the Federal Highway Administration;

(ii) Are allocated by the Administration to the municipalities and urban areas; and

(iii) The municipalities or urban areas later release to the Administration for use on the State highway system.

(d) (1) The Administration may apportion the amounts in each fund.

(2) Each county, municipality, or urban area that participates in a program under this section shall furnish matching construction amounts.

(e) The County Highway Construction Fund, the Municipality-Urban Area Highway Construction Fund, and the matching amounts required by this section may be spent only for highway construction and reconstruction under rules and regulations adopted by the Administration.

§8–508.

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

(2) "Board" means the Governor's Workforce Investment Board.

(3) "Highway or capital transit construction" means actual construction, preliminary engineering, planning and research, or any other work or activity to implement federal laws for the administration of federal aid for highways or capital transit projects.

(4) "Workforce investment area" has the meaning stated in § 11–503(n) of the Labor and Employment Article.

(b) The Department shall use the maximum feasible amount of federal funds available to the State under 23 U.S.C. § 140(b) to develop, conduct, and administer highway or capital transit construction training and supportive services, including skill improvement programs.

(c) The Department shall administer the training programs under subsection (b) of this section in collaboration with the Board to ensure that highway or capital transit construction training and supportive services are provided to the greatest extent feasible to individuals in each relevant workforce investment area.

(d) (1) By February 1 of each year, the Department and Board shall submit to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, a report on the Department's and Board's compliance with subsections (b) and (c) of this section with respect to each of the 2 previous calendar years.

(2) The report shall:

(i) Describe the highway or capital transit construction training, supportive services, and skill improvement programs the Department and Board

have conducted and administered in each workforce investment area, including a description of:

1. Any entities, institutions, or organizations used by the Department and Board to provide the training and services; and

2. The individuals and organizations that have received training and services;

(ii) Analyze the results of the training programs in each workforce investment area;

(iii) State the amount of federal funds available to the State under 23 U.S.C. § 140(b); and

(iv) Identify the amount spent in each workforce investment area to conduct and administer the programs.

§8–601.

(a) The Administration shall construct, reconstruct, and repair State highways as necessary and shall maintain them in good condition.

(b) The Department may not spend any further funds for the construction of I-95 through Prince George's County that will involve a new or reconstructed segment connecting it to any other highway in Prince George's County. The Department may not spend any further funds for the construction of a new highway, arterial, freeway, or expressway in the lands between Viers Mill Road and Northwest Branch described in the 1980 highway needs inventory as the right-of-way reserved for the Rockville Facility in Montgomery County, including the area designated as the Matthew Henson State Park under § 5-1004 of the Natural Resources Article.

(c) This prohibition does not preclude construction in the right-of-way designated as the Rockville Facility of:

(1) Roadway crossings to facilitate traffic flow and highway safety; or

(2) A hiker/biker trail in the lands between Viers Mill Road and Northwest Branch.

§8–601.1.

(a) The Administration may not construct any project that will result in the severance or destruction of an existing major route for bicycle transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.

(b) The Administration shall develop guidelines jointly with local governments

to carry out the provisions of this section.

§8–602.

(a) The Administration shall:

(1) Keep all State highways reasonably clear of brush, snow, and other debris; and

(2) Remove from a State highway, as soon as its presence is made known to the Administration, any animal carcass that will impede traffic or substantially endanger the safety of the traveling public.

(b) (1) In removing snow from highways in Garrett County, the Administration:

(i) Shall avoid blocking completely the entrance to any home or business adjacent to the highway; and

(ii) May not throw or pile snow against any building in any way that interferes with the use of the building by its owner or occupant.

(2) If, in unusual circumstances, the entrance to any home or business is blocked in the course of snow removal, the Administration shall unblock the entrance within a reasonable time.

(c) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Farm truck" has the meaning stated in § 13–921 of this article.

(iii) "Local state of emergency" means a local state of emergency declared under § 14–111 of the Public Safety Article.

(iv) "State of emergency" means a state of emergency declared under § 14–107 of the Public Safety Article.

(2) In the event of a state of emergency or a local state of emergency, including snow, hurricane, windstorm, or a similar event, the Administration may request that the owner of a farm truck allow the Administration to use the farm truck to assist in snow removal.

(3) The owner of a farm truck may refuse a request made under paragraph (2) of this subsection to allow the Administration to use the farm truck.

(4) The owner of a farm truck may not allow the farm truck to be used under this subsection to assist in snow removal outside of the county in which the farm truck is registered.

(5) The Administration shall compensate the owner of a farm truck that is used by the Administration for snow removal.

(6) This subsection applies only if the farm truck meets the following minimum requirements:

(i) The farm truck passed its most recent inspection under § 23–302 of this article;

(ii) The operator of the farm truck possesses a valid commercial driver's license and a current medical card;

(iii) The owner of the farm truck meets minimum insurance requirements; and

(iv) The farm truck uses ultra–low sulfur diesel fuel while being used to assist the Administration in snow removal.

(7) The Administration may adopt regulations to carry out the provisions of this subsection.

§8–602.1.

(a) The General Assembly finds that the use of best management practices for the storage, application, and disposal of road salt is necessary to reduce the adverse impacts on the water and land resources of the State by preventing:

(1) An increase in chloride concentrations in the soils and waters of the State; and

(2) Harm to soil integrity, soil organisms, and vegetation.

(b) The General Assembly intends, by enactment of this section, to reduce to the greatest extent possible the adverse effects of road salt runoff and to safeguard life, limb, property, and public welfare.

(c) On or before October 1, 2011, the Administration, in consultation with the Department of the Environment, shall develop a road salt management best practices guidance document for use by local jurisdictions and the State to minimize the adverse environmental impacts of road salt runoff in the State.

(d) The Administration shall annually update the guidance document required under subsection (c) of this section and shall make the document available to the public on the Administration's website.

(e) In the road salt management best practices guidance document required under this section, the Administration may:

(1) Establish best management practices that protect the environment from the negative impacts of road salt;

(2) Identify all activities that may result in the release of road salt into the environment, including road salt storage, the application of road salt on highways, and the disposal of snow that contains road salt;

(3) Take into consideration highway safety to the greatest extent possible;

(4) Establish standards and procedures for identifying:

(i) Areas that are particularly vulnerable to road salt runoff; and

(ii) Additional road salt management practices that need to be implemented in these areas;

(5) Establish goals for achieving a reduction of the environmental impact of road salt released into the environment;

(6) Include a training program for all State, local, and contract personnel who perform winter maintenance activities involving the use of road salt;

(7) Establish response procedures to address uncontrolled releases of road salt that may adversely impact the environment; and

(8) Establish record keeping and annual reporting procedures for the quantity of road salt used, the locations where the road salt is used, and any training conducted.

§8–603.

If practicable, the Administration shall provide landscaping along State highways.

§8–604.

The Administration may name or rename any State highway.

§8–605.

(a) Along any State highway, the Administration may place signs, signals, or markers to inform the traveling public of directions, distances, danger, or other information.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall assume the full cost of installing and maintaining traffic signals required at the intersection of a State highway with any municipal street or highway or at any other place along a State highway that is within the limits of any municipal corporation.

(2) This subsection does not apply where the traffic signal primarily will serve traffic generated by a private development, such as an apartment complex, shopping center, industrial plant, or drive–in theater.

(c) Signs, signals, and markers placed along any interstate highway shall conform to all applicable federal standards.

(d) (1) For the purpose of providing information to the driving public on the availability of gas, food, lodging, camping, or attractions, the Administration may place along State controlled access highways specific service signs, subject to the applicable federal standards.

(2) (i) The Administration shall adopt regulations governing specific service signs.

(ii) The regulations shall conform to all applicable federal standards, and shall govern the type, lighting, size, number, and location of specific service signs.

(iii) The Administration shall consult with:

1. The Maryland Travel Council prior to drafting regulations; and

2. The Department of Business and Economic Development and the appropriate local government officials concerning the placement of specific service signs under this subsection.

(3) The business or attraction identified in a specific service sign shall pay for the full administrative and operational cost of procurement, installation, and maintenance of the sign.

(e) Any person who removes, damages, or defaces any sign, signal, or marker placed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(f) (1) Except for a sign placed or maintained by the Administration or with the authorization of the Administration, a person may not place or maintain a sign or direct, consent to, or approve the placement or maintenance of a sign, within a State highway right–of–way.

(2) (i) Without resort to legal proceedings, a sign placed or maintained in violation of this subsection may be removed and destroyed by the Administration, a law enforcement officer, or the government of the county or municipal corporation in which the sign was located.

(ii) The Administration or the government of the county or municipal corporation that removed or destroyed the sign may, if the sign is a commercial sign:

1. Collect the civil penalty provided for under paragraph (3) of this subsection from the person that placed or maintained the commercial sign; and

2. Seek an injunction against further violations of this subsection in a civil action in the District Court.

(3) (i) A person that places or maintains a commercial sign within the right–of–way of a State highway in violation of this subsection is subject to a civil penalty not exceeding $25 per commercial sign, which, if not paid after being cited and assessed by the Administration, county, or municipal corporation, may be recovered in a civil action in the District Court by the Administration or by the county or municipal corporation in which the commercial sign was located.

(ii) As to a county or a municipal corporation in which the commercial sign was located, the civil action in the District Court may be brought by the county attorney or, if the commercial sign was located in a municipal corporation, the municipal corporation attorney.

(iii) The Administration, a county, or a municipal corporation:

1. May enforce this subsection only by the issuance of a warning for the first 3 months after initiating a sign removal program; and

2. Shall enforce this subsection on a viewpoint and content neutral basis.

(4) For the purposes of enforcing this subsection, the presence of a sign within a State highway right–of–way shall be evidence that the sign was placed or maintained at the direction of, or with the consent and approval of, the person or the person's agent or representative in the State whose name, business, location, or product representation is displayed on the sign.

(5) The Administration, a county, or a municipal corporation shall retain any civil penalties that it collects under this subsection.

§8–606.

(a) Each State highway constructed or maintained under this title shall have a right-of-way that is at least 40 feet wide.

(b) Each State highway that is constructed in a municipal corporation shall conform to the grade of each municipal street or highway that it crosses, as approved by the municipal authorities.

§8–607.

Subject to the provisions of Title 9, Subtitle 5 of the Correctional Services Article:

(1) The Administration may employ inmates, from correctional facilities in the Division of Correction, to perform reconstruction and maintenance work on any highway; and

(2) On request of the Administration, the Division of Correction shall provide the Administration with inmates who, in the sole judgment of the Division of Correction, can be utilized safely for this work with appropriate security.

§8–608.

(a) To eliminate the possibility of boring and jacking under a State highway and to eliminate the cost of future installation of utility facilities, the Administration, if requested by any county, shall include in the specifications for any new State highway in that county the installation of utility sleeves.

(b) (1) These utility sleeves shall be:

(i) Made of metal, reinforced concrete, or other suitable material;

(ii) Large enough to accommodate water mains, gas mains, electric lines, telephone cables, and any other utility facilities requested by the county; and

(iii) Installed from right-of-way to right-of-way.

(2) Utility sleeves installed for future use shall be bricked over at each end and marked properly by the Administration or the county.

(c) The county shall reimburse the Administration for the cost of the utility sleeves.

§8–609.

(a) The Secretary shall implement a program to control the spread of phragmites, where appropriate:

(1) Along the rights-of-way of the State highway system; and

(2) On other lands that the Department owns or controls.

(b) The Department shall study and analyze the progress made in the control in the spread of phragmites on lands that the Department owns or controls.

(c) By December 1, 1994, and on request of the committees thereafter, the Department shall submit a report under subsections (a) and (b) of this section on the management and control of the spread of phragmites to:

(1) The Environmental Matters Committee of the House of Delegates of Maryland; and

(2) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.

§8–609.1.

In implementing a phragmites control program, the Secretary shall consider alternative management and control methods and employ only those determined not to have adverse water quality impacts.

§8–609.2.

A bridge may not be built on a navigable river unless authorized by the Administration.

§8–609.3.

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

(2) (i) "Compost–based product" means an item that is manufactured from compost.

(ii) "Compost–based product" includes:

1. Compost berms;

2. Compost filter socks; and

3. Compost blankets.

(3) "Specification" means a standard for the compost or compost–based product used by the Administration in a highway construction project, including:

(i) Application instructions; and

(ii) Compost characteristics.

(b) To promote the use of compost for landscaping and as a recycled material in highway construction projects in the State, the use of compost and compost–based products in highway construction projects in the State shall be a best management practice for:

(1) Erosion and sediment control; and

(2) Postconstruction stormwater management.

(c) The Administration shall:

(1) On or before December 30, 2014, establish a specification for the acquisition and use of compost and compost–based products for:

(i) Erosion and sediment control practices identified in the most recent Maryland Standards and Specifications for Soil Erosion and Sediment Control; and

(ii) Postconstruction stormwater management practices identified in the most recent Maryland Stormwater Design Manual;

(2) Update the specifications established under item (1) of this subsection as necessary; and

(3) Post the specifications established under item (1) of this subsection on the Administration's Web site.

(d) Beginning December 1, 2015, the Administration shall report each year to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(1) The volume of compost used in State highway construction projects;

(2) The status of compost and compost–based products used in State highway construction projects; and

(3) Recommendations to maximize the use of compost as a recycled material in State highway construction projects.

§8–610.

(a) In this part the following words have the meanings indicated.

(b) (1) "Construction phase" means the phase in which a highway project is advanced through detailed engineering, property acquisition, and construction to completion.

(2) This definition does not preclude the Administration from acquiring property during the project planning phase, and the completion of property acquisition does not constitute a commitment to the project's alignment or construction.

(c) "Final project planning phase" means that portion of the project planning phase which follows the initial project planning phase. The final project planning phase includes:

(1) Detailed review of alternatives;

(2) Selection of final alignment and scope;

(3) Preparation of final environmental impact documents;

(4) Detailed design and engineering studies;

(5) Any formal federal approval of design and location;

(6) Full participation of the public; and

(7) Full participation of local, State, and federal agencies.

(d) "Highway needs inventory" means an identification of needs for highway projects, based on the latest evaluation of highway conditions and transportation needs by the Administration.

(e) "Initial project planning phase" means that portion of the project planning phase which includes:

(1) Notification of local, State, and federal officials;

(2) Initial interagency review;

(3) Initial systems planning;

(4) Identification of alternatives, as set forth in § 8–102 of this title, for the scope and the location of the project;

(5) Estimates of right–of–way requirements, including available detail with respect to specific properties affected, and of cost;

(6) Public meetings for discussion of the foregoing; and

(7) Reports of consultants, if any have been retained for the analysis of preliminary alternatives.

(f) (1) "Local governing body" means:

(i) The county commissioners or county council of a county; or

(ii) If the charter of the county provides for a county executive, the county executive and the county council.

(2) For purposes of this part, action by the local governing body of a charter county with a county executive means a majority vote of the county council:

(i) With the approval of the county executive; or

(ii) If the county executive does not grant approval within 10 days of the council action, with subsequent confirmation of the council action by two thirds of the members of the council.

(g) (1) "Local legislative delegation" means those members of the State Senate and of the House of Delegates who represent any part of the county involved.

(2) For purposes of this part, a "majority" of the local legislative delegation means a majority of those members of the State Senate and a majority of those members of the House of Delegates, voting separately.

(3) In any county which is divided into more than one senatorial district, the vote of approval or disapproval for each Senator shall be in direct proportion to the number of residents living in his senatorial district to the total county population. The population figures for each county and senatorial district shall be taken from the preceding U.S. Census Report. However, if a Senator representing more than one county is voting to approve or disapprove a project in his senatorial district, he shall have the same voting authority as the Senator representing the largest percentage of the population in that county. However, in those counties represented by exactly two senators, if a project is located exclusively in one senatorial district, that Senator shall have the prevailing vote on the approval or disapproval of that project.

(h) "Municipality" means the governing body of a municipality as defined in § 1–101 of the Local Government Article.

(i) "Project planning phase" means the phase in which engineering and environmental studies and analyses are conducted with full participation of the public, in addition to local, State, and federal agencies, to determine the scope and location of a proposed highway project.

§8–611.

(a) The Administration shall furnish members of the General Assembly and the Governor with:

(1) Current information on highway needs; and

(2) Information necessary for the development of the State Report on Transportation, as provided in § 2-103.1 of this article.

(b) (1) In calendar year 1979 and in each second year following, the Administration, following an assessment of the highway conditions and transportation needs of this State, shall prepare those proposed modifications to the highway needs inventory that it considers necessary.

(2) By July 1, 1997, the Administration, in cooperation with local governments, shall inventory State and local facilities near rail stops, light rail stops, and subway stations to determine what improvements are needed to accommodate in a safe and effective manner pedestrians and bicycles within a reasonable distance for walking and bicycling.

(3) In preparing the proposed modifications, the Administration shall provide a copy of the proposal to and consult with the local governing body, municipalities, and local legislative delegations with respect to the proposed modifications.

(4) The Administration shall provide a copy of the State Report on Transportation to each county and municipality prior to consultation.

§8–612.

(a) (1) The Administration may engage in project planning for any item in the current highway needs inventory and for each item, shall conduct studies to determine, among other things, the scale, location, environmental impact, and citizen reaction.

(2) During the project planning phase, the Administration shall consult with the local governing body, municipalities, and local legislative delegation.

(3) The Administration may include in its annual budget request the funds required to implement the project planning provided for in this subsection.

(b) (1) (i) In calendar year 1979 and in each year following, the Administration shall submit to the local governing body and the local legislative delegation a list of items for which the initial phase of project planning has been completed.

(ii) An information copy of the list shall be provided to the municipalities in the county.

(iii) The list shall contain, as to each item, information necessary for the local governing body and local legislative delegation to determine whether the project may advance to the final project planning phase.

(iv) Receipt of the list constitutes notice that the initial project planning phase has been completed for each item contained in it.

(2) (i) Each listed item for a primary system shall be considered approved for the final project planning phase unless, within 90 days from submission of the list, the local legislative delegation and the local governing body disapproves that item in writing.

(ii) Any item for a primary system deleted by this action may be reinstated at any time by act or resolution of the General Assembly.

(3) Each listed item for a secondary system shall be considered approved for the final project planning phase unless, within 90 days from submission of the list, a majority of the local legislative delegation or a majority of the local governing body disapproves that item in writing.

(c) (1) The local governing body and a majority of the local legislative delegation shall establish a list of priorities from among those secondary system projects listed in the needs inventory and the Administration shall engage in initial project planning upon the request of the local governing body and a majority of the local legislative delegation in the order established in the list of priorities.

(2) On completion of the initial project planning phase for the item, it shall be approved for the final project planning phase and for construction on request of the local governing body and a majority of the local legislative delegation.

(d) (1) After an item is approved for the final project planning phase under this section, it may not be deleted by the local legislative delegation or the local governing body.

(2) Any item for the primary or secondary system may be deleted if the Secretary, with the approval of the local legislative delegation and the local governing body, determines that deletion of it is desirable.

(3) Notwithstanding the above, any item for the primary system may be deleted if the Secretary, after consultation with the local legislative delegation and local governing body, determines that the deletion of that primary project is desirable because of changes in economic or environmental conditions or because of a demonstrated lack of available funds for both that project and any alternative primary highway project.

§8–613.

(a) (1) In calendar year 1978, the Administration shall prepare for each county a 6-year construction and reconstruction program for primary and secondary highways, the secondary program to include bicycle trails and sidewalks.

(2) The Administration shall submit this program to the General Assembly for its review by January 15, 1979.

(3) Subject to § 2-1246 of the State Government Article, the program shall be updated annually and submitted to the General Assembly for its review by January 15 of each year.

(4) The program shall:

(i) Advise on priorities among the projects approved for construction, following completion of the project planning phase; and

(ii) As to each item included in it, contain a proposed schedule of property acquisition, detailed engineering, and construction.

(b) Before the annual submission of the highway construction and reconstruction program to the General Assembly, the Administration shall consult with the local governing body, municipalities, and local legislative delegation of each county concerning construction priorities.

(c) If the Administration is unable for any reason to perform in accordance with the schedule set forth in the annual primary highway program, it shall, if so requested by resolution of either house of the General Assembly, explain in writing to the next

session of the General Assembly any change in the scheduling of a particular project included in the preceding year's program.

(d) If there is any change in the scheduling of a particular project in the secondary highway program for which funds have been appropriated in the preceding year, the Administration, on written request of a majority of the local legislative delegation from the county for which the project is programmed, shall explain that change in writing to the members of the General Assembly from that county.

(e) The Administration's budget for Fiscal Year 1981 and for each fiscal year following, as submitted to the General Assembly, shall include funds for projects scheduled for the first year of the highway construction and reconstruction program established under this section.

§8–613.1.

By January 15 of each year, the Administration shall submit to the General Assembly, subject to § 2-1246 of the State Government Article, and to the governing body of each affected county and municipality a written report setting forth the following for each primary and secondary highway project:

(1) The status of all incomplete projects for which funds have been appropriated or expended for fiscal years completed before the report;

(2) A statement of the funds budgeted or expended on each incomplete project in the fiscal year preceding the report;

(3) A statement of the funds expended or expected to be expended in the then current fiscal year on each incomplete project;

(4) A list of all projects that were completed in the fiscal year preceding the report; and

(5) A statement of the total funds budgeted and expended on each project completed in the fiscal year preceding the report.

§8–613.2.

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

(2) "Roadway" has the meaning stated in § 11–151 of this article.

(3) "Shoulder" has the meaning stated in § 21–101 of this article.

(b) The Administration shall develop procedures in accordance with subsection (d) of this section to enhance the safety of highway construction, maintenance, utility, and other highway workers during construction or maintenance work on an expressway or controlled access highway with a posted speed limit of 45 miles per hour or more.

(c) A county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, shall incorporate the procedures developed under subsection (b) of this section into the project planning phase and construction phase of a proposed highway project for an expressway or controlled access highway with a posted speed limit of 45 miles per hour or more.

(d) (1) (i) This paragraph applies to work that is:

1. Performed in a roadway; and

2. Expected to last at least two weeks.

(ii) The procedures developed under subsection (b) of this section shall ensure that for each highway construction or maintenance project, priority is given to performing the proposed highway construction or maintenance work in the absence of adjacent traffic through full or temporary closure of the highway at the location of the construction or maintenance work, if the closure is determined to be feasible after consideration of the following:

1. Safety of the traveling public;

2. Availability and feasibility of detours;

3. Access to abutting businesses, residences, and other facilities; and

4. Delays that may result from full or temporary closure of the highway.

(2) (i) This paragraph applies to work that is:

1. Performed in a roadway, if a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, determines that full or temporary highway closure under paragraph (1) of this subsection is not feasible; or

2. Performed on the shoulder and expected to last at least two weeks.

(ii) A county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, shall consider protecting highway construction and maintenance workers by means of:

1. Temporary traffic barriers;

2. Movable concrete barriers;

3. Movable link–system barriers; or

4. Other available barrier systems.

(iii) Consideration of the use of barriers under this paragraph shall include consideration of the feasibility of temporarily widening a highway to allow for the installation of the barriers.

(iv) For a highway construction or maintenance project that utilizes barriers under this paragraph, a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, may provide for a law enforcement presence at or near the site of the construction or maintenance work in accordance with paragraph (3) of this subsection.

(3) (i) This paragraph applies to work that is:

1. Performed in a roadway or performed on the shoulder; and

2. Expected to last at least two weeks.

(ii) If a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, determines that highway closure under paragraph (1) of this subsection and installation of barriers under paragraph (2) of this subsection are not feasible, a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, may provide for at least one law enforcement officer to be present at or near the site of the construction or maintenance work when workers are present.

(iii) A law enforcement officer present at or near the site of a highway construction or maintenance project under subparagraph (i) of this paragraph may:

1. Be in uniform;

2. Be in a marked law enforcement vehicle;

3. Display the visual lights or signal devices installed on the law enforcement vehicle; and

4. Be located at or near the site of the highway construction or maintenance project in a manner to:

A. Enhance worker safety; and

B. Facilitate the enforcement of traffic laws.

(iv) A law enforcement officer present at or near the site of a highway construction or maintenance project under subparagraph (ii) of this paragraph may

take any authorized action to enforce traffic laws at or near the project.

§8–613.3.

The Governor shall include in the annual operating or capital budget an appropriation to the Administration to be used to comply with the Watershed Implementation Plan in the amount of:

(1) $45,000,000 for fiscal year 2015;

(2) $65,000,000 for fiscal year 2016;

(3) $85,000,000 for fiscal year 2017;

(4) $100,000,000 for fiscal year 2018; and

(5) $100,000,000 for fiscal year 2019.

§8–614.

(a) All State highway projects shall be performed under the supervision of the Administration and subject to its approval, in accordance with plans and specifications prepared by the chief engineer and approved by the Administration.

(b) To receive the full benefit of competitive bidding, the Administration, whenever practicable, shall separate major construction projects into two or more smaller contracts.

(c) The Administration shall include in construction and maintenance contracts a requirement that a contractor protect roadside trees to the maximum extent practicable in the performance of the contractor's duties under the contract.

§8–616.

Within 90 days after the end of each fiscal year or as soon as practicable after that, the Secretary shall file a complete report with the Governor showing the status, as of the end of that fiscal year, of the State highway construction program. The report shall be in the form that the Governor requires and be open to public inspection.

§8–619.

(a) (1) By written order, the Administration may lay out, establish, and construct any State highway as a parkway or a freeway.

(2) If a written order of the Administration states that a proposed highway is to be constructed as a parkway or a freeway, the order is conclusive evidence that, when the highway is constructed, it is a parkway or a freeway, as the case may be, with all the characteristics and incidents specified in this subtitle.

(b) If property is acquired for a freeway, the Administration shall inform each property owner of the use and restrictions that are or may be imposed on the property under this subtitle.

(c) (1) If a highway is constructed as a parkway or a freeway, no person, including an owner of property abutting the highway, has the right of access to or from the abutting land to or from the highway.

(2) At the time of construction, in the case of a parkway, or at any time, in the case of a freeway, the Administration, in its discretion, may designate points at which access to a parkway or freeway will be permitted and may specify from time to time terms and conditions of that access.

§8–620.

(a) Subject to subsection (b) of this section, the Administration may designate any part of any existing State highway as an expressway.

(b) (1) This subsection applies to a State highway that the Administration:

(i) Proposes designating as an expressway; or

(ii) Designated as an expressway before October 1, 1999, but for which design and engineering funds have not been encumbered.

(2) Before designating any part of a State highway as an expressway, the Administration:

(i) Shall notify the governing body of each county and municipal corporation that may be affected by the designation and provide the officials representing governing bodies an opportunity to meet and confer with representatives of the Administration on the proposed designation; and

(ii) Within a reasonable proximity to the area affected by the proposed designation:

1. Shall hold a public informational meeting, to present to the community background information on the designation, the Administration's plans in relation to the highway, and the expected impact of the designation on the community; and

2. Not less than 30 days after the public informational meeting, shall hold a public hearing on the proposed designation to afford interested parties an opportunity to submit oral testimony and written comments.

(3) The Administration shall publish notice of the proposed designation of a State highway as an expressway and the time and place of the public informational meeting and the public hearing in at least one newspaper of general circulation in the

areas affected by the proposed designation at least 2 weeks before the:

(i) Public informational meeting required under paragraph (2)(ii)1 of this subsection; and

(ii) Public hearing required under paragraph (2)(ii)2 of this subsection.

(4) The requirements of this subsection may be satisfied through the public notice provided, and the public informational meetings and public hearings held, as part of the project planning phase as defined in § 8-610 of this subtitle.

(c) (1) If an existing highway is designated as an expressway and a property abutting the expressway is not served by any other reasonable access to another public road, the Administration may acquire the right of any owner of the property to access to or from the abutting land to or from the expressway by:

(i) Closing any existing access; or

(ii) Limiting the right of the owner to construct any new access or to enlarge or extend any existing access.

(2) If an existing highway is designated as an expressway and a property abutting the expressway has reasonable access to another public road, the Administration may:

(i) Acquire the right of any owner of that property abutting the expressway to continue to use an existing access to or from the abutting land to or from the expressway by closing any existing access; and

(ii) In its own discretion, prohibit new access to or from the abutting land to or from the expressway by limiting the right of the owner to construct any new access.

(3) An owner denied new access under paragraph (2)(ii) of this subsection is not entitled to any compensation for the denial of access if reasonable access to another public road is available at the time of the denial of access.

(4) The Administration, in its discretion, may designate points at which access will be permitted and may specify the terms and conditions of that access.

§8–621.

If any highway is constructed as a parkway or is constructed or designated as a freeway, the Administration may:

(1) Regulate, restrict, or prohibit any specific access to the parkway or freeway from any other highway, if reasonable access to the parkway or freeway from

the other highway otherwise is provided;

(2) Regulate, restrict, or prohibit the use of the parkway or freeway by any class of vehicles or traffic, if an alternate route is provided for the restricted or prohibited classes; and

(3) Maintain, discontinue, abandon, close, and exercise any other powers over the parkway or freeway to the same extent and in the same manner as in the case of any other highway.

§8–622.

(a) If property held under one ownership is divided by a freeway, the Administration may provide access across the freeway from one tract to the other and may specify the terms and conditions of that access.

(b) If the tracts cease to be held under one ownership, the Administration may terminate the access.

(c) Access provided under this section may not be used in connection with any roadside business.

§8–625.

(a) For purposes of this section, average daily traffic volume shall be determined over a 1-year period by the procedures that the Administration uses to establish traffic density.

(b) (1) Except in accordance with a permit issued by the Administration, a person may not make any entrance from any commercial or industrial property to any State highway that carries an average traffic volume of more than 2,000 vehicles a day.

(2) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.

(c) (1) To promote highway safety, the Administration may limit the width of existing entrances and exits and determine the locations of access points that may be used by any commercial or industrial property owner or user into any existing section of a State highway that carries an average traffic volume of more than 2,000 vehicles a day.

(2) If the Administration finds it expedient for traffic safety, the Administration may:

(i) Limit the width and location of access points by any method that it considers desirable; and

(ii) Deny an abutting property owner all new access along any

primary State highway if reasonable access to another public road is available to and from the property.

(3) Denial of access under paragraph (2)(ii) of this subsection is an exercise of the police power and does not require the payment of compensation.

(d) (1) This subsection does not apply to an expressway, freeway, interstate highway, or parkway.

(2) Notwithstanding subsection (c)(2)(ii) of this section, the Administration may not deny an owner of property abutting a State highway all access to the highway if the abutment is within the boundaries of a municipal corporation unless:

(i) The property abuts another public road to which reasonable access can be granted;

(ii) The denial is based on an access management plan that has been agreed to by the Administration and the municipal corporation; or

(iii) The Administration pays just compensation to the property owner as part of the exercise of eminent domain powers.

§8–626.

(a) (1) Subject to this section and with the advice and approval of the Administration, the legislative body of any county or municipal corporation in this State may designate an industrial crossing across any State highway located within the county or municipal corporation.

(2) An industrial crossing may not be designated if it will endanger traffic on the highway.

(b) (1) Any person who desires an industrial crossing across a State highway shall apply for designation of the crossing to the legislative body of the county or municipal corporation where the highway is located.

(2) An industrial crossing may not be designated unless the applicant pays or agrees to pay for:

(i) The costs of any improvement required to strengthen or modify the highway for use as an industrial crossing;

(ii) Any damage to the highway that results from its use as an industrial crossing; and

(iii) The costs of making, installing, and maintaining any signs, markers, or signal devices that the legislative body, with the approval of the

Administration, requires to designate the crossing.

(c) If an industrial crossing is designated under this section, the applicant has the exclusive right to use the industrial crossing, subject to any conditions of use that the Administration requires. When using the crossing, the vehicles of the applicant are exempt from all weight limitations and registration requirements imposed by the Maryland Vehicle Law.

(d) The designation of any industrial crossing continues as long as the applicant actually uses the crossing. However, after notice and hearing, the Administration, the Department of State Police, or the police department of the county or municipal corporation where the crossing is located may terminate the use of the crossing on the ground that the crossing has become a danger to traffic because of increased traffic or for any other good reason.

§8–627.

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

(2) "Defense-related activity" means:

(i) The preparation of the United States or a state for defense or war; or

(ii) The prosecution of war by the United States or a country with which the United States maintains friendly relations.

(3) "Highway authority" means a governing body or individual with the authority under law to restrict or close a highway to the public.

(4) "Political subdivision" means a county, municipal corporation, special taxing district, or public corporation of the State.

(5) "Public utility" includes a pipeline, gas, electric, heat, water, oil, sewer, communication, radio, transportation, railroad, airplane, or other system owned or operated for public use.

(b) This section applies to property owned by a person, the State, or a political subdivision:

(1) Engaged in, or preparing to engage in, the manufacture, transportation, or storage of a product to be used in a defense-related activity;

(2) Engaged in, or preparing to engage in, the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water; or

(3) Operating a public utility.

(c) An owner of property described in subsection (b) of this section, who believes that the property will be endangered if public use and travel is not restricted or prohibited on a highway abutting the property, may petition the highway authority of the State or a political subdivision, as appropriate, to close or restrict public use of and travel on the highway.

(d) On receiving the petition, the highway authority shall:

(1) Set a hearing date; and

(2) Provide notice of the hearing at least 7 days before the hearing by publication in a newspaper of general circulation in the political subdivision where the property is located.

(e) (1) After the hearing, the highway authority may by order close or reasonably restrict the use of a public highway if the highway authority determines that the public safety and the safety of the property require the closure or restriction.

(2) The highway authority shall conspicuously post a notice in letters at least 3 inches high at each end of a highway that the highway authority closes or restricts.

(f) The highway authority may issue a written permit to persons to travel on a closed or restricted highway under conditions that the highway authority establishes.

(g) The highway authority may revoke or modify an order issued under this section.

(h) A person who violates an order issued under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

§8–629.

(a) (1) With the concurrence of the local government, the Administration may require any developer of an industrial, commercial, or apartment area along a highway maintained by the Administration to construct sidewalks parallel to the highway.

(2) The construction of these sidewalks shall meet the conditions specified in entrance permits and the standards adopted by the Administration or the local government.

(b) Sidewalks may not be required under this section if the Administration determines that:

(1) The establishment of sidewalks would be contrary to public safety;

(2) The cost of establishing the sidewalks would be too great considering

the need for them or their probable use; or

(3) The sparsity of population, the existence of other available ways, or any other factor indicates that there is no need for the sidewalks.

(c) After sidewalks are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.

§8–630.

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

(2) "Municipal corporation" means a municipality as defined in § 1–101 of the Local Government Article.

(3) "Urban highway" means a highway, other than an expressway, that is:

(i) 1. Constructed with a curb and gutter and an enclosed type storm drainage system;

2. Located in an urban area and on which is located a public facility that creates appreciable pedestrian traffic along the highway from adjacent areas;

3. Located within urban boundaries as defined by the U.S. Census Bureau; or

4. Located within the boundaries of a municipal corporation; and

(ii) Part of the State highway system.

(b) (1) Sidewalks shall be constructed at the time of construction or reconstruction of an urban highway, or in response to the request of a local government unless:

(i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or

(ii) The local government indicates that there is no need for sidewalks.

(2) Sidewalks constructed under this section shall be consistent with area master plans and transportation plans adopted by the local planning commission.

(c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, the Administration shall fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of

the roadway project.

(2) Except as provided in paragraphs (3) and (4) of this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared equally between the State and local governments.

(3) If sidewalks or bicycle pathways within a sustainable community as defined in § 6–301 of the Housing and Community Development Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

(4) (i) This paragraph does not apply to a priority funding area that is a sustainable community as defined in § 6–301 of the Housing and Community Development Article.

(ii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, and if the Administration determines that construction would not occur under this section due to insufficient contribution of funds by the local government, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared between the State and local government as follows:

1. 75 percent of the cost shall be funded by the State; and

2. 25 percent of the cost shall be funded by the local government.

(iii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article are constructed or reconstructed based on a determination by the Administration that a substantial public safety risk or significant impediment to pedestrian access exists and the adjacent roadway is not being concurrently constructed or reconstructed, then:

1. The Administration shall categorize the sidewalk or bicycle pathway construction project as "system preservation" and give corresponding funding priority to the project; and

2. The cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

(5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government shall:

(i) Provide public notice and opportunities for community involvement prior to the construction of a sidewalk or bicycle pathway project; and

(ii) Secure any necessary right–of–way that may be needed beyond the right–of–way already owned by the State.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, after sidewalks and bicycle pathways are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.

(ii) Subject to approval and the availability of funds, the Administration promptly shall reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.

(d) The Administration may not construct any project that will result in the severance or destruction of an existing major route for pedestrian transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.

(e) The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.

(f) The Administration shall maintain and repair all facilities for nighttime illumination that:

(1) Are constructed by the Administration for the safe conduct of vehicular traffic; and

(2) Exist adjacent to urban highways.

§8–633.

Except as otherwise provided by law, the Administration does not have any duties, responsibilities, or powers with respect to the construction, reconstruction, or maintenance of any highways except State highways.

§8–635.

At the request of any proper county agency, the Administration shall provide to the county engineering advice and information on the county's road program, including its farm-to-market road program. The Administration may not charge the cost of this advice or information either to the county, to the county's share of highway user revenues, or to other funds allocated to the county.

§8–636.

(a) Within 6 months after the end of each county's fiscal year, the county shall file with the Administration a complete report of each project constructed during the preceding fiscal year.

(b) The report shall include:

(1) A full audit of the county's accounts relating to the project; and

(2) An engineering statement that states separately and in detail all costs incurred in the project.

§8–639.

(a) Unless approved by the Secretary on application to him, and notwithstanding any other statute to the contrary:

(1) Except for an industrial track spur or siding, a railroad may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter a railroad grade crossing over a State, county, or municipal highway, except in Baltimore City, or over a private road; or

(ii) Change the crossing protection equipment at such a crossing; and

(2) A person may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter either a railroad grade crossing over a public highway or a private road over a railroad; or

(ii) Change the crossing protection equipment at such a crossing.

(b) (1) The Secretary has authority, subject to the provisions of Division II of the State Finance and Procurement Article, to approve the construction or modification of a railroad grade crossing or a change of crossing protection equipment and to impose conditions necessary to insure public safety at the crossing.

(2) No other approval, safety condition, or protective measure may be required by any public authority.

(c) When an application is made to the Secretary for approval of the construction or modification of a railroad grade crossing or a change of crossing protection equipment, the Secretary, after notice to all parties in interest, including adjacent property owners, shall hold a hearing on the matter if:

(1) The Secretary considers a hearing to be necessary;

(2) A hearing is requested by any party in interest; or

(3) The proposed change would diminish or discontinue any crossing protection.

(d) With any technical advice from the Administration that the Secretary considers necessary, the Secretary may:

(1) Approve or disapprove the application; and

(2) Impose on the person initiating the crossing project, under uniform standards and regulations, any condition necessary to insure public safety at the crossing, including a requirement for the installation of, payment for, and maintenance of crossing protection equipment.

(e) For purposes of this section, the conversion of a private road grade crossing into a public highway grade crossing is a projection of a public highway over the railroad by the public authority taking jurisdiction of the private road.

§8–640.

(a) At each grade crossing of a highway and a railroad, the railroad shall:

(1) Keep its roadbed and the highway in proper repair so as to provide absolutely safe and easy approach to and crossing of the tracks; or

(2) Subject to approval by the Administration, construct a railroad grade separation.

(b) (1) The Administration may abandon, relocate, construct, or reconstruct any railroad grade crossing or railroad grade separation that is dangerous or inconvenient for public travel.

(2) If a railroad grade crossing is dangerous or inconvenient for public travel, the Administration may construct a railroad grade separation.

(c) (1) The Administration may require the railroad to do any of the work needed under this section, on the terms and conditions that the Administration specifies.

(2) If the railroad fails to do any work required of it under this section, the Administration may perform the work itself and collect the railroad's share of the cost from the railroad.

§8–641.

(a) The Administration shall pay the costs of relocation to any public or private utility whose facilities are altered or relocated because of a railroad grade crossing or

railroad grade separation project. The plans for the alteration or relocation shall be approved by the utility.

(b) If the owner of land adjacent to any State highway suffers damages as the result of the elimination of a railroad grade crossing or railroad grade separation from that highway, the owner may sue the Administration and the railroad for these damages.

§8–642.

(a) As to the costs of any railroad grade crossing or railroad grade separation project or maintenance:

(1) 25 percent of these costs shall be paid by the railroads that benefit from the crossing or separation; and

(2) 75 percent of these costs shall be paid by the Administration.

(b) If two or more railroads benefit from the crossing or separation, the railroads' 25 percent share shall be apportioned among them as determined by the Administration.

§8–643.

(a) If any railroad does not comply with an order of the Administration under this part to do work on a railroad grade crossing or railroad grade separation or to pay its share of the costs of any railroad grade crossing or railroad grade separation project or maintenance, the railroad is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 for each day that the order is not complied with.

(b) The penalty provided for in this section is in addition to any other remedies available to the Administration.

§8–646.

(a) Except as permitted by this section or in accordance with a permit obtained from the Administration, a person may not:

(1) Make an opening in any State highway;

(2) Place any structure on any State highway;

(3) Change or renew any structure placed on any State highway;

(4) Dig up any State highway for any purpose, including the placement of pipes, sewers, poles, wires, or rails;

(5) Plant or remove any tree on any State highway; or

(6) Place any obstruction or improvement on any State highway.

(b) (1) The Administration may issue a permit for work otherwise prohibited by subsection (a) of this section.

(2) Work done under the permit shall be performed to the satisfaction of the Administration and under its supervision.

(3) The person to whom the permit is issued or by whom the work is done shall pay the cost of replacing the highway in as good a condition as before the work was done.

(4) (i) The Administration shall require a nongovernment applicant for a permit issued under this subsection who is a developer to submit a performance bond, letter of credit, or other surety acceptable to the Administration.

(ii) The Administration shall require a nongovernment applicant for a permit issued under this subsection to submit a payment bond, letter of credit, or other surety acceptable to the Administration if:

1. The amount of the improvement is estimated to exceed $100,000;

2. The project is financed, in whole or in part, by private funds; and

3. The entire improvement is located outside the applicant's property.

(c) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.

§8–647.

(a) (1) A person may not remove any dirt, sand, gravel, stone, rock, or other material from the land adjoining any State highway, if the removal affects the surface or construction of the highway by changing the supporting slopes in a fill or the slopes supporting the adjoining land in a cut.

(2) If the Administration has built up barriers to protect or support any highway, such as sand fences, retaining walls, or any other structure, a person may not remove any dirt, sand, gravel, stone, rock, or other material from the land adjoining the highway, if the removal is harmful to the construction or protection of the highway.

(b) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding $100; and

(2) For any subsequent offense, a fine not exceeding $1,000 or imprisonment not exceeding 6 months or both.

§8–648.

Any new or replacement storm drain cover, installed on a street or highway in the State, after January 1, 1980, shall consist of:

(1) Bars running perpendicular to the flow of traffic on the highway;

(2) A grating composed of intersecting bars; or

(3) Other designs approved by the Department of Transportation which meet safety design criteria as well as engineering and structural design demands.

§8–649.

The new bridge across the Choptank River in the vicinity of Cambridge shall be named the Senator Frederick C. Malkus, Jr. Bridge.

§8–650.

(a) The Administration shall designate the portion of Maryland Route 24 located between the U.S. Route 1 Bypass and U.S. Route 40 as the Vietnam Veterans Memorial Highway.

(b) The Administration shall designate the portion of Maryland Route 157 known as the Peninsula Expressway as the Vietnam Veterans Highway.

§8–651.

(a) The Administration shall designate Maryland Route 43 as the Korean War Veterans Memorial Highway.

(b) The Administration shall designate the portion of Interstate Highway 70 that is located in Frederick County, Maryland as the Korean War Veterans Memorial Highway.

§8–652.

The following flags shall be flown year round at each rest area, welcome center, and exhibit center within interstate and State highway rights-of-way:

(1) The flag of the United States;

(2) The State flag; and

(3) The POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia.

§8–653.

The Administration shall dedicate the portion of Interstate Highway 83 from the intersection of Interstate Highway 83 and Interstate Highway 695 to the Maryland-Pennsylvania border as the Veterans of Foreign Wars Memorial Highway.

§8–654. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2020 PER CHAPTER 269 OF 2006 //

(a) The Administration shall allow the use of any right–of–way for the installation of broadband communication infrastructure provided by nonprofit telecommunications services providers in rural and underserved areas of the State without imposition of any charge for the use of the right–of–way.

(b) This section may not be construed to limit or otherwise affect any right granted to the State or a unit of the State under § 253 of the federal Telecommunications Act of 1996 with regard to for profit telecommunications services providers.

§8–655.

(a) The Administration shall post the National Human Trafficking Resource Center Hotline information sign described in § 15–207 of the Business Regulation Article in each restroom at a rest area within the right–of–way of an interstate or State highway.

(b) A sign required under this section shall be posted:

(1) On the inside of each stall door in the restroom; or

(2) On the back of the door at the entrance to the restroom.

§8–701.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Erect" means, except as provided in paragraph (2) of this subsection, to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(2) "Erect" does not include any of the activities described in paragraph (1) of this subsection when performed only as an incident to a change of advertising message or the customary maintenance or repair of an outdoor sign or outdoor sign structure.

(c) (1) "Main traveled way" means:

(i) That part of a roadway that is used for the movement of vehicles and on which through traffic is carried; and

(ii) In the case of a divided highway, that part of each of the separated roadways that is used for the movement of vehicles and on which through traffic is carried in opposite directions.

(2) "Main traveled way" does not include:

(i) Shoulders; or

(ii) Frontage roads, turning roadways, parking areas, or similar facilities.

(d) "On premise outdoor sign" means any outdoor sign that, regardless of content, is designed, intended, or used to advertise or inform the traveling public of:

(1) The sale or lease of the property on which it is located;

(2) The sale or lease of a product grown, produced, or manufactured on the property on which it is located;

(3) The sale or lease of a service performed on the property on which it is located; or

(4) The name of the owner, agent, assignee, or lessee of the property on which it is located.

(e) "Outdoor sign" means any outdoor sign, display, light, structure, figure, painting, drawing, message, plaque, placard, poster, billboard, device, or other thing that is designed, intended, or used to advertise or inform the traveling public.

(f) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal eyesight.

§8–702.

(a) The provisions of this subtitle are in addition to any other provisions of law that regulate or govern signs along highways or on public property.

(b) This subtitle does not prohibit the erection or maintenance of any traffic sign, signal, or other device by the Administration or any local authority in accordance with the Maryland Vehicle Law.

§8–703.

(a) This subtitle does not apply to the erection or maintenance of any school bus waiting shelter displaying outdoor signs if:

(1) The advertising does not exceed 32 square feet;

(2) The shelter has no more than one sign facing in any one direction; and

(3) The shelter has no more than two signs in all.

(b) All outdoor signs on school bus waiting shelters are subject to applicable local zoning regulations and standards approved by the State Highway Administration and, in an area to which Part IV of this subtitle applies, that are consistent with the Code of Federal Regulations regarding national standards for outdoor signs on interstate and federal–aid primary highways.

§8–704.

The Administration shall administer and enforce this subtitle.

§8–705.

(a) The Administration may adopt rules and regulations to carry out the provisions of this subtitle, including those rules and regulations that, consistent with the safety and welfare of the traveling public, the Administration considers necessary to govern:

(1) The issuance of licenses and permits under this subtitle;

(2) The location, size, lighting, and spacing requirements for any outdoor sign for which a permit is to be issued; and

(3) The method of erecting and maintaining an outdoor sign under a permit.

(b) (1) Before a rule or regulation may be adopted under this subtitle, notice of a public hearing on the rule or regulation shall be published once a week for 2 successive weeks in at least two newspapers of general circulation in this State. The notice shall specify a time and place for the public hearing.

(2) After the hearing, the Administration may adopt the proposed rule or regulation.

§8–708.

A person may not engage in the business generally known as outdoor advertising for profit gained from rentals or other compensation received for the erection, use, or maintenance on real property of any outdoor sign, unless the person is licensed by the Administration under this part.

§8–709.

(a) Each application for a license under this part:

(1) Shall be made on a form provided by the Administration; and

(2) Shall include:

(i) The full name of the applicant;

(ii) The mailing address of the applicant; and

(iii) Any other relevant information that the Administration requires for consideration of the application.

(b) Each license issued under this part expires on the April 30 after its issuance and may be renewed annually on application and payment of the required fee.

§8–710.

(a) Each applicant for a license or the renewal of a license under this part shall pay an annual fee established by the Administration, based on the number of outdoor sign structures.

(b) If a license is issued in any month after May, the fee for that license shall be prorated according to the number of months, including the month of its issuance, that remain in the license year.

§8–711.

The Administration shall issue a license under this part to any applicant who has complied with the requirements of this part.

§8–714.

(a) Whether or not the person must be licensed under Part II of this subtitle, a person may not erect or maintain any outdoor sign outside the limits of any municipal corporation and within 500 feet of a State highway, unless the person has a permit issued by the Administration for that sign.

(b) A permit is not required under this section to erect or maintain any outdoor sign:

(1) That is used only to advertise the sale or lease of the property on which it is located;

(2) That is on or within 100 feet of any building or the entrance to any building in which the business advertised is carried on;

(3) That is used only to advertise:

(i) A Maryland historic shrine or institution; or

(ii) A county or church fair held in this State;

(4) That advertises a candidate or the support or defeat of any proposition. This sign:

(i) Shall comply with all provisions of the Election Law Article;

(ii) Shall comply with public safety requirements as set forth in § 8–716 of this subtitle;

(iii) Shall conform to all local restrictions and zoning requirements which are more restrictive than this section; and

(iv) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; or

(5) That is only a temporary outdoor sign that advertises the sale in season of fresh produce on property that adjoins a State highway by a person who has grown the fresh produce and who owns, rents, or has permission to sell on the property. This sign:

(i) Shall comply with public safety requirements as set forth in § 8–716 of this subtitle;

(ii) Shall conform to all local restrictions and zoning requirements that are more restrictive than this section, including any applicable time limitation;

(iii) Shall conform to the restrictions and requirements of Parts IV and V of this subtitle; and

(iv) Shall be removed or covered when produce is no longer for sale.

§8–715.

(a) Each application for a permit under this part:

(1) Shall be made on a form provided by the Administration;

(2) Shall be signed by the applicant; and

(3) Shall include the information required by this section.

(b) Each application for an outdoor sign permit shall include:

(1) The name of the county and election district and the approximate distance from the nearest municipal corporation where the applicant proposes to erect or maintain the sign;

(2) A statement as to whether or not the proposed location is within any area over which the General Assembly has granted zoning powers to any agency and, if the proposed location is within such an area:

(i) The name of that area; and

(ii) A certificate that satisfies the Administration that the appropriate agency has approved the erection or maintenance of the sign;

(3) Specifications as to each of the following:

(i) The dimensions and the area in square feet of advertising surface on the sign, as contained within a line drawn around the outer edge of its advertising matter, pictorial design, and all border and trim;

(ii) The distance from the ground to the top of the sign;

(iii) The material used in the construction of the sign; and

(iv) The distance from the sign to the nearest highway;

(4) A plat that accurately shows, for the area within 500 feet of the sign:

(i) The proposed location of the sign with reference to the location of each State highway;

(ii) The location of the boundaries of the State highway; and

(iii) The relative location of any intersection at grade of the State highway with another highway or with a railroad; and

(5) Any other plats or information that the Administration considers necessary to determine whether the sign qualifies for a permit under § 8-716 of this subtitle.

§8–716.

The Administration may not issue a permit under this part for any outdoor sign if:

(1) The area of its advertising surface, as required to be specified in the application, exceeds 1,000 square feet;

(2) It might affect adversely the safety of public travel on any State highway by dangerously obstructing the clear view of the highway by the driver of a motor vehicle on it;

(3) It is lighted in a way that makes it dangerous to drive a motor vehicle on a State highway; or

(4) It is located, as to any intersection at grade of a State highway with another highway or with a railroad:

(i) At any point where it obstructs or interferes with the view of a train or other vehicle approaching the intersection; or

(ii) At any other point where it is dangerous to the public in any way.

§8–717.

(a) Each permit issued under this part expires on the April 30 after its issuance.

(b) (1) A permit issued under this part may be renewed annually on application and payment of the required fee.

(2) If the renewal fee for a permit is not paid by July 1 of a permit year, the Administration may charge a $5 late fee for the permit.

(3) If the renewal fee for a permit is not paid by October 1 of a permit year, the Administration may remove the outdoor sign for which the fee is not paid, as provided in Part VI of this subtitle.

§8–718.

(a) Each applicant for a permit or the renewal of a permit under this part shall pay an annual fee established by the Administration, based as to each outdoor sign on the area of its advertising surface.

(b) If a permit is issued in any month after May, the fee for that permit shall be prorated according to the number of months, including the month of its issuance, that remain in the license year, but the fee may not be less than $1.

§8–719.

(a) The Administration shall issue a permit under this part to any applicant who has complied with the requirements of this part.

(b) The permits issued under this part shall be numbered consecutively.

§8–720.

Any person whose application for a permit under this part is rejected by the Administration may appeal to the circuit court for the county in which the outdoor sign is to be located. The appeal shall be heard de novo.

§8–721.

On each outdoor sign for which a permit is required under this part, there shall be written plainly, in the manner that the Administration requires:

(1) The name and mailing address of the person owning or controlling the sign; and

(2) The number and expiration date of the permit for the sign.

§8–722.

(a) Except for payment of the annual fee required by § 8-718 of this subtitle, this part does not affect any outdoor sign in existence on June 1, 1931, unless the sign:

(1) Affects adversely the safety of public travel on any State highway by dangerously obstructing the clear view of the highway by the driver of a motor vehicle on it; or

(2) Is lighted in a way that makes it dangerous to drive a motor vehicle on any State highway.

(b) If the outdoor sign affects adversely the safety of public travel or is dangerously lighted as described in subsection (a) of this section, the Administration may remove the sign as provided in Part VI of this subtitle, after 15 days' written notice and an opportunity to be heard.

(c) Any person whose outdoor sign is ordered removed under this section may appeal to the circuit court for the county in which the sign is located. The appeal shall be heard de novo.

§8–725.

(a) In this part the following words have the meanings indicated.

(b) (1) In this definition, "commercial or industrial activity" means any activity generally recognized as commercial or industrial by local zoning authorities in this State, except for the following activities:

(i) Outdoor advertising;

(ii) Agricultural, forestry, ranching, grazing, farming, and related activities, including wayside fresh produce stands;

(iii) Activities normally or regularly in operation less than 3 months of the year;

(iv) Transient or temporary activities;

(v) Activities conducted in a building principally used as a residence; and

(vi) Railroad tracks and minor sidings.

(2) "Commercial or industrial area" means any area along the side of a highway:

(i) That is reserved under a local zoning ordinance or regulation for business, commerce, or trade;

(ii) That is not zoned and on which there are located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is conducted, whether or not a permanent structure is located there, including the area that, along or parallel to the edge or pavement of that side of the highway, extends 660 feet from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity.

(c) "Double–faced" means abutting and facing the same direction.

(d) "Federal–aid primary highway" means any State highway that is part of the national federal–aid primary system as of June 1, 1991, or any highway on the national highway system, as designated by the Administration and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(e) "Scenic byway" means a transportation corridor designated by the Administration as having special scenic, historic, recreational, cultural, archaeological, or natural qualities that have been recognized as such through legislation or some other official declaration.

§8–726.

(a) The General Assembly finds and declares that, except for on premise advertising, outdoor advertising along and adjacent to the federal-aid primary system of highways is a commercial use of these highways that should be regulated to:

(1) Prevent unreasonable distraction of the drivers of motor vehicles;

(2) Prevent confusion as to traffic lights, signs, controls, or signals, and prevent interference with the effectiveness of traffic regulations;

(3) Promote the prosperity, economic well-being, health, safety, morals, order, convenience, and general welfare of this State;

(4) Promote the enjoyment of travel on and protection of the public investment in highways in this State; and

(5) Preserve and enhance the natural scenic beauty or esthetic features and values of these highways and their adjacent areas.

(b) (1) It is a policy of this State that:

(i) The erection and maintenance of outdoor advertising along the rights-of-way of the federal-aid primary system of highways in this State should be limited and regulated in accordance with this part and the rules and regulations adopted by the Administration under it; and

(ii) All outdoor advertising that does not meet the requirements of

this part and these rules and regulations is not in the public interest.

(2) By enacting this part, the General Assembly intends to provide a statutory basis for the regulation of outdoor advertising consistent with the public policy for areas adjacent to federal-aid primary highways, as declared by the Congress in the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974.

(c) This part shall be liberally construed to carry out the legislative policy stated in this section.

§8–727.

(a) Except as otherwise provided in this section, this part regulates the erection and maintenance of an outdoor sign along or near a federal-aid primary highway, only if:

(1) The sign is wholly or partly visible from the main traveled way of the highway; and

(2) The sign is:

(i) 660 feet or less from the nearest edge of the right-of-way of the highway; or

(ii) More than 660 feet from the nearest edge of the right-of-way of the highway, and intended to be read from the main traveled way of the highway.

(b) Except as provided in §§ 8-734 and 8-735 of this subtitle as to the removal of nonconforming signs, this part does not apply to:

(1) An outdoor sign that is 660 feet or less from the nearest edge of a federal-aid primary highway, if the sign was erected on or before July 1, 1968; or

(2) An outdoor sign that is more than 660 feet from the nearest edge of a federal-aid primary highway, if the sign was erected on or before July 1, 1975.

(c) This part does not apply to on premise outdoor signs.

§8–728.

A person may not use his property or allow his property to be used by any other person for the erection or maintenance of any outdoor sign along or near any federal-aid primary highway, unless:

(1) The sign is in a commercial or industrial area; or

(2) The sign is:

(i) In an urban area; and

(ii) More than 660 feet from the nearest edge of the right-of-way of the highway.

§8–729.

(a) A person may not erect or maintain any outdoor sign along or near any federal-aid primary highway, unless the person has a permit issued by the Administration for that sign.

(b) A permit required by this section shall be issued in the same manner and is subject to the same annual permit fee and other requirements and limitations as are provided for a permit issued under Part III of this subtitle.

§8–730.

The Administration may not issue a permit for any outdoor sign along or near any federal–aid primary highway, if the sign:

(1) Imitates or resembles any official traffic sign, signal, or device;

(2) Is erected or maintained on any tree or painted or drawn on any rock or other natural feature;

(3) Is erected or maintained in a way that:

(i) Obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device; or

(ii) Obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic;

(4) Is located within 250 feet of any public park, public forest, playground, or cemetery that is adjacent to a federal–aid primary highway; or

(5) Is along or near a scenic byway located on the federal–aid primary highway.

§8–731.

(a) The size of an outdoor sign along or near a federal-aid primary highway shall conform to the limitations specified in this section.

(b) For purposes of this section, the area of a sign shall be measured by any combination of the smallest square, rectangle, triangle, or circle that will encompass the entire sign, including its border and trim but excluding any ornamental base, apron supports, or other structural members.

(c) An outdoor sign may not have an area greater than 1,000 square feet, with a maximum height of 25 feet and a maximum length of 50 feet.

(d) (1) An outdoor sign structure may contain one or two signs per facing and may be double-faced, back-to-back, or v-type, but the total area of any facing may not exceed 800 square feet.

(2) An outdoor sign that exceeds 400 square feet may not be double-faced.

§8–732.

(a) In this section, "centerline" means:

(1) The centerline of the main traveled way of a nondivided highway; or

(2) A line equidistant from the edges of the median separating the main traveled ways of a divided highway.

(b) The location of an outdoor sign structure located between highways entering into or intersecting the main traveled way of any federal-aid primary highway shall conform to the minimum spacing criteria specified in this section, to be applied separately to each side of the federal-aid primary highway.

(c) If the distance between the centerlines of intersecting highways is less than 1,000 feet, a maximum of three sign structures, whether double-faced, back-to-back, or v-type, may be permitted between the intersecting highways, and the minimum spacing between the structures shall be 100 feet.

(d) If the distance between the centerlines of intersecting highways is 1,000 feet or more, the minimum spacing between sign structures, whether double-faced, back-to-back, or v-type, shall be 300 feet.

(e) (1) For purposes of this subsection, the following rules apply.

(2) Alleys, undeveloped rights-of-way, private roads, and driveways may not be regarded as intersecting highways.

(3) Only highways that enter directly into the main traveled way of the federal-aid primary highway may be regarded as intersecting.

(4) Official and "on premise" signs, as defined in Title 23, § 131(c) of the United States Code, may not be counted, and measurements may not be made from them for purposes of determining compliance with the spacing requirements.

(5) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs.

(6) The minimum spacing criteria specified in this section do not apply

to sign structures separated by a building or other obstruction so that only one sign structure is visible from any one place on the main traveled way.

§8–733.

(a) Except as otherwise provided by law, an outdoor sign along or near a federal-aid primary highway may be lighted, but is subject to the restrictions specified in this section.

(b) A sign that includes or is lighted by any flashing, intermittent, or moving light is prohibited, unless that sign is giving public service information such as time, date, temperature, weather, or similar information.

(c) A sign that is not effectively shielded so as to prevent its light beams or rays from being directed at any part of the main traveled ways of the federal-aid primary highway is prohibited, if the beams or rays:

(1) Are of such intensity or brillance as to cause glare or impair the vision of the driver of any motor vehicle; or

(2) Otherwise interfere with any driver's operation of a motor vehicle.

(d) A sign may not be lighted in any way that obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device.

§8–734.

(a) If appropriate matching federal funds are available to this State under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, the Administration shall acquire, by purchase, gift, or condemnation, and remove any outdoor sign that, on July 1, 1975, lawfully existed along or near any federal-aid primary highway and that does not comply with this part.

(b) In controlling outdoor signs adjacent to federal-aid primary highways under the federal Highway Beautification Act of 1965, the Federal-Aid Highway Amendment of 1974, and any related agreement between the Administration and the federal government, the Administration is not required to remove any sign that advertises a natural wonder or a scenic or historical attraction, if the sign conforms to national standards for such signs under Title 23 of the United States Code.

§8–735.

(a) The Administration may acquire, by purchase, gift, or condemnation, and remove any outdoor sign:

(1) That lawfully existed along or near any federal-aid primary highway on July 1, 1975;

(2) That was lawfully erected and, after July 1, 1975, became nonconforming; or

(3) That lawfully existed along or near any highway that was made a part of the federal-aid primary system on or after October 22, 1965.

(b) (1) The Administration may pay compensation under this section only for:

(i) The taking from the owner of the outdoor sign of all interest in the sign; and

(ii) The taking from the owner of the land on which the outdoor sign is located of the right to erect and maintain outdoor signs at that location.

(2) The Administration may not spend funds to control outdoor signs under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, until appropriate matching federal funds are available to this State under these acts.

§8–736.

(a) The political subdivisions of this State have full authority, under their respective zoning powers:

(1) To zone areas for commercial or industrial purposes; and

(2) In these areas, to govern the size, spacing, and lighting of outdoor signs.

(b) Notwithstanding any provision of this part or any rule or regulation of the Administration:

(1) Local zoning regulations that relate to outdoor signs in commercial or industrial areas shall govern within the zoned area; and

(2) If a political subdivision adopts comprehensive zoning that includes the regulation of outdoor signs:

(i) The Administration may so certify to the Federal Highway Administrator; and

(ii) On certification, the control of outdoor signs in commercial or industrial areas transfers to the political subdivision.

§8–737.

(a) A county or municipality may not remove an outdoor sign which is adjacent to a federal-aid primary highway and which was lawfully erected and maintained under State law and in existence or in litigation on or after November 6, 1978 unless just

compensation is paid by the Administration.

(b) The Administration is not required to spend any funds under this section until appropriate matching federal funds are available to the State.

(c) The provisions of subsection (a) of this section shall not apply to any outdoor sign which is not eligible for matching federal funds.

§8–739.

In this part, "expressway" includes an interstate highway.

§8–740.

(a) Except as otherwise provided in this section, this part regulates the erection and maintenance of an outdoor sign along or near an expressway, only if:

(1) The sign is 660 feet or less from the nearest edge of the right-of-way of the expressway; or

(2) The sign is:

(i) More than 660 feet from the nearest edge of the right-of-way of the expressway;

(ii) Wholly or partly visible from the main traveled way of the expressway; and

(iii) Intended to be read from the main traveled way of the expressway.

(b) Except as provided in § 8-743 of this subtitle as to the removal of nonconforming signs, this part does not apply to:

(1) An outdoor sign that is 660 feet or less from the nearest edge of the right-of-way of an expressway, if the sign was erected on or before June 1, 1959; or

(2) An outdoor sign that is more than 660 feet from the nearest edge of the right-of-way of an expressway, if the sign was erected on or before July 1, 1975.

§8–741.

A person may not use his property or allow his property to be used by any other person for the erection or maintenance of any outdoor sign along or near any expressway, unless the sign is:

(1) In an urban area; and

(2) More than 660 feet from the nearest edge of the right-of-way of the

expressway.

§8–742.

This part does not prohibit the erection or maintenance of:

(1) Any on premise outdoor sign that complies with § 8-744 of this subtitle;

(2) Any outdoor sign used to identify a church or a historical monument or location, if the sign is erected in accordance with the rules and regulations of the Administration; or

(3) Any outdoor sign along a highway that is not an expressway, even if the highway runs parallel or partially parallel to an expressway, if the sign faces that highway.

§8–743.

(a) The Administration may acquire, by purchase, gift, or condemnation, and remove any outdoor sign that, on July 1, 1975, lawfully existed along or near any expressway and that does not comply with this part.

(b) (1) The Administration may pay compensation under this section only for:

(i) The taking from the owner of the outdoor sign of all interest in the sign; and

(ii) The taking from the owner of the land on which the outdoor sign is located of the right to erect and maintain outdoor signs at that location.

(2) The Administration is not required to spend any funds under the federal Highway Beautification Act of 1965 and the Federal-Aid Highway Amendment of 1974, until appropriate matching federal funds are available to this State under these acts.

(c) Compensation may not be paid for any outdoor sign erected after July 1, 1975, in violation of this part.

§8–744.

(a) On premise outdoor signs are permitted along expressways in accordance with the local zoning laws or ordinances that are in effect in the political subdivision through which the expressway passes, if these local zoning laws or ordinances embrace and regulate outdoor advertising.

(b) For any area in which local zoning laws or ordinances are not in effect or for which the local zoning laws or ordinances do not embrace outdoor advertising:

(1) The Administration may adopt rules and regulations governing on

premise signs along expressways; and

(2) If local zoning laws or ordinances embracing outdoor advertising later are adopted, the local zoning prevails.

(c) (1) A person may not erect or maintain any on premise outdoor sign along or near any expressway unless the person has a permit issued by the Administration for that sign.

(2) There is no fee or bond requirement for a permit issued under this subsection.

§8–745.

(a) A county or municipality may not remove an outdoor sign which is adjacent to an interstate highway and which was lawfully erected and maintained under State law and in existence or in litigation on or after November 6, 1978 unless just compensation is paid by the Administration.

(b) The Administration is not required to spend any funds under this section until appropriate matching federal funds are available to the State.

(c) The provisions of subsection (a) of this section shall not apply to any outdoor sign which is not eligible for matching federal funds.

§8–747.

Except as otherwise provided in this subtitle, before any outdoor advertising license or outdoor sign permit may be issued or renewed under this subtitle to any person who is not a resident of this State, the person shall execute and file with the Administration a bond to this State, with surety approved by the Administration, in the amount of $1,000 and conditioned that the obligor:

(1) Will pay to this State all money required to be paid by him under this subtitle; and

(2) Will comply with all of the provisions of this subtitle and the rules and regulations adopted under it.

§8–748.

(a) If any outdoor sign is erected or maintained contrary to the provisions of this subtitle, the Administration may remove it after 15 days' written notice to the person owning or controlling the sign.

(b) All signs removed by the Administration under this section become the property of the Administration.

§8–749.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§8–750.

(a) In this part the following words have the meanings indicated.

(b) "Bus passenger shelter" means a shelter located at a designated transit bus stop for the convenience of passengers of a public transportation system owned and operated by a governmental unit, public authority, or transit operator.

(c) "Commercial advertising sign" means any sign, display, or device designed, intended, or used to encourage or promote the purchase or use of goods or services.

§8–751.

The Administration may, consistent with Division II of the State Finance and Procurement Article, enter into agreements for the construction, operation, and maintenance of bus passenger shelters displaying commercial advertising signs on the rights-of-way of State highways, subject to applicable federal requirements and to any terms and conditions prescribed by the Administration, including the payment of compensation.

§8–752.

(a) Subject to any applicable provisions of this section, a municipal corporation or a county that owns or operates a transit system or in which a transit system operates or a transit operator may enter into an agreement to construct, operate, and maintain bus passenger shelters on a State right-of-way.

(b) An agreement under this section may allow commercial advertising signs to be displayed on bus passenger shelters consistent with applicable State, local, and federal law.

(c) A municipal corporation shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way located within the municipal corporation.

(d) (1) A county shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way located within the county but not within a municipal corporation.

(2) With the concurrence of the municipal corporation, a county shall apply to the Administration for a permit to erect bus passenger shelters on State rights-of-way that are located within a municipal corporation.

(e) A transit operator shall apply to the Administration for a permit to erect bus passenger shelters:

(1) On State rights-of-way located within a municipal corporation, with the concurrence of the municipal corporation; and

(2) On State rights-of-way located within an unincorporated area, with the concurrence of the county.

(f) (1) On receipt of an application for a permit to erect a bus passenger shelter, the Administration may issue a permit under § 8-646 of this title after determining that:

(i) The location, design, and construction of the bus passenger shelter do not interfere with vehicular or pedestrian safety; and

(ii) The construction of the bus passenger shelter, including any commercial advertising signs displayed on the bus passenger shelter, conforms with applicable State, local, and federal law.

(2) A permit for a bus passenger shelter shall:

(i) Include a provision requiring continued compliance with the requirements under paragraph (1) of this subsection;

(ii) Include a provision that the State is not responsible to any party to an agreement under this section for any costs resulting from enforcement of the permit; and

(iii) Serve as an agreement with the State as may be required under applicable federal regulation.

(3) The Administration may not unreasonably withhold approval of a permit under this subsection to a municipal corporation, county, or transit operator that has complied with the provisions of this section.

(g) Notwithstanding subsection (a) of this section, the Administration may enter into agreements to construct, operate, and maintain bus passenger shelters at fixed-route bus stops used by the Maryland Transit Administration.

§8–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Automobile graveyard" means an establishment or place of business that is maintained, operated, or used for storing wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) "Automotive dismantler and recycler facility" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. All requirements in any statute, rule, or regulation applicable to automobile graveyards also apply to automobile dismantler and recycler facilities.

(d) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and any other old or scrap material.

(e) "Junkyard" means an establishment or place of business that is maintained, operated, or used:

(1) For storing, keeping, buying, or selling junk;

(2) For an automobile graveyard; or

(3) As a garbage dump or sanitary fill.

(f) "Main traveled way" has the meaning stated in § 8–701 of this title.

(g) "Primary highway" means any State highway that is designated under this title as a primary highway and approved by the United States Secretary of Transportation under Title 23 of the United States Code.

(h) "Scrap metal processing facility" means an establishment:

(1) That has facilities for processing iron, steel, or nonferrous scrap metal; and

(2) The principal product of which is scrap iron, scrap steel, or nonferrous scrap for sale only for resmelting purposes.

§8–802.

The General Assembly of Maryland finds and declares that, to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investments in highways, and to preserve and enhance the scenic beauty of lands bordering public highways:

(1) It is in the public interest to regulate and restrict the establishment, operation, and maintenance of automotive dismantler or recycler facilities, scrap metal processing facilities, and junkyards near the interstate and primary highways in this State; and

(2) Junkyards, automotive dismantler or recycler facilities, and scrap metal processing facilities are to conform to the requirements of this subtitle.

§8–803.

(a) A person may not establish, operate, or maintain any new junkyard, automotive dismantler and recycler facility, or scrap metal processing facility or expand the area of any existing junkyard or automotive dismantler and recycler facility, if any part of the junkyard or facility is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway and is visible from the main traveled way of that highway, unless the person is licensed by the Administration under this subtitle.

(b) This section does not apply to any junkyard or facility that was in existence on or before January 1, 1968, unless the area of its operation is expanded.

§8–804.

(a) Each application for a license under this subtitle:

(1) Shall be made on a form provided by the Administration; and

(2) Shall include the information that the Administration requires for consideration of the application.

(b) Each license issued under this subtitle expires on the December 31 after its issuance and may be renewed annually on application and payment of the required fee.

§8–805.

(a) Each applicant for a license or the renewal of a license under this subtitle shall pay an annual fee established by the Administration.

(b) If a license is issued in any month after December, the fee for that license shall be prorated according to the number of months, including the month of its issuance, that remain in the license year.

§8–806.

The Administration shall issue a license under this subtitle to any applicant who has complied with the requirements of this subtitle.

§8–807.

(a) The Administration may not issue a license under this subtitle for the establishment, operation, or maintenance of any new junkyard, automotive dismantler and recycler facility, or scrap metal processing facility or for the expansion of any existing junkyard, automotive dismantler and recycler facility, or scrap metal processing facility if any part of the junkyard or facility is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, unless the junkyard or facility is:

(1) Screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the highway;

(2) Otherwise not visible from the main traveled way of the highway;

(3) Located in an area that is zoned for industrial use under authority of local law; or

(4) Located in an area that is not zoned for industrial use, but that is used for industrial activities as determined by the Administration with the approval of the United States Secretary of Transportation under the federal Highway Beautification Act of 1965.

(b) This section does not permit the Administration to preempt any zoning act or ordinance of any political subdivision. If a political subdivision later zones any area for a use that conflicts with a determination of the Administration, the determination of the Administration is void.

§8–808.

(a) The Administration may adopt rules and regulations that:

(1) It considers necessary to govern the establishment, operation, screening, fencing, and maintenance of any junkyard, automotive dismantler and recycler facility, or scrap metal processing facility that is required to be licensed under this subtitle; and

(2) Consistent with the national standards adopted by the United States Secretary of Transportation under Title 23 of the United States Code, are necessary for the safety, welfare, and enjoyment of the traveling public.

(b) (1) Before a rule or regulation may be adopted under this subtitle, notice of a public hearing on the rule or regulation shall be published once a week for 2 successive weeks in at least two newspapers of general circulation in this State. The notice shall specify a time and place for the public hearing.

(2) After the hearing, the Administration may adopt the proposed rule or regulation.

§8–809.

(a) (1) Except as provided in subsection (b) of this section, if a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility that lawfully existed on January 1, 1968, is within 1,000 feet of the nearest edge of the right-of-way of an interstate or primary highway, is visible from the main traveled way of that highway, and is not located in an area described in § 8-807(a)(3) or (4) of this subtitle, the Administration shall screen the junkyard or facility so that it is not visible from the main traveled way of the highway.

(2) A junkyard or facility shall be screened under this section:

(i) If feasible, on the highway right-of-way; or

(ii) Otherwise, on other property acquired for that purpose.

(b) If the Administration determines that the topography of the land or economic factors prevent adequate screening of a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility under this section, the Administration, with the approval of the local government, shall:

(1) Acquire any real property necessary to relocate the junkyard or facility; and

(2) Pay the costs of relocating, removing, or disposing of the junkyard or facility.

(c) (1) Except as provided in paragraph (2) of this subsection, property may be acquired under Subtitle 3 of this title for any purpose specified in this section.

(2) Property to relocate a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility under subsection (b) of this section may be acquired by condemnation only if the property is located in an area zoned for industrial use or in an unzoned area that is used for an industrial activity.

§8–810.

The Administration may not spend funds under this subtitle to pay the cost of screening or relocating any junkyard, automotive dismantler and recycler facility, or scrap metal processing facility until appropriate matching federal funds are available to this State under the federal Highway Beautification Act of 1965.

§8–811.

This subtitle does not abrogate or affect any statute, ordinance, regulation, or resolution that is more restrictive in the regulation of junkyards, automotive dismantler and recycler facilities, or scrap metal processing facilities than this subtitle.

§8–812.

(a) If a junkyard, automotive dismantler and recycler facility, or scrap metal processing facility is in violation of any provision of this subtitle, the Administration may apply for an injunction to a court of equity in the county where the junkyard or facility is located.

(b) (1) Any person who violates any provision of this subtitle or of any rule or regulation adopted under it is guilty of a misdemeanor and on conviction is subject to

a fine not exceeding $100.

(2) If the Administration gives written notice to a person that he is in violation of any provision of this subtitle or of a rule or regulation adopted under it, each day that the violation continues after the thirtieth day after the notice is received constitutes a separate offense.

§10–101.

A word used in the compact set forth in this subtitle, unless the context clearly requires otherwise, has the same meaning as is indicated by a definition of the word in § 5-101 of this article.

§10–102.

An interstate compact, substantially as it appears in § 10-103 of this subtitle, is enacted into law and entered into with the State of West Virginia.

§10–103.

1. The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, may enter into intergovernmental agreements with this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, and with the Potomac Highlands Airport Authority regarding the operation and use of the Cumberland Municipal Airport situated in Mineral County, West Virginia. The agreements shall be reciprocal in nature and may include, but are not limited to, conditions governing the operation, use, and maintenance of airport facilities, taxation of aircraft owned by Maryland residents and others, and user fees.

2. The county commissions of Mineral County, West Virginia, and of other West Virginia counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may create and establish, with proper governmental units of this State, Allegany County, Maryland, other Maryland counties contiguous to Allegany County, and Cumberland, Maryland, and other municipal corporations situated in those Maryland counties, or any one or more of them, a public agency to be known as the "Potomac Highlands Airport Authority" in the manner and for the purposes set forth in this Compact.

3. When created, the Authority and the members of the Authority shall constitute a public corporation and, as such, shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and use a common seal.

4. The Authority may acquire, equip, maintain, and operate an airport or landing field and appurtenant facilities in Mineral County, on the Potomac River near

Ridgeley, West Virginia, to serve the area in which it is located.

5. (a) The management and control of the Potomac Highlands Airport Authority, its property, operations, business and affairs, shall be lodged in a board of seven or more persons who shall be known as members of the Authority and who shall be appointed for terms of three years each by those counties, municipal corporations, or other governmental units situated in West Virginia and Maryland as contribute to the funds of the Authority, in such proportion between those states and counties, municipal corporations, and units, and in whatever manner, as may from time to time be provided in the bylaws adopted by the Authority.

(b) The first board shall be appointed as follows:

(1) The County Commission of Mineral County shall appoint two members for terms of two and three years, respectively;

(2) The governing official or body of the municipal corporation of Cumberland, Maryland, shall appoint three members for terms of one, two, and three years, respectively; and

(3) The governing official or body of Allegany County, Maryland, shall appoint two members for terms of one and two years, respectively.

6. The Potomac Highlands Airport Authority has power and authority as follows:

(1) To make and adopt all necessary bylaws, rules, and regulations for its organization and operations not inconsistent with law;

(2) To take all legal actions necessary or desirable in relation to the general operation, governance, capital expansion, management, and protection of the Cumberland Municipal Airport;

(3) To increase the number of members of the Authority, and to set the terms of office and appointment procedures for those additional members;

(4) To elect its own officers, to appoint committees, and to employ and fix the compensation for personnel necessary for its operation;

(5) To enter into contracts with any person, firm, or corporation, and generally to do anything necessary for the purpose of acquiring, equipping, expanding, maintaining, and operating an airport;

(6) To delegate any authority given to it by law to any of its officers, committees, agents, or employees;

(7) To apply for, receive, and use grants in aid, donations, and contributions from any sources;

(8) To take or acquire lands by purchase, holding title to it in its own name;

(9) To purchase, own, hold, sell, and dispose of personal property and to sell and dispose of any real estate which it may have acquired and may determine not to be needed for its purposes;

(10) To borrow money;

(11) To extend its funds in the execution of the powers and authority hereby given;

(12) To take all necessary steps to provide for proper police protection at the airport; and

(13) To inventory airplanes and other personal property at the airport and provide the assessor of Mineral County and other proper governmental officials with full particulars in regard to the inventory.

7. (a) The county commissions of Mineral County and of counties contiguous to Mineral County, and the governing bodies of municipal corporations situated in those counties, or any one or more of them, jointly and severally, may appoint members of the Authority and contribute to the cost of acquiring, equipping, maintaining, and operating the airport and appurtenant facilities.

(b) Any of the foregoing county commissions or municipal corporations may transfer and convey to the Authority property of any kind acquired previously by the county commission or municipal corporation for airport purposes.

8. (a) Contributions may be made to the Authority from time to time by the various bodies contributing to its funds and shall be deposited in whatever bank or banks a majority of the members of the Authority direct and may be withdrawn from them in whatever manner the Authority directs.

(b) The Authority shall keep strict account of all of its receipts and expenditures and shall make quarterly reports to the public and private bodies contributing to its funds, containing an itemized account of its operations in the preceding quarter. The accounts of the Authority shall be regularly examined by the State Tax Commissioner in the manner required by Article nine, Chapter six of the Code of West Virginia.

9. The Authority is exempt from the payment of any taxes or fees to the State of West Virginia or any Subdivisions of that State or to any officer or employee of the State or other subdivision of it. The property of the Authority is exempt from all local and municipal taxes. Notes, debentures, and other evidence of indebtedness of the Authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest on them, are exempt from taxes.

10. In the event all of the public corporations contributing to the funds of the

Authority so determine, the Authority shall make sale of all of its properties and assets and distribute the proceeds of the sale among those contributing to its funds. In the alternative, if such of the supporting corporations contributing a majority of the funds of the Authority so determine, the Authority may lease all of its property and equipment upon whatever terms and conditions the Authority may fix and determine.

11. All eligible employees of the Authority are considered to be within the Workmen's Compensation Act of West Virginia, and premiums on their compensation shall be paid by the Authority as required by law.

12. It is the purpose of this Compact to provide for the maintenance and operation of an airport in a prudent and economical manner, and this Compact shall be liberally construed as giving to the Authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this Compact are in addition to and not in derogation of any power existing in the county commissions and municipal corporations herein named under any constitutional, statutory, or charter provisions which they or any of them may now have or may hereafter acquire or adopt.

§10–201.

(a) In the Compact set forth in this subtitle, unless the context clearly requires otherwise, "article", "section", and "title" mean an article, section, and title, respectively, of the Compact.

(b) The definitions in § 1-101 of this article do not apply to the Compact set forth in this subtitle.

§10–202.

On behalf of this State, the Governor shall execute, with the District of Columbia and the Commonwealth of Virginia, an interstate compact substantially as it appears in §§ 10-203 and 10-204 of this subtitle.

§10–203.

Preamble

WHEREAS, the Commonwealth of Virginia (Chapter 627, 1958 Acts of Assembly), the State of Maryland (Chapter 613, Acts of General Assembly, 1959), and the Commissioners of the District of Columbia (Resolution of the Board of Commissioners, December 22, 1960) entered into and executed the Washington Metropolitan Area Transit Regulation Compact on December 22, 1960; and

WHEREAS, the Congress of the United States has, by Joint Resolution approved October 9, 1962 (Public Law 87–767; 76 Stat. 764), given its consent to the State of Maryland, and the Commonwealth of Virginia to effectuate certain clarifying amendments to the Compact, and has authorized and directed the Commissioners of the District of Columbia to effectuate the amendments on behalf of the United States

for the District of Columbia; and

WHEREAS, the Commonwealth of Virginia (Chapter 67, 1962 Acts of Assembly), the State of Maryland (Chapter 114, Acts of General Assembly, 1962), and the Commissioners of the District of Columbia (Resolution of the Board of Commissioners adopted on March 19, 1963) have adopted those clarifying amendments to the Compact;

NOW, THEREFORE, the states of Maryland and Virginia and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

TITLE I

General Compact Provisions

Article I

There is created the Washington Metropolitan Area Transit District, referred to as the Metropolitan District, which shall include: the District of Columbia; the cities of Alexandria and Falls Church of the State of Virginia; Arlington County and Fairfax County of the State of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.

Article II

1. The signatories hereby create the "Washington Metropolitan Area Transit Commission", hereafter called the "Commission", which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and shall have the powers and duties set forth in the Compact and those additional powers and duties conferred upon it by subsequent action of the signatories.

2. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation of passenger transportation within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth in this Compact.

Article III

1. (a) The Commission shall be composed of 3 members, one member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, one member appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.

(b) A member appointed shall serve for a term coincident with the term of that member on the agency of the signatory, and a member may be removed or suspended from office as the law of the appointing signatory provides.

(c) Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date.

2. A person in the employment of or holding an official relation to a person or company subject to the jurisdiction of the Commission or having an interest of any nature in a person or company or affiliate or associate thereof, may not hold the office of commissioner or serve as an employee of the Commission or have any power or duty or receive any compensation in relation to the Commission.

3. (a) The Commission shall select a chairman from among its members.

(b) The chairman shall be responsible for the Commission's work and shall have all powers to discharge that duty.

4. A signatory may pay the Commissioner from its jurisdiction the salary or expenses, if any, that it considers appropriate.

5. (a) The Commission may employ engineering, technical, legal, clerical, and other personnel on a regular, part–time, or consulting basis to assist in the discharge of its functions.

(b) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.

6. The Commission shall establish its office at a location to be determined by the Commission within the Metropolitan District and shall publish rules and regulations governing the conduct of its operations.

Article IV

1. (a) The signatories shall bear the expenses of the Commission in the manner set forth here.

(b) The Commission shall submit to the Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia, when requested, a budget of its requirements for the period required by the laws of the signatories for presentation to the legislature.

(c) The Commission shall allocate its expenses among the signatories in

the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District.

(d) (i) The Commission shall base its allocation on the latest available population statistics of the Bureau of the Census; or

(ii) If current population data are not available, the Commission may, upon the request of a signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making the request.

(e) The governors of the two states and the Mayor of the District of Columbia shall approve the allocation made by the Commission.

2. (a) The signatories shall appropriate their proportion of the budget for the expenses of the Commission and shall pay that appropriation to the Commission.

(b) The budget of the Commission and the appropriations of the signatories may not include a sum for the payment of salaries or expenses of the commissioners.

(c) The provisions of § 2.1–30 (1979) of the Code of Virginia do not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this Act.

3. (a) If the Commission requests and a signatory makes available personnel, services, or material which the Commission would otherwise have to employ or purchase, the Commission shall:

(i) Determine an amount; and

(ii) Reduce the expenses allocable to a signatory.

(b) If any services in kind are rendered, the Commission shall return to the signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

4. (a) The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees.

(b) The Commission shall return to the signatories fees established by it in proportion to the share of the Commission's expenses borne by each signatory in the fiscal year during which the fees were collected.

5. (a) The Commission shall keep accurate books of account, showing in full its receipts and disbursements.

(b) The books of account shall be open for inspection by representatives of the respective signatories at any reasonable time.

Article V

1. An action by the Commission may not be effective unless a majority of the members concur.

2. An order entered by the Commission under the provisions of Title II of this Act which affect operations or matters solely intrastate or solely within the District of Columbia may not be effective unless the commissioner from the affected signatory concurs.

3. Two members of the Commission are a quorum.

4. The Commission may delegate by regulation the tasks that it considers appropriate.

Article VI

This Compact does not amend, alter, or affect the power of the signatories and their political subdivisions to levy and collect taxes on the property or income of any person or company subject to this Act or upon any material, equipment, or supplies purchased by that person or company or to levy, assess, and collect franchise or other similar taxes, or fees for the licensing of vehicles and their operation.

Article VII

This amended Compact shall become effective 90 days after the signatories adopt it.

Article VIII

1. (a) This Compact may be amended from time to time without the prior consent or approval of the Congress of the United States and any amendment shall be effective unless, within one year, the Congress disapproves that amendment.

(b) An amendment may not be effective unless adopted by each of the signatories.

2. (a) A signatory may withdraw from the Compact upon written notice to the other signatories.

(b) In the event of a withdrawal, the Compact shall be terminated at the end of the Commission's next full fiscal year following the notice.

3. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the federal government, as their interests may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

Article IX

Each of the signatories pledges to each of the other signatories faithful cooperation in the regulation of passenger transportation within the Metropolitan District and agrees to enact any necessary legislation to achieve the objectives of the Compact for the mutual benefit of the citizens living in the Metropolitan District.

Article X

1. If a provision of this Act or its application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

2. In accordance with the ordinary rules for construction of interstate compacts, this Act shall be liberally construed to effectuate its purposes.

TITLE II

Compact Regulatory Provisions

Article XI

1. This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District, including but not limited to:

(a) As to interstate and foreign commerce, transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District if:

(i) The majority of passengers transported over that regular route are transported between points within the Metropolitan District; and

(ii) That regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

(b) The rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a bona fide taxicab service, where the taxicab or other vehicle:

(i) Has a seating capacity of 9 persons or less, including the driver; and

(ii) Provides transportation from one signatory to another within the Metropolitan District.

2. Solely for the purposes of this section and § 18 of this article:

(a) The Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore–Washington International Thurgood Marshall Airport; and

(b) Jurisdiction of the Commission shall apply to taxicab rates, charges, regulations, and minimum insurance requirements for interstate transportation between the Baltimore–Washington International Thurgood Marshall Airport and other points in the Metropolitan District, unless conducted by a taxicab licensed by the State of Maryland or a political subdivision of the State of Maryland, or operated under a contract with the State of Maryland.

3. Excluded from the application of this Act are:

(a) Transportation by water, air, or rail;

(b) Transportation performed by the federal government, the signatories to this Compact, or any political subdivision of the signatories;

(c) Transportation performed by the Washington Metropolitan Area Transit Authority;

(d) Transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools;

(e) Transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between those points on the regular route that are within the Metropolitan District, if:

(i) The majority of passengers transported over the regular route are not transported between points in the Metropolitan District; and

(ii) The regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission;

(f) Matters other than rates, charges, regulations, and minimum insurance requirements relating to vehicles and operations described in §§ 1(b) and 2 of this article;

(g) Transportation solely within the Commonwealth of Virginia and the activities of persons performing that transportation; and

(h) The exercise of any power or the discharge of any duty conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution.

Definitions

4. In this Act the following words have the meanings indicated.

(a) "Carrier" means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire.

(b) "Motor vehicle" means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.

(c) "Person" means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.

(d) "Taxicab" means a motor vehicle for hire (other than a vehicle operated under a certificate of authority issued by the Commission) having a seating capacity of 9 persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.

General duties of carriers

5. Each authorized carrier shall:

(a) Provide safe and adequate transportation service, equipment, and facilities; and

(b) Observe and enforce Commission regulations established under this Act.

Certificates of authority

6. (a) A person may not engage in transportation subject to this Act unless there is in force a "certificate of authority" issued by the Commission authorizing the person to engage in that transportation.

(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing "certificate of public convenience and necessity" or order issued by the Commission shall be issued a new "certificate of authority" within 120 days after the effective date of this amendment.

(c) (i) Pending issuance of the new certificate of authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

7. (a) When an application is made under this section for a certificate of authority, the Commission shall issue a certificate to any qualified applicant, authorizing all or any part of the transportation covered by the application, if it finds that:

(i) The applicant is fit, willing, and able to perform that

transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) That the transportation is consistent with the public interest.

(b) If the Commission finds that the requirements of subsection (a) of this section have not been met, the application shall be denied by the Commission.

(c) The Commission shall act upon applications under this Act as soon as possible.

(d) The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

(e) A term, condition, or limitation imposed by the Commission may not restrict the right of a carrier to add to equipment and facilities over the routes or within the territory specified in the certificate, as business development and public demand may require.

(f) A person applying for or holding a certificate of authority shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self–insurance qualification, or other security or agreement in an amount that the Commission may require to pay any final judgment against a carrier for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a motor vehicle or other equipment in performing transportation subject to this Act.

(g) A certificate of authority is not valid unless the holder is in compliance with the insurance requirements of the Commission.

8. Application to the Commission for a certificate under this Act shall be:

(a) Made in writing;

(b) Verified; and

(c) In the form and with the information that the Commission regulations require.

9. (a) A certificate of authority issued by the Commission shall specify the route over which a regularly scheduled commuter service or other regular–route service will operate.

(b) A certificate issued by the Commission authorizing irregular–route service shall be coextensive with the Metropolitan District.

(c) A carrier subject to this Act may not provide any passenger

transportation for hire on an individual fare paying basis in competition with an existing, scheduled, regular–route, passenger transportation service performed by, or under a contract with, the federal government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority, notwithstanding any "certificate of authority".

(d) A certificate for the transportation of passengers may include authority to transport newspapers, passenger baggage, express, or mail in the same vehicle, or to transport passenger baggage in a separate vehicle.

10. (a) Certificates shall be effective from the date specified on them and shall remain in effect until amended, suspended, or terminated.

(b) Upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the certificate of authority.

(c) Upon complaint or the Commission's own initiative, the Commission, after notice and hearing, may suspend or revoke all or part of any certificate of authority for willful failure to comply with:

(i) A provision of this Act;

(ii) An order, rule, or regulation of the Commission; or

(iii) A term, condition, or limitation of the certificate.

(d) The Commission may direct that a carrier cease an operation conducted under a certificate if the Commission finds the operation, after notice and hearing, to be inconsistent with the public interest.

11. (a) A person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest.

(b) A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

12. (a) A carrier may not abandon any scheduled commuter service operated under a certificate of authority issued to the carrier under this Act, unless the Commission authorizes the carrier to do so by a Commission order.

(b) Upon application by a carrier, the Commission shall issue an order, after notice and hearing, if it finds that abandonment of the route is consistent with the public interest.

(c) The Commission, by regulation or otherwise, may authorize the temporary suspension of a route if it is consistent with the public interest.

(d) As long as the carrier has an opportunity to earn a reasonable return in all its operations, the fact that a carrier is operating a service at a loss will not, of itself, determine the question of whether abandonment of service is consistent with the public interest.

13. (a) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

(b) A grant of temporary authority does not create any presumption that permanent authority will be granted at a later date.

Rates and tariffs

14. (a) Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing:

(i) Fixed–rates and fixed–fares for transportation subject to this Act; and

(ii) Practices and regulations, including those affecting rates and fares, required by the Commission.

(b) Each effective tariff shall:

(i) Remain in effect for at least 60 days from its effective date, unless the Commission orders otherwise; and

(ii) Be published and kept available for public inspection in the form and manner prescribed by the Commission.

(c) A carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time.

15. (a) A carrier proposing to change a rate, fare, regulation, or practice specified in an effective tariff shall file a tariff showing the change in the form and manner, and with the information, justification, notice, and supporting material prescribed by the Commission.

(b) Each tariff filed under subsection (a) of this section shall state a date on which the tariff shall take effect, which shall be at least 7 calendar days after the date on which the tariff is filed, unless the Commission orders an earlier effective date or rejects the tariff.

(c) (i) A tariff filed for approval with the Commission may be refused acceptance for filing if it is not consistent with this Act and Commission regulations;

and

(ii) A tariff refused for filing shall be void.

16. (a) The Commission may hold a hearing upon complaint or upon the Commission's own initiative after reasonable notice to determine whether a rate, fare, regulation, or practice relating to a tariff is unjust, unreasonable, unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

(b) Within 120 days of the hearing, the Commission shall pass an order prescribing the lawful rate, fare, regulation, or practice, or affirming the tariff.

Through routes, joint fares

17. With the approval of the Commission, any carrier subject to this Act may establish through routes and joint fares with any other lawfully authorized carrier.

Taxicab fares

18. (a) The Commission shall prescribe reasonable rates for transportation by taxicab, only when:

(i) The trip is between a point in the jurisdiction of one signatory and a point in the jurisdiction of another signatory; and

(ii) Both points are within the Metropolitan District.

(b) The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.

(c) The Commission may not require the installation of a taximeter in any taxicab when a taximeter is not permitted or required by the jurisdiction licensing and otherwise regulating the operation and service of the taxicab.

(d) A person licensed by a signatory to own or operate a taxicab shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self–insurance qualification, or other security or agreement in an amount that the Commission may require to pay a final judgment for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a taxicab in performing transportation subject to this Act.

Article XII

Accounts, records, and reports

1. (a) The Commission may prescribe that any carrier subject to this

Act:

(i) Submit special reports and annual or other periodic reports;

(ii) Make reports in a form and manner required by the Commission;

(iii) Provide a detailed answer to any question about which the Commission requires information;

(iv) Submit reports and answers under oath; and

(v) Keep accounts, records, and memoranda of its activity, including movement of traffic and receipt and expenditure of money in a form and for a period required by the Commission.

(b) The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.

(c) This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this Act, whether or not that person otherwise is subject to this Act.

(d) A carrier that has its principal office outside of the Metropolitan District and operates both inside and outside of the Metropolitan District may keep all accounts, records, and memoranda at its principal office, but the carrier shall produce those materials before the Commission when directed by the Commission.

(e) This section does not relieve a carrier from recordkeeping or reporting obligations imposed by a state or federal agency or regulatory commission for transportation service rendered outside the Metropolitan District.

Issuance of securities

2. This Act does not impair any authority of the federal government and the signatories to regulate the issuance of securities by a carrier.

Consolidations, mergers, and acquisition of control

3. (a) A carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to:

(i) Consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;

(ii) Purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or

(iii) Acquire control of another carrier that operates in the

Metropolitan District through ownership of its stock or other means.

(b) Application for Commission approval of a transaction under this section shall be made in the form and with the information that the regulations of the Commission require.

(c) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

(d) Pending determination of an application filed under this section, the Commission may grant "temporary approval" without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

Article XIII

Investigations by the Commission and complaints

1. (a) A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this Act, or in violation of a requirement established under it.

(b) (i) If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter.

(ii) If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing.

(iii) The Commission shall notify a respondent that a complaint has been filed at least 10 days before a hearing is set on the complaint.

(c) The Commission may investigate on its own motion a fact, condition, practice, or matter to:

(i) Determine whether a person has violated or will violate a provision of this Act or a rule, regulation, or order;

(ii) Enforce the provisions of this Act or prescribe or enforce rules or regulations under it; or

(iii) Obtain information to recommend further legislation.

(d) If, after hearing, the Commission finds that a respondent has violated a provision of this Act or any requirement established under it, the Commission shall:

(i) Issue an order to compel the respondent to comply with this Act; and

(ii) Effect other just and reasonable relief.

(e) For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

Hearings; rules of procedure

2. (a) Hearings under this Act shall be held before the Commission, and records shall be kept.

(b) Rules of practice and procedure adopted by the Commission shall govern all hearings, investigations, and proceedings under this Act, but the Commission may apply the technical rules of evidence when appropriate.

Administrative powers of Commission; rules, regulations, and orders

3. (a) The Commission shall perform any act, and prescribe, issue, make, amend, or rescind any order, rule, or regulation that it finds necessary to carry out the provisions of this Act.

(b) The rules and regulations of the Commission shall prescribe the form of any statement, declaration, application, or report filed with the Commission, the information it shall contain, and the time of filing.

(c) The rules and regulations of the Commission shall be effective 30 days after publication in the manner which the Commission shall prescribe, unless a different date is specified.

(d) Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe.

(e) For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for them.

(f) Commission rules and regulations shall be available for public inspection during reasonable business hours.

Reconsideration of orders

4. (a) A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting

Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.

(b) The Commission shall grant or deny the application within 30 days after it has been filed.

(c) If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.

(d) If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.

(e) Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it unless the Commission orders otherwise.

(f) An appeal may not be taken from an order or decision of the Commission until an application for reconsideration has been filed and determined.

(g) Only an error specified as a ground for reconsideration may be used as a ground for judicial review.

Judicial review

5. (a) Any party to a proceeding under this Act may obtain a review of the Commission's order in the United States Court of Appeals for the Fourth Circuit, or in the United States Court of Appeals for the District of Columbia Circuit, by filing within 60 days after Commission determination of an application for reconsideration, a written petition praying that the order of the Commission be modified or set aside.

(b) A copy of the petition shall be delivered to the office of the Commission and the Commission shall certify and file with the court a transcript of the record upon which the Commission order was entered.

(c) The court shall have exclusive jurisdiction to affirm, modify, remand for reconsideration, or set aside the Commission's order.

(d) The court's judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28 U.S.C. §§ 1254 and 2350.

(e) The commencement of proceedings under subsection (a) of this section may not operate as a stay of the Commission's order unless specifically ordered by the court.

(f) The Commission and its members, officers, agents, employees, or representatives are not liable to suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken under the Act, nor required in

any case arising or any appeal taken under this Act to make a deposit, pay costs, or pay for service to the clerks of a court or to the Marshal of the United States or give a supersedeas bond or security for damages.

Enforcement of Act; penalty for violations

6. (a) Whenever the Commission determines that a person is engaged or will engage in an act or practice which violates a provision of this Act or a rule, regulation, or order under it, the Commission may bring an action in the United States District Court in the district in which the person resides or conducts business or in which the violation occurred to enjoin the act or practice and to enforce compliance with this Act or a rule, regulation, or order under it.

(b) If the court makes a determination under subsection (a) of this section, that a person has violated or will violate this Act or a rule, regulation, or order under the Act, the court shall grant a permanent or temporary injunction or decree or restraining order without bond.

(c) Upon application of the Commission, the United States District Court for the district in which the person resides or conducts business, or in which the violation occurred, shall have jurisdiction to issue an order directing that person to comply with the provisions of this Act or a rule, regulation, or order of the Commission under it, and to effect other just and reasonable relief.

(d) The Commission may employ attorneys necessary for:

(i) The conduct of its work;

(ii) Representation of the public interest in Commission investigations, cases, or proceedings on the Commission's own initiative or upon complaint; or

(iii) Representation of the Commission in any court case.

(e) The expenses of employing an attorney shall be paid out of the funds of the Commission, unless otherwise directed by the court.

(f) (i) A person who knowingly and willfully violates a provision of this Act, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than $1,000 for the first violation and not more than $5,000 for any subsequent violation.

(ii) Each day of the violation shall constitute a separate violation.

(iii) Civil forfeitures shall be paid to the Commission with interest as assessed by the court.

(iv) The Commission shall pay to each signatory a share of the civil

forfeitures and interest equal to the proportional share of the Commission's expenses borne by each signatory in the fiscal year during which the civil forfeiture is collected by the Commission.

Article XIV

Expenses of investigations and other proceedings

1. (a) A carrier shall bear all expenses of an investigation or other proceeding conducted by the Commission concerning the carrier, and all litigation expenses, including appeals, arising from an investigation or other proceeding.

(b) When the Commission initiates an investigation or other proceeding, the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses that will be incurred under this section.

(c) Money paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and the Commission may disburse that money to defray expenses of the investigation, proceeding, or litigation in question.

(d) The Commission shall return to the carrier any unexpended balance remaining after payment of expenses.

Applicability of other laws

2. (a) The applicability of each law, rule, regulation, or order of a signatory relating to transportation subject to this Act shall be suspended on the effective date of this Act.

(b) The provisions of subsection (a) of this section do not apply to a law of a signatory relating to inspection of equipment and facilities.

(c) During the existence of the Compact, the jurisdiction of the Interstate Commerce Commission is suspended to the extent it is in conflict with the provisions of this Act.

Existing rules, regulations, orders, and decisions

3. All Commission rules, regulations, orders, or decisions that are in force on the effective date of this Act shall remain in effect and be enforceable under this Act, unless otherwise provided by the Commission.

Pending actions or proceedings

4. A suit, action, or other judicial proceeding commenced prior to the effective date of this Act by or against the Commission is not affected by the enactment of this Act and shall be prosecuted and determined under the law applicable at the

time the proceeding was commenced.

Annual report of the Commission

5. The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the 1st day of January of each year, which may contain, in addition to a report of the work performed under this Act, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.

§10–204. IN EFFECT

TITLE III
Article I
Definitions

1.

As used in this title, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(a) "Board" means the board of directors of the Washington Metropolitan Area Transit Authority;

(b) "Director" means a member of the board of directors of the Washington Metropolitan Area Transit Authority;

(c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any signatory party to this title;

(d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;

(e) "State" includes District of Columbia;

(f) "Transit facilities" means all real and personal property located in the zone, necessary or useful in rendering transit service between points within the zone, by means of rail, bus, water or air and any other mode of travel, including without limitation, tracks, rights–of–way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service;

(g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the zone including the transportation of newspapers, express and mail between such points and charter service which originates within the zone but does not include taxicab service or individual–ticket–sale sightseeing operations;

(h) "Transit zone" or "zone" means the Washington metropolitan area transit zone created by and described in § 3, as well as any additional area that may be added pursuant to § 83(a); and

(i) "WMATC" means Washington Metropolitan Area Transit Commission.

Article II

Purpose and Functions

2.

The purpose of this title is to create a regional instrumentality, as a common agency of each signatory party, empowered, in the manner hereinafter set forth, (1) to plan, develop, finance and cause to be operated improved transit facilities, in coordination with transportation and general development planning for the zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation, (2) to coordinate the operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service, and (3) to serve such other regional purposes and to perform such other regional functions as the signatories may authorize by appropriate legislation.

Article III

Organization and Area

3.

There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington, Fairfax, and Loudoun and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties.

4.

There is hereby created, as an instrumentality and agency of each of the signatory parties hereto, the Washington Metropolitan Area Transit Authority which shall be a body corporate and politic, and which shall have the powers and duties granted herein and such additional powers as may hereafter be conferred upon it pursuant to law.

5.

(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a signatory may be removed or suspended from office only as provided by the law of the signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

(b) Before entering upon the duties of his office each Director and alternate director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide:

"I, ..., hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a Director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter."

6.

Members of the board and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred as an incident to the performance of their duties.

7.

The board shall provide for its own organization and procedure. It shall organize annually by the election of a chairman and vice–chairman from among its members. Meetings of the board shall be held as frequently as the board deems that the proper performance of its duties requires and the board shall keep minutes of its meetings. The board shall adopt rules and regulations governing its meetings, minutes and transactions.

8.

(a) Four Directors or alternates consisting of at least one Director or alternate appointed from each Signatory, shall constitute a quorum and no action by the Board shall be effective unless a majority of the Board present and voting, which majority shall include at least one Director or alternate from each Signatory, concur therein; provided, however, that a plan of financing may be adopted or a mass transit plan adopted, altered, revised or amended by the unanimous vote of the Directors representing any two Signatories.

(b) The actions of the Board shall be expressed by motion or resolution. Actions dealing solely with internal management of the Authority shall become effective when directed by the Board, but no other action shall become effective prior to the expiration of thirty days following its adoption; provided, however, that the Board may provide for the acceleration of any action upon a finding that such acceleration is required for the proper and timely performance of its functions.

9.

(a) The officers of the Authority, none of whom shall be members of the board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the board may provide. Except for the office of general manager, inspector general, and comptroller, the board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the board, shall serve at the pleasure of the board and shall perform such duties and functions as the board shall specify. The board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full–time employee, all other officers may be hired on a full–time or part–time basis and may be compensated on a salary or fee basis, as the board may determine. All employees and such officers as the board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the board may determine.

(b) The general manager shall be the chief administrative officer of the Authority and, subject to policy direction by the board, shall be responsible for all activities of the Authority.

(c) The treasurer shall be the custodian of the funds of the Authority, shall keep an account of all receipts and disbursements and shall make payments only upon warrants duly and regularly signed by the chairman or vice–chairman of the board, or other person authorized by the board to do so, and by the secretary or general manager; provided, however, that the board may provide that warrants not exceeding such amounts or for such purposes as may from time to time be specified by the board may be signed by the general manager or by persons designated by him.

(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts

and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.

(e) An oath of office in the form set out in § 5(b) of this article shall be taken, subscribed and filed with the board by all appointed officers.

(f) Each director, officer and employee specified by the board shall give such bond in such form and amount as the board may require, the premium for which shall be paid by the Authority.

10.

(a) No director, officer or employee shall:

(1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the board or the Authority is a party;

(2) In connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;

(3) Offer money or anything of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Authority.

(b) Any director, officer or employee who shall willfully violate any provision of this section shall, in the discretion of the board, forfeit his office or employment.

(c) Any contract or agreement made in contravention of this section may be declared void by the board.

(d) Nothing in this section shall be construed to abrogate or limit the applicability of any federal or state law which may be violated by any action prescribed by this section.

Article IV

Cooperation

11.

Each signatory pledges to each other faithful cooperation in the achievement of the purposes and objects of this title.

Article V
General Powers

12.

In addition to the powers and duties elsewhere described in this title, and except as limited in this title, the Authority may:

(a) Sue and be sued;

(b) Adopt and use a corporate seal and alter the same at pleasure;

(c) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this title;

(d) Construct, acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, condemnation, lease, license, mortgage or otherwise but all of said property shall be located in the zone and shall be necessary or useful in rendering transit service or in activities incidental thereto.

(e) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any signatory party, any political subdivision or agency thereof, by the United States, or by any agency thereof, or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or any part thereof;

(f) Enter into and perform contracts, leases and agreements with any person, firm or corporation or with any political subdivision or agency of any signatory party or with the federal government, or any agency thereof, including, but not limited to, contracts or agreements to furnish transit facilities and service;

(g) Create and abolish offices, employments and positions (other than those specifically provided for herein) as it deems necessary for the purposes of the Authority, and fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees without regard to the laws of any of the signatories;

(h) Establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable;

(i) Contract for or employ any professional services;

(j) Control and regulate the use of facilities owned or controlled by the Authority, the service to be rendered and the fares and charges to be made therefor;

(k) Hold public hearings and conduct investigations relating to any matter affecting transportation in the zone with which the Authority is concerned and, in

connection therewith, subpoena witnesses, papers, records and documents; or delegate such authority to any officer. Each director may administer oaths or affirmations in any proceeding or investigation.

(l) Make or participate in studies of all phases and forms of transportation, including transportation vehicle research and development techniques and methods for determining traffic projections, demand motivations, and fiscal research and publicize and make available the results of such studies and other information relating to transportation; and

(m) Exercise, subject to the limitations and restrictions herein imposed, all powers reasonably necessary or essential to the declared objects and purposes of this title.

Article VI

Planning

13.

(a) The board shall develop and adopt, and may from time to time review and revise, a mass transit plan for the immediate and long–range needs of the zone. The mass transit plan shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase or condemnation; (4) a time table for the provision of such facilities; (5) the anticipated capital costs; (6) estimated operating expenses and revenues relating thereto; and (7) the various other factors and considerations, which, in the opinion of the board, justify and require the projects therein proposed. Such plan shall specify the type of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and the probable fares and charges therefor.

(b) In preparing the mass transit plan, and in any review or revision thereof, the board shall make full utilization of all data, studies, reports and information available from the National Capital Transportation Agency and from any other agencies of the federal government, and from signatories and the political subdivisions thereof.

14.

(a) The mass transit plan, and any revisions, alterations or amendments thereof, shall be coordinated, through the procedures hereinafter set forth, with

(1) Other plans and programs affecting transportation in the zone in order to achieve a balanced system of transportation, utilizing each mode to its best advantage;

(2) The general plan or plans for the development of the zone; and

(3) The development plans of the various political subdivisions embraced within the zone.

(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision–making in the transportation planning process and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations or amendments thereof.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(1) Consider data with respect to current and prospective conditions in the zone, including, without limitation, land use, population, economic factors affecting development plans, goals or objectives for the development of the zone and the separate political subdivisions, transit demands to be generated by such development, travel patterns, existing and proposed transportation and transit facilities, impact of transit plans on the dislocation of families and businesses, preservation of the beauty and dignity of the nation's capital, factors affecting environmental amenities and aesthetics and financial resources;

(2) Cooperate with and participate in any continuous, comprehensive transportation planning process cooperatively established by the highway agencies of the signatories and the local political subdivisions in the zone to meet the planning standards now or hereafter prescribed by the federal–aid highway act; and

(3) To the extent not inconsistent with or duplicative of the planning process specified in subparagraph (2) of this paragraph (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the signatories, the Maryland–National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland Office of Planning and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision–making in the transportation planning process.

15.

(a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(1) The Mayor and Council of the District of Columbia, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission;

(2) The governing bodies of the counties and cities embraced within the zone;

(3) The transportation agencies of the Signatories;

(4) The Washington Metropolitan Area Transit Commission;

(5) The Washington Metropolitan Council of Governments;

(6) The National Capital Planning Commission;

(7) The National Capital Regional Planning Council;

(8) The Maryland–National Capital Park and Planning Commission;

(9) The Northern Virginia Regional Planning and Economic Development Commission;

(10) The Maryland Office of Planning; and

(11) The private transit companies operating in the zone and the labor unions representing the employees of such companies and employees of contractors providing service under operating contracts.

(b) A copy of the proposed mass transit plan, amendment or revision, shall be kept at the office of the Board and shall be available for public inspection. Information with respect thereto shall be released to the public. After thirty days' notice published once a week for two successive weeks in one or more newspapers of general circulation within the zone, a public hearing shall be held with respect to the proposed plan, alteration, revision or amendment. The thirty–days' notice shall begin to run on the first day the notice appears in any such newspaper. The Board shall consider the evidence submitted and statements and comments made at such hearing and may make any changes in the proposed plan, amendment or revision which it deems appropriate and such changes may be made without further hearing.

Article VII

Financing

16.

With due regard for the policy of Congress for financing a mass transit plan for the zone set forth in § 204(g) of the National Capital Transportation Act of 1960 (74 Stat. 537), it is hereby declared to be the policy of this title that, as far as possible, the payment of all costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments in the zone. The allocation among such governments of such remaining costs shall be determined by agreement among them and shall be provided in the manner hereinafter specified.

17.

(a) The Authority, in conformance with said policy, shall prepare and adopt a plan for financing the construction, acquisition and operation of facilities specified in a mass transit plan adopted pursuant to Article VI hereof, or in any alteration, revision or amendment thereof. Such plan of financing shall specify the facilities to be constructed or acquired, the cost thereof, the principal amount of revenue bonds, equipment trust certificates and other evidences of debt proposed to be issued, the principal terms and provisions of all loans and underlying agreements and indentures, estimated operating expenses and revenues and the proposed allocation among the federal, District of Columbia and participating local governments of the remaining costs and deficits, if any, and such other information as the Commission may consider appropriate.

(b) Such plan of financing shall constitute a proposal to the interested governments for financial participation and shall not impose any obligation on any government and such obligations shall be created only as provided in § 18 of this Article VII.

18.

(a) Commitments on behalf of the portion of the zone located in Virginia shall be by contract or agreement by the Authority with the Northern Virginia Transportation District, or its component governments, as authorized in the Transportation District Act of 1964 (ch. 631, 1964 Acts of Virginia Assembly), to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or any alteration, revision or amendment thereof, and for meeting expenses and obligations in the operation of such facilities. No such contract or agreement, however, shall be entered into by the Authority with the Northern Virginia Transportation District unless said District has entered into the contracts or agreements with its member governments, as contemplated by § 1(b)(4) of Article 4 of said act, which contracts or agreements expressly provide that such contracts or agreements shall inure to the benefit of the Authority and shall be enforceable by the Authority in accordance with the provisions of § 2, Article 5 of said act, and such contracts or agreements are acceptable to the Board. The General Assembly of Virginia hereby authorizes and designates the Authority as the agency to plan for and provide transit facilities and services for the area of Virginia encompassed

within the zone within the contemplation of Article 1, § 3(c) of said act.

(b) Commitments on behalf of the portion of the zone located in Maryland shall be by contract or agreement by the Authority with the Washington Suburban Transit District, pursuant to which the Authority undertakes to provide transit facilities and service in consideration for the agreement by said district to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(c) With respect to the federal government, the commitment or obligation to render financial assistance shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine. Commitments by the District of Columbia shall be by contract or agreement between the governing body of the District of Columbia and the Authority, pursuant to which the Authority undertakes, subject to the provisions of Section 20 hereof, to provide transit facilities and service in consideration for the undertaking by the District of Columbia to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(d) (1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under Title VI, § 601, P.L. 110–432 regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

(2) For purposes of this paragraph (d), a "dedicated funding source" means any source of funding that is earmarked or required under State or local law to be used to match federal appropriations authorized under Title VI, § 601, P.L. 110–432 for payments to the Authority.

19.

Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in § 18 of this Article VII, the expenses of the Authority for administration and for preparation of a mass transit and financing plan, including all engineering, financial, legal and other services required in connection therewith, shall, to the extent funds for such expenses are not provided through grants by the federal government, be borne by the District of Columbia, by the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District. Such expenses shall be allocated among such governments on the basis of population as reflected by the latest available population statistics of the Bureau of the Census; provided, however, that upon the request of any director the board shall make the allocation upon estimates of population acceptable to the

board. The allocations shall be made by the board and shall be included in the annual current expense budget prepared by the board.

20.

(a) The Authority is authorized to acquire by purchase, lease or grant or in any manner other than condemnation, from the federal government, or any agency thereof, from the District of Columbia, Maryland or Virginia, or any political subdivision or agency thereof, any transit and related facilities, including real and personal property and all other assets, located within the zone, whether in operation or under construction. Such acquisition shall be made upon such terms and conditions as may be agreed upon and subject to such authorization or approval by the Congress and the governing body of the District of Columbia, as may be required; provided, however, that if such acquisition imposes or may impose any further or additional obligation or liability upon the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, under any contract with the Authority, the Authority shall not make such acquisition until any such affected contract has been appropriately amended.

(b) For such purpose, the Authority is authorized to assume all liabilities and contracts relating thereto, to assume responsibility as primary obligor, endorser or guarantor on any outstanding revenue bonds, equipment trust certificates or other form of indebtedness authorized in this title issued by such predecessor agency or agencies and, in connection therewith, to become a party to, and assume the obligations of, any indenture or loan agreement underlying or issued in connection with any outstanding securities or debts.

21.

The board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money.

22.

The board shall not construct or acquire any of the transit facilities specified in a mass transit plan adopted pursuant to the provisions of Article VI of this title, or in any alteration, revision or amendment thereof, nor make any commitments or incur any obligations with respect thereto until funds are available therefor.

Article VIII

Budget

23.

The board shall annually adopt a capital budget, including all capital projects it proposes to undertake or continue during the budget period, containing a statement of the estimated cost of each project and the method of financing thereof.

24.

The board shall annually adopt a current expense budget for each fiscal year. Such budget shall include the board's estimated expenditures for administration, operation, maintenance and repairs, debt service requirements and payments to be made into any funds required to be maintained. The total of such expenses shall be balanced by the board's estimated revenues and receipts from all sources, excluding funds included in the capital budget or otherwise earmarked for other purposes.

25.

(a) Following the adoption by the board of annual capital and current expense budgets, the general manager shall transmit certified copies of such budgets to the principal budget officer of the federal government, the District of Columbia, the Washington Suburban Transit District and of the component governments of the Northern Virginia Transportation Commission at such time and in such manner as may be required under the respective budgetary procedures.

(b) Each budget shall indicate the amounts, if any, required from the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District, determined in accordance with the commitments made pursuant to Article VII, § 18 of this title, to balance each of said budgets.

26.

Subject to such review and approval as may be required by their budgetary or other applicable processes, the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District shall include in their respective budgets next to be adopted and appropriate or otherwise provide the amounts certified to each of them as set forth in the budgets.

Article IX

Revenue Bonds

27.

The Authority may borrow money for any of the purposes of this title, may issue its negotiable bonds and other evidences of indebtedness in respect thereto and may mortgage or pledge its properties, revenues and contracts as security therefor.

All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the Authority. The bonds and other obligations of the Authority, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the Authority and the full faith and credit of the Authority are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the Authority assumed by it to or for the benefit of the holders thereof.

28.

The purposes of this title shall include, without limitation, all costs of any project or facility or any part thereof, including interest during a period of construction and for a period not to exceed two years thereafter and any incidental expenses (legal, engineering, fiscal, financial, consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with administration, the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the board or by others for such purposes and for working capital.

29.

The board shall have no power to pledge the credit of any signatory party, political subdivision or agency thereof, or to impose any obligation for payment of the bonds upon any signatory party, political subdivision or agency thereof, but may pledge the contracts of such governments and agencies; provided, however, that the bonds may be underwritten in whole or in part as to principal and interest by the United States, or by any political subdivision or agency of any signatory; provided, further, that any bonds underwritten in whole or in part as to principal and interest by the United States shall not be issued without approval of the Secretary of the Treasury. Neither the directors nor any person executing the bonds shall be liable personally on the bonds of the Authority or be subject to any personal liability or accountability by reason of the issuance thereof.

30.

Whenever the board deems it expedient, it may fund and refund the bonds and other obligations of the Authority whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the Authority or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the Authority or which are payable out of the revenues of any facility acquired by the Authority. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the Authority. All provisions of this title applicable to the issuance of bonds are applicable

to refunding bonds and to the issuance, sale or exchange thereof.

31.

Bonds and other indebtedness of the Authority shall be authorized by resolution of the board. The validity of the authorization and issuance of any bonds by the Authority shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the board or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The Authority may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the board may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the Authority in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to principal alone or as to both principal and interest, as may be determined by the board. The board may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the board may determine.

32.

The board may determine and enter into indentures or adopt resolutions providing for the principal amount, date or dates, maturities, interest rate, or rates, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the board authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions not inconsistent with the provisions of this title, other than any restriction on the regulatory powers vested in the board by this title, as the board may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys or contracts of the Authority; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the Authority or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this title into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of

the provisions of the indenture and of this title and is bound thereby.

33.

No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

34.

All bonds and all other evidences of debt issued by the Authority under the provisions of this title and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any signatory parties, except for transfer, inheritance and estate taxes.

35.

Bonds shall bear interest at such rate or rates as may be determined by the board, payable annually or semiannually.

36.

The board may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

37.

The board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of members of the board, and by additional authentication by a trustee or fiscal agent appointed by the board; provided, however, that one of such signatures shall be manual; and provided, further, that no such additional authentication or manual signatures need be required in the case of bonds guaranteed by the United States of America. If any of the members whose signatures or countersignatures appear upon the bonds or coupons cease to be members before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the members had remained in office until the delivery of the bonds and coupons.

38.

The board shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

39.

The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the board shall determine.

40.

All bonds issued under the provisions of this title are negotiable instruments.

41.

Bonds issued under the provisions of this title are hereby made securities in which all public officers and public agencies of the signatories and their political subdivisions and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any officer of any signatory, or of any agency or political subdivision of any signatory, for any purpose for which the deposit of bonds or other obligations of such signatory is now or may hereafter be authorized by law.

42.

Prior to the issuance of any bonds, the board may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

43.

No indenture need be recorded or filed in any public office, other than the office of the board. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the board or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the board or to the indenture trustee.

44.

Bond redemption and interest payments shall, to the extent provided in the

resolution or indenture, constitute a first, direct and exclusive charge and lien on all revenues received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

45.

The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the board or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the Authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

Article X
Equipment Trust Certificates

46.

The board shall have power to execute agreements, leases and equipment trust certificates with respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other craft, in the form customarily used in such cases and appropriate to effect such purchase, and may dispose of such equipment trust certificates in such manner as it may determine to be for the best interests of the Authority. Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked upon both sides thereof, followed by the words "owner and lessor."

47.

All monies required to be paid by the Authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue to be derived from the operation of the transit system or from such grants, loans, appropriations or other revenues, as may be available to the board under the provisions of this title. Payment for such facilities or equipment, or rentals thereof, may

be made in installments, and the deferred installments may be evidenced by equipment trust certificates as aforesaid, and title to such facilities or equipment may not vest in the Authority until the equipment trust certificates are paid.

48.

The agreement to purchase facilities or equipment by the board may direct the vendor to sell and assign the equipment to a bank or trust company, duly authorized to transact business in any of the signatory states, or to the Housing and Home Finance Administrator, as trustee, lessor or vendor, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the facilities and equipment to one or more designated officers of the board and may authorize the trustee simultaneously therewith to execute and deliver a lease of the facilities or equipment to the board.

49.

The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenues to be derived from the operation of the transit system and other funds.

The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any resolution or trust agreement securing the payment of bonds or other obligations of the Authority then outstanding or conflict with or be in derogation of the rights of the holders of any such bonds or other obligations.

50.

The equipment trust certificates issued hereunder shall be governed by laws of the District of Columbia and for this purpose the chief place of business of the Authority shall be considered to be the District of Columbia. The filing of any documents required or permitted to be filed shall be governed by the laws of the District of Columbia.

Article XI
Operation of Facilities

51.

Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the board may determine.

52.

Without limitation upon the right of the board to prescribe such additional terms and provisions as it may deem necessary and appropriate, the operating contract shall:

(a) Specify the services and functions to be performed by the contractor;

(b) Provide that the contractor shall hire, supervise and control all personnel required to perform the services and functions assumed by it under the operating contract and that all such personnel shall be employees of the contractor and not of the Authority;

(c) Require the contractor to assume the obligations of the labor contract or contracts of any transit company which may be acquired by the Authority and assume the pension obligations of any such transit company;

(d) Require the contractor to comply in all respects with the labor policy set forth in Article XIV of this title;

(e) Provide that no transfer of ownership of the capital stock, securities or interests in any contractor, whose principal business is the operating contract, shall be made without written approval of the board and the certificates or other instruments representing such stock, securities or interests shall contain a statement of this restriction;

(f) Provide that the board shall have the sole authority to determine the rates or fares to be charged, the routes to be operated and the service to be furnished;

(g) Specify the obligations and liabilities which are to be assumed by the contractor and those which are to be the responsibility of the Authority;

(h) Provide for an annual audit of the books and accounts of the contractor by an independent certified public accountant to be selected by the board and for such other audits, examinations and investigations of the books and records, procedures and affairs of the contractor at such times and in such manner as the board shall require, the cost of such audits, examinations and investigations to be borne as agreed by the parties in the operating contract; and

(i) Provide that no operating contract shall be entered into for a term in excess of five years; provided, that any such contract may be renewed for successive terms, each of which shall not exceed five years. Any such operating contract shall be subject to termination by the board for cause only.

53.

Compensation to the contractor under the operating contract may, in the discretion of the board, be in the form of (1) a fee paid by the board to the contractor for services, (2) a payment by the contractor to the board for the right to operate the system, or (3) such other arrangement as the board may prescribe; provided, however, that the compensation shall bear a reasonable relationship to the benefits to the

Authority and to the estimated costs the Authority would incur in directly performing the functions and duties delegated under the operating contract; and provided, further, that no such contract shall create any right in the contractor (1) to make or change any rate or fare or alter or change the service specified in the contract to be provided or (2) to seek judicial relief by any form of original action, review or other proceedings from any rate or fare or service prescribed by the board. Any assertion, or attempted assertion, by the contractor of the right to make or change any rate or fare or service prescribed by the board shall constitute cause for termination of the operating contract. The operating contract may provide incentives for efficient and economical management.

54.

The board shall enter into an operating contract only after formal advertisement and negotiations with all interested and qualified parties, including private transit companies rendering transit service within the zone; provided, however, that, if the Authority acquires transit facilities from any agency of the federal or District of Columbia governments, in accordance with the provisions of Article VII, § 19 of this title, the Authority shall assume the obligations of any operating contract which the transferor agency may have entered into.

Article XII

Coordination of Private and Public Facilities

55.

It is hereby declared that the interest of the public in efficient and economical transit service and in the financial well–being of the Authority and of the private transit companies requires that the public and private segments of the regional transit system be operated, to the fullest extent possible, as a coordinated system without unnecessary duplicating service.

56.

In order to carry out the legislative policy set forth in § 55 of this Article XII —

(a) The Authority —

(1) Except as herein provided, shall not, directly or through a contractor, perform transit service by bus or similar motor vehicles;

(2) Shall, in cooperation with the private carriers and WMATC, coordinate to the fullest extent practicable, the schedules for service performed by its facilities with the schedules for service performed by private carriers; and

(3) Shall enter into agreements with the private carriers to establish and maintain, subject to approval by WMATC, through routes and joint fares and provide

for the division thereof, or, in the absence of such agreements, establish and maintain through routes and joint fares in accordance with orders issued by WMATC directed to the private carriers when the terms and conditions for such through service and joint fares are acceptable to it.

(b) The WMATC, upon application, complaint, or upon its own motion, shall —

(1) Direct private carriers to coordinate their schedules for service with the schedules for service performed by facilities owned or controlled by the Authority;

(2) Direct private carriers to improve or extend any existing services or provide additional service over additional routes;

(3) Authorize a private carrier, pursuant to agreement between said carrier and the Authority, to establish and maintain through routes and joint fares for transportation to be rendered with facilities owned or controlled by the Authority if, after hearing held upon reasonable notice, WMATC finds that such through routes and joint fares are required by the public interest; and

(4) In the absence of such an agreement with the Authority, direct a private carrier to establish and maintain through routes and joint fares with the Authority, if, after hearing held upon reasonable notice, WMATC finds that such through service and joint fares are required by the public interest; provided, however, that no such order, rule or regulation of WMATC shall be construed to require the Authority to establish and maintain any through route and joint fare.

(c) WMATC shall not authorize or require a private carrier to render any service, including the establishment or continuation of a joint fare for a through–route service with the Authority which is based on a division thereof between the Authority and private carrier which does not provide a reasonable return to the private carrier, unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to the jurisdiction of WMATC. In determining the issue of reasonable return, WMATC shall take into account any income attributable to the carrier, or to any corporation, firm or association owned in whole or in part by the carrier, from the Authority whether by way of payment for services or otherwise.

(d) If the WMATC is unable, through the exercise of its regulatory powers over the private carriers granted in paragraph (b) hereof or otherwise, to bring about the requisite coordination of operations and service between the private carriers and the Authority, the Authority may in the situations specified in paragraph (b) hereof, cause such transit service to be rendered by its contractor by bus or other motor vehicle, as it shall deem necessary to effectuate the policy set forth in § 55 hereof. In any such situation, the Authority, in order to encourage private carriers to render bus service to the fullest extent practicable, may, pursuant to agreement, make reasonable subsidy payments to any private carrier.

(e) The Authority may acquire the capital stock or the transit facilities of any

private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired or with transit facilities acquired pursuant to Article VII, § 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition, as soon as possible, of the capital stock or the transit facilities of each of the other private transit companies within the zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to § 82 of Article XVI.

57.

Nothing in this title shall restrict or limit such rights and remedies, if any, that any private carrier may have against the Authority arising out of acts done or actions taken by the Authority hereunder. In the event any court of competent jurisdiction shall determine that the Authority has unlawfully infringed any rights of any private carrier or otherwise caused or permitted any private carrier to suffer legally cognizable injury, damages or harm and shall award a judgment therefor, such judgment shall constitute a lien against any and all of the assets and properties of the Authority.

58.

(a) The board may accept grants from and enter into loan agreements with the Housing and Home Finance Administrator, pursuant to the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), or with any successor agency or under any law of similar purport, for the purpose of rendering financial assistance to private carriers.

(b) An application by the board for any such grant or loan shall be based on and supported by a report from WMATC setting forth for each private carrier to be assisted (1) the equipment and facilities to be acquired, constructed, reconstructed, or improved, (2) the service proposed to be rendered by such equipment and facilities, (3) the improvement in service expected from such facilities and equipment, (4) how the use of such facilities and equipment will be coordinated with the transit facilities owned by the Authority, (5) the ability of the affected private carrier to repay any such loans or grants and (6) recommended terms for any such loans or grants.

(c) Any equipment or facilities acquired, constructed, reconstructed or improved with the proceeds of such grants or loans shall be owned by the Authority and may be made available to private carriers only by lease or other agreement which contain provisions acceptable to the Housing and Home Finance Administrator assuring that the Authority will have satisfactory continuing control over the use of such facilities and equipment.

Article XIII

Jurisdiction, Rates, and Service

59.

Except as provided herein, this title shall not affect the functions and jurisdiction of WMATC, as granted by Titles I and II of this compact, over the transportation therein specified and the persons engaged therein and the Authority shall have no jurisdiction with respect thereto.

60.

Service performed by transit facilities owned or controlled by the Authority, and the rates and fares to be charged for such service, shall be subject to the sole and exclusive jurisdiction of the board and, notwithstanding any other provision in this compact contained, WMATC shall have no authority with respect thereto, or with respect to any contractor in connection with the operation by it of transit facilities owned or controlled by the Authority. The determinations of the board with respect to such matters shall not be subject to judicial review nor to the processes of any court.

61.

Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the board so as to result in revenues which will:

(a) Pay the operating expenses and provide for repairs, maintenance and depreciation of the transit system owned or controlled by the Authority;

(b) Provide for payment of all principal and interest on outstanding revenue bonds and other obligations and for payment of all amounts to sinking funds and other funds as may be required by the terms of any indenture or loan agreement;

(c) Provide for the purchase, lease or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the Authority for the acquisition of rolling stock; and

(d) Provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this title.

62.

(a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.

(b) Any Signatory, any political subdivision thereof, any agency of the federal government and any person, firm or association served by or using the transit facilities of the Authority and any private carrier may file a request with the Board for a hearing with respect to any rates or charges made by the Board or any service rendered with the facilities owned or controlled by the Authority. Such request shall be in writing,

shall state the matter on which a hearing is requested and shall set forth clearly the matters and things on which the request relies. As promptly as possible after such a request is filed, the Board, or such officer or employee as it may designate, shall confer with the protestant with respect to the matters complained of. After such conference, the Board, if it deems the matter meritorious and of general significance, may call a hearing with respect to such request.

(c) The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.

(d) Prior to calling a hearing on any matter specified in this section, the Board shall prepare and file at its main office and keep open for public inspection its report relating to the proposed action to be considered at such hearing. Upon receipt by the Board of any report submitted by WMATC, in connection with a matter set for hearing, pursuant to the provisions of § 63 of this Article XIII, the Board shall file such report at its main office and make it available for public inspection. For hearings called by the Board pursuant to paragraph (b), above, the Board also shall cause to be lodged and kept open for public inspection the written request upon which the hearing is granted and all documents filed in support thereof.

63.

To facilitate the attainment of the public policy objectives for operation of the publicly and privately owned or controlled transit facilities as stated in Article XII, § 55, prior to the hearings provided for by § 62 hereof —

(a) The board shall refer to WMATC for its consideration and recommendations, any matter which the board considers may affect the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional transit system and any matter for which the board has called a hearing, pursuant to § 62 of this Article XIII, except that temporary or emergency changes in matters affecting service shall not be referred; and

(b) WMATC, upon such reference of any matter to it, shall give the referred matter preference over any other matters pending before it and shall, as expeditiously as practicable, prepare and transmit its report thereon to the board. The board may request WMATC to reconsider any part of its report or to make any supplemental reports it deems necessary. All of such reports shall be advisory only.

(c) Any report submitted by WMATC to the board shall consider, without limitation, the probable effect of the matter or proposal upon the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional system, passenger movements, fare structures, service and the impact on the revenues of both the public and private facilities.

Article XIV

Labor Policy

64.

The board shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Authority or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis–Bacon Act, as amended (40 U.S.C. 276A–276A–5), and every such employee shall receive compensation at a rate not less than one and one–half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project, which contract shall be deemed to be a contract of the character specified in § 103 of the Contract Work Hours Standards Act (76 Stat. 357), as now or as may hereafter be in effect. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and § 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)). The requirements of this section shall also be applicable with respect to the employment of laborers and mechanics in the construction, alteration, or repair, including painting and decorating, of the transit facilities owned or controlled by the Authority where such activities are performed by a contractor pursuant to agreement with the operator of such facilities.

65.

Contracts for the manufacture or furnishing of materials, supplies, articles and equipment shall be subject to the provisions of the Walsh–Healey Public Contracts Act (41 U.S.C. 35 et seq.), as now or as may hereafter be in effect.

66.

(a) The rights, benefits, and other employee protective conditions and remedies of § 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor, shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authority shall extend to employees of affected mass transportation systems first

opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

(b) The Authority shall deal with and enter into written contracts with employees as defined in § 152 of Title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one half of the expenses of such arbitration.

(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except Social Security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other

pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees (except executive officers) who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system.

Article XV

Relocation Assistance

67.

Section 7 of the Urban Mass Transportation Act of 1964, and as the same may from time to time be amended, and all regulations promulgated thereunder, are hereby made applicable to individuals, families, business concerns and non–profit organizations displaced from real property by actions of the Authority without regard to whether financial assistance is sought by or extended to the Authority under any provision of that act; provided, however, that in the event real property is acquired for the Authority by an agency of the federal government, or by a state or local agency or instrumentality, the Authority is authorized to reimburse the acquiring agency for relocation payments made by it.

68.

Notwithstanding the provisions of § 67 of this Article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the board to effectuate the authorized purposes of this title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the board from any of its moneys.

Article XVI
General Provisions

69.

(a) The board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board. Moneys in such funds and other moneys of the Authority shall be deposited, as directed by the board, in any branch or subsidiary of any state or national bank which has operations within the zone, and having a total paid–in capital of at least one million dollars ($1,000,000). The trust department of any such state or national bank may be designated as a depositary to receive any securities acquired or owned by the Authority. The restriction with respect to paid–in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the board.

(b) Any moneys of the Authority may, in the discretion of the board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in:

(1) Direct obligations of or obligations guaranteed by the United States of America;

(2) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following:

Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export–Import Bank of the United States; Federal Land Banks; Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service;

(3) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the United States or any officer or officers thereof, or securities eligible as collateral for deposits of moneys of the United States, including United States Treasury tax and loan accounts;

(4) Domestic and Eurodollar certificates of deposit; and

(5) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the states of the United States, provided that such obligations are nonconvertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

70.

(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the Authority. The audit shall be made by qualified certified public accountants selected by the board, who shall have no personal interest direct or indirect in the financial affairs of the Authority or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be filed with the chairman and other officers as the board shall direct. Copies of the report shall be distributed to each director, to the Congress, to the Mayor and Council of the District of Columbia, to the Governors of Virginia and Maryland, to the Washington Suburban Transit Commission, to the Northern Virginia Transportation Commission and to the governing bodies of the political subdivisions located within the zone which are parties to commitments for participation in the financing of the Authority and shall be made available for public distribution.

(b) The financial transactions of the board shall be subject to audit by the United States General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the board are kept.

(c) Any director, officer or employee who shall refuse to give all required assistance and information to the accountants selected by the board or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall, in the discretion of the board, forfeit his office.

71.

The board shall make and publish an annual report on its programs, operations and finances, which shall be distributed in the same manner provided by § 70 of this Article XVI for the report of annual audit. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

72.

The board may self–insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the board may determine, subject to the requirements of any agreement arising out of issuance of bonds or other obligations by the Authority.

73.

(a) (1) Except as provided in subsections (b), (c), and (f) of this section and except in the case of procurement procedures otherwise expressly authorized by statute, the Authority in conducting a procurement of property, services, or construction shall:

(i) Obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and

(ii) Use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(2) In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(i) Solicit sealed bids if:

1. Time permits the solicitation, submission, and evaluation of sealed bids;

2. The award will be made on the basis of price and other price–related factors;

3. It is not necessary to conduct discussions with the responding sources about their bids; and

4. There is a reasonable expectation of receiving more than one sealed bid; or

(ii) Request competitive proposals if sealed bids are not appropriate under item (i) of this paragraph.

(b) The Authority may provide for the procurement of property, services, or

construction covered by this section using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, or construction.

(c) The Authority may use procedures other than competitive procedures if:

(1) The property, services, or construction needed by the Authority is available from only one responsible source, and no other type of property, services or construction will satisfy the needs of the Authority; or

(2) The Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

(3) The Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or

(4) The property or services needed can be obtained through federal or other governmental sources at reasonable prices.

(d) For the purpose of applying subsection (c)(1) of this section:

(1) In the case of a contract for property, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(i) That is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(ii) The substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

(2) In the case of a follow–on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

(i) Substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(ii) Unacceptable delays in fulfilling the Authority's needs.

(e) If the Authority uses procedures other than competitive procedures to procure property, services or construction under subsection (c)(2) of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

(f) (1) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction.

(2) For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

(3) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph (1) of this subsection.

(4) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

(g) The board shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

(h) The Authority in its discretion may reject any and all bids or proposals received in response to a solicitation.

74.

The board is authorized to locate, construct and maintain any of its transit and related facilities in, upon, over, under or across any streets, highways, freeways, bridges and any other vehicular facilities, subject to the applicable laws governing such use of such facilities by public agencies. In the absence of such laws, such use of such facilities by the board shall be subject to such reasonable conditions as the highway department or other affected agency of a signatory party may require; provided, however, that the board shall not construct or operate transit or related facilities upon, over, or across any parkways or park lands without the consent of, and except upon the terms and conditions required by, the agency having jurisdiction with respect to such parkways and park lands, but may construct or operate such facilities in a subway under such parkways or park lands upon such reasonable terms and conditions as may be specified by the agency having jurisdiction with respect thereto.

75.

The board shall comply with all laws, ordinances and regulations of the signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control and regulation, zoning, signs and buildings.

76.

(a) The Authority is authorized to establish and maintain a regular police force, to be known as the metro transit police, to provide protection for its patrons, personnel, and transit facilities. The metro transit police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, and the laws, ordinances and regulations of the political subdivisions thereof in the transit zone, and the rules and regulations of the Authority. The jurisdiction of the metro transit police shall be limited to all the transit facilities (including bus stops) owned, controlled or operated by the Authority, but this restriction shall not limit the power of the metro transit police to make arrests in the transit zone for violations committed upon, to or against such transit facilities committed from within or outside such transit facilities, while in hot or close pursuit or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the metro transit police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire and other public safety service and protection, or limit, restrict or interfere with the jurisdiction of or the performance of duties by the existing police, fire and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a metrobus bus stop sign, excluding the interior of any building not owned, controlled, or operated by the Washington Metropolitan Area Transit Authority.

(b) A member of the metro transit police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the metro transit police member is engaged in the performance of his duties. A member of the metro transit police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the metro transit police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.

(c) Members of the metro transit police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor or other offense against laws, ordinances, rules, or regulations of the Authority, or of the signatory or its political subdivision as specified in subsection (a). With respect to offenses committed upon, to, or against the transit facilities owned, controlled or operated by the Authority, the metro transit police shall have power to execute criminal process within the transit zone.

(d) Upon the apprehension or arrest of any person by a member of the metro

transit police pursuant to the provisions of subsection (b), the arresting officer, as required by the law of the place of arrest, shall either issue a summons or a citation against the person, or book or deliver the person to the duly constituted judicial officer of the signatory or political subdivision where the arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects, the rules and regulations of the Authority shall be uniform throughout the transit zone. The rules or regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with Section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than $250 and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules, and regulations of the signatory or political subdivisions are prosecuted.

(f) With respect to members of the metro transit police, the Authority shall

(1) Establish classifications based on the nature and scope of duties, and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension and retirement benefits;

(2) Provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the transit zone for their personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the transit zone and public safety agencies located therein, including those of the federal government, for the delineation of the functions and responsibilities of the metro transit police and other duly

constituted police, fire and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the metro transit police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

77.

Except as otherwise provided in this title, any transit service rendered by transit facilities owned or controlled by the Authority and the Authority or any corporation, firm or association performing such transit service pursuant to an operating contract with the Authority, shall, in connection with the performance of such service, be exempt from all laws, rules, regulations and orders of the signatories and of the United States otherwise applicable to such transit service and persons, except that laws, rules, regulations and orders relating to inspection of equipment and facilities, safety and testing shall remain in force and effect; provided, however, that the board may promulgate regulations for the safety of the public and employees not inconsistent with the applicable laws, rules, regulations or orders of the signatories and of the United States.

78.

It is hereby declared that the creation of the Authority and the carrying out of the corporate purposes of the Authority is in all respects for the benefit of the people of the signatory states and is for a public purpose and that the Authority and the board will be performing an essential governmental function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this title. Accordingly, the Authority and the board shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any transit facilities or upon any revenues therefrom and the property and income derived therefrom shall be exempt from all federal, state, District of Columbia, municipal and local taxation. This exemption shall include, without limitation, all motor vehicle license fees, sales taxes and motor fuel taxes.

79.

The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of Article XIII hereof for any specified class or category of riders.

80.

The Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on

conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the zone of any immunity from suit.

81.

The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this title. Any such action initiated in a State or District of Columbia court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

82.

(a) The Authority shall have the power to acquire by condemnation, whenever in its opinion it is necessary or advantageous to the Authority to do so, any real or personal property, or any interest therein, necessary or useful for the transit system authorized herein, except property owned by the United States, by a signatory, or any political subdivision thereof, whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority.

(b) Proceedings for the condemnation of property in the District of Columbia, shall be instituted and maintained under the Act of December 23, 1963 (77 Stat. 577–581, D.C. Code 1961, Supp. IV, §§ 1351–1368). Proceedings for the condemnation of property located elsewhere within the zone shall be instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as amended (25 Stat. 357, 40 D.S.C. 257) and the Act of June 25, 1948 (62 Stat. 935 and 937, 28 U.S.C. 1358 and 1403) or any other applicable act; provided, however, that if there is no applicable federal law, condemnation proceedings shall be in accordance with the provisions of the state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Whenever the words "real property," "realty," "land," "easement," "right–of–way," or words of similar meaning are used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be deemed, for the purposes of this title, to include any personal property authorized to be acquired hereunder.

(c) Any award or compensation for the taking of property pursuant to this title shall be paid by the Authority, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award of compensation.

83.

(a) When advised in writing by the Northern Virginia Transportation Commission or the Washington Suburban Transit Commission that the geographical area embraced therein has been enlarged, the board, upon such terms and conditions as it may deem appropriate, shall by resolution enlarge the zone to embrace the additional area.

(b) The duration of this title shall be perpetual but any signatory thereto may withdraw therefrom upon two years' written notice to the board.

(c) The withdrawal of any signatory shall not relieve such signatory, any transportation district, county or city or other political subdivision thereof from any obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.

84.

Amendments and supplements to this title to implement the purposes thereof may be adopted by legislative action of any of the Signatory parties concurred in by all of the others. When one Signatory adopts an amendment or supplement to an existing section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

85.

The provisions of this title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this title or any such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this title or any such agreement and the applicability thereof to any other signatory party, political subdivision or agency thereof or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this title be reasonably and liberally construed.

86.

This title shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the Signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the title by the Governors of Maryland and Virginia and the Mayor and Council of the District of Columbia.

10–204. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 209 OF 2000 **

TITLE III
Article I
Definitions

1.

As used in this title, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(a) "Board" means the board of directors of the Washington Metropolitan Area Transit Authority;

(b) "Director" means a member of the board of directors of the Washington Metropolitan Area Transit Authority;

(c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any signatory party to this title;

(d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;

(e) "State" includes District of Columbia;

(f) "Transit facilities" means all real and personal property located in the zone, necessary or useful in rendering transit service between points within the zone, by means of rail, bus, water or air and any other mode of travel, including without limitation, tracks, rights–of–way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service;

(g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the zone including the transportation of newspapers, express and mail between such points and charter service which originates within the zone but does not include taxicab service or individual–ticket–sale sightseeing operations;

(h) "Transit zone" or "zone" means the Washington metropolitan area transit zone created by and described in § 3, as well as any additional area that may be added pursuant to § 83(a); and

(i) "WMATC" means Washington Metropolitan Area Transit Commission.

Article II

Purpose and Functions

2.

The purpose of this title is to create a regional instrumentality, as a common agency of each signatory party, empowered, in the manner hereinafter set forth, (1) to plan, develop, finance and cause to be operated improved transit facilities, in coordination with transportation and general development planning for the zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation, (2) to coordinate the operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service, and (3) to serve such other regional purposes and to perform such other regional functions as the signatories may authorize by appropriate legislation.

Article III

Organization and Area

3.

There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington, Fairfax, and Loudoun and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties.

4.

There is hereby created, as an instrumentality and agency of each of the signatory parties hereto, the Washington Metropolitan Area Transit Authority which shall be a body corporate and politic, and which shall have the powers and duties granted herein and such additional powers as may hereafter be conferred upon it pursuant to law.

5.

(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a signatory may be removed or suspended from

office only as provided by the law of the signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

(b) Before entering upon the duties of his office each Director and alternate director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide:

"I, ..., hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a Director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter."

6.

Members of the board and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred as an incident to the performance of their duties.

7.

The board shall provide for its own organization and procedure. It shall organize annually by the election of a chairman and vice–chairman from among its members. Meetings of the board shall be held as frequently as the board deems that the proper performance of its duties requires and the board shall keep minutes of its meetings. The board shall adopt rules and regulations governing its meetings, minutes and transactions.

8.

(a) Four Directors or alternates consisting of at least one Director or alternate appointed from each Signatory, shall constitute a quorum and no action by the Board shall be effective unless a majority of the Board present and voting, which majority shall include at least one Director or alternate from each Signatory, concur therein; provided, however, that a plan of financing may be adopted or a mass transit plan adopted, altered, revised or amended by the unanimous vote of the Directors representing any two Signatories.

(b) The actions of the Board shall be expressed by motion or resolution. Actions

dealing solely with internal management of the Authority shall become effective when directed by the Board, but no other action shall become effective prior to the expiration of thirty days following its adoption; provided, however, that the Board may provide for the acceleration of any action upon a finding that such acceleration is required for the proper and timely performance of its functions.

9.

(a) The officers of the Authority, none of whom shall be members of the board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the board may provide. Except for the office of general manager, inspector general, and comptroller, the board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the board, shall serve at the pleasure of the board and shall perform such duties and functions as the board shall specify. The board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full–time employee, all other officers may be hired on a full–time or part–time basis and may be compensated on a salary or fee basis, as the board may determine. All employees and such officers as the board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the board may determine.

(b) The general manager shall be the chief administrative officer of the Authority and, subject to policy direction by the board, shall be responsible for all activities of the Authority.

(c) The treasurer shall be the custodian of the funds of the Authority, shall keep an account of all receipts and disbursements and shall make payments only upon warrants duly and regularly signed by the chairman or vice–chairman of the board, or other person authorized by the board to do so, and by the secretary or general manager; provided, however, that the board may provide that warrants not exceeding such amounts or for such purposes as may from time to time be specified by the board may be signed by the general manager or by persons designated by him.

(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.

(e) An oath of office in the form set out in § 5(b) of this article shall be taken, subscribed and filed with the board by all appointed officers.

(f) Each director, officer and employee specified by the board shall give such bond in such form and amount as the board may require, the premium for which shall

be paid by the Authority.

10.

(a) No director, officer or employee shall:

(1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the board or the Authority is a party;

(2) In connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;

(3) Offer money or anything of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Authority.

(b) Any director, officer or employee who shall willfully violate any provision of this section shall, in the discretion of the board, forfeit his office or employment.

(c) Any contract or agreement made in contravention of this section may be declared void by the board.

(d) Nothing in this section shall be construed to abrogate or limit the applicability of any federal or state law which may be violated by any action prescribed by this section.

Article IV

Cooperation

11.

Each signatory pledges to each other faithful cooperation in the achievement of the purposes and objects of this title.

Article V
General Powers

12.

In addition to the powers and duties elsewhere described in this title, and except as limited in this title, the Authority may:

(a) Sue and be sued;

(b) Adopt and use a corporate seal and alter the same at pleasure;

(c) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this title;

(d) Construct, acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, condemnation, lease, license, mortgage or otherwise but all of said property shall be located in the zone and shall be necessary or useful in rendering transit service or in activities incidental thereto.

(e) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any signatory party, any political subdivision or agency thereof, by the United States, or by any agency thereof, or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or any part thereof;

(f) Enter into and perform contracts, leases and agreements with any person, firm or corporation or with any political subdivision or agency of any signatory party or with the federal government, or any agency thereof, including, but not limited to, contracts or agreements to furnish transit facilities and service;

(g) Create and abolish offices, employments and positions (other than those specifically provided for herein) as it deems necessary for the purposes of the Authority, and fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees without regard to the laws of any of the signatories;

(h) Establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable;

(i) Contract for or employ any professional services;

(j) Control and regulate the use of facilities owned or controlled by the Authority, the service to be rendered and the fares and charges to be made therefor;

(k) Hold public hearings and conduct investigations relating to any matter affecting transportation in the zone with which the Authority is concerned and, in connection therewith, subpoena witnesses, papers, records and documents; or delegate such authority to any officer. Each director may administer oaths or affirmations in any proceeding or investigation.

(l) Make or participate in studies of all phases and forms of transportation, including transportation vehicle research and development techniques and methods for determining traffic projections, demand motivations, and fiscal research and publicize and make available the results of such studies and other information relating to transportation; and

(m) Exercise, subject to the limitations and restrictions herein imposed, all powers reasonably necessary or essential to the declared objects and purposes of this

title.

Article VI

Planning

13.

(a) The board shall develop and adopt, and may from time to time review and revise, a mass transit plan for the immediate and long–range needs of the zone. The mass transit plan shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase or condemnation; (4) a time table for the provision of such facilities; (5) the anticipated capital costs; (6) estimated operating expenses and revenues relating thereto; and (7) the various other factors and considerations, which, in the opinion of the board, justify and require the projects therein proposed. Such plan shall specify the type of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and the probable fares and charges therefor.

(b) In preparing the mass transit plan, and in any review or revision thereof, the board shall make full utilization of all data, studies, reports and information available from the National Capital Transportation Agency and from any other agencies of the federal government, and from signatories and the political subdivisions thereof.

14.

(a) The mass transit plan, and any revisions, alterations or amendments thereof, shall be coordinated, through the procedures hereinafter set forth, with

(1) Other plans and programs affecting transportation in the zone in order to achieve a balanced system of transportation, utilizing each mode to its best advantage;

(2) The general plan or plans for the development of the zone; and

(3) The development plans of the various political subdivisions embraced within the zone.

(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision–making in the transportation planning process and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit

District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations or amendments thereof.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(1) Consider data with respect to current and prospective conditions in the zone, including, without limitation, land use, population, economic factors affecting development plans, goals or objectives for the development of the zone and the separate political subdivisions, transit demands to be generated by such development, travel patterns, existing and proposed transportation and transit facilities, impact of transit plans on the dislocation of families and businesses, preservation of the beauty and dignity of the nation's capital, factors affecting environmental amenities and aesthetics and financial resources;

(2) Cooperate with and participate in any continuous, comprehensive transportation planning process cooperatively established by the highway agencies of the signatories and the local political subdivisions in the zone to meet the planning standards now or hereafter prescribed by the federal–aid highway act; and

(3) To the extent not inconsistent with or duplicative of the planning process specified in subparagraph (2) of this paragraph (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the signatories, the Maryland–National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland Department of Planning and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision–making in the transportation planning process.

15.

(a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(1) The Mayor and Council of the District of Columbia, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission;

(2) The governing bodies of the counties and cities embraced within the zone;

(3) The transportation agencies of the Signatories;

(4) The Washington Metropolitan Area Transit Commission;

(5) The Washington Metropolitan Council of Governments;

(6) The National Capital Planning Commission;

(7) The National Capital Regional Planning Council;

(8) The Maryland–National Capital Park and Planning Commission;

(9) The Northern Virginia Regional Planning and Economic Development Commission;

(10) The Maryland Department of Planning; and

(11) The private transit companies operating in the zone and the labor unions representing the employees of such companies and employees of contractors providing service under operating contracts.

(b) A copy of the proposed mass transit plan, amendment or revision, shall be kept at the office of the Board and shall be available for public inspection. Information with respect thereto shall be released to the public. After thirty days' notice published once a week for two successive weeks in one or more newspapers of general circulation within the zone, a public hearing shall be held with respect to the proposed plan, alteration, revision or amendment. The thirty–days' notice shall begin to run on the first day the notice appears in any such newspaper. The Board shall consider the evidence submitted and statements and comments made at such hearing and may make any changes in the proposed plan, amendment or revision which it deems appropriate and such changes may be made without further hearing.

Article VII

Financing

16.

With due regard for the policy of Congress for financing a mass transit plan for the zone set forth in § 204(g) of the National Capital Transportation Act of 1960 (74 Stat. 537), it is hereby declared to be the policy of this title that, as far as possible, the payment of all costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments in the zone. The allocation among such governments of such remaining costs shall be determined by agreement among them and shall be provided in the manner hereinafter specified.

17.

(a) The Authority, in conformance with said policy, shall prepare and adopt a plan for financing the construction, acquisition and operation of facilities specified in a mass transit plan adopted pursuant to Article VI hereof, or in any alteration, revision or amendment thereof. Such plan of financing shall specify the facilities to be constructed or acquired, the cost thereof, the principal amount of revenue bonds, equipment trust certificates and other evidences of debt proposed to be issued, the principal terms and provisions of all loans and underlying agreements and indentures, estimated operating expenses and revenues and the proposed allocation among the federal, District of Columbia and participating local governments of the remaining costs and deficits, if any, and such other information as the Commission may consider appropriate.

(b) Such plan of financing shall constitute a proposal to the interested governments for financial participation and shall not impose any obligation on any government and such obligations shall be created only as provided in § 18 of this Article VII.

18.

(a) Commitments on behalf of the portion of the zone located in Virginia shall be by contract or agreement by the Authority with the Northern Virginia Transportation District, or its component governments, as authorized in the Transportation District Act of 1964 (ch. 631, 1964 Acts of Virginia Assembly), to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or any alteration, revision or amendment thereof, and for meeting expenses and obligations in the operation of such facilities. No such contract or agreement, however, shall be entered into by the Authority with the Northern Virginia Transportation District unless said District has entered into the contracts or agreements with its member governments, as contemplated by § 1(b)(4) of Article 4 of said act, which contracts or agreements expressly provide that such contracts or agreements shall inure to the benefit of the Authority and shall be enforceable by the Authority in accordance with the provisions of § 2, Article 5 of said act, and such contracts or agreements are acceptable to the Board. The General Assembly of Virginia hereby authorizes and designates the Authority as the agency to plan for and provide transit facilities and services for the area of Virginia encompassed within the zone within the contemplation of Article 1, § 3(c) of said act.

(b) Commitments on behalf of the portion of the zone located in Maryland shall be by contract or agreement by the Authority with the Washington Suburban Transit District, pursuant to which the Authority undertakes to provide transit facilities and service in consideration for the agreement by said district to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(c) With respect to the federal government, the commitment or obligation

to render financial assistance shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine. Commitments by the District of Columbia shall be by contract or agreement between the governing body of the District of Columbia and the Authority, pursuant to which the Authority undertakes, subject to the provisions of Section 20 hereof, to provide transit facilities and service in consideration for the undertaking by the District of Columbia to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(d) (1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under Title VI, § 601, P.L. 110–432 regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

(2) For purposes of this paragraph (d), a "dedicated funding source" means any source of funding that is earmarked or required under State or local law to be used to match federal appropriations authorized under Title VI, § 601, P.L. 110–432 for payments to the Authority.

19.

Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in § 18 of this Article VII, the expenses of the Authority for administration and for preparation of a mass transit and financing plan, including all engineering, financial, legal and other services required in connection therewith, shall, to the extent funds for such expenses are not provided through grants by the federal government, be borne by the District of Columbia, by the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District. Such expenses shall be allocated among such governments on the basis of population as reflected by the latest available population statistics of the Bureau of the Census; provided, however, that upon the request of any director the board shall make the allocation upon estimates of population acceptable to the board. The allocations shall be made by the board and shall be included in the annual current expense budget prepared by the board.

20.

(a) The Authority is authorized to acquire by purchase, lease or grant or in any manner other than condemnation, from the federal government, or any agency thereof, from the District of Columbia, Maryland or Virginia, or any political subdivision or agency thereof, any transit and related facilities, including real and personal property and all other assets, located within the zone, whether in operation or under construction. Such acquisition shall be made upon such terms and conditions as may be agreed upon and subject to such authorization or approval by the Congress and the

governing body of the District of Columbia, as may be required; provided, however, that if such acquisition imposes or may impose any further or additional obligation or liability upon the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, under any contract with the Authority, the Authority shall not make such acquisition until any such affected contract has been appropriately amended.

(b) For such purpose, the Authority is authorized to assume all liabilities and contracts relating thereto, to assume responsibility as primary obligor, endorser or guarantor on any outstanding revenue bonds, equipment trust certificates or other form of indebtedness authorized in this title issued by such predecessor agency or agencies and, in connection therewith, to become a party to, and assume the obligations of, any indenture or loan agreement underlying or issued in connection with any outstanding securities or debts.

21.

The board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money.

22.

The board shall not construct or acquire any of the transit facilities specified in a mass transit plan adopted pursuant to the provisions of Article VI of this title, or in any alteration, revision or amendment thereof, nor make any commitments or incur any obligations with respect thereto until funds are available therefor.

Article VIII

Budget

23.

The board shall annually adopt a capital budget, including all capital projects it proposes to undertake or continue during the budget period, containing a statement of the estimated cost of each project and the method of financing thereof.

24.

The board shall annually adopt a current expense budget for each fiscal year. Such budget shall include the board's estimated expenditures for administration, operation, maintenance and repairs, debt service requirements and payments to be made into any funds required to be maintained. The total of such expenses shall be balanced by the

board's estimated revenues and receipts from all sources, excluding funds included in the capital budget or otherwise earmarked for other purposes.

25.

(a) Following the adoption by the board of annual capital and current expense budgets, the general manager shall transmit certified copies of such budgets to the principal budget officer of the federal government, the District of Columbia, the Washington Suburban Transit District and of the component governments of the Northern Virginia Transportation Commission at such time and in such manner as may be required under the respective budgetary procedures.

(b) Each budget shall indicate the amounts, if any, required from the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District, determined in accordance with the commitments made pursuant to Article VII, § 18 of this title, to balance each of said budgets.

26.

Subject to such review and approval as may be required by their budgetary or other applicable processes, the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District shall include in their respective budgets next to be adopted and appropriate or otherwise provide the amounts certified to each of them as set forth in the budgets.

Article IX

Revenue Bonds

27.

The Authority may borrow money for any of the purposes of this title, may issue its negotiable bonds and other evidences of indebtedness in respect thereto and may mortgage or pledge its properties, revenues and contracts as security therefor.

All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the Authority. The bonds and other obligations of the Authority, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the Authority and the full faith and credit of the Authority are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the Authority assumed by it to or for the benefit of the holders thereof.

28.

The purposes of this title shall include, without limitation, all costs of any project

or facility or any part thereof, including interest during a period of construction and for a period not to exceed two years thereafter and any incidental expenses (legal, engineering, fiscal, financial, consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with administration, the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the board or by others for such purposes and for working capital.

29.

The board shall have no power to pledge the credit of any signatory party, political subdivision or agency thereof, or to impose any obligation for payment of the bonds upon any signatory party, political subdivision or agency thereof, but may pledge the contracts of such governments and agencies; provided, however, that the bonds may be underwritten in whole or in part as to principal and interest by the United States, or by any political subdivision or agency of any signatory; provided, further, that any bonds underwritten in whole or in part as to principal and interest by the United States shall not be issued without approval of the Secretary of the Treasury. Neither the directors nor any person executing the bonds shall be liable personally on the bonds of the Authority or be subject to any personal liability or accountability by reason of the issuance thereof.

30.

Whenever the board deems it expedient, it may fund and refund the bonds and other obligations of the Authority whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the Authority or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the Authority or which are payable out of the revenues of any facility acquired by the Authority. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the Authority. All provisions of this title applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

31.

Bonds and other indebtedness of the Authority shall be authorized by resolution of the board. The validity of the authorization and issuance of any bonds by the Authority shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the board or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The Authority may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with

such terms and provisions as the board may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the Authority in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to principal alone or as to both principal and interest, as may be determined by the board. The board may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the board may determine.

32.

The board may determine and enter into indentures or adopt resolutions providing for the principal amount, date or dates, maturities, interest rate, or rates, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the board authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions not inconsistent with the provisions of this title, other than any restriction on the regulatory powers vested in the board by this title, as the board may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys or contracts of the Authority; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the Authority or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this title into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this title and is bound thereby.

33.

No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

34.

All bonds and all other evidences of debt issued by the Authority under the provisions of this title and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any signatory parties, except for transfer, inheritance and estate taxes.

35.

Bonds shall bear interest at such rate or rates as may be determined by the board, payable annually or semiannually.

36.

The board may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

37.

The board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of members of the board, and by additional authentication by a trustee or fiscal agent appointed by the board; provided, however, that one of such signatures shall be manual; and provided, further, that no such additional authentication or manual signatures need be required in the case of bonds guaranteed by the United States of America. If any of the members whose signatures or countersignatures appear upon the bonds or coupons cease to be members before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the members had remained in office until the delivery of the bonds and coupons.

38.

The board shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

39.

The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this title may be sold in such manner, either at public or private sale, as the board shall determine.

40.

All bonds issued under the provisions of this title are negotiable instruments.

41.

Bonds issued under the provisions of this title are hereby made securities in which all public officers and public agencies of the signatories and their political subdivisions and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any officer of any signatory, or of any agency or political subdivision of any signatory, for any purpose for which the deposit of bonds or other obligations of such signatory is now or may hereafter be authorized by law.

42.

Prior to the issuance of any bonds, the board may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

43.

No indenture need be recorded or filed in any public office, other than the office of the board. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the board or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the board or to the indenture trustee.

44.

Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all revenues received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

45.

The holder of any bond may for the equal benefit and protection of all holders

of bonds similarly situated: (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the board or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the Authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

Article X
Equipment Trust Certificates

46.

The board shall have power to execute agreements, leases and equipment trust certificates with respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other craft, in the form customarily used in such cases and appropriate to effect such purchase, and may dispose of such equipment trust certificates in such manner as it may determine to be for the best interests of the Authority. Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked upon both sides thereof, followed by the words "owner and lessor."

47.

All monies required to be paid by the Authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue to be derived from the operation of the transit system or from such grants, loans, appropriations or other revenues, as may be available to the board under the provisions of this title. Payment for such facilities or equipment, or rentals thereof, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates as aforesaid, and title to such facilities or equipment may not vest in the Authority until the equipment trust certificates are paid.

48.

The agreement to purchase facilities or equipment by the board may direct the vendor to sell and assign the equipment to a bank or trust company, duly authorized to transact business in any of the signatory states, or to the Housing and Home Finance Administrator, as trustee, lessor or vendor, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the facilities and equipment to one or more designated officers of the board and may authorize the trustee simultaneously therewith to execute and deliver a lease of the facilities or

equipment to the board.

49.

The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenues to be derived from the operation of the transit system and other funds.

The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any resolution or trust agreement securing the payment of bonds or other obligations of the Authority then outstanding or conflict with or be in derogation of the rights of the holders of any such bonds or other obligations.

50.

The equipment trust certificates issued hereunder shall be governed by laws of the District of Columbia and for this purpose the chief place of business of the Authority shall be considered to be the District of Columbia. The filing of any documents required or permitted to be filed shall be governed by the laws of the District of Columbia.

Article XI
Operation of Facilities

51.

Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the board may determine.

52.

Without limitation upon the right of the board to prescribe such additional terms and provisions as it may deem necessary and appropriate, the operating contract shall:

(a) Specify the services and functions to be performed by the contractor;

(b) Provide that the contractor shall hire, supervise and control all personnel required to perform the services and functions assumed by it under the operating contract and that all such personnel shall be employees of the contractor and not of the Authority;

(c) Require the contractor to assume the obligations of the labor contract or contracts of any transit company which may be acquired by the Authority and assume the pension obligations of any such transit company;

(d) Require the contractor to comply in all respects with the labor policy set forth in Article XIV of this title;

(e) Provide that no transfer of ownership of the capital stock, securities or interests in any contractor, whose principal business is the operating contract, shall be made without written approval of the board and the certificates or other instruments representing such stock, securities or interests shall contain a statement of this restriction;

(f) Provide that the board shall have the sole authority to determine the rates or fares to be charged, the routes to be operated and the service to be furnished;

(g) Specify the obligations and liabilities which are to be assumed by the contractor and those which are to be the responsibility of the Authority;

(h) Provide for an annual audit of the books and accounts of the contractor by an independent certified public accountant to be selected by the board and for such other audits, examinations and investigations of the books and records, procedures and affairs of the contractor at such times and in such manner as the board shall require, the cost of such audits, examinations and investigations to be borne as agreed by the parties in the operating contract; and

(i) Provide that no operating contract shall be entered into for a term in excess of five years; provided, that any such contract may be renewed for successive terms, each of which shall not exceed five years. Any such operating contract shall be subject to termination by the board for cause only.

53.

Compensation to the contractor under the operating contract may, in the discretion of the board, be in the form of (1) a fee paid by the board to the contractor for services, (2) a payment by the contractor to the board for the right to operate the system, or (3) such other arrangement as the board may prescribe; provided, however, that the compensation shall bear a reasonable relationship to the benefits to the Authority and to the estimated costs the Authority would incur in directly performing the functions and duties delegated under the operating contract; and provided, further, that no such contract shall create any right in the contractor (1) to make or change any rate or fare or alter or change the service specified in the contract to be provided or (2) to seek judicial relief by any form of original action, review or other proceedings from any rate or fare or service prescribed by the board. Any assertion, or attempted assertion, by the contractor of the right to make or change any rate or fare or service prescribed by the board shall constitute cause for termination of the operating contract. The operating contract may provide incentives for efficient and economical management.

54.

The board shall enter into an operating contract only after formal advertisement

and negotiations with all interested and qualified parties, including private transit companies rendering transit service within the zone; provided, however, that, if the Authority acquires transit facilities from any agency of the federal or District of Columbia governments, in accordance with the provisions of Article VII, § 19 of this title, the Authority shall assume the obligations of any operating contract which the transferor agency may have entered into.

Article XII

Coordination of Private and Public Facilities

55.

It is hereby declared that the interest of the public in efficient and economical transit service and in the financial well–being of the Authority and of the private transit companies requires that the public and private segments of the regional transit system be operated, to the fullest extent possible, as a coordinated system without unnecessary duplicating service.

56.

In order to carry out the legislative policy set forth in § 55 of this Article XII —

(a) The Authority —

(1) Except as herein provided, shall not, directly or through a contractor, perform transit service by bus or similar motor vehicles;

(2) Shall, in cooperation with the private carriers and WMATC, coordinate to the fullest extent practicable, the schedules for service performed by its facilities with the schedules for service performed by private carriers; and

(3) Shall enter into agreements with the private carriers to establish and maintain, subject to approval by WMATC, through routes and joint fares and provide for the division thereof, or, in the absence of such agreements, establish and maintain through routes and joint fares in accordance with orders issued by WMATC directed to the private carriers when the terms and conditions for such through service and joint fares are acceptable to it.

(b) The WMATC, upon application, complaint, or upon its own motion, shall —

(1) Direct private carriers to coordinate their schedules for service with the schedules for service performed by facilities owned or controlled by the Authority;

(2) Direct private carriers to improve or extend any existing services or provide additional service over additional routes;

(3) Authorize a private carrier, pursuant to agreement between said

carrier and the Authority, to establish and maintain through routes and joint fares for transportation to be rendered with facilities owned or controlled by the Authority if, after hearing held upon reasonable notice, WMATC finds that such through routes and joint fares are required by the public interest; and

(4) In the absence of such an agreement with the Authority, direct a private carrier to establish and maintain through routes and joint fares with the Authority, if, after hearing held upon reasonable notice, WMATC finds that such through service and joint fares are required by the public interest; provided, however, that no such order, rule or regulation of WMATC shall be construed to require the Authority to establish and maintain any through route and joint fare.

(c) WMATC shall not authorize or require a private carrier to render any service, including the establishment or continuation of a joint fare for a through–route service with the Authority which is based on a division thereof between the Authority and private carrier which does not provide a reasonable return to the private carrier, unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to the jurisdiction of WMATC. In determining the issue of reasonable return, WMATC shall take into account any income attributable to the carrier, or to any corporation, firm or association owned in whole or in part by the carrier, from the Authority whether by way of payment for services or otherwise.

(d) If the WMATC is unable, through the exercise of its regulatory powers over the private carriers granted in paragraph (b) hereof or otherwise, to bring about the requisite coordination of operations and service between the private carriers and the Authority, the Authority may in the situations specified in paragraph (b) hereof, cause such transit service to be rendered by its contractor by bus or other motor vehicle, as it shall deem necessary to effectuate the policy set forth in § 55 hereof. In any such situation, the Authority, in order to encourage private carriers to render bus service to the fullest extent practicable, may, pursuant to agreement, make reasonable subsidy payments to any private carrier.

(e) The Authority may acquire the capital stock or the transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired or with transit facilities acquired pursuant to Article VII, § 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition, as soon as possible, of the capital stock or the transit facilities of each of the other private transit companies within the zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to § 82 of Article XVI.

57.

Nothing in this title shall restrict or limit such rights and remedies, if any, that any private carrier may have against the Authority arising out of acts done or actions

taken by the Authority hereunder. In the event any court of competent jurisdiction shall determine that the Authority has unlawfully infringed any rights of any private carrier or otherwise caused or permitted any private carrier to suffer legally cognizable injury, damages or harm and shall award a judgment therefor, such judgment shall constitute a lien against any and all of the assets and properties of the Authority.

58.

(a) The board may accept grants from and enter into loan agreements with the Housing and Home Finance Administrator, pursuant to the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), or with any successor agency or under any law of similar purport, for the purpose of rendering financial assistance to private carriers.

(b) An application by the board for any such grant or loan shall be based on and supported by a report from WMATC setting forth for each private carrier to be assisted (1) the equipment and facilities to be acquired, constructed, reconstructed, or improved, (2) the service proposed to be rendered by such equipment and facilities, (3) the improvement in service expected from such facilities and equipment, (4) how the use of such facilities and equipment will be coordinated with the transit facilities owned by the Authority, (5) the ability of the affected private carrier to repay any such loans or grants and (6) recommended terms for any such loans or grants.

(c) Any equipment or facilities acquired, constructed, reconstructed or improved with the proceeds of such grants or loans shall be owned by the Authority and may be made available to private carriers only by lease or other agreement which contain provisions acceptable to the Housing and Home Finance Administrator assuring that the Authority will have satisfactory continuing control over the use of such facilities and equipment.

Article XIII

Jurisdiction, Rates, and Service

59.

Except as provided herein, this title shall not affect the functions and jurisdiction of WMATC, as granted by Titles I and II of this compact, over the transportation therein specified and the persons engaged therein and the Authority shall have no jurisdiction with respect thereto.

60.

Service performed by transit facilities owned or controlled by the Authority, and the rates and fares to be charged for such service, shall be subject to the sole and exclusive jurisdiction of the board and, notwithstanding any other provision in this compact contained, WMATC shall have no authority with respect thereto, or with respect to any contractor in connection with the operation by it of transit facilities

owned or controlled by the Authority. The determinations of the board with respect to such matters shall not be subject to judicial review nor to the processes of any court.

61.

Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the board so as to result in revenues which will:

(a) Pay the operating expenses and provide for repairs, maintenance and depreciation of the transit system owned or controlled by the Authority;

(b) Provide for payment of all principal and interest on outstanding revenue bonds and other obligations and for payment of all amounts to sinking funds and other funds as may be required by the terms of any indenture or loan agreement;

(c) Provide for the purchase, lease or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the Authority for the acquisition of rolling stock; and

(d) Provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this title.

62.

(a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.

(b) Any Signatory, any political subdivision thereof, any agency of the federal government and any person, firm or association served by or using the transit facilities of the Authority and any private carrier may file a request with the Board for a hearing with respect to any rates or charges made by the Board or any service rendered with the facilities owned or controlled by the Authority. Such request shall be in writing, shall state the matter on which a hearing is requested and shall set forth clearly the matters and things on which the request relies. As promptly as possible after such a request is filed, the Board, or such officer or employee as it may designate, shall confer with the protestant with respect to the matters complained of. After such conference, the Board, if it deems the matter meritorious and of general significance, may call a hearing with respect to such request.

(c) The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.

(d) Prior to calling a hearing on any matter specified in this section, the Board

shall prepare and file at its main office and keep open for public inspection its report relating to the proposed action to be considered at such hearing. Upon receipt by the Board of any report submitted by WMATC, in connection with a matter set for hearing, pursuant to the provisions of § 63 of this Article XIII, the Board shall file such report at its main office and make it available for public inspection. For hearings called by the Board pursuant to paragraph (b), above, the Board also shall cause to be lodged and kept open for public inspection the written request upon which the hearing is granted and all documents filed in support thereof.

63.

To facilitate the attainment of the public policy objectives for operation of the publicly and privately owned or controlled transit facilities as stated in Article XII, § 55, prior to the hearings provided for by § 62 hereof —

(a) The board shall refer to WMATC for its consideration and recommendations, any matter which the board considers may affect the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional transit system and any matter for which the board has called a hearing, pursuant to § 62 of this Article XIII, except that temporary or emergency changes in matters affecting service shall not be referred; and

(b) WMATC, upon such reference of any matter to it, shall give the referred matter preference over any other matters pending before it and shall, as expeditiously as practicable, prepare and transmit its report thereon to the board. The board may request WMATC to reconsider any part of its report or to make any supplemental reports it deems necessary. All of such reports shall be advisory only.

(c) Any report submitted by WMATC to the board shall consider, without limitation, the probable effect of the matter or proposal upon the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional system, passenger movements, fare structures, service and the impact on the revenues of both the public and private facilities.

Article XIV

Labor Policy

64.

The board shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Authority or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis–Bacon Act, as amended (40 U.S.C. 276A–276A–5), and every such employee shall receive

compensation at a rate not less than one and one–half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project, which contract shall be deemed to be a contract of the character specified in § 103 of the Contract Work Hours Standards Act (76 Stat. 357), as now or as may hereafter be in effect. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and § 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276 (c)). The requirements of this section shall also be applicable with respect to the employment of laborers and mechanics in the construction, alteration, or repair, including painting and decorating, of the transit facilities owned or controlled by the Authority where such activities are performed by a contractor pursuant to agreement with the operator of such facilities.

65.

Contracts for the manufacture or furnishing of materials, supplies, articles and equipment shall be subject to the provisions of the Walsh–Healey Public Contracts Act (41 U.S.C. 35 et seq.), as now or as may hereafter be in effect.

66.

(a) The rights, benefits, and other employee protective conditions and remedies of § 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor, shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authority shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

(b) The Authority shall deal with and enter into written contracts with employees as defined in § 152 of Title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one half of the expenses of such arbitration.

(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except Social Security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the

provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees (except executive officers) who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system.

Article XV

Relocation Assistance

67.

Section 7 of the Urban Mass Transportation Act of 1964, and as the same may from time to time be amended, and all regulations promulgated thereunder, are hereby made applicable to individuals, families, business concerns and non–profit organizations displaced from real property by actions of the Authority without regard to whether financial assistance is sought by or extended to the Authority under any provision of that act; provided, however, that in the event real property is acquired for the Authority by an agency of the federal government, or by a state or local agency or instrumentality, the Authority is authorized to reimburse the acquiring agency for relocation payments made by it.

68.

Notwithstanding the provisions of § 67 of this Article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the board to effectuate the authorized purposes of this title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the board from any of its moneys.

Article XVI
General Provisions

69.

(a) The board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board. Moneys in such funds and other moneys of the Authority shall be deposited, as directed by the board, in any branch or subsidiary of any state or national bank which has operations within the zone, and having a total paid–in capital of at least one million dollars ($1,000,000). The trust department of any such state or national bank may be designated as a depositary to receive any securities acquired or owned by the Authority. The restriction with respect to paid–in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the board.

(b) Any moneys of the Authority may, in the discretion of the board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in:

(1) Direct obligations of or obligations guaranteed by the United States of America;

(2) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export–Import Bank of the United States; Federal Land Banks; Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service;

(3) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the United States or any officer or officers thereof, or securities eligible as collateral for deposits of moneys of the United States, including United States Treasury tax and loan accounts;

(4) Domestic and Eurodollar certificates of deposit; and

(5) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the states of the United States, provided that such obligations are nonconvertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

70.

(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the Authority. The audit shall be made by qualified certified public accountants selected by the board, who shall have no personal interest direct or indirect in the financial affairs of the Authority or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be filed with the chairman and other officers as the board shall direct. Copies of the report shall be distributed to each director, to the Congress, to the Mayor and Council of the District of Columbia, to the Governors of Virginia and Maryland, to the Washington Suburban Transit Commission, to the Northern Virginia Transportation Commission and to the governing bodies of the political subdivisions located within the zone which are parties to commitments for participation in the financing of the Authority and shall be made available for public distribution.

(b) The financial transactions of the board shall be subject to audit by the United States General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the board are kept.

(c) Any director, officer or employee who shall refuse to give all required assistance and information to the accountants selected by the board or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall, in the discretion of the board, forfeit his office.

71.

The board shall make and publish an annual report on its programs, operations and finances, which shall be distributed in the same manner provided by § 70 of this Article XVI for the report of annual audit. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

72.

The board may self–insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the board may determine, subject to the

requirements of any agreement arising out of issuance of bonds or other obligations by the Authority.

73.

(a) (1) Except as provided in subsections (b), (c), and (f) of this section and except in the case of procurement procedures otherwise expressly authorized by statute, the Authority in conducting a procurement of property, services, or construction shall:

(i) Obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and

(ii) Use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(2) In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(i) Solicit sealed bids if:

1. Time permits the solicitation, submission, and evaluation of sealed bids;

2. The award will be made on the basis of price and other price–related factors;

3. It is not necessary to conduct discussions with the responding sources about their bids; and

4. There is a reasonable expectation of receiving more than one sealed bid; or

(ii) Request competitive proposals if sealed bids are not appropriate under item (i) of this paragraph.

(b) The Authority may provide for the procurement of property, services, or construction covered by this section using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, or construction.

(c) The Authority may use procedures other than competitive procedures if:

(1) The property, services, or construction needed by the Authority is available from only one responsible source, and no other type of property, services or construction will satisfy the needs of the Authority; or

(2) The Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

(3) The Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or

(4) The property or services needed can be obtained through federal or other governmental sources at reasonable prices.

(d) For the purpose of applying subsection (c)(1) of this section:

(1) In the case of a contract for property, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(i) That is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(ii) The substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

(2) In the case of a follow–on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

(i) Substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(ii) Unacceptable delays in fulfilling the Authority's needs.

(e) If the Authority uses procedures other than competitive procedures to procure property, services or construction under subsection (c)(2) of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

(f) (1) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction.

(2) For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

(3) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph (1) of this subsection.

(4) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

(g) The board shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

(h) The Authority in its discretion may reject any and all bids or proposals received in response to a solicitation.

74.

The board is authorized to locate, construct and maintain any of its transit and related facilities in, upon, over, under or across any streets, highways, freeways, bridges and any other vehicular facilities, subject to the applicable laws governing such use of such facilities by public agencies. In the absence of such laws, such use of such facilities by the board shall be subject to such reasonable conditions as the highway department or other affected agency of a signatory party may require; provided, however, that the board shall not construct or operate transit or related facilities upon, over, or across any parkways or park lands without the consent of, and except upon the terms and conditions required by, the agency having jurisdiction with respect to such parkways and park lands, but may construct or operate such facilities in a subway under such parkways or park lands upon such reasonable terms and conditions as may be specified by the agency having jurisdiction with respect thereto.

75.

The board shall comply with all laws, ordinances and regulations of the signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control and regulation, zoning, signs and buildings.

76.

(a) The Authority is authorized to establish and maintain a regular police force, to be known as the metro transit police, to provide protection for its patrons, personnel, and transit facilities. The metro transit police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, and the laws, ordinances and regulations of the political subdivisions thereof in the transit zone, and the rules and regulations of the Authority. The jurisdiction of the metro transit police shall be limited to all the transit facilities (including bus stops) owned, controlled or operated by the Authority, but this restriction shall not limit the power of the metro transit police to make arrests in the transit

zone for violations committed upon, to or against such transit facilities committed from within or outside such transit facilities, while in hot or close pursuit or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the metro transit police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire and other public safety service and protection, or limit, restrict or interfere with the jurisdiction of or the performance of duties by the existing police, fire and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a metrobus bus stop sign, excluding the interior of any building not owned, controlled, or operated by the Washington Metropolitan Area Transit Authority.

(b) A member of the metro transit police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the metro transit police member is engaged in the performance of his duties. A member of the metro transit police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the metro transit police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.

(c) Members of the metro transit police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor or other offense against laws, ordinances, rules, or regulations of the Authority, or of the signatory or its political subdivision as specified in subsection (a). With respect to offenses committed upon, to, or against the transit facilities owned, controlled or operated by the Authority, the metro transit police shall have power to execute criminal process within the transit zone.

(d) Upon the apprehension or arrest of any person by a member of the metro transit police pursuant to the provisions of subsection (b), the arresting officer, as required by the law of the place of arrest, shall either issue a summons or a citation against the person, or book or deliver the person to the duly constituted judicial officer of the signatory or political subdivision where the arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules,

or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects, the rules and regulations of the Authority shall be uniform throughout the transit zone. The rules or regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with Section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than $250 and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules, and regulations of the signatory or political subdivisions are prosecuted.

(f) With respect to members of the metro transit police, the Authority shall

(1) Establish classifications based on the nature and scope of duties, and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension and retirement benefits;

(2) Provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the transit zone for their personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the transit zone and public safety agencies located therein, including those of the federal government, for the delineation of the functions and responsibilities of the metro transit police and other duly constituted police, fire and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the metro transit police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

77.

Except as otherwise provided in this title, any transit service rendered by transit facilities owned or controlled by the Authority and the Authority or any corporation, firm or association performing such transit service pursuant to an operating contract with the Authority, shall, in connection with the performance of such service, be

exempt from all laws, rules, regulations and orders of the signatories and of the United States otherwise applicable to such transit service and persons, except that laws, rules, regulations and orders relating to inspection of equipment and facilities, safety and testing shall remain in force and effect; provided, however, that the board may promulgate regulations for the safety of the public and employees not inconsistent with the applicable laws, rules, regulations or orders of the signatories and of the United States.

78.

It is hereby declared that the creation of the Authority and the carrying out of the corporate purposes of the Authority is in all respects for the benefit of the people of the signatory states and is for a public purpose and that the Authority and the board will be performing an essential governmental function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this title. Accordingly, the Authority and the board shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any transit facilities or upon any revenues therefrom and the property and income derived therefrom shall be exempt from all federal, state, District of Columbia, municipal and local taxation. This exemption shall include, without limitation, all motor vehicle license fees, sales taxes and motor fuel taxes.

79.

The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of Article XIII hereof for any specified class or category of riders.

80.

The Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the zone of any immunity from suit.

81.

The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions

brought by or against the Authority and to enforce subpoenas issued under this title. Any such action initiated in a State or District of Columbia court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

82.

(a) The Authority shall have the power to acquire by condemnation, whenever in its opinion it is necessary or advantageous to the Authority to do so, any real or personal property, or any interest therein, necessary or useful for the transit system authorized herein, except property owned by the United States, by a signatory, or any political subdivision thereof, whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority.

(b) Proceedings for the condemnation of property in the District of Columbia, shall be instituted and maintained under the Act of December 23, 1963 (77 Stat. 577–581, D.C. Code 1961, Supp. IV, §§ 1351–1368). Proceedings for the condemnation of property located elsewhere within the zone shall be instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as amended (25 Stat. 357, 40 D.S.C. 257) and the Act of June 25, 1948 (62 Stat. 935 and 937, 28 U.S.C. 1358 and 1403) or any other applicable act; provided, however, that if there is no applicable federal law, condemnation proceedings shall be in accordance with the provisions of the state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Whenever the words "real property," "realty," "land," "easement," "right–of–way," or words of similar meaning are used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be deemed, for the purposes of this title, to include any personal property authorized to be acquired hereunder.

(c) Any award or compensation for the taking of property pursuant to this title shall be paid by the Authority, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award of compensation.

83.

(a) When advised in writing by the Northern Virginia Transportation Commission or the Washington Suburban Transit Commission that the geographical area embraced therein has been enlarged, the board, upon such terms and conditions as it may deem appropriate, shall by resolution enlarge the zone to embrace the additional area.

(b) The duration of this title shall be perpetual but any signatory thereto may withdraw therefrom upon two years' written notice to the board.

(c) The withdrawal of any signatory shall not relieve such signatory, any transportation district, county or city or other political subdivision thereof from any

obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.

84.

Amendments and supplements to this title to implement the purposes thereof may be adopted by legislative action of any of the Signatory parties concurred in by all of the others. When one Signatory adopts an amendment or supplement to an existing section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

85.

The provisions of this title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this title or any such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this title or any such agreement and the applicability thereof to any other signatory party, political subdivision or agency thereof or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this title be reasonably and liberally construed.

86.

This title shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the Signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the title by the Governors of Maryland and Virginia and the Mayor and Council of the District of Columbia.

§10–205.

(a) In accordance with and subject to the principle that, if there is substantial State financial support for the planned rapid rail mass transit system in one metropolitan area of this State, there should be substantial State financial support for the planned rapid rail mass transit system in the other metropolitan area of this State, and subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to the current expenditures required of the Washington Suburban Transit District in accordance with capital contributions

agreements between the Washington Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other participating jurisdictions. The Washington Suburban Transit District shall consult with the Secretary of Transportation prior to the execution of any capital contributions agreement. Expenditures required of the Washington Suburban Transit District for projects and programs not included in the "Adopted Regional System – 1968" revised as of January 1, 1992, are only eligible for State funding in accordance with subsection (f) of this section.

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. "Operating deficit" means operating costs less:

(i) The greater of operating revenues or 50 percent of the operating costs; and

(ii) All federal operating assistance.

(2) The Department's share shall equal 100 percent of the operating deficit.

(c) Subject to the appropriation requirements and budgetary provision of § 3–216(d) of this article, the Department shall provide for grants to the Washington Suburban Transit District in an amount equal to 75 percent of the net debt service assigned to the Washington Suburban Transit District on bonds issued by the Washington Metropolitan Area Transit Authority. In no event shall the amount of net debt service, including the refinancing of any debt, required of the Washington Suburban Transit District exceed the amount presently assigned on a year by year basis to the Washington Suburban Transit District, and payable through the year 2014. Nothing in this article shall preclude the use of bond proceeds for capital improvements and replacements of the "Adopted Regional System – 1968" revised as of January 1, 1992.

(d) (1) In accordance with and subject to the principle that, if there is substantial State financial support for rapid rail and bus transit capital replacement costs in one metropolitan area of this State, there should be substantial State financial support for the costs of similar needs in the other metropolitan area of this State, and in recognition of the fact that timely replacement of capital facilities and equipment is essential to safe and reliable transit service, the Department shall provide grants to fully fund the Washington Suburban Transit District's share of the Washington Metropolitan Area Transit Authority's capital equipment replacement programs.

(2) The grants under this subsection:

(i) Shall be made subject to the appropriation and budgetary provisions of § 3–216(d) of this article;

(ii) Shall be included in the State budget beginning in fiscal year 2000;

(iii) Notwithstanding any other provision of law, may be funded with revenues derived from:

1. Any State–enacted transportation fees or taxes; or

2. Federal transportation grants available to the State to fund transit capital equipment replacement; and

(iv) Shall be contingent on the receipt of a request by the District to the Department, based on annual capital improvements programs adopted by the Washington Metropolitan Area Transit Authority.

(e) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article, the Department shall provide grants from amounts derived from the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland's required share of local funds for the Washington Metropolitan Area Transit Authority to match any federal funds appropriated in any given year authorized under Title VI, § 601, P.L. 110–432.

(f) A grant by the Department to the Washington Suburban Transit District in excess of the provisions of subsection (a) of this section may be made only after approval by the Secretary.

§10–206.

A proposed extension or revision in this State of a route of transit facilities of the Washington Metropolitan Area Transit Authority requires approval of the Secretary.

§10–206.1.

(a) The Maryland Transit Administration shall ensure that transit service provided in the State in accordance with this subtitle meets the special needs of disabled persons.

(b) When providing transit service to meet the special needs of disabled persons, the Maryland Transit Administration shall:

(1) Apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services, in accordance with subsection (c) of this section, for State and national criminal history records checks of the Maryland Transit Administration's employees who are or will be employed to provide transit service to disabled persons;

(2) Ensure that any entity that contracts with the Maryland Transit Administration to provide transit service to disabled persons applies to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services, in accordance with subsection (c) of this section, for State and national criminal history records checks of the contractor's employees who provide transit service to disabled persons; and

(3) Ensure that all employees of the Maryland Transit Administration or a contractor of the Administration who are or will be employed to provide transit service to disabled persons successfully complete a course, jointly developed by the State Department of Education and the Department of Disabilities and approved by the Maryland Transit Administration, on matters relating to appropriate accommodation, including customer service, sensitivity, and respectful and courteous treatment of all passengers, including disabled persons.

(c) (1) In this subsection, "Central Repository" has the meaning stated in § 10–201 of the Criminal Procedure Article.

(2) The Maryland Transit Administration or contractor shall apply to the Central Repository for a State and national criminal history records check for each employee subject to this subsection.

(3) As part of the application for a criminal history records check, the Maryland Transit Administration or contractor shall submit to the Central Repository:

(i) Two complete sets of the employee's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the employee and the Maryland Transit Administration or contractor a printed statement of the employee's criminal history record information.

(5) Information obtained from the Central Repository under this subsection shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this subsection.

(6) The subject of a criminal history records check under this subsection

may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

§10–207.

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

(2) "Eligible local bus service":

(i) Means the number of annual platform miles and annual platform hours of fixed route, scheduled local bus service, that previously replaced comparable service operated by the Washington Metropolitan Area Transit Authority, plus the number of annual platform miles and annual platform hours of any new fixed route, scheduled local bus service added after June 30, 1989; and

(ii) Is limited to service operated by or on behalf of and in Montgomery County or Prince George's County.

(3) "Costs" means operating costs of eligible local bus service, plus operating costs under § 10–205 of this subtitle.

(4) "Service deficit" means costs less:

(i) The greater of:

1. Revenues collected under this section and § 10–205(b) of this subtitle; or

2. 35 percent of the costs; and

(ii) All federal operating assistance.

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216 of this article and upon receipt of an approval of a grant application in the form or detail as the Secretary shall reasonably require, the Department shall provide for annual grants to Prince George's County and Montgomery County for eligible local bus service as defined in this section. The amount of these grants shall be equal to:

(i) 100 percent of the service deficit attributable to each county; less

(ii) Each county's share of the Department's annual grant to the Washington Suburban Transit District as determined under § 10–205(b) of this subtitle.

(2) Notwithstanding the provisions of this section, the Secretary may authorize payments to Prince George's County and Montgomery County:

(i) To subsidize new bus service for a period of 36 months from the initiation of service; and

(ii) For the loss of revenues from fare modifications for a period of 36 months from the date of the modification.

(c) The Department's grant for any eligible local bus service may not be greater than the operating grant that the Department would incur from the same bus service if operated by the Washington Metropolitan Area Transit Authority. This requirement shall be applied on a line by line basis.

(d) Except with the specific approval of the Secretary, notwithstanding the provisions of § 10–205 of this subtitle, the combined grants for bus service to each county under this section and § 10–205(b) of this subtitle may not exceed the level of the combined grants for the prior fiscal year adjusted for inflation by the projected Consumer Price Index CPI–U for the fiscal year in which the grant under this section is being awarded, using the actual Consumer Price Index CPI–U at the close of the fiscal year. Adjustments shall be made to increase or decrease the combined grants in the subsequent fiscal year to reflect the actual inflation rate.

(e) (1) The Department shall provide an annual capital grant to Prince George's County and Montgomery County for the purchase of buses to be used in eligible local bus service.

(2) Grants provided under paragraph (1) of this subsection shall be in addition to any federal funds received by the State for bus services operated by Prince George's County and Montgomery County.

(f) (1) For fiscal year 2001 and thereafter, Prince George's County and Montgomery County shall implement performance indicators, in addition to the farebox recovery indicator, to track service efficiency for mass transit in their respective jurisdictions, including:

(i) Operating expenses per vehicle mile;

(ii) Operating expenses per passenger trip; and

(iii) Passenger trips per vehicle mile.

(2) The counties shall submit an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators for the prior fiscal year;

(ii) The status of any performance goals of their jurisdictions as they pertain to mass transit service; and

(iii) Comparisons of performance indicators for mass transit in their jurisdictions and other similar systems nationwide.

(g) (1) Prince George's County and Montgomery County shall each provide for an independent management audit of the operational costs and revenues of mass transit in their respective jurisdictions every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of their transit systems.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

§10–301. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 494 OF 1995 **

(a) In the Compact set forth in this subtitle, unless the context clearly requires otherwise, "article", "section", and "title" mean an article, section, and title, respectively, of the Compact.

(b) The definitions in § 1–101 of this article do not apply to the Compact set forth in this subtitle.

§10–302. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTERS 494 OF 1995 AND 599 OF 1996 **

On behalf of this State, the Governor shall execute, with the Commonwealth of Virginia and the District of Columbia, an interstate compact substantially as it appears in § 10–303 of this subtitle.

§10–303. NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 494 OF 1995 AND CHAPTERS 10 AND 599 OF 1996 **

Preamble

WHEREAS, Traffic congestion imposes serious economic burdens in the metropolitan Washington, D.C. area, costing commuters an estimated $1,000 each per year; and

WHEREAS, The volume of traffic in the metropolitan Washington, D.C. area is expected to increase by more than 70% between 1990 and 2020; and

WHEREAS, The deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C. area contribute significantly to traffic congestion; and

WHEREAS, The Woodrow Wilson Memorial Bridge serves as a vital link in the interstate system and the northeast corridor, and identifying alternative methods for maintaining the bridge is critical to addressing traffic congestion in the metropolitan Washington, D.C. area; and

WHEREAS, The Woodrow Wilson Memorial Bridge is the only drawbridge in the metropolitan Washington, D.C. area on the interstate system and the only segment of the Capital Beltway with less than six lanes and a remaining expected life of less than 10 years; and

WHEREAS, The Woodrow Wilson Memorial Bridge was constructed by the federal government and is the only part of the interstate system owned by the federal government; and

WHEREAS, The federal government, in the past, paid 100% of the cost of building and rehabilitating the bridge and has a continuing responsibility to fund the future costs associated with the upgrading of the Potomac River crossing on Interstate 95, including the rehabilitation and reconstruction of the bridge; and

WHEREAS, The Woodrow Wilson Memorial Bridge Coordination Committee is undertaking planning studies pertaining to the bridge, consistent with the National Environmental Policy Act of 1969 and other applicable federal laws; and

WHEREAS, The transfer of the ownership of the bridge to a regional authority under the terms and conditions of this Compact would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the bridge; and

WHEREAS, The Authority should maximize the use of existing public and private sector entities to provide necessary project services, including management, construction, legal, accounting, and operating services, and not create a new bureaucracy or organizational structure; and

WHEREAS, Any material change to the bridge must take into account the interests of nearby communities, the commuting public, federal, state, and local government organizations, and other affected groups; and

WHEREAS, A commission of federal, state, and local officials and transportation representatives has recommended to the Secretary of the U.S. Department of Transportation that the bridge be transferred to an independent authority to be established by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia; now, therefore, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

Woodrow Wilson Bridge and Tunnel Compact

Chapter I

General Compact Provisions

Article I
Definitions

As used in this Compact the following words shall have the following meanings:

1. "Bridge" means the existing Woodrow Wilson Memorial Bridge.

2. "Cost", as applied to the project, means the cost of acquisition of all lands, structures, rights–of–way, franchises, easements, and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of demolition of the current structure; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions, and improvements; the cost of all labor, materials, machinery, and equipment, financing charges, and interest on all bonds prior to and during construction and, if deemed advisable by the Woodrow Wilson Memorial Bridge and Tunnel Authority, of such construction; the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction, and the planning of the project in operation.

3. "Owner" includes all persons as defined in Article 1, § 19 of the Code having any interest or title in and to property, rights, franchises, easements, and interests authorized to be acquired by this Compact.

4. "Project" means the upgrading of the Interstate Route 95 Potomac River crossing in accordance with the selected alternative developed by the Woodrow Wilson Bridge Coordinating Committee. "Project" includes on–going short–term rehabilitation and repair of the bridge and may include one or more of the following:

a. Construction of a new bridge in the vicinity of the bridge;

b. Construction of a tunnel in the vicinity of the bridge;

c. Long–term rehabilitation or reconstruction of the bridge;

d. Upon the bridges or within the tunnel described in subparagraphs a, b, and c, of this paragraph, or in conjunction with work on Interstate Route 95 and other approach roadways as described in subparagraph e of this paragraph:

(1) Work necessary to provide rights–of–way for a rail transit facility or bus or high occupancy vehicle lanes including the construction or modification of

footings, piers, bridge deck, roadways, other structural support systems, and related improvements; and

(2) The construction of travel lanes for high occupancy vehicles or buses;

e. Work on Interstate Route 95 and other approach roadways if necessitated by, or necessary to accomplish, an activity described in subparagraphs a, b, or c of this paragraph; and

f. Construction or acquisition of any building, improvement, addition, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, roadway, or other facility that is necessitated by, or necessary to accomplish an activity described in this paragraph.

Article II

There is hereby created the Woodrow Wilson Memorial Bridge and Tunnel Authority, hereinafter referred to as the "Authority".

Article III

The Authority shall be an instrumentality and common agency of the Commonwealth of Virginia, State of Maryland, and the District of Columbia, and shall have the powers and duties set forth in this Compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

Article IV

1. The Authority shall be governed by a board of nine voting members and two nonvoting members appointed as follows:

a. Three members shall be appointed by and serve at the pleasure of the Governor of the Commonwealth of Virginia;

b. Three members shall be appointed by the Governor of the State of Maryland, with the advice and consent of the Senate of Maryland, and shall serve at the pleasure of the Governor of the State of Maryland;

c. Two members shall be appointed with the concurrence of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia;

d. One member shall be appointed by the U.S. Secretary of Transportation; and

e. Two additional members, who shall be non–voting members, shall be appointed by the Mayor of the District of Columbia.

2. Members, other than members who are elected officials, shall have

backgrounds in finance, construction lending, and infrastructure policy disciplines. At least one member of the Board from Maryland and one member of the Board from Virginia shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the bridge, bridges, or tunnel.

3. No person in the employment of or holding any official relationship to any person or company doing business with the Authority, or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible for appointment as a member or to serve as an employee of the Authority or to have any power or duty or receive any compensation in relation thereto.

4. The Chairperson of the Authority shall be elected from among the voting members on a biennial basis.

5. The voting members may also elect a secretary and a treasurer, or a secretary–treasurer, who may be members of the Authority, and prescribe their duties and powers.

6. a. Members appointed by the signatories shall serve a six–year term, except that each signatory shall make its appointments as follows:

(1) The initial terms of the three members appointed solely by each Governor shall be as follows:

(i) One member shall be appointed for a six–year term;

(ii) One member shall be appointed for a four–year term; and

(iii) One member shall be appointed for a two–year term.

(2) The initial terms of the members appointed jointly by the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia shall be as follows:

(i) One member shall be appointed for a six–year term; and

(ii) One member shall be appointed for a four–year term.

(3) The initial terms of the nonvoting members appointed by the Mayor of the District of Columbia shall be as follows:

(i) One member shall be appointed for a six–year term; and

(ii) One member shall be appointed for a four–year term.

b. The term of the member appointed by the U.S. Secretary of Transportation shall be for two years.

7. The failure of a signatory or the Secretary of Transportation to appoint

one or more members shall not impair the Authority's creation when the signatories are in compliance with the other terms of the Compact.

8. Any person appointed to fill a vacancy shall serve for the unexpired term. A member of the Authority may not serve for more than two terms.

9. The members of the Authority, including nonvoting members, if any, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

10. Six voting members shall constitute a quorum and a majority of the quorum shall be required for any action by the Authority, with the following exceptions:

a. Seven affirmative votes shall be required to approve bond issues and the annual budget of the Authority; and

b. A motion may not be approved if all three members appointed solely by each Governor cast negative votes.

11. Any sole source procurement of goods, services, or construction in excess of $250,000 shall require the prior approval of a majority of all of the voting members of the Authority.

12. Members shall serve without compensation and shall reside in the metropolitan Washington area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

13. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part–time, or consulting basis as in its judgment, subject to the provisions of Chapter I, Article X of this Compact, may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except as may be contained in this Compact.

14. a. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

b. (1) These rules and regulations shall include, but shall not be limited to, an ethics code, public access to information, administrative procedures, and open meetings, and shall be consistent with similar practices currently adopted in Maryland, Virginia, and the District of Columbia.

(2) The Authority may adopt regulations after publication of notice of intention to adopt the regulations published in a newspaper of general circulation in the metropolitan Washington, D.C. area and after an opportunity for public comment.

(3) The Authority shall also publish a notice to adopt the regulations in the Maryland Register.

Article V

Nothing in this Compact shall be construed to amend, alter, or in any way affect the power of the signatories and their political subdivisions to levy and collect taxes on property or income or upon the sale of any material, equipment, or supplies or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof.

Article VI

This Compact shall be adopted by the signatories in the manner provided by law. This Compact shall become effective after the Commonwealth of Virginia and the District of Columbia have adopted acts similar in substance to this Act.

Article VII

1. Any signatory may withdraw from the Compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the Compact, the Compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Chapter II, Article VI or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the other signatories.

2. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Compact shall revert to the signatories and the federal government, as their interests may appear.

Article VIII

Each of the signatories pledges to each of the other signatories faithful cooperation in the development and implementation of the project.

Article IX

1. The Authority shall not undertake the ownership of the bridge, or any duties or responsibilities associated therewith, nor undertake any of the responsibilities and powers provided in this Compact until the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation including provisions governing the transfer of the bridge from the federal government to the Authority, and which shall provide for a contractual commitment by the federal government to provide federal funding for the project including, at a minimum, a 100% share for the following:

a. The cost of the continuing rehabilitation of the bridge until such time

as the project is operational;

b. An amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the bridge with a comparable modern bridge designed according to current engineering standards;

c. The cost of planning, preliminary engineering and design, right–of–way acquisition, environmental studies and documentation, and final engineering for the project; and

d. A substantial contribution towards remaining project costs.

2. Such federal funds shall be in addition to and shall not diminish the federal transportation funding allocated or apportioned to the Commonwealth of Virginia and the State of Maryland. Upon all parties' approval of this agreement, the Authority shall have sole responsibility for duties concerning ownership, construction, operation, and maintenance of the project. At least 30 days before the Governor of Maryland enters into an agreement under this article, the Governor shall submit the agreement to the Legislative Policy Committee for its review and comment.

Article X

1. Within a reasonable period after this Compact becomes effective under Article VI of this Chapter, the Authority shall prepare and submit to the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, a management plan that includes:

a. An organizational structure;

b. A staffing plan that includes job descriptions; and

c. A proposed salary schedule consistent with existing salary schedules for similar positions in the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

2. The Authority shall not implement the provisions of this Compact until the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia have approved the management plan.

3. Subsequent to the approval of the management plan, the Authority may increase the number of its employees and their salary levels, provided that such increases do not result in a 20% increase above the level in the approved management plan. Increases in excess of 20% shall require an amendment to the approved plan. A proposed amendment shall be submitted to, and approved by, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, prior to becoming effective.

4. In the conduct of its responsibilities and duties, the Authority shall

maximize the use of existing public and private sector entities to provide necessary services, including management, construction, legal, accounting, and other services, as the Authority may deem necessary.

Article XI

1. Except as provided herein, the Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees, and agents. For tort actions arising out of conduct occurring in Maryland, Maryland tort and sovereign immunity law shall apply. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Act shall be construed as a waiver by the State of Maryland, the Commonwealth of Virginia, or the District of Columbia of any immunity from suit.

2. The United States district courts shall have original jurisdiction, concurrent with the courts of the Commonwealth of Virginia, the State of Maryland, and the District of Columbia, of all actions brought by or against the Authority. Any such action initiated in a state court or the Superior Court of the District of Columbia shall be removable to the appropriate United States district court in the manner provided by act of June 25, 1948, as amended (28 U.S.C. 1446).

Article XII

1. If any part or provision of this Compact or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Compact or the application thereof to other persons or circumstances, and the signatories hereby declare that they would have entered into this Compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

2. This Compact shall be liberally construed to effectuate the purposes for which it is created.

Chapter II

Woodrow Wilson Bridge and Tunnel Revenue Bond Act

Article I

Definitions

The definitions set forth in Chapter I, Article I of the Woodrow Wilson Memorial Bridge and Tunnel Compact shall also apply to this Act.

Article II

Bonds, Notes, or Other Evidence of Obligation, Not to Constitute a Debt or Pledge of Taxing Power

Revenue bonds, notes, or other evidence of obligation, issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds, notes, or other evidence of obligation, shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds, notes, or other evidence of obligation, under the provisions of this Act shall not directly or indirectly or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds, notes, or other evidence of obligation, shall contain a statement on their face substantially to the foregoing effect.

Article III

Additional Powers of the Authority

Without in any manner limiting or restricting the powers heretofore given to the Authority, and contingent upon the execution of the agreement referred to in Chapter I, Article IX of this Compact, the Authority is hereby authorized and empowered:

1. To establish, finance, construct, maintain, repair, and operate the project;

2. To assume full rights of ownership of the bridge;

3. Subject to the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia of the portions of the project in their respective jurisdictions, and in accordance with the recommendations of the Woodrow Wilson Memorial Bridge Coordinating Committee, to determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;

4. To secure all necessary federal, state, and local authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;

5. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;

6. To adopt and amend rules and regulations to carry out the powers granted by this section;

7. To acquire, by purchase or condemnation, in the name of the Authority; and to hold and dispose of real and personal property for the corporate purposes of the Authority;

8. To employ consulting engineers, a superintendent or manager of

the project, and such other engineering, architectural, construction, and accounting experts, and inspectors, attorneys, and such other employees as may be deemed necessary, and within the limitations prescribed in this Act, and to prescribe their powers and duties and to fix their compensation;

9. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

10. To issue revenue bonds, notes, or other evidence of obligation of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

11. To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;

12. To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Act;

13. To accept loans and grants of money, or materials or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, or any agency or instrumentality thereof;

14. To adopt an official seal and alter the seal at its pleasure;

15. Subject to Chapter I, Article IX, to sue and be sued, plead and be impleaded, all in the name of the Authority;

16. To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this Act, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public;

17. To enter into contracts with existing governmental entities in the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, or with private business entities for the purpose of allowing those entities to undertake all or portions of the project, including, but not limited to, design, engineering, financing, construction, and operation of the project, as the Authority may deem necessary;

18. To establish and maintain a police force, or to enter into a contract with an existing governmental entity in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia to provide police services, as the Authority may deem necessary;

19. To enter into partnerships or grant concessions between the public and private sectors for the purpose of:

A. Financing, constructing, maintaining, improving, or operating the project; or

B. Fostering development of new transportation related technologies to be used in the construction and operation of the project, utilizing the law of any signatory in the discretion of the Authority;

20. To carry out or contract with other entities to carry out maintenance of traffic activities during the construction of the project that are considered necessary by the Authority to manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

21. To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this Act.

Article IV

A. Acquisition of Property

The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, rights–of–way, property, rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, which are located within the metropolitan Washington area, as the Authority may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

All counties, cities, towns and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at the Authority's request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, right, rights–of–way, franchises, easements, and other property deemed necessary or convenient for the

construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

Whenever the Authority acquires property under this Article IV of Chapter II, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the provision of the state law of the signatory in which the property is located governing relocation and relocation assistance.

In advance of undertaking any acquisition of property or easements in Maryland or the condemnation of such property, the Authority must obtain from the Maryland Board of Public Works approval of a plan identifying the properties to be obtained for the project. Condemnation proceedings shall be in accordance with the provisions of state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Nothing in this Act shall be construed to authorize the Authority to condemn the property of the Commonwealth of Virginia, the State of Maryland, or the District of Columbia.

B. Procurement

1. Except as provided in subsections 2, 3, and 6 of this Section B, and except in the case of procurement procedures otherwise expressly authorized by law, the Authority in conducting a procurement of goods, services, or construction shall: a. obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and b. use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement. In determining the competitive procedure appropriate under the circumstances, the Authority shall: a. solicit sealed bids if: (i) time permits the solicitation, submission, and evaluation of sealed bids; (ii) the award will be made on the basis of price and other price–related factors; (iii) it is not necessary to conduct discussions with the responding sources about their bids; and (iv) there is a reasonable expectation of receiving more than one sealed bid; or b. request competitive proposals if sealed bids are not appropriate under clause a. of this sentence.

2. The Authority may use procedures other than competitive procedures if: a. the goods, services, or construction needed by the Authority are available from only one responsible source and no other type of goods, services, or construction will satisfy the needs of the Authority; b. the Authority's need for the goods, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or c. the goods or services needed can be obtained through federal or other governmental sources at reasonable prices.

3. For the purpose of applying subsection 2.a. of this section: a. in the case of a contract for goods, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the goods, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept: (i) that is unique and innovative or, in the case of

a service, for which the source demonstrates a unique capability to provide the service; and (ii) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement. b. In the case of a follow–on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the goods, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in: (i) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or (ii) unacceptable delays in fulfilling the Authority's needs.

4. If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection 2.b. of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

5. a. To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction. b. For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government. c. A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph a. of this subsection. d. In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

6. The Authority shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

7. The Authority in its sole discretion may reject any and all bids or proposals received in response to a solicitation.

8. In structuring all procurements, the Authority shall comply with federal laws, regulations, or other federal requirements set forth in grant agreements or elsewhere, as they may be amended from time to time, governing minority business enterprise participation.

Article V

Incidental Powers

The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in

changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

Any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project.

The Authority shall also have power to make regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over, or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

Article VI
Project Financing

The Authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project or of any portion or portions of the project. The principal of and the interest on the bonds shall be payable solely from the funds provided in this Compact for the payment. Any bonds of the Authority issued pursuant to this article shall not constitute a debt of the State of Maryland or any political subdivision of the state other than the Authority, and shall so state on their face. Neither the members of the Authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at a rate or rates, and shall mature at any time not exceeding forty years from the date of the bonds, as may be determined by the Authority, at any price and under

any terms and conditions as may be fixed by the Authority prior to the issuance of the bonds.

The Authority shall determine the form and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payments of principal and interest, which may be at any bank or trust company within or without the State of Maryland.

In the event any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be the officer until the delivery of such bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds may be issued in a form as determined by the Authority. The Authority may sell the bonds in any manner, either at public or private sale, and for any price as it may determine will best effect the purposes of this Compact.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project and shall be disbursed in the manner and under the restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of the bonds or in the trust indenture securing the same.

If the proceeds of the bonds of any issue shall be less than such cost by error of estimates or otherwise, additional bonds may be issued to provide the amount of such deficit and unless otherwise provided in the resolutions authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds that have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated, destroyed, or lost. Bonds may be issued under the provisions of this Compact without obtaining the consent of any department, division, commission, board, bureau, or agency of the Compact signatories, and without any provisions or requirements other than those proceedings, conditions, or things which are specifically required by this article.

Article VII
Trust Indenture

In the discretion of the Authority, any bonds, notes, or other evidence of obligation issued under the provisions of this Act may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State of Maryland. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or

mortgage the project or any part thereof.

Article VIII
Revenues

The Authority is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient in combination with other revenues, if any, to pay (i) the cost of maintaining, repairing, and operating such project and (ii) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and, upon the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia, the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Tolls shall be set at rates such that revenues generated by the project shall not exceed that necessary to meet requirements under any applicable trust indenture for the project.

Article IX
Trust Funds

All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer

with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

Article X
Remedies

Any holder of bonds, notes, or other evidence of obligation issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Maryland, the Commonwealth of Virginia, or the District of Columbia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of tolls.

Article XI
Tax Exemption

The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State of Maryland and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom, and the bonds, notes, or other evidence of obligation issued under the provisions of this Act, and the income therefrom shall at all times be free from taxation within the State of Maryland.

Article XII
Bonds, Notes, or Other Evidence of Obligation Eligible for Investment

Bonds, notes, or other evidence of obligation issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State of Maryland and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds, notes, or other evidence of obligation are hereby made securities which may properly and legally be deposited with and received by any State of Maryland or municipal officer or any agency or political subdivision of the State of Maryland for any purpose for which the deposit of bonds, notes, or other evidence of obligation is now or may hereafter be authorized by law.

Article XIII
Miscellaneous

Any action taken by the Authority under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and operated by such force of police, toll–takers, and other operating employees as the Authority may in its discretion employ. The Authority may enter into a contractual agreement with an existing governmental entity in Maryland or Virginia to provide these services. An Authority police officer shall have all the powers granted to a peace officer and a police officer of the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under the control of the Authority, and may not exercise these powers on any other property unless:

(1) Engaged in fresh pursuit of a suspected offender;

(2) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

(3) Ordered to do so by the Governors of the State of Maryland, the Commonwealth of Virginia, or the Mayor of the District of Columbia, as the circumstances may require.

All other police officers of the signatory parties and of each county, city, town, or other political subdivision of the State of Maryland through which the project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such project as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

On or before the last day of August in each year, the Authority shall make an annual report of its activities for the preceding fiscal year to the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia, and the District of Columbia and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

Any member, agent, or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine of not

more than $1,000 or by imprisonment for not more than one year, or both.

Any person who uses the project and fails or refuses to pay the toll provided therefor shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine of not more than $100 or by imprisonment for not more than thirty days, or both.

§11–101.

In the Maryland Vehicle Law, the following words have the meanings indicated, unless the context requires otherwise.

§11–102.

"Administration" means the Motor Vehicle Administration.

§11–103.

"Administrator" means the Motor Vehicle Administrator.

§11–103.1.

"Alcohol" means any substance or substances containing any form of alcohol, including ethanol, methanol, propynol, and isopropynol.

§11–103.2.

(a) "Alcohol concentration" means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) The number of grams of alcohol per 210 liters of breath.

(b) If the alcohol concentration is indicated in the number of milligrams of alcohol per deciliter of blood or the number of milligrams of alcohol per 100 milliliters of blood, a court or an administrative law judge, as the case may be, shall convert the measurement into the number of grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

§11–104.

"Bicycle" means:

(1) A vehicle that:

(i) Is designed to be operated by human power;

(ii) Has two or three wheels, of which one is more than 14 inches in diameter; and

(iii) Has a drive mechanism other than by pedals directly attached to a drive wheel;

(2) An electric bicycle; or

(3) A moped.

§11–104.1.

"Boat trailer" means a vehicle that is:

(1) Designed and constructed to transport a boat used for recreational purposes; and

(2) Of a size and weight that does not require a special highway movement permit when towed by a motor vehicle.

§11–105.

"Bus" means:

(1) A motor vehicle that is designed to carry more than ten passengers and is used to carry people; and

(2) Any other motor vehicle that is designed and used to carry people for compensation, except for a taxicab.

§11–106.

"Camping trailer" means a vehicle that:

(1) Is mounted on wheels; and

(2) Has collapsible partial sidewalls that fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping, or travel use.

§11–107.

"Cancel", as used in reference to a driver's license issued under Title 16 of this article, means to annul or terminate, by formal action of the Administration, an individual's driver's license because of some error or defect in the license or because the individual no longer is entitled to the license, but without prejudice to the right of the individual to apply for a new driver's license at any time.

§11–108.

"Combination" means a combination of a motor vehicle with one or more other vehicles propelled or pushed as a unit.

§11–109.

"Commercial driver's license" and "CDL" means a license issued in accordance with Title 16, Subtitle 8 of this article or by another state pursuant to the federal Commercial Motor Vehicle Safety Act of 1986 to an individual which authorizes the individual to drive a class of commercial motor vehicle.

§11–110.

(a) "Conviction" means:

(1) A final conviction, even if the penalty is refunded, suspended, or probated;

(2) An unvacated forfeiture of collateral deposited to secure a defendant's appearance in court;

(3) A plea of nolo contendere accepted by the court; or

(4) The payment of a fine.

(b) "Conviction" does not include a finding of probation on a stay of entering judgment.

§11–111.

"Dealer" means a person who is in the business of buying, selling, or exchanging vehicles including a person who during any 12–month period offers to sell five or more vehicles, the ownership of which was acquired for resale purposes.

§11–111.1.

"Disqualification" means a prohibition against driving a commercial motor vehicle and includes mandatory withdrawal of commercial driving privileges.

§11–112.

"Distributor" means any person who:

(1) Sells or distributes to dealers in this State new vehicles of a type required to be registered under Title 13 of this article; or

(2) Maintains distributor representatives in this State for these purposes.

§11–113.

"Divided highway" means a highway that is divided into two or more roadways by:

(1) An intervening space;

(2) A barrier; or

(3) A clearly indicated dividing section constructed to impede vehicular traffic.

§11–113.1.

"Domicile" means the place of a person's true, fixed, permanent home, without any present intention of completely abandoning that home, and to which he has the intention of returning whenever absent. Domicile does not include a temporary dwelling unless there is a present intention to abandon permanently or indefinitely the former domicile.

§11–114.

"Drive" means to drive, operate, move, or be in actual physical control of a vehicle, including the exercise of control over or the steering of a vehicle being towed by a motor vehicle.

§11–115.

"Driver" means any individual who drives a vehicle.

§11–116.

"Driver's license" means any license or permit to drive a motor vehicle that is issued under Title 16 of this article.

§11–117.

(a) "Educational purposes" includes those activities of schools certified by the Department of Education, activities of centers for individuals with an intellectual disability and physically handicapped individuals, church schools, Sunday schools and church related functions, child care centers, day camps, or summer camps, or any other activity that provides some educational experience for its participants.

(b) This definition shall be liberally construed.

§11–117.1.

"Electric bicycle" means a vehicle that:

(1) Is designed to be operated by human power with the assistance of an electric motor;

(2) Is equipped with fully operable pedals;

(3) Has two or three wheels;

(4) Has a motor with a rating of 500 watts or less; and

(5) Is capable of a maximum speed of 20 miles per hour on a level surface when powered by the motor.

§11–118.

"Emergency vehicle" means any of the following vehicles that are designated by the Administration as entitled to the exemptions and privileges set forth in the Maryland Vehicle Law for emergency vehicles:

(1) Vehicles of federal, State, or local law enforcement agencies;

(2) Vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire and Rescue Institute;

(3) State vehicles used in response to oil or hazardous materials spills;

(4) State vehicles designated for emergency use by the Commissioner of Correction;

(5) Ambulances; and

(6) Special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State.

§11–119.

"Explosive" means any chemical compound or mechanical mixture that is commonly used or intended to produce an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases and resultant gaseous pressures capable of injuring people or property.

§11–120.

(a) "Farm equipment" means a vehicle that:

(1) Is designed and adapted only for agricultural, horticultural, or livestock raising operations;

(2) Is designed and adapted only for lifting or carrying a vehicle described in paragraph (1) of this subsection; or

(3) Is designed and adapted for splitting firewood.

(b) Farm equipment also includes silvicultural equipment weighing 62,000 pounds or less gross weight.

§11–121.

"Farm tractor" means a motor vehicle that is designed and used primarily as a farm implement for drawing farm equipment.

§11–121.1.

"Fifth wheel travel trailer" means a travel trailer that is designed to be linked to a motor vehicle for towing purposes by means of a device commonly referred to as a fifth wheel.

§11–122.

(a) "Fixed termini" includes any city, town, village, state line, county line, city line, or any other geographical point marking the beginning or the end of a carriage of property or passengers in this State, if the termini are at least five miles apart.

(b) This definition shall be liberally construed.

§11–123.

"Flammable liquid" means any liquid that has a flash point of 100 degrees or less Fahrenheit, as determined by a Tagliabue or equivalent closed cup test device.

§11–124.

"Foreign vehicle" means any vehicle that:

(1) Is of a type required to be registered under Title 13 of this article;

(2) Is brought into this State from any other state or country, otherwise than in the ordinary course of business by or through a manufacturer, distributor, or dealer; and

(3) Is not registered in this State.

§11–125.

"Franchise" means a written arrangement, whether or not for a definite period, in which a manufacturer, distributor, or factory branch grants to a dealer or distributor a license or right to use a trade name, trademark, service mark, or related characteristic in the sale, leasing, or servicing of new vehicles.

§11–126.

"Gross weight" means the weight of a vehicle and its load.

§11–127.

"Highway" means:

(1) The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority; and

(2) For purposes of the application of State laws, the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the State.

§11–127.1.

"Lawful status" means, with respect to the status of an applicant for an identification card, a moped operator's permit, or a license to drive issued by the Administration, that the applicant has lawful status in accordance with regulations adopted by the Secretary of the United States Department of Homeland Security.

§11–127.2.

(a) "Lease intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee is provided the option to purchase the leased vehicle; and

(2) Under the terms of the purchase option, the lessee becomes or has the option to become the owner of the vehicle for:

(i) No additional consideration; or

(ii) 1. In the case of a new vehicle, a nominal consideration of:

A. 20 percent or less of the cost to the lessor of the leased property including, if applicable, any increase or markup by the lessor prior to consummation; or

B. If the value at consummation is not stated in the lease, 20 percent or less of the Monrone sticker price for the vehicle; or

2. In the case of a used vehicle, a nominal consideration of 20 percent or less of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer's Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

(b) "Lease not intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee may return the motor vehicle at the end of the lease term with no financial obligations other than payments required under, and disclosed in, the lease for excess wear and tear and excess mileage charges and for administration, disposition, and similar costs incurred at the end of the lease; and

(2) The lessee is provided the option to purchase the leased vehicle for:

(i) In the case of a new vehicle, a consideration in excess of:

1. 20 percent of the cost to the lessor of the leased property including, if applicable, any increase or markup by the lessor prior to consummation; or

2. If the value at consummation is not stated in the lease, 20 percent of the Monrone sticker price for the vehicle; or

(ii) In the case of a used vehicle, a consideration in excess of 20 percent of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer's Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

§11–128.

"License", as used in reference to the operation of a motor vehicle, means any:

(1) Driver's license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner's instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident's privilege to drive, as defined in this subtitle; and

(vi) A commercial driver's license.

§11–129.

"Licensed dealer", "licensed distributor", "licensed factory branch", and "licensed manufacturer" mean, respectively, a dealer, distributor, factory branch, or manufacturer licensed in this State under Title 15 of this article.

§11–129.1.

"Limousine" means a vehicle that:

(1) Has been modified or stretched for transportation of passengers;

(2) Is driven as part of a service provided by a person that advertises itself as a provider of limousine services or registers with the Public Service Commission as a provider of limousine services; or

(3) Is equipped with amenities not normally provided in passenger cars, including a custom interior, television, video cassette recorder, musical sound system, telephone, ice storage area, additional interior lighting, and driver–passenger communication such as an intercom or power–operated driver partition.

§11–130.

"Local authority" means a political subdivision or a local board or other body that, under the laws of this State, has authority to enact laws and adopt local police regulations relating to traffic.

§11–130.1.

"Low speed vehicle" means a four–wheeled motor vehicle that has a maximum speed capability that exceeds 20 miles per hour but is less than 25 miles per hour.

§11–131.

"Mail" means to deposit in the United States mail, properly addressed and with postage prepaid.

§11–132.

(a) "Manufacturer" means a person in the business of constructing or assembling vehicles of a type required to be registered under Title 13 of this article.

(b) "Manufacturer" includes the first-stage manufacturer and the second-stage manufacturer of a two-stage vehicle, as these terms are defined in § 13-113.2 of this article.

§11–133.

"Metal tire" means a tire the surface of which in contact with the highway is

wholly or partly of metal or other hard, nonresilient material.

§11–134.

"Mobile home" means:

(1) A trailer or semitrailer that is designed, constructed, and equipped as a permanent or temporary living or sleeping place and for use as a conveyance on highways, but that does not qualify as a camping trailer or a travel trailer as these terms are defined in this subtitle; or

(2) A trailer or a semitrailer that has a chassis and exterior shell designed and constructed as described in item (1) of this section, but that is used instead, either permanently or temporarily, for the advertising, sale, display, or promotion of merchandise or services, as an office, or for any other similar purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.

§11–134.1.

(a) "Moped" means a bicycle that:

(1) Is designed to be operated by human power with the assistance of a motor;

(2) Is equipped with pedals that mechanically drive the rear wheel or wheels;

(3) Has two or three wheels, of which one is more than 14 inches in diameter; and

(4) Has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

(b) "Moped" does not include an electric bicycle.

§11–134.2.

(a) "Motor carrier" means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of persons or property by motor vehicle.

(b) "Motor carrier" includes a motor carrier's owners, agents, officers, representatives, and employees.

§11–134.3.

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

§11–134.4.

(a) "Motorized minibike" means a motor vehicle that:

(1) Has two or three wheels; and

(2) Is not subject to registration under Title 13 of this article.

(b) "Motorized minibike" does not include:

(1) A motor scooter;

(2) A moped;

(3) A farm tractor; or

(4) An electric bicycle.

§11–134.5.

(a) "Motor scooter" means a nonpedal vehicle that:

(1) Has a seat for the operator;

(2) Has two wheels, of which one is 10 inches or more in diameter;

(3) Has a step-through chassis;

(4) Has a motor:

(i) With a rating of 2.7 brake horsepower or less; or

(ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

(5) Is equipped with an automatic transmission.

(b) "Motor scooter" does not include a vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

§11–135.

(a) (1) "Motor vehicle" means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self–propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) "Motor vehicle" includes a low speed vehicle.

(b) "Motor vehicle" does not include:

(1) A moped, as defined in § 11–134.1 of this subtitle;

(2) A motor scooter, as defined in § 11–134.5 of this subtitle; or

(3) An electric bicycle, as defined in § 11–117.1 of this subtitle.

§11–136.

(a) "Motorcycle" means a motor vehicle that:

(1) Has motive power;

(2) Has a seat or saddle for the use of the rider;

(3) Is designed to travel:

(i) On not more than three wheels in contact with the ground; and

(ii) At speeds exceeding 35 miles per hour; and

(4) Is of a type required to comply with all motor vehicle safety standards applicable to motorcycles under federal law.

(b) A detachable sidecar is an accessory to and not a part of a motorcycle.

§11–136.1.

"Moving violation" means:

(1) A moving violation as defined in regulations adopted by the Administration for the purpose of assessing points under § 16-402 of this article; or

(2) A violation of a substantially similar nature reported from another jurisdiction, other than a violation of the jurisdiction's size, weight, load, equipment, or inspection provisions.

§11–136.2.

"Multipurpose passenger vehicle" means a motor vehicle that:

(1) Is designed primarily for carrying persons and which is constructed on a truck chassis or with special features for occasional off-road operations;

(2) Has 3 wheels; or

(3) Is of a unique design that does not clearly meet the requirements of any other class, as determined by the Administrator.

§11–137.

"Name" means:

(1) True or legal name;

(2) In the case of an individual, the name given at birth to the individual by his parents, or as changed under the common law of this State or any other state, by marriage, or by court order; and

(3) In the case of an individual party to an absolute divorce, the individual may elect to use any legal or true name previously used by the individual if this name is used consistently and nonfraudulently.

§11–138.

"New vehicle" means a vehicle:

(1) The owner of which is a manufacturer, distributor, or licensed dealer; and

(2) That never has been used to destroy its newness or to convert it into or make it a used or secondhand vehicle, as these terms are commonly used or understood in trade or business.

§11–139.

"Nonresident" means any person who is not a resident, as that term is defined in this subtitle.

§11–140.

"Nonresident's privilege to drive" means the privilege granted to a nonresident by the laws of this State to drive a motor vehicle in this State or to use in this State a vehicle owned by the nonresident.

§11–140.1.

(a) "Off–highway recreational vehicle" means a vehicle that is:

(1) A motor–assisted or motor–driven vehicle that:

(i) Is designed to carry only the operator of the vehicle on a seat or saddle designed to be straddled by the operator or is designed to carry only the operator of the vehicle and one passenger; and

(ii) Is commonly known as an all–terrain vehicle;

(2) A motorcycle that is designed for off–highway operation and is not eligible for registration as a Class D (motorcycle) vehicle under this article, commonly known as a dirt bike; or

(3) A snowmobile.

(b) "Off–highway recreational vehicle" does not include:

(1) A farm vehicle as defined in § 13–911 of this article when used exclusively on farm property by a farmer; or

(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care.

(c) The Administration may establish by regulation other requirements for or limitations on the definition of "off–highway recreational vehicle".

§11–141.

"Operate", as used in reference to a vehicle, means to drive, as defined in this subtitle.

§11–142.

"Operator", as used in reference to a vehicle, means driver, as defined in this subtitle.

§11–143.

"Owner", as used in reference to a vehicle:

(1) Means a person who has the property in or title to the vehicle;

(2) Includes a person who, subject to a security interest in another person, is entitled to the use and possession of the vehicle;

(3) Does not include a lessee under a lease not intended as security; and

(4) Includes a lessee under a lease intended as a security.

§11–144.

"Park" means to halt a vehicle, whether or not it is occupied, other than temporarily:

(1) When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device; or

(2) For the purpose of and while actually engaged in loading or unloading property or passengers.

§11–144.1.

"Passenger car" means a motor vehicle, except a multipurpose passenger vehicle or motorcycle, designed for carrying 10 persons or less.

§11–145.

"Pedestrian" means an individual afoot.

§11–145.1.

(a) "Plug–in electric drive vehicle" means a motor vehicle that:

(1) Is made by a manufacturer;

(2) Is manufactured primarily for use on public streets, roads, and highways;

(3) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;

(4) Has a maximum speed capability of at least 55 miles per hour; and

(5) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:

(i) Has a capacity of not less than 4 kilowatt–hours for 4–wheeled motor vehicles and not less than 2.5 kilowatt–hours for 2–wheeled or 3–wheeled motor vehicles; and

(ii) Is capable of being recharged from an external source of electricity.

(b) "Plug–in electric drive vehicle" includes a qualifying vehicle that has been modified from original manufacturer specifications.

§11–146.

"Pole trailer" means a vehicle that:

(1) Has no motive power;

(2) Is designed to be towed by another vehicle and attached to the towing vehicle by a reach or pole or by being boomed or otherwise secured to the towing vehicle; and

(3) Ordinarily is used to transport long or irregularly shaped loads, such

as poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

§11–147.

"Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of any of the provisions of the Maryland Vehicle Law or of local or other traffic laws or regulations.

§11–148.

(a) "Regular schedule" means the carriage of property or passengers by at least:

(1) One single trip between fixed termini per week, for 4 consecutive weeks; or

(2) Three single trips between fixed termini within a period of 10 days.

(b) If property or passengers are carried by any vehicle as described in subsection (a) of this section, any one of the described trips is a regular schedule.

(c) This section shall be liberally construed.

§11–148.1.

(a) "Rental vehicle" means a passenger car or a vehicle that may be registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of this article:

(1) That is acquired solely for rental purposes but will not be rented to the same person for a period of more than 180 consecutive days;

(2) (i) That, at the time of purchase, is part of a fleet of passenger cars owned by the same person, at least five of which meet the criteria in item (1) of this subsection;

(ii) That, at the time of purchase, is part of a fleet of rental trucks owned by the same person, at least five of which meet the criteria in item (1) of this subsection;

(iii) That, at the time of purchase, is part of a fleet of multipurpose passenger vehicles owned by the same person, at least five of which meet the criteria in item (1) of this subsection; or

(iv) That, at the time of purchase, is part of a fleet of motorcycles owned by the same person, at least five of which meet the criteria in item (1) of this subsection;

(3) For which the owner does not provide a driver; and

(4) That, if the vehicle is a passenger car or multipurpose passenger vehicle, will not be used to transport individuals or property for hire.

(b) "Rental vehicle" does not include:

(1) A dump truck, as described in § 13-919 of this article;

(2) A tow truck, as described in § 13-920 of this article; or

(3) A farm vehicle exempt from the sales and use tax under § 11-201(a) of the Tax - General Article.

§11–149.

"Resident" means any person:

(1) Who is domiciled in this State;

(2) (i) Who owns, leases, or rents a primary place of residence in this State; and

(ii) Who regardless of the person's domicile resides in this State for more than a year;

(3) (i) Who maintains a main or branch office or warehouse facility in this State; and

(ii) Who bases and operates motor vehicles intrastate in this State; or

(4) Who has filed as a Maryland resident for income tax purposes.

§11–150.

"Revoke", as used in reference to any license to drive a vehicle, means to terminate, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State.

§11–150.1.

(a) "Ridesharing" means any nonprofit commuting service used in transporting commuters exclusively between their place of residence and their place of employment, or termini near such places. The term ridesharing includes both carpool and vanpool, defined as follows:

(1) A carpool uses a motor vehicle that is a Class A passenger car or station wagon having a seating capacity of not more than 9 persons, including the driver; and

(2) A vanpool uses a motor vehicle that is a Class J van having a seating

capacity of not less than 7 nor more than 15 passengers, including the driver.

(b) "Ridesharing" does not include a commuter service provided by a for-hire transportation company.

§11–151.

(a) "Roadway" means that part of a highway that is improved, designed, or ordinarily used for vehicular travel, other than the shoulder.

(b) If a highway includes two or more separate roadways, the term "roadway" as used in the Maryland Vehicle Law refers to any one roadway separately, and not to all of the roadways collectively.

§11–151.1.

"Rollback" means a vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow an additional vehicle.

§11–152.

(a) "Salvage" means any vehicle that:

(1) Has been damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost to repair the vehicle for legal operation on a highway exceeds 75% of the fair market value of the vehicle prior to sustaining the damage, as determined under § 13–506(c)(4) of this article;

(2) Has been acquired by an insurance company as a result of a claim settlement; or

(3) Has been acquired by an automotive dismantler and recycler:

(i) As an abandoned vehicle, as defined under § 25–201 of this article; or

(ii) For rebuilding or for use as parts only.

(b) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company.

§11–153.

"School bus" means a Type I school vehicle, as defined in this subtitle.

§11–154.

(a) "School vehicle" means, except as provided in subsection (b) of this section,

any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

(i) A Type I school vehicle, as defined in this subtitle; or

(ii) A Type II school vehicle, as defined in this subtitle.

(b) "School vehicle" does not include:

(1) A privately owned vehicle while it is carrying members of its owner's household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22-412.2 and 22-412.3 of this article.

§11–154.1.

"Scooter" means a two-wheeled vehicle that:

(1) Has handlebars; and

(2) Is designed to be stood on by the operator.

§11–155.

"Secured party" means a person who has in his favor a security interest in a vehicle.

§11–156.

"Security agreement" means a written agreement that reserves or creates a security interest.

§11–157.

"Security interest":

(1) Means an interest in a vehicle that is reserved or created by agreement and that secures payment or performance of an obligation; and

(2) Includes the interest of a lessor under a lease intended as security.

§11–158.

(a) "Semitrailer" means, except as provided in subsection (b) of this section, a vehicle that:

(1) Has no motive power;

(2) Is designed to carry people or property and to be towed by a motor vehicle; and

(3) Is constructed so that some of its weight and load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

§11–159.

(a) "Special mobile equipment" means, except as provided in subsection (c) of this section, a vehicle that:

(1) Is not used primarily for highway transportation of people or property; and

(2) Is operated or moved on a highway only as an incident to its nonhighway use.

(b) "Special mobile equipment" includes a road construction or maintenance machine, mobile crane, ditchdigger, well driller, concrete mixer, jobsite office vehicle, or portable power generator.

(c) "Special mobile equipment" does not include a farm tractor or any farm equipment.

§11–160.

"Stand" means to halt a vehicle, whether or not it is occupied, other than temporarily:

(1) When necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device; or

(2) For the purpose of and while actually engaged in receiving or discharging passengers.

§11–161.

"State" means a state of the United States, the District of Columbia, and a province or territory of Canada.

§11–162.

"Stop" means:

(1) Where used in a mandatory sense, the complete cessation from movement; and

(2) Where used in a prohibitory sense, to halt even momentarily a vehicle, whether or not it is occupied, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device.

§11–163.

"Street" means a highway, as defined in this subtitle.

§11–164.

"Suspend", as used in reference to any license to drive a vehicle, means to withdraw temporarily, by formal action of the Administration, an individual's license to drive a motor vehicle on highways in this State, but only for a period specifically designated by the Administration.

§11–165.

(a) "Taxicab" means, except as provided in subsection (b) of this section, a motor vehicle for hire that:

(1) Is designed to carry seven or fewer individuals, including the driver; and

(2) Is used to accept or solicit passengers for transportation for hire between those points along highways in this State as the passengers request.

(b) "Taxicab" does not include a motor vehicle operated on regular schedules and between fixed termini with the approval of the Public Service Commission.

§11–165.1.

"Temporary lawful status" means, with respect to the status of an applicant for an identification card, a moped operator's permit, or a license to drive issued by the Administration, that the applicant has temporary lawful status in accordance with regulations adopted by the Secretary of the United States Department of Homeland Security.

§11–166.

"Traffic" means pedestrians, vehicles and other conveyances, and ridden or herded animals, either singly or together, while using any highway for travel.

§11–167.

"Traffic control device" means any sign, signal, marking, or device that:

(1) Is not inconsistent with the Maryland Vehicle Law; and

(2) Is placed by authority of an authorized public body or official to regulate, warn, or guide traffic.

§11–168.

"Traffic control signal" means any traffic control device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.

§11–169.

(a) "Trailer" means, except as provided in subsection (b) of this section, a vehicle that:

(1) Has no motive power;

(2) Is designed to carry people or property and to be towed by a motor vehicle; and

(3) Is constructed so that no part of its weight rests on the towing vehicle.

(b) "Trailer" does not include a pole trailer.

§11–170.

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

(1) Is mounted on wheels;

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

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

(4) Is no longer than 40 feet.

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

§11–171.

"Truck" means a motor vehicle, except a multipurpose passenger vehicle, that is designed, used, or maintained primarily to carry property.

§11–172.

"Truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit.

§11–173.

(a) "Type I school vehicle" means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body-on-chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

(b) "Type I school vehicle" does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

§11–174.

"Type II school vehicle" means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body-on-chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of 15,000 pounds or less and provides a minimum of 13 inches of seating space per passenger.

§11–174.1.

(a) "Under the influence of alcohol per se" means having an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(b) If the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an administrative law judge, as the case may be, shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

§11–175.

"Used vehicle" means any vehicle that is not a new vehicle, as defined in this subtitle.

§11–175.1.

(a) "Vanpool operation" means any nonprofit commuter service provided by or organized by an employee or an employee organization, or by a company or a group of companies for its employees, or by an individual or group of individuals; and which:

(1) Transports commuters exclusively between their place of residence and their place of employment, or termini near such places; and

(2) Uses motor vehicles that are Class J vans having a seating capacity for no less than seven nor more than 15 passengers, including the driver.

(b) "Vanpool operation" does not include a service provided by one company for another company's employees under a contract or agreement.

§11–176.

(a) (1) "Vehicle" means, except as provided in subsection (b) of this section, any device in, on, or by which any individual or property is or might be transported or towed on a highway.

(2) "Vehicle" includes a low speed vehicle and an off–highway recreational vehicle.

(b) "Vehicle" does not include an electric personal assistive mobility device as defined in § 21–101(j) of this article.

§11–177.

"Vehicle identification number" means the numerals, letters, or combination of

numerals and letters on a vehicle that the Administration designates for the purpose of identifying the vehicle.

§11–201.

In case of dispute, the Administration may determine the extent of applicability of any definition in the Maryland Vehicle Law.

§11–202.

The portions of the Maryland Vehicle Law that are identical with corresponding portions of the Uniform Vehicle Code shall be interpreted and construed to make uniform the law of those states that enact them.

§11–203.

The Maryland Vehicle Law does not have a retroactive effect and does not apply to any traffic accident, to any cause of action or judgment arising out of a traffic accident, or to any violation of the vehicle laws of this State occurring before July 1, 1977.

§11–204.

A provision of the Maryland Vehicle Law may not be repealed by any subsequent act unless the provision is referred to expressly in or expressly repealed by the subsequent act.

§11–205.

(a) Except as otherwise specifically provided in the Maryland Vehicle Law:

(1) The provisions of the Maryland Vehicle Law do not in any way add to or detract from the right of any person who is injured or whose property is damaged by the negligent operation of a motor vehicle to sue and recover damages as in the case of the negligent use or operation of any other vehicle; and

(2) The violation of any provision of the Maryland Vehicle Law does not give any right of action to any person who would not be entitled to it in the absence of the provision.

(b) The provisions of the Maryland Vehicle Law do not prevent the owner of any real property that is used, with permission of the owner and not as a matter of right, by the public for vehicular travel from:

(1) Prohibiting the use;

(2) Requiring the use to be subject to conditions other than those specified in the Maryland Vehicle Law; or

(3) Otherwise regulating the use in his discretion.

(c) In Calvert County, a police officer may enforce the provisions of the Maryland Vehicle Law on a private roadway in Calvert County that is located within a residential subdivision or community and used for vehicular travel by residents of the subdivision or community.

§11–206.

Titles 11 through 27 of this article may be cited as the Maryland Vehicle Law.

§12–101.

There is a Motor Vehicle Administration in the Department.

§12–102.

(a) The head of the Administration is the Motor Vehicle Administrator, who shall be appointed by the Secretary with the approval of the Governor.

(b) (1) The Administrator serves at the pleasure of the Secretary and shall report directly to him.

(2) Subject to the authority of the Secretary, the Administrator is responsible for carrying out:

(i) The powers and duties vested by law in the Administration; and

(ii) Those powers and duties vested in the Secretary and delegated to the Administrator by the Secretary.

(c) The Administrator is entitled to the salary provided in the State budget.

(d) (1) With the approval of the Secretary, the Administrator shall appoint a chief deputy administrator who has the duties provided by law or delegated by the Administrator.

(2) The chief deputy administrator is the acting administrator during periods when the Administrator is absent or disabled.

(3) The chief deputy administrator serves at the pleasure of the Administrator and is entitled to the salary provided in the State budget.

§12–103.

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary.

(b) By regulation or directive, the Secretary may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary.

§12–104.

(a) In addition to the specific powers granted and duties imposed by this title, the Administration has the powers and duties set forth in this section.

(b) The Administration may adopt rules and regulations to carry out:

(1) Those provisions of the Maryland Vehicle Law that relate to or are administered and enforced by the Administration; and

(2) The provisions of any other law that the Administration is authorized to administer and enforce.

(c) (1) The Administration shall maintain as many offices in this State as the Administrator considers necessary to carry out the powers and duties of the Administration.

(2) Each office shall be open on the days and during the hours that the Secretary determines are needed to serve the public.

(d) (1) With the approval of the Secretary, the Administration shall employ the deputies, subordinate officers, clerks, investigators, and other employees necessary to carry out the powers and duties of the Administration.

(2) Except as otherwise provided by law, and subject to § 2-103.4 of this article, each deputy, officer, and employee of the Administration:

(i) Is in the State Personnel Management System; and

(ii) Is entitled to the salary provided in the pay plan established under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

(e) The Administration may delegate to the Office of Administrative Hearings the power and authority under the Maryland Vehicle Law to conduct hearings under this article and render final decisions in hearings conducted under this article.

(f) In accordance with § 6–313 of the Courts Article and the Maryland Rules, the Administration shall serve as the agent to receive a subpoena, a summons, or other process for a nonresident driver named as a party in an action brought in a court of this State.

§12–104.1.

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

(b) (1) An employee appointed under this section may issue citations to the same extent as a police officer if authorized by the Administration, for violations of:

(i) The provisions of Title 13 of this article;

(ii) The provisions of Title 17 of this article relating to required security;

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

(iv) The provisions of Title 16 of this article relating to unlawful application for a license, vehicle operation during periods of cancellation, revocation, and suspension of a driver's license, and duplication or reproduction of an identification card or driver's license;

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

(vi) The provisions of Title 15 of this article;

(vii) The provisions of § 22–415 of this article relating to odometers; and

(viii) The provisions of this title relating to the issuance of an identification card.

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

(c) The Administration shall adopt regulations establishing:

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

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

§12–105.

The Administration shall prepare and provide suitable forms for all applications, certificates of title, registration cards, notices of security interests, drivers' licenses, and other notices and documents needed to carry out the provisions of the Maryland Vehicle Law and any other law that the Administration is required to administer.

§12–106.

(a) The Administration shall examine and determine the genuineness, regularity, and legality of each application made to it under the Maryland Vehicle Law.

(b) The Administration shall reject an application:

(1) If it is not satisfied as to the genuineness, regularity, or legality of the application or the truth of any statement it contains; or

(2) For any other reason authorized by law.

§12–107.

(a) In this section, "lease" means the rental or leasing of a vehicle for a period exceeding 180 days.

(b) The Administration may conduct investigations and inquiries and require additional information concerning:

(1) Any application made to it under the Maryland Vehicle Law; or

(2) Any other matter subject to the jurisdiction of the Administration.

(c) Each person who leases a motor vehicle, trailer, or semitrailer to another person shall keep a record of:

(1) The registration number of the leased vehicle; and

(2) The name and address of the lessee.

(d) Any police officer or authorized representative of the Administration may inspect the records kept under subsection (c) of this section.

§12–108.

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

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

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

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

(i) Post bond; or

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

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

(i) The alleged violation occurs; or

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

§12–109.

(a) In administering the Maryland Vehicle Law, the Administrator or any other officer or employee of the Administration designated by the Administrator may administer oaths and take acknowledgments of signatures.

(b) (1) If a person is required to submit any statement or information to the Administration under oath, verification, affirmation, certification, affidavit, or any other similar form, the Administration may require instead that the person sign a certification under penalty of perjury.

(2) A certification required under this section shall be substantially in the following form: "I certify, under penalty of perjury, that the statements made herein are true and correct, to the best of my knowledge, information, and belief."

§12–110.

(a) The Administration may take possession of any certificate of title, registration card, permit, license, or registration plate:

(1) That is fictitious;

(2) That is issued by it and that:

(i) Has expired;

(ii) Has been canceled, suspended, or revoked; or

(iii) Was issued unlawfully or erroneously; or

(3) That has been issued by another jurisdiction but is being illegally used or displayed.

(b) (1) The Administration shall establish a fee for the issuance of any certificate of title, registration card, permit, license, or registration plate issued as a replacement for any certificate of title, registration card, permit, license, or registration plate repossessed by the Administration under this section.

(2) The fee is to be retained by the Administration, and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(3) Any fee imposed under this subsection shall be in addition to any other fee or penalty imposed by the Administration.

§12–111.

(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

(b) (1) Subject to § 4–320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

(2) Subject to paragraph (4) of this subsection, the Administrator may classify as confidential and not open to public inspection any record or record entry:

(i) That is over 5 years old; or

(ii) That relates to any happening that occurred over 5 years earlier.

(3) Subject to § 4–320 of the General Provisions Article, a record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.

(4) Subject to paragraph (3) of this subsection, the Administrator may not open to public inspection any record or record entry that is:

(i) All or part of a licensed driver's public driving record; and

(ii) Over 3 years old.

(5) Subject to paragraph (6) of this subsection, the Administration may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration.

(6) The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to:

(i) The courts;

(ii) Criminal justice agencies;

(iii) Driver license authorities;

(iv) The individual;

(v) The individual's attorney;

(vi) Third parties designated by the individual; and

(vii) The Child Support Enforcement Administration.

(c) Except for records required by law to be kept in their original or other specified form, the Administrator may order any record of the Administration to be kept on microfilm or in other microform, and the original destroyed.

(d) Except for records required by law to be kept longer, the Administrator may destroy any record of the Administration that it has kept for 3 years or more and that the Administrator considers obsolete and unnecessary to the work of the Administration.

§12–112.

(a) Unless the information is classified as confidential under § 12–111 of this subtitle or otherwise as provided by law, and subject to § 4–320 of the General Provisions Article, the Administration may furnish listings of vehicle registration and other public information in its records to those persons who request them, but only if the Administration approves of the purpose for which the information is requested.

(b) The Administration shall charge a fee for any listing furnished under this section. The fee charged may not be less than the cost to this State of preparing that listing. The revenue from the fee shall not be subject to the distribution provisions of Title 8, Subtitle 4 of this article.

(c) A person furnished any information under this section is prohibited from distributing or otherwise using the information for any purpose other than that for which it was furnished.

(d) (1) (i) In this subsection the following terms have the meanings indicated.

(ii) "Personal information" has the meaning indicated in § 4–101(e) of the General Provisions Article.

(iii) "Telephone solicitation" has the meaning indicated in § 4–320(a) of the General Provisions Article.

(2) The Administration may not disclose personal information for inclusion in listings of information for use in surveys, marketing, or solicitations without written consent from the person in interest.

(3) An individual may allow disclosure of personal information under this section when applying for or renewing a driver's license, certificate of title, registration, or identification card or by notifying the Administrator in writing at any time.

(4) The Administration may not disclose personal information under this section for use in telephone solicitations.

(5) This subsection does not prevent the Administration from furnishing personal information under this section:

(i) To another governmental agency; or

(ii) For another purpose permissible under § 4–320 of the General Provisions Article.

§12–112.1.

(a) (1) On request, but not less than annually, the Administration shall provide to the jury commissioners:

(i) The list of individuals who are at least 18 years old and have been issued a driver's license by the Administration; and

(ii) The list of individuals who are at least 18 years old and have been issued an identification card by the Administration.

(2) The Administration shall provide the lists described in this subsection without cost to the jury commissioners.

(b) On application by the Attorney General, a circuit court may compel compliance with this section.

§12–113.

(a) (1) Subject to § 12–111 of this subtitle and § 4–320 of the General Provisions Article, the Administrator or any other officer or employee of the Administration designated by the Administrator may furnish on request a copy or a certified copy of any record of the Administration.

(2) The Administration may establish and charge a fee for each record it furnishes or certifies. The revenue from the fee shall not be subject to the distribution provisions of Title 8, Subtitle 4 of this article.

(3) No charge shall be made to a police agency, fire department, or court in this or any other state or a police agency or court of the United States government.

(4) The fee established and charged under this section may exceed the amounts authorized under § 4–206 of the General Provisions Article.

(b) (1) A certified copy of any record of the Administration or comparable agency of any state is admissible in any judicial proceeding in the same manner as the original of the record.

(2) (i) A computer printout of any driving record or vehicle registration record of the Administration that has been obtained by a law enforcement unit, as

defined in § 10–101(f) of the Criminal Procedure Article, or court through a computer terminal tied into the Administration is admissible in any judicial proceeding in the same manner as the original of the record.

(ii) The computer printout of the driving record or vehicle registration record shall contain:

1. The date the record was printed; and

2. A jurisdiction code identifying the site where the record was printed.

(3) If a subpoena is issued to the Administrator or any other official or employee of the Administration for the production in any judicial proceeding of the original or a copy of any book, paper, entry, record, proceeding, or other document of the Administration:

(i) The Administrator or other official or employee of the Administration need not appear personally; and

(ii) Submission of a certified copy or photostat of the requested document is full compliance with the subpoena.

(4) On motion and for good cause shown, the court may compel the attendance of an authorized representative of the Administration to answer the subpoena for the production of documents.

§12–114.

(a) Unless another method for giving notice is specifically required, the Administration shall give any notice that it is required or authorized to give under the Maryland Vehicle Law or any other law, either:

(1) By personal delivery to the person to be notified; or

(2) By mail to the person at the address of the person on record with the Administration.

(b) If notice is given by mail, the notice is effective at the end of the fifth day after its deposit in the mail.

(c) Proof that notice has been given may be made by the certificate of any officer or employee of the Administration or the affidavit of any adult, naming the person to whom the notice was given and stating the time, place, and manner of giving the notice.

§12–115.

(a) The Administration may publish a summary of the laws of this State that

relate to the operation of vehicles and may give a copy of the summary, without charge, with each original vehicle registration and original driver's license that it issues.

(b) (1) The Administration may publish copies of the Maryland Vehicle Law and related laws and of the rules and regulations adopted under those laws, which shall be made available to the public on request.

(2) The Administration shall charge a price for each copy, not to exceed the cost of its preparation, publication, and mailing. However, copies of the laws may be given free of charge to law enforcement agencies, public officials, and courts.

§12–116.

If any person gives a check to the Administration to pay for any charge or for any other purpose and the check is not honored by the bank on which it is drawn, the Administration may impose a service charge to be retained by the Administration for the purpose of recovering check handling costs and shall not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article. This service charge shall be equal to the greater of:

(1) Not more than 10 percent of the amount of the check; or

(2) $25.

§12–117.

In or near any building or property used by the Administration for its business, a person may not:

(1) Interfere with any person doing business for or with the Administration; or

(2) For a fee charged directly or indirectly, solicit any person:

(i) To assist that person in obtaining a driver's license, certificate of title, vehicle registration, or other license or document; or

(ii) To file any statement for that person.

§12–118.

(a) Except as specifically provided by law, all money received under the Maryland Vehicle Law shall be accounted for and remitted to the State Comptroller.

(b) Out of the money remitted to the State Comptroller under the Maryland Vehicle Law, the State Comptroller shall:

(1) Pay or retain enough to pay all refunds of taxes or fees provided for in the Maryland Vehicle Law;

(2) Credit to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund the revenues specified in § 8–402 of this article, after retaining enough to pay:

(i) The salaries and other expenses of the State Highway Administration in enforcing Title 24 of this article;

(ii) The salaries and other expenses of the Commercial Vehicle Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23, Subtitle 4 of this article, Title 24 of this article, the provisions of the Tax – General Article on the motor carrier tax, and the provisions of Title 10 of the Business Regulation Article on motor fuel fraud and motor fuel tax fraud;

(iii) Funds required, in addition to the funding provided in § 13–804 of this article, for the salaries and other expenses of the Automotive Safety Enforcement Division of the Department of State Police as approved by the Department in enforcing Title 23 of this article and Subtitle 6 of Title 22 of this article; and

(iv) The salaries and other expenses of the Department of State Police and other State agencies, as approved by the Department, in enforcing the provisions of § 25–111 of this article; and

(3) Credit the balance to the Transportation Trust Fund.

(c) (1) Except as provided in paragraph (2) of this subsection, notwithstanding any other law and in addition to any other exceptions provided by law, all costs, fines, penalties, and forfeitures received by or paid to the District Court under the Maryland Vehicle Law shall be collected and remitted as provided in the Courts Article.

(2) The Comptroller shall distribute revenue from the civil fines collected through use of a work zone speed control system under § 21–810 of this article to a special fund, to be used only as provided in subsection (e) of this section.

(d) Except as provided in subsection (b) of this section, and except for funds received from the Department and the Maryland Transportation Authority for services rendered under agreements with the Department and the Maryland Transportation Authority, the salaries and expenses of the Department of State Police and the State Police Retirement System shall be paid from the general funds of this State.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section:

(i) Shall be distributed first to the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems; and

(ii) After the distribution under item (i) of this paragraph:

1. For each of fiscal years 2013 through 2015 only, $3,000,000 shall be distributed to the Department of State Police to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles; and

2. For each of fiscal years 2016 through 2018 only, at least $7,000,000 shall be distributed to the Department of State Police to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles.

(2) The balance of the money in the special fund shall be distributed to the Department of State Police to fund roadside enforcement activities.

§12–119.

Every rule, regulation, form, order, and directive adopted by or relating to the former Department of Motor Vehicles or the Commissioner of Motor Vehicles remains in effect until changed by the Administration or the Secretary. Every reference in this Code, any other law, ordinance, resolution, rule, regulation, order, directive, legal action, contract, or any other document referring to the Department of Motor Vehicles or the Commissioner of Motor Vehicles means the Administration or the Administrator, respectively.

§12–120.

(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:

(1) The vehicle titling tax;

(2) One–half of the certificate of title fee under § 13–802 of this article; and

(3) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.

(b) Except as provided in this section, the Administration may not alter the miscellaneous fees that the Administration is authorized under this article to establish.

(c) (1) Subject to the limitations under subsection (d) of this section, before the start of any fiscal year the Administration by regulation may alter, effective beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the Administration is authorized under this article to establish.

(2) The Administration shall alter the levels of miscellaneous fees for the upcoming fiscal year if the projected cost recovery under subsection (d) of this section exceeds 100%.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least 95 percent but does not exceed 100 percent of the sum of:

(1) The operating budget of the Administration for that fiscal year as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

(e) (1) The Administration may not alter miscellaneous fees more than once in any fiscal year.

(2) The Administration need not reduce fees for the upcoming fiscal year if legislative budget modifications cause the projected cost recovery percentage to exceed 100 percent.

(3) The level of a miscellaneous fee set by the Administration remains in effect until again altered by the Administration as provided under this section.

§12–201.

In this subtitle, "licensee" means the holder of a license issued or privilege granted under the Maryland Vehicle Law.

§12–202.

(a) Except as otherwise provided in § 16-205.1(f) of this article, if the Maryland Vehicle Law or a rule or regulation of the Administration provides that a license or privilege may be suspended or revoked only after a hearing, the Administration shall give the licensee:

(1) Written notice of the hearing and any charge made; and

(2) An opportunity to be heard in person.

(b) The notice required by this section shall:

(1) Contain the information required by § 12-204 of this subtitle;

(2) Be given at least 10 days before the date of the hearing; and

(3) Be sent to the licensee as provided in § 12-114 of this title.

§12–203.

(a) If the Maryland Vehicle Law or a rule or regulation of the Administration provides that an applicant or licensee may request a hearing on refusal, suspension, or revocation of a license or privilege, the Administration shall give the applicant or licensee written notice under § 12-114 of this title of:

(1) The refusal, suspension, or revocation; and

(2) The right of the applicant or licensee to request a hearing.

(b) (1) Except as otherwise provided in the Maryland Vehicle Law, the applicant or licensee may request a hearing within 15 days from the date that the notice required by this section is mailed.

(2) The hearing shall be held within 30 days of the date of the request.

(3) The Administration shall render a decision within 30 days of a hearing conducted under Title 16, Subtitles 1 through 4 of this article.

§12–204.

Notice of any hearing scheduled by this Administration shall state:

(1) The date, time, place, and nature of the hearing;

(2) The legal authority and jurisdiction of the Administration to hear the matter;

(3) The facts in sufficient detail to enable a party to prepare his case;

(4) The nature of the proposed action that the Administration is to consider;

(5) The right of a party to call witnesses and offer documentary evidence under the provisions of § 10-213 of the State Government Article;

(6) When applicable, the right of a party to request the subpoena of witnesses and the costs thereof;

(7) That a copy of the hearing procedures is available on request of a party, and the cost to obtain a copy;

(8) The right of a party to the hearing to be represented by counsel; and

(9) If a licensee is a party to the hearing, the right of the Administration, on failure of the licensee to appear, to:

(i) Order a suspension of the party's license or privilege until the

party appears for a hearing; or

(ii) Impose any sanction proposed in the notice.

§12–205.

Each hearing shall be held on the date, at the approximate time, and at the place that the Administration specifies, subject to any limitations specifically set forth in the Maryland Vehicle Law.

§12–206.

Except as otherwise provided in this article, a hearing held under the Maryland Vehicle Law shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act - Contested Cases).

§12–206.1.

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

(2) "Victim" means a person who dies as the result of the commission of a moving violation by another person.

(3) "Victim's representative" means a member of the family of a victim or a guardian or personal representative of a victim.

(b) (1) During the investigation of a moving violation, a law enforcement officer shall inform a victim's representative of the right to file a victim's representation notification form with the Administration to request to be notified of a hearing under § 16–206(f) of this article.

(2) A victim's representation notification form under this subsection may only be filed within 20 days after the conviction of the moving violation.

(c) (1) If a victim's representative files a victim's representation notification form under subsection (b) of this section, the Administration shall give the victim's representative notice in accordance with § 12–114 of this title at least 21 days before a hearing under § 16–206(f) of this article.

(2) Notice provided under this subsection shall state:

(i) The date, time, place, and nature of the hearing;

(ii) The legal authority and jurisdiction of the Administration to hear the matter;

(iii) The nature of the proposed action that the Administration is to consider;

(iv) That a copy of the hearing procedures is available on request and the cost to obtain a copy;

(v) The right of the victim's representative to be present at the hearing;

(vi) The right of the victim's representative to submit a written statement for consideration by the Administration at the hearing; and

(vii) The right of the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(3) (i) If a victim's representative intends to make an oral statement, the victim's representative shall notify the Administration at least 10 days before the hearing.

(ii) If a victim's representative intends to submit a written statement, the statement shall be submitted to the Administration at least 10 days before the hearing.

(d) (1) If a victim's representative provides notice in accordance with subsection (c)(3)(i) of this section, the Administration shall allow the victim's representative to make an oral statement for consideration by the Administration at the hearing.

(2) If a victim's representative submits a written statement in accordance with subsection (c)(3)(ii) of this section, the Administration shall:

(i) Provide a copy of the written statement to the licensee before the hearing begins; and

(ii) Consider the written statement at the hearing.

§12–207.

(a) Any party to a hearing may request that the testimony presented at the hearing be transcribed.

(b) The party requesting the transcription shall pay for its cost. However, if an appeal is taken under § 12-209 of this subtitle, the party need not pay the cost of the transcription if the court finds that the party is indigent.

§12–208.

(a) After a hearing, the Administration may:

(1) Refuse, suspend, or revoke the license or privilege of an applicant or licensee;

(2) Rescind, continue, or modify any prior action; or

(3) Take any other action permitted by the Maryland Vehicle Law.

(b) If a decision or order of the Administration is adverse to any party to the hearing, the decision or order:

(1) Shall be made in accordance with § 10-221 of the State Government Article; and

(2) Unless service is waived by the party, shall be served on the party or the party's attorney.

(c) Subject to § 10-209(b) and (c) of the State Government Article, and except as otherwise provided in this article, if a party fails to appear for a hearing scheduled under the Maryland Vehicle Law, the Administration may:

(1) For a hearing scheduled under § 12-203 of this subtitle, impose the sanction proposed in the notice; or

(2) For a hearing scheduled under § 12-202 of this subtitle, order:

(i) A suspension of the party's license or privilege until the party appears for a hearing; or

(ii) The imposition of any sanction proposed in the notice.

§12–209.

(a) (1) Any aggrieved party to a hearing may appeal from a decision or order of the Administration in accordance with this subsection.

(2) If the matter concerns the license of an individual to drive and the individual is a resident of this State, the aggrieved party may appeal to the circuit court for the county in which the individual resides.

(3) If the matter concerns any other license or privilege of a person, the aggrieved party may appeal to the circuit court for the county in which the principal place of business of the person in this State is located.

(4) If the appeal involves a nonresident motorist, the aggrieved party may appeal to the circuit court for the county in which the motorist was convicted of the violation to which the matter relates.

(5) If not otherwise provided in this section or elsewhere in the Maryland Vehicle Law, the aggrieved party may appeal to the Circuit Court for Anne Arundel County.

(b) The Administrative Procedure Act shall govern in an appeal.

(c) Except as provided in § 16-205.1 of this article, if an appeal is filed in a case by an aggrieved licensee, the Administration shall grant a stay of its decision or order for not more than 120 days, unless it appears to the Administration that substantial and immediate harm could result to the licensee or others if the license or privilege is continued pending appeal.

§12–301.

(a) On application, the Administration shall issue an identification card to any applicant who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration;

(4) Provides satisfactory documentary evidence that the applicant has lawful status;

(5) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

1. A current W–2 form;

2. A current SSA–1099 form;

3. A current non–SSA–1099 form; or

4. A current pay stub with the applicant's name and Social Security number on it; or

(ii) Provides satisfactory documentary evidence that the applicant is not eligible for a Social Security number; and

(6) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

(i) Is 65 years old or older;

(ii) Is legally blind;

(iii) Has permanently lost the use of a leg or an arm;

(iv) Is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair; or

(v) Has a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

(e) A person may not commit any fraud in using an identification card issued under this section.

(f) A person may not make any misrepresentation in using an identification card issued under this section.

(g) (1) An identification card shall be:

(i) Of the size and design that the Administration requires; and

(ii) Tamperproof, to the extent possible.

(2) The card shall contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The sex of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires;

(vi) The expiration date of the identification card;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(h) An identification card may be used as legal identification of the individual to whom it is issued for any purpose.

(i) (1) Subject to paragraph (2) of this subsection, an identification card issued to an applicant expires at the end of a period of not more than 8 years determined in regulations adopted by the Administration.

(2) (i) If an applicant has temporary lawful status, the Administration may not issue an identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of an identification card for a period longer than the period described in paragraph (1) of this subsection.

(iii) The Administration shall indicate on the face and in the machine–readable zone of a temporary identification card issued under this paragraph that the card is a temporary identification card.

(3) An identification card may be renewed on application and payment of the fee required by this section.

(j) The identification card shall be surrendered by the holder upon being issued a Maryland driver's license.

(k) The Administrator may issue an identification card to an applicant:

(1) Whose privilege to drive has been refused, canceled, suspended, or revoked; or

(2) Who has been issued a temporary license under § 16-205.1(b)(3)(iii) of this article.

(l) (1) The Administration may cancel an identification card issued under this section if the Administration determines that the holder of the identification card:

(i) Was not entitled to be issued the identification card;

(ii) Failed to provide accurate or required information in the application for the identification card;

(iii) Fraudulently applied for or obtained the identification card; or

(iv) Is otherwise in violation of subsection (c), (d), (e), or (f) of this section.

(2) If the Administration cancels an identification card under paragraph (1) of this subsection, the holder of the identification card immediately shall surrender the canceled identification card to the Administration.

§12–302.

(a) The Administration shall ensure that the driver's license or identification card of an applicant who presents a certification of veteran status obtained from the Department of Veterans Affairs in accordance with § 9–905 of the State Government Article, a DD Form 214, or other documentation acceptable to the Administration certifying veteran status, includes a notation indicating that the applicant is a veteran.

(b) (1) An application for a driver's license or an identification card shall allow an applicant to indicate that the applicant is a veteran and consents to being contacted by appropriate Executive Branch agencies regarding the applicant's eligibility for State or federal veterans' benefits.

(2) In accordance with §§ 4–304 through 4–325 of the General Provisions Article and any other applicable law, and on request by an Executive Branch agency, the Administration shall electronically transmit to the Executive Branch agency appropriate information about each applicant who consents in accordance with paragraph (1) of this subsection.

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

§12–303.

(a) The Administration shall provide for a method by which an applicant for a driver's license or identification card can designate that the applicant consents to the gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education.

(b) If an applicant selects designation as a donor under subsection (a) of this section, the Administration shall make a notation of this fact on the driver's license or identification card issued to the applicant.

(c) The Administration shall notify an applicant who selects designation as a donor that the designation:

(1) Will remain effective until the applicant requests that the designation be removed; and

(2) May be removed by the applicant:

(i) By requesting a replacement driver's license or identification card:

1. Through the Administration's Web site; or

2. In person at any full–service Administration office; or

(ii) Through the State donor registry established under § 4–516 of the Estates and Trusts Article.

(d) Unless removed as provided in subsection (c)(2) of this section, the Administration shall note an applicant's designation as a donor on all subsequently issued drivers' licenses or identification cards.

(e) The donor designation noted on the driver's license or identification card:

(1) Is sufficient legal authority for the removal of a body organ or part on the death of the donor; and

(2) Notwithstanding any other provision of law, is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4–514 of the Estates and Trusts Article.

§12–303.1.

(a) In this section, "advance directive" has the meaning stated in § 5–601 of the Health – General Article.

(b) The Administration shall provide for a method by which an applicant for a driver's license or identification card shall be made aware of, and informed how to obtain, the advance directive information sheet developed under § 5–615 of the Health – General Article.

(c) (1) The Administration shall provide a method by which a notation indicating that the applicant has an advance directive registered with the Department of Health and Mental Hygiene may be placed on the driver's license or identification card.

(2) The notation shall be added only on written request of the applicant.

(3) The notation may be removed at any time on written request.

§12–304.

NOT IN EFFECT

** CONTINGENCY – NOT IN EFFECT – CHAPTER 309 OF 2002 **

(a) This section applies only to an adult male applicant under the age of 26 years.

(b) Subject to subsection (c) of this section, the Administration shall provide to the Selective Service Administration in an electronic format, for purposes of registration with the Selective Service as required under federal law, the necessary

information concerning a male applicant who applies for a driver's license or identification card or the renewal of a driver's license or identification card, including the applicant's:

(1) Full name;

(2) Current address;

(3) Date of birth;

(4) Gender;

(5) Date of application; and

(6) Social Security number, if available.

(c) (1) A male applicant's signature on the application indicates that the applicant has selected one of the options specified in paragraph (2) of this subsection concerning Selective Service registration and the forwarding of information to the Selective Service Administration under this section.

(2) In addition to the information required under this subtitle or Title 16 of this article, an application form for a driver's license or identification card or renewal of a driver's license or identification card shall contain a statement that the male applicant:

(i) Has already registered with the Selective Service Administration; or

(ii) Has not registered with the Selective Service Administration and:

1. Consents to forwarding the information in subsection (b) of this section to the Selective Service Administration; or

2. Refuses to consent to the forwarding of the information in subsection (b) of this section to the Selective Service Administration.

(d) Refusal to consent to the forwarding of the information in subsection (b) of this section to the Selective Service Administration may not be grounds for denial of an application for a driver's license or identification card or renewal of a driver's license or identification card.

§12–401.

In this subtitle, "jurisdiction" includes any state, foreign country, or state or province of a foreign country.

§12–402.

It is the policy of this State to promote and encourage the fullest possible use of its highway system by authorizing vehicle reciprocal or proportional registration agreements, arrangements, and declarations with other jurisdictions as to vehicles registered in this State and in those other jurisdictions, thus contributing to the economic and social development and growth of this State.

§12–403.

The Administrator may make agreements, arrangements, or declarations to carry out the provisions of this subtitle.

§12–404.

(a) The Administrator may make an agreement or arrangement with the authorized representative of any other jurisdiction, to grant to drivers or to owners of vehicles that are licensed or registered in that jurisdiction and for which evidence of compliance is supplied, benefits, privileges, and full or partial exemptions from the payment of any taxes, fees, or other charges imposed under the laws of this State on the drivers or owners as to the operation or ownership of the vehicles.

(b) An agreement or arrangement made under this section shall provide that drivers and vehicles licensed or registered in this State, while operated on highways in the other jurisdiction, shall receive benefits, privileges, and exemptions of a similar kind or to a similar degree as are extended to drivers and vehicles licensed or registered in that jurisdiction while operated in this State.

(c) In the judgment of the Administrator, each agreement or arrangement to be made under this section shall be in the best interest of and fair and equitable to this State and its citizens, as determined on the basis and recognition of the benefits that accrue to the economy of this State from the uninterrupted flow of commerce.

§12–405.

An agreement, arrangement, or declaration made under this subtitle may authorize the registration or licensing in another jurisdiction of vehicles that are located in or operated from a base in that jurisdiction and that otherwise would be required to be registered or licensed in this State. In this event, the benefits, privileges, and exemptions extended by the agreement, arrangement, or declaration shall apply to those vehicles, if licensed or registered in the base jurisdiction.

§12–406.

(a) If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and the payment of registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in that jurisdiction, as compared

with the miles traveled on highways in other jurisdictions, or on any other equitable basis of apportionment, and if that jurisdiction exempts vehicles registered in other jurisdictions under that apportionment basis from the requirements of full payment of its own registration, license, or other fixed fees, the Administrator by agreement may adopt the exemption as to vehicles of those fleets, whether owned by residents or nonresidents of this State and regardless of where the vehicles are based.

(b) Under the terms, conditions, or restrictions that the Administrator considers proper, these agreements may provide:

(1) That owners of vehicles operated in interstate or combined interstate and intrastate commerce in this State may pay registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in this State, as compared with the miles traveled on highways in other jurisdictions, or on any other equitable basis of apportionment; or

(2) (i) For issuance of trip permit registration; and

(ii) For collection of a fee for any vehicle or combination of vehicles which may be lawfully operated in the jurisdiction if full registration or proportional registration were obtained.

(c) The registration of fleet vehicles under this section is subject to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or declaration made by the Administrator.

§12–407.

(a) In the absence of an agreement or arrangement with another jurisdiction, the Administrator may examine the laws and requirements of the other jurisdiction and declare the extent and nature of benefits, privileges, and exemptions to be extended to vehicles registered or licensed in that jurisdiction or to the owners of the vehicles.

(b) In the judgment of the Administrator, the benefits, privileges, and exemptions to be declared under this section shall be in the best interest of and fair and equitable to this State and its citizens, as determined on the basis and recognition of the benefits that accrue to the economy of this State from the uninterrupted flow of commerce.

§12–408.

An agreement, arrangement, or declaration made under this subtitle may contain provisions, terms, and conditions under which a leased vehicle registered by its lessor may be entitled to the exemptions, benefits, and privileges extended by the agreement, arrangement, or declaration.

§12–409.

If, as to any other jurisdiction, an agreement, arrangement, or declaration is not in effect as authorized by this subtitle, any vehicle registered or licensed in that other jurisdiction and for which evidence of compliance is supplied, shall receive, while operated in this State, the same benefits, privileges, and exemptions granted by the other jurisdiction to vehicles registered in this State. Reciprocity extended under this section applies only to vehicles that are engaged exclusively in interstate operations.

§12–410.

The provisions of this subtitle relating to proportional registration of fleet vehicles do not require any vehicle to be registered proportionally if it is otherwise registered in this State for the operation in which it is engaged, including regular registration, temporary registration, or trip permit.

§12–411.

Any agreement, arrangement, or declaration made under this subtitle may authorize the Administration to suspend or cancel the benefits, privileges, or exemptions granted under it to a person who violates any of its conditions or terms or who violates the vehicle laws or regulations of this State.

§12–412.

(a) Each agreement, arrangement, and declaration made under this subtitle and each amendment to an agreement, arrangement, or declaration:

(1) Shall be in writing and kept on file by the Administration; and

(2) Is not effective until approved by the Governor.

(b) The Administrator shall file a copy of each agreement, arrangement, declaration, and amendment with the Secretary of State within 30 days after its execution or its effective date, whichever is later. The Administration shall provide copies of these documents for public distribution on request.

§12–413.

Every reciprocity and proportional registration agreement, arrangement, and declaration relating to vehicles and in force and effect on July 1, 1971, continues in force and effect until specifically amended or revoked as provided by law or by the agreement, arrangement, or declaration.

§12–414.

This subtitle is part of and supplemental to the vehicle registration laws of this State.

§13–101.

In this subtitle, "certificate of origin" means a certification by the manufacturer, on a form that the Administration approves, that:

(1) Certifies that the vehicle described in it has been transferred to the dealer or other person named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce; and

(2) Describes the vehicle by including:

(i) Its make, model, year, vehicle identification number, type of body, number of cylinders, and engine number; and

(ii) Any other information that the Administration requires.

§13–101.1.

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

§13–102.

A certificate of title is not required for:

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

(2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13–621 of this title;

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

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

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

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

(7) A bicycle, except for a moped;

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

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self–propelled invalid:

(i) Wheelchair; or

(ii) Tricycle;

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

(13) An off–highway recreational vehicle purchased before October 1, 2010.

§13–103.

(a) The owner of farm equipment or special mobile equipment may apply for and obtain a certificate of title for the farm equipment or special mobile equipment.

(b) All of the provisions of this title are applicable to a certificate of title issued under this section, except that:

(1) A person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate; and

(2) The perfection of a security interest under Subtitle 2 of this title is not effective until the secured party has complied with the applicable law that otherwise relates to the perfection of security interests in personal property.

§13–104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off–highway recreational vehicle, a motor scooter, or a moped shall be made by electronic transmission under § 13–610 of this title.

(3) The owner of a motor scooter or moped shall certify at the time of titling that the motor scooter or moped is covered by the required security described in § 17–103 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration may not issue a certificate of title to any individual who is not at least 18 years old.

(2) The Administration may issue a certificate of title to an individual

under the age of 18 years if the individual submits an application for a certificate of title that is cosigned by:

(i) A parent or guardian of the applicant; or

(ii) If the applicant has no parent or guardian or is married, an adult employer of the applicant or any other responsible adult.

(3) The individual cosigning the application of a minor under this subsection shall certify that the statements made in the application are true to the best of the cosigner's knowledge, information, and belief.

(c) The application shall contain:

(1) The full name and Maryland address of the owner, including:

(i) If the owner is an individual, the owner's Maryland residence and mailing addresses;

(ii) If the owner is a business firm, association, or corporation, its federal identification number and:

1. Its business address in this State; or

2. The name and address of its resident agent in this State;

(iii) If the owner is a partnership or joint venture, the name of each partner or joint venturer;

(iv) If the owner is an unincorporated association, joint stock company, or other group described in § 6-406 of the Courts Article, the name and address of a resident agent on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle; and

(v) If the owner is a trustee, the address of the trust in this State and the name and address of a person in this State on whom service may be made in any lawsuit arising out of the ownership, maintenance, or use of the vehicle;

(2) (i) If the owner is an individual, the owner's date of birth; and

(ii) If the owner is a partnership or joint venture, the date of birth of each partner or joint venturer;

(3) A description of the vehicle, including:

(i) To the extent that the information exists, its make, model, year, vehicle identification number, type of body, and number of cylinders;

(ii) If the vehicle is a two-stage vehicle:

1. The make and year of the first stage; and

2. The make, model, and year of the second stage;

(iii) If the vehicle is a motorcycle with an engine manufactured on or after January 1, 1977, the identifying number of the engine; and

(iv) Any other information that the Administration requires;

(4) A statement of:

(i) The applicant's title to and each security interest in the vehicle; and

(ii) The name and address of each secured party with any security interest in the vehicle and the nature and order of priority of that interest; and

(5) Any other information that the Administration reasonably requires to determine if the owner is entitled to a certificate of title.

(d) The application shall be signed in ink by:

(1) Each owner who is an individual;

(2) The individual cosigning the application on behalf of a minor in accordance with subsection (b) of this section;

(3) An officer or authorized agent of the owner, if the owner is a business firm, association, or corporation;

(4) A partner or joint venturer, if the owner is a partnership or joint venture;

(5) An officer or authorized agent, if the owner is an unincorporated association, joint stock company, or other group described in § 6-406 of the Courts Article; or

(6) A trustee, if the owner is a trust.

(e) The application shall be accompanied by each certificate of title of the vehicle that previously may have been issued by this or any other state and still is outstanding.

§13–104.1.

If an application for a certificate of title is for a new vehicle, the application also shall be accompanied by:

(1) The manufacturer's certificate of origin for the vehicle, assigned by the transferor to the transferee; or

(2) If the vehicle was acquired in another state or country the laws of which do not provide for a manufacturer's certificate of origin, a certified bill of sale or other documents required by law in the other state or country, showing any security interest retained by the seller or created at the time of sale to secure the payment of the purchase price.

§13–104.2.

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

(2) "Essential parts" means all integral and body parts, whether new or used, the removal, addition, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(3) "Reconstructed vehicle" means any vehicle that:

(i) Is of a type required to be registered under this title; and

(ii) Has been materially altered from its original construction by the removal, addition, alteration, or substitution of essential parts.

(4) "Specially constructed vehicle" means any vehicle that:

(i) Is of a type required to be registered under this title;

(ii) Was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles; and

(iii) Has not been materially altered from its original construction.

(b) If an application for a certificate of title is for a foreign vehicle previously titled or registered in another state or country, for a reconstructed vehicle, or for a specially constructed vehicle, the application also shall be accompanied by:

(1) Any information or documents the Administration reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it;

(2) Either:

(i) The certification of a person authorized by the Administration stating that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application; or

(ii) Any other proof of the identity of the vehicle that the Administration reasonably requires; and

(3) As to a foreign vehicle previously titled or registered in another state

or country:

(i) Any certificate of title issued by the other state or country; or

(ii) If the other state or country does not issue a certificate of title for vehicles of the type to which the application refers, a certified bill of sale and any registration documents issued by that state or country.

§13–105.

On receiving an application for a certificate of title, the Administration shall check the vehicle identification number shown in the application for the vehicle:

(1) Against the records of vehicles required to be kept by § 13-106 of this subtitle; and

(2) Against the records of stolen vehicles required to be kept by § 14-105 of this article.

§13–106.

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14–1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14–1502(f)(2)

of the Commercial Law Article; and

(3) A manufacturer's disclosure form provided to the Administration under § 14–1502(g) of the Commercial Law Article.

(d) (1) The Administration shall issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued.

(2) An owner of a motor scooter or moped for which a certificate of title is issued shall display the decal on the vehicle as prescribed by the Administration.

(3) A decal shall display a unique number sequence assigned by the Administration.

(4) The Administration:

(i) Shall establish a fee of $5 for a decal; and

(ii) May adopt regulations to implement this section.

§13–106.1.

If the vehicle identification number on a vehicle is destroyed or obliterated, the Administration may assign a distinguishing number to the vehicle and issue to its owner a stamped or special plate bearing the distinguishing number. The plate shall be affixed to the vehicle in the position that the Administration determines.

§13–107.

(a) Each certificate of title issued for a vehicle by the Administration shall contain:

(1) The date issued;

(2) The name and Maryland address of the owner of the vehicle;

(3) The names and addresses of all secured parties, in the order of their priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) The title number assigned to the vehicle;

(5) A description of the vehicle including, to the extent that the information exists, its make, model, year, vehicle identification number, and type of body;

(6) In the case of a vehicle returned to the manufacturer or factory branch under Title 14, Subtitle 15 of the Commercial Law Article and subsequently retitled in the State, a permanent notation that informs all subsequent transferees that:

(i) Prior to its sale to the transferee, the vehicle was returned to the manufacturer or factory branch under the Automotive Warranty Enforcement Act; and

(ii) A history of the vehicle is on file with the Administration;

(7) The classification or weight for which the vehicle is registered; and

(8) Any other information that the Administration determines.

(b) The certificate of title:

(1) Shall contain forms for:

(i) Assignment and warranty of title by the owner; and

(ii) Assignment and warranty of title by a dealer; and

(2) May contain forms for:

(i) An application for a certificate of title by a transferee;

(ii) The naming of secured parties; and

(iii) The assignment or release of security interests.

(c) A certificate of title issued by the Administration is prima facie evidence of the facts appearing on it.

(d) A certificate of title for a vehicle is not subject to garnishment, attachment, or execution, but this subsection does not prevent a lawful levy on the vehicle.

§13–108.

(a) Except as otherwise provided in this subtitle, when the Administration issues a certificate of title of a vehicle, it shall deliver the certificate of title by mailing it to the owner of the vehicle.

(b) Notwithstanding subsection (a) of this section, where a vehicle has been repossessed by a lessor, lender, or credit grantor, the lessor, lender, or credit grantor or a title service agent on behalf of the lessor, lender, or credit grantor may request delivery by hand at a facility of the Administration of the certificate of title of the repossessed vehicle or a duplicate of the certificate of title.

§13–108.1.

(a) Notwithstanding any other provision of this title, the Administration may develop and implement an electronic system for the issuance of certificates of title and the recording and releasing of security interests.

(b) The electronic system may provide for:

(1) Recording titling and registration data without the issuance of a certificate of title; and

(2) Recording and releasing liens without the issuance of a security interest filing.

(c) The electronic system may provide for the electronic transmission of vehicle data to and from service providers, as defined in § 13–610 of this title.

(d) The Administration shall adopt regulations to govern the electronic transmission of titling and registration information authorized under this section.

§13–109.

(a) (1) If the Administration is not satisfied as to the ownership of the vehicle or that every security interest in it has been disclosed, the Administration may register the vehicle, but shall either:

(i) Withhold delivery of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Administration as to the applicant's ownership of the vehicle and that every security interest in it has been disclosed; or

(ii) As a condition to issuing and delivering a certificate of title, require the applicant to execute and file with the Administration a bond in the form that the Administration approves, either accompanied by a deposit of cash with the Administration or executed also by a person authorized to conduct a surety business in this State.

(2) If a bond is required by the Administration under this subsection, the bond shall be in an amount equal to one and one-half times the value of the vehicle, as determined by the Administration, and conditioned to indemnify any former owner or person with a security interest in the vehicle and any subsequent buyer or person acquiring any security interest in the vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or by reason of any defect in or undisclosed security interest in the right, title, and interest of the applicant in and to the vehicle. Each of these interested persons has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of any surety to all persons may not exceed the amount of the bond. Unless the Administration has been notified that an action to recover on the bond is pending, the bond and any deposit accompanying it shall be returned either at the end of 3 years or, if the vehicle is no longer registered in this State, on the earlier request of the owner and the surrender to the Administration of the certificate of title of the vehicle.

(b) If a person has obtained a used vehicle outside of this State and, except for

the fact that a certificate of inspection has not been obtained for the vehicle as required by Title 23 of this article, is entitled to register the vehicle and receive a certificate of title for it in this State, the person may apply for a certificate of title and for temporary registration of the vehicle as provided in § 23-107(b) of this article.

(c) If a certificate of title has been issued by another state for a vehicle engaged in interstate operation or if a vehicle engaged in interstate operation is registered in another state, the Administration, if it determines that it is necessary or desirable to do so, may register the vehicle in this State, without delivering a certificate of title, on submission to the Administration of the documents and supporting statements that the Administration reasonably requires and on payment of the required fees.

(d) The Administration may register a trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less without requiring a certificate of title or an application for a certificate of title.

§13–110.

The Administration shall refuse to issue a certificate of title of a vehicle if:

(1) The application contains any false or fraudulent statement;

(2) The applicant has failed to furnish information or documents required by statute or regulations adopted by the Administration;

(3) Any required fee has not been paid;

(4) The applicant is not entitled to a certificate of title under the Maryland Vehicle Law; or

(5) The Administration has reasonable grounds to believe:

(i) That the applicant is not the owner of the vehicle;

(ii) That the issuance of a certificate of title to the applicant would be a fraud against another person; or

(iii) That the vehicle does not comply with Title 2, Subtitle 11 of the Environment Article or any regulation adopted under that subtitle.

§13–111.

(a) If a certificate of title is lost, the owner or the legal representative of the owner named in the certificate, as shown by the records of the Administration, promptly shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.

(b) If a certificate of title is stolen, the owner or the legal representative of the

owner named in the certificate, as shown by the records of the Administration, promptly shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.

(c) If a certificate of title is damaged to the extent that the certificate of title is illegible, the owner or the legal representative of the owner named in the certificate, as shown by the records of the Administration, promptly shall apply for, and after furnishing information satisfactory to the Administration and payment of the required fee, obtain a duplicate certificate of title.

(d) The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."

(e) If a person recovers an original certificate of title for which a duplicate has been issued, the person promptly shall surrender the original certificate to the Administration.

§13–112.

(a) Except as provided in § 13-113 of this subtitle, if an owner transfers his interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee, with a statement of each security interest, lien, or other encumbrance on the vehicle, in the space provided for that purpose on the certificate.

(b) Except as provided in § 13-113 of this subtitle, if an owner transfers his interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, deliver the certificate of title to the transferee.

(c) (1) Except as provided in § 13-113 of this subtitle, promptly after delivery to the transferee of the vehicle, the transferee shall:

(i) Complete an application for a new certificate of title, either in the space provided for that purpose on the certificate or as the Administration otherwise requires; and

(ii) Mail or deliver the certificate and application to the Administration.

(2) If the Administration does not receive the certificate and application within 30 days after delivery of the vehicle to the transferee, the Administration, in its discretion, may assess the applicant with an additional service fee established by the Administration for making the transfer of title.

(d) (1) A person may not knowingly sell, transfer, or otherwise dispose of any vehicle that has been used as a taxicab unless the person attaches to the certificate of title a signed statement to the effect that the vehicle has been used as a taxicab.

(2) On receipt of a certificate of title to which is attached the information required by this subsection, the Administration shall place on the new certificate of title it issues a notation appropriate to convey this information to the new owner of the vehicle.

(e) No person other than a dealer may buy in this State and no person may sell in this State any used vehicle of a type for which a certificate of title is required under this subtitle unless:

(1) A certificate of title of the vehicle has been issued by the Administration or by another state or country; or

(2) A certificate of registration of the vehicle has been issued by a state or country that does not issue certificates of title of such vehicles.

§13–113.

(a) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the dealer shall, within 20 days of the date of the transfer to the dealer of the vehicle, obtain the certificate of title of the vehicle, which shall contain an assignment and warranty of title executed by the former owner.

(b) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the dealer shall retain the certificate of title in his possession until the further sale or transfer of ownership of the vehicle.

(c) During business hours, the licensed dealer shall allow any representative of the Administration and any police officer full access to all certificates of title of vehicles held by him for sale.

(d) (1) Except as provided in paragraph (2) of this subsection, if a licensed dealer holds a vehicle for sale and transfers the vehicle to another licensed dealer who holds the vehicle for sale, the transferring dealer, without applying for a new certificate of title, shall:

(i) Execute an assignment of title to the transferee dealer in the manner and on the form that the Administration requires; and

(ii) Include in the assignment a statement certifying each security interest, lien, or other encumbrance on the vehicle.

(2) If the certificate of title held by the transferring dealer does not contain an open dealer reassignment section, the transferring dealer shall apply to the Administration for the issuance of a certificate of title.

(e) (1) If a licensed dealer holds a vehicle for sale and transfers the vehicle to someone other than another licensed dealer who holds the vehicle for sale, the dealer shall:

(i) Execute an assignment and warranty of title to the transferee in the manner and on the form that the Administration requires; and

(ii) Comply with the provisions specified in this subsection.

(2) If the vehicle is a Class A (passenger) vehicle, Class D (motorcycle) vehicle, Class G (trailer) travel trailer or camping trailer, or Class M (multipurpose) vehicle and is to be registered and titled in this State, the transferring dealer shall:

(i) Obtain from the transferee a completed application and collect all taxes and fees required for titling the vehicle; and

(ii) Within 30 days of the date of delivery of the vehicle, send or electronically transmit them, together with every other document or data required by §§ 13–104, 13–104.1, and 13–108.1 of this subtitle, to the Administration.

(3) If the vehicle is to be registered and titled in this State, but is not a Class A (passenger) vehicle, Class D (motorcycle) vehicle, Class G (trailer) travel trailer or camping trailer, or Class M (multipurpose) vehicle, the transferring dealer shall, within 30 days of the delivery of the vehicle, either:

(i) Deliver the certificate of title to the transferee; or

(ii) Send or electronically transmit the transferee's completed application and all taxes and fees required for titling the vehicle, together with every other document or data required by §§ 13–104, 13–104.1, and 13–108.1 of this subtitle, to the Administration.

(4) If the vehicle is not to be titled in this State and is to be registered in another state, the transferring dealer shall deliver the certificate of title to the transferee within 30 days of delivery of the vehicle.

(f) (1) Notwithstanding any other provisions to the contrary, an automotive dismantler or recycler licensed under Title 15 of this article may transfer a vehicle that he owns, regardless of the type of ownership document issued for the vehicle, to another licensed automotive dismantler or recycler or to a licensed dealer, without applying for a new certificate of title, as provided in this subsection.

(2) The automotive dismantler or recycler shall:

(i) Execute an assignment of title to the transferee automotive dismantler or recycler or dealer in the manner and on the form that the Administration requires; and

(ii) Include in the assignment a statement certifying each security interest, lien, or other encumbrances on the vehicle.

(g) If an automotive dismantler or recycler licensed under Title 15 of this article

owns a vehicle declared as salvage and if a salvage certificate has been issued for the vehicle under §§ 13–506 and 13–507 of this title, the automotive dismantler or recycler may transfer the vehicle to any person, without applying for a new certificate of title, by executing an assignment of ownership on the salvage certificate or on the form that the Administration otherwise requires.

§13–113.1.

(a) At the time that any manufacturer or distributor transfers a new vehicle to a dealer, the manufacturer or distributor shall give the dealer a manufacturer's certificate of origin for the vehicle.

(b) At the time that any dealer transfers a new vehicle to another dealer, the transferring dealer shall assign the manufacturer's certificate of origin for the vehicle to the transferee.

(c) Unless each of the dealers has a franchise in this State for the particular make of a vehicle, a dealer may not transfer a new vehicle to another dealer.

(d) Unless each of the dealers has a franchise in this State for the particular make of a vehicle, a dealer may not accept a transfer of a new vehicle from another dealer.

§13–113.2.

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

(2) "Completed vehicle" means a two-stage vehicle that does not require any additional manufacturing operation to perform its intended function, except for the addition of readily attachable components or minor finishing operations.

(3) "First-stage manufacturer" means:

(i) Any person who manufactures an incomplete vehicle;

(ii) Any person who distributes an incomplete vehicle of that manufacturer; and

(iii) Any dealer who has a franchise for the particular make of the incomplete vehicle of that manufacturer.

(4) "Incomplete vehicle" means an assemblage that:

(i) Consists of at least a frame and chassis structure, power train, steering system, and braking system, to the extent that those systems are to be a part of the completed vehicle; and

(ii) Requires additional manufacturing operations, other than the

addition of readily attachable components or minor finishing operations, to become a completed vehicle.

(5) "Minor finishing operations" includes painting, upholstering, or other cosmetic modifications.

(6) "Readily attachable components" includes any mirror, extra light, or tire and rim assembly.

(7) "Second-stage manufacturer" means:

(i) A person who performs manufacturing operations on an incomplete vehicle so that it becomes a completed vehicle; and

(ii) Any person who distributes a completed vehicle of that manufacturer.

(8) "Two-stage vehicle" means a motor vehicle that requires manufacturing operations performed by two separate manufacturers to produce a completed vehicle capable of performing its intended function.

(b) Transfers of two-stage vehicles by manufacturers shall be made as provided in subsections (c) and (d) of this section.

(c) At the time that any first-stage manufacturer transfers to a second-stage manufacturer a new incomplete vehicle that is to be sold or registered in this State, the first-stage manufacturer shall give the second-stage manufacturer a manufacturer's certificate of origin for the incomplete vehicle, assigned to the second-stage manufacturer by the first-stage manufacturer.

(d) At the time that any second-stage manufacturer transfers to a dealer a new completed vehicle that is to be sold or registered in this State, the second-stage manufacturer shall give the dealer the manufacturer's certificates of origin issued by both the second-stage manufacturer and the first-stage manufacturer and assigned to the dealer by the second-stage manufacturer.

(e) Transfers of new completed vehicles by dealers shall be made as provided in subsections (f), (g), and (h) of this section.

(f) Each dealer who holds a new completed vehicle for sale shall have a franchise in this State for the particular make of at least one stage of that vehicle.

(g) If the dealer's franchise is for the make of only the first stage of the completed vehicle, the dealer may transfer the vehicle, without obtaining a certificate of title, by executing an assignment and warranty of title accompanied by the certificates of origin issued by the first-stage manufacturer and the second-stage manufacturer.

(h) If the dealer's franchise is for the make of only the second stage of the

completed vehicle, the dealer may transfer the vehicle, without obtaining a certificate of title, by executing an assignment and warranty of title accompanied by the certificates of origin issued by the first-stage manufacturer and the second-stage manufacturer, if the certificate of origin issued by the first-stage manufacturer is assigned to the second-stage manufacturer.

(i) A dealer shall include in a contract for sale of a completed vehicle a notice in writing of:

(1) The make and year of the first stage; and

(2) The make, model, and year of the second stage.

§13–114.

(a) Except as otherwise provided in this section, if the interest of an owner in a vehicle for which a certificate of title has been issued passes to another person other than by voluntary transfer, the transferee shall present to the Administration the last certificate of title for the vehicle, if available.

(b) Except as otherwise provided in this section, if the interest of an owner in a vehicle for which a certificate of title has been issued passes to another person other than by voluntary transfer, the transferee shall apply for a new certificate of title.

(c) (1) The application for a new certificate of title under subsection (b) of this section shall be accompanied by such instruments or documents of authority or certified copies of them as are sufficient in law or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(2) A written assignment of title or interest is not required if the prior owner's title or interest has passed to the transferee as a result of a judicial decree, order, or proceeding.

(d) (1) If the interest of an owner in a vehicle for which a certificate of title has been issued passes to a legatee or distributee as a result of testamentary disposition or intestate devolution:

(i) An application for a new certificate of title need not be made until the expiration of the last annual registration in the name of the deceased owner; and

(ii) The certificate of title need not be submitted to the Administration until the application for a new certificate of title is made.

(2) If title is assigned properly by the personal representative of the deceased owner, a certificate of letters testamentary or of administration issued by a court of competent jurisdiction in this State is sufficient authority for the Administration to transfer the title of the vehicle of a deceased owner.

(e) (1) The Administration may transfer on its records the ownership of a vehicle that has been repossessed by a secured party, if the secured party submits to the Administration a certification that states:

(i) That the secured party has a security interest in the vehicle;

(ii) That, on the basis of the security agreement or other lawful basis, the secured party has a right to the possession of and title to the vehicle;

(iii) That the secured party has possession of the vehicle; and

(iv) Any other information that the Administration requires.

(2) On submission of the certification to it, the Administration may issue a new certificate of title if it is satisfied that the secured party is entitled to one.

(f) In the case of a vehicle for which a certificate of title has been issued to married individuals as joint owners, if the interest in the vehicle of one of the joint owners who has died passes by operation of law to the surviving spouse:

(1) An application for a new certificate of title need not be made until the expiration of the last registration in the name of the joint owners; and

(2) The certificate of title need not be submitted to the Administration until the application for a new certificate of title is made.

§13–116.

(a) On receipt of a properly assigned certificate of title, an application for a new certificate of title, the required fee, and any other documents and information required by law, the Administration shall issue a new certificate of title in the name of the transferee as owner and mail it to him.

(b) The Administration shall:

(1) File each surrendered certificate of title; and

(2) Maintain the file to permit the tracing of title of any vehicle designated in it.

§13–117.

(a) If the vehicle information is changed from that set forth in its certificate of title, the owner of the vehicle immediately shall notify the Administration of the change on the form that the Administration requires.

(b) If the vehicle information is changed from that set forth in the certificate of title for the vehicle, the owner of the vehicle immediately shall apply for a corrected certificate of title on the form that the Administration requires and pay any required

fee.

(c) On receipt of the application, the Administration may issue a corrected certificate of title.

(d) The Administration may adopt regulations necessary to govern the issuance of corrected certificates of title.

§13–118.

(a) If the name of any individual who has applied for or obtained a certificate of title is later changed by marriage or by court order, or if the name of any other person who has applied for or obtained a certificate of title is later changed as provided by law, the person shall, within 30 days of the change, notify the Administration of the former name and the new name on the form that the Administration requires.

(b) If the name of any individual who has applied for or obtained a certificate of title is later changed by marriage or court order, or if the name of any other person who has applied for or obtained a certificate of title is later changed as provided by law, the person shall, within 30 days of the change, apply for a corrected certificate of title on the form that the Administration requires.

(c) On receipt of the application, the Administration shall issue a corrected certificate of title for a fee established by the Administration.

§13–119.

An exclusion or modification from implied warranties of a motor vehicle under § 2-316.1(4) of the Commercial Law Article shall be on a form provided by the Administration.

§13–201.

(a) In this subtitle, "perfected", as used in reference to a security interest, means that it is valid against third parties generally, subject only to specific statutory exceptions.

(b) This subtitle does not apply to or affect:

(1) Any lien given by statute or rule of law to a supplier of services or materials for a vehicle;

(2) Any lien given by statute to the United States, this State, or any political subdivision of this State;

(3) Any security interest in a vehicle during any period in which the vehicle is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling vehicles;

(4) Any lien arising out of an attachment of a vehicle;

(5) Any security interest claimed on proceeds, as that term is defined in Title 9 of the Commercial Law Article (Maryland Uniform Commercial Code -- Secured Transactions), if the original security interest did not have to be noted on the certificate of title in order to be perfected; or

(6) Any vehicle for which a certificate of title is not required under this title.

§13–202.

(a) Unless excepted by § 13-201 of this subtitle, a security interest in a vehicle is not valid against any creditor of the owner or any subsequent transferee or secured party unless the security interest is perfected as provided in this subtitle.

(b) (1) A security interest is perfected by:

(i) Delivery to the Administration of every existing certificate of title of the vehicle and an application for certificate of title on the form and containing the information about the security interest that the Administration requires; and

(ii) Payment of a filing fee established by the Administration, which is in addition to any other fees that apply under the Maryland Vehicle Law.

(2) The security interest is perfected at the time of the delivery and payment.

(c) (1) If a vehicle already is subject to a security interest when brought into this State, the validity of that security interest in this State is determined by the law (including the conflict of law rules) of the jurisdiction where the vehicle was located when the security interest attached, subject to the provisions of this subsection.

(2) If, at the time the security interest attached, the parties to the transaction understood that the vehicle would be kept in this State, and if, within 30 days after the security interest attached, the vehicle was brought into this State for purposes other than transportation through this State, the validity of the security interest in this State is determined by the laws of this State.

(3) If, before the vehicle was brought into this State, the security interest already was perfected under the laws of the jurisdiction where the vehicle was located when the security interest attached, the following rules apply:

(i) If the name of the secured party is shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State; and

(ii) If the name of the secured party is not shown on an existing

certificate of title issued by that jurisdiction and if the law of that jurisdiction does not provide for certificates of title disclosing security interests, the security interest continues perfected in this State for 4 months and thereafter if, within the 4-month period, it is perfected in this State, but this security interest also may be perfected in this State after the expiration of the 4-month period, in which case perfection dates from the time of perfection in this State.

(4) If, before the vehicle was brought into this State, the security interest was not perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, it may be perfected in this State, in which case perfection dates from the time of perfection in this State.

(d) A secured party under this subtitle may obtain from the Administration a duplicate of the security interest filing as provided in § 13-953 of this title.

(e) Priority of a security interest in a vehicle perfected as provided under this section is governed by Title 9 of the Commercial Law Article, including § 9-317(e).

§13–203.

(a) If an owner creates a security interest in a vehicle, the provisions of this section apply.

(b) The owner immediately shall execute the application in the space provided for this purpose on the certificate of title or on the separate form that the Administration otherwise requires, naming the secured party on the certificate of title and showing the name and address of the secured party, the amount of the security interest, and the date of his security agreement.

(c) The owner immediately shall deliver the certificate of title and application to the Administration.

(d) (1) At the time of delivery of the documents required by this section to the Administration, the secured party shall pay to the Administration the same filing fee as is required for perfection of the security interest under § 13-202 of this subtitle.

(2) The security interest is perfected at the time of its creation, if the delivery and payment to the Administration are completed within 10 days of the date of its creation. Otherwise, the security interest is perfected at the time of the delivery and payment.

(e) On receipt of the certificate of title, the application, and the required filing fee, the Administration shall:

(1) Endorse the existing certificate of title or a new certificate issued by it with the name and address of each secured party; and

(2) Deliver the endorsed certificate of title to the owner named on it.

§13–204.

(a) A secured party may assign, absolutely or otherwise, any part of his security interest in a vehicle to a person other than its owner, without affecting the interest of the owner or the validity of the security interest. However, any person without notice of the assignment is protected in dealing with the secured party as the holder of the security interest, and the secured party remains liable for any obligations as secured party until the assignee is named as secured party on the certificate of title.

(b) (1) The assignee shall deliver to the Administration the certificate of title, if available, and an assignment by the secured party named in the certificate of title in the form that the Administration requires, accompanied by the same filing fee as is required for perfection of the security interest under § 13-202 of this subtitle.

(2) The assignee's security interest is perfected at the time of its creation, if the delivery and payment to the Administration are completed within 10 days of the date of its creation. Otherwise, the security interest is perfected at the time of the delivery and payment.

§13–205.

(a) When a security interest in a vehicle is satisfied, the secured party shall execute a release of the security interest on the form that the Administration requires.

(b) When a security interest in a vehicle is satisfied, the secured party shall immediately deliver copies of the release to:

(1) The owner;

(2) The Administration; and

(3) A dealer licensed under Title 15, Subtitle 3 of this article who, on behalf of the owner, pays off the security interest if the owner authorizes the secured party in writing to deliver a copy of the release to the dealer.

(c) After it receives a release and the certificate of title, the Administration shall release the secured party's right on the certificate of title or issue a new certificate of title.

(d) (1) If, after notice to all interested parties and a hearing, the Administration determines that an indebtedness does not constitute a security interest, it shall:

(i) Release the indebtedness on the certificate of title; or

(ii) Issue a new certificate of title and deliver the certificate to the owner.

(2) Any person aggrieved by the decision of the Administration may appeal in accordance with the provisions of the Administrative Procedure Act.

§13–206.

On written request of the vehicle owner, a secured party named in a certificate of title shall disclose any pertinent information as to the security agreement and the indebtedness secured, as provided in § 9-208 of the Commercial Law Article.

§13–207.

The method provided in this subtitle of perfecting and giving notice of security interests is exclusive.

§13–209.

(a) The Administration shall maintain an Assurance Fund and deposit in it the filing fees collected under this subtitle.

(b) When the Assurance Fund reaches $25,000, any money in excess of that amount shall be transferred to the Transportation Trust Fund.

§13–210.

(a) (1) If an omission or error in the filing, recording, or indexing of a security interest has been made by an employee of the Administration in the course of employment and, as a result of the omission or error, any interested person has sustained loss or damage, the person may file a claim with the Administration for payment of the loss or damage out of the Assurance Fund maintained under § 13-209 of this subtitle. The claim for payment shall include a request for a hearing on the matter and shall be made in the manner and on the form that the Administration requires.

(2) A claim for payment under this section may not be made unless it is filed with the Administration within 3 years from the date the cause of action arose.

(3) The amount of payment made for a claim under this section may not exceed $100,000.

(4) Payment for a single claim may not be made from both the Assurance Fund and from the State Insurance Trust Fund under § 12-104 of the State Government Article.

(b) After notice to all interested parties and a hearing on the claim, the Administration may:

(1) Order that any loss or damage sustained by the claimant be paid out of the Assurance Fund, subject to the limitations set forth in this section; or

(2) Order that the claim be dismissed and deny payment of the claim.

(c) (1) Any aggrieved party to a hearing under this section may appeal from the decision of the Administration as follows:

(i) To the circuit court for the county in which the party resides or has his principal place of business; or

(ii) If the party does not reside or have a principal place of business in this State, to the Circuit Court for Anne Arundel County.

(2) The circuit court to which an appeal is made under this section has jurisdiction to examine the facts of the case and to determine if the claimant is entitled under this section to recover for any loss or damage. The Administration shall pay the amount of any judgment recovered against the Assurance Fund up to the amount of the security interest to which the claim relates.

(d) The Assurance Fund is not liable under any circumstances for:

(1) Any loss or damage that exceeds the amount of the security interest to which the claim relates; or

(2) Any loss or damage that results from:

(i) The claimant's breach of any trust, whether expressed, implied, or constructive;

(ii) The improper use of the seal of any corporation to deal with the property or interest involved or to execute or take the benefit of the instrument recorded; or

(iii) The recording of an instrument executed by a person under legal disability, unless the fact of the disability is disclosed on the instrument.

(e) If, in an appeal against the Administration, judgment is given in favor of the Administration or the appeal is dismissed at the request of the claimant, the claimant shall pay the full costs of the appeal.

§13–211.

(a) In this section, "terminal rental adjustment clause" means a provision in a contract permitting or requiring the rental price of a motor vehicle or trailer to be adjusted either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

(b) Nothing in this section exempts a motor vehicle or trailer from the payment of any fees or taxes required at the time of titling a vehicle under the Maryland Vehicle Law.

(c) Notwithstanding any other provision of law, in the case of a motor vehicle or trailer that is not leased, or used, primarily for personal, family, or household purposes, a transaction does not create a sale or security interest merely because the contract on which the transaction is based contains a terminal rental adjustment clause.

§13–401.

(a) This section applies to any vehicle required to be registered under this title.

(b) (1) If a vehicle is not registered, a person may not drive the vehicle on a highway in this State.

(2) (i) If a person is convicted of a violation of this subsection that involved the use of an off–highway recreational vehicle on a highway, the court shall notify the Administration of the violation.

(ii) The Chief Judge of the District Court, in conjunction with the Administration, shall establish uniform procedures for reporting convictions described in this paragraph.

(c) If a vehicle is not registered, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

(d) If the required registration fee for a vehicle has not been paid, a person may not drive the vehicle on a highway in this State.

(e) If the required registration fee for a vehicle has not been paid, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

(f) If the registration of a vehicle is canceled, a person may not drive the vehicle on a highway in this State.

(g) If the registration of a vehicle is canceled, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

(h) If the registration of a vehicle is suspended, a person may not drive the vehicle on a highway in this State.

(i) If the registration of a vehicle is suspended, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

(j) If the registration of a vehicle is revoked, a person may not drive the vehicle on a highway in this State.

(k) If the registration of a vehicle is revoked, the owner of the vehicle may not knowingly allow the vehicle to be driven on a highway in this State.

§13–402.

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

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

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

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

(3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13–402.1 of this subtitle.

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

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

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

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

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

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

(3) A farm tractor or any farm equipment;

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

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

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

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction

of the resident's former domicile;

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

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

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

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

(12) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; or

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

(d) (1) If a motor vehicle, trailer, or semitrailer is registered in another state, displays current registration plates issued for it by that state, and is brought into this State by a nonresident for transporting seasonal farm workers to be employed on farms in this State or for work incidental to seasonal crop operations on farms in this State, the vehicle need not be registered in this State if:

(i) The vehicle is being used as an incidental part of harvesting operations within a distance of not more than 35 miles from the source of the crop; and

(ii) The owner of the vehicle has obtained an exemption permit for the vehicle, as provided in this subsection.

(2) When the Administration receives a certification by the Secretary of State Police that a vehicle is entitled to an exemption under this subsection, the Administration shall issue an exemption permit on the form the Secretary of State Police approves. The form shall be carried at all times by the driver of the vehicle for which it is issued or in a conspicuous place on the vehicle.

(3) The exemption permit is:

(i) Valid for a period of 90 days from the date of issue; and

(ii) Eligible for renewal under the procedure set forth in this subsection for an additional period of not more than 90 days in any 1 calendar year.

(4) The Secretary of State Police:

(i) May require a certificate of inspection of the equipment of the vehicle; and

(ii) Shall require a certificate of insurance by a company authorized to do business in this State, certifying that the vehicle is insured to the same extent as required of vehicles registered in this State.

(e) Except for members elected from this State, if a member of the United States Congress resides in this State during his term of office in the Congress, he need not register his vehicles in this State during that time.

(f) A trailer or semitrailer operated in intrastate service need not be registered in this State if:

(1) It is registered in another state;

(2) The truck tractor or other vehicle that is towing it is registered in this State; and

(3) The registered owner of the truck tractor or other towing vehicle has at least one trailer or semitrailer registered in this State for each truck tractor also registered in this State.

(g) (1) A trailer or semitrailer rented or leased in intrastate service need not be registered in this State if, subject to paragraph (2) of this subsection:

(i) The trailer or semitrailer has a chassis weight of 1,000 pounds or less;

(ii) The trailer or semitrailer is registered in another state; and

(iii) The owner of the trailer or semitrailer annually has registered in this State a number of these trailers and semitrailers that is at least equal to the average number of these trailers and semitrailers that the owner annually will have available in this State for rent or lease in intrastate service.

(2) If a person claims exemption for a trailer or semitrailer under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such trailers and semitrailers that the person has available in all states for rent or lease:

(i) The total number annually registered in all states;

(ii) The total number annually registered in this State; and

(iii) The average total number annually available for rent or lease in

this State.

(h) (1) A motor vehicle rented in intrastate service need not be registered in this State if, subject to paragraph (3) of this subsection:

(i) The motor vehicle is registered in another state; and

(ii) The owner of the motor vehicle annually has registered in this State a percentage of the total number of these motor vehicles in a rental fleet as determined under paragraph (2) of this subsection.

(2) The percentage of the total number of motor vehicles in a rental fleet that must be registered in this State is determined by dividing the gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in this State by the total gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions in which the rental fleet is operated. The resulting percentage shall be applied to the total number of motor vehicles in the rental fleet and that figure, to the nearest whole number, shall be the number of rental motor vehicles that shall be fully registered and titled in this State.

(3) If a person claims exemption for a motor vehicle under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such motor vehicles that the person has available in all states for rent:

(i) The gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in Maryland; and

(ii) The total gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions.

(4) A person who rents to another person a motor vehicle or attempts to rent to another person a motor vehicle in this State in violation of any of the provisions of this section is guilty of a misdemeanor.

(i) A person who drives or attempts to drive a vehicle on any highway in this State in violation of any of the provisions of this section is guilty of a misdemeanor.

§13–402.1.

(a) A nonresident may drive or permit the driving of a foreign vehicle in this State, without registering the vehicle in this State, if:

(1) At all times while driven in this State, the vehicle:

(i) Is registered in and displays current registration plates issued for it in the owner's place of residence; and

(ii) Carries as provided in § 13–409(a) of this subtitle, a current registration card issued for it in the owner's place of residence; and

(2) Except as otherwise provided in this section or under an agreement in compliance with Title 12, Subtitle 4 of this article, the vehicle is not:

(i) Used for transporting persons for hire, compensation, or profit;

(ii) Regularly operated in carrying on business in this State;

(iii) Designed, used, or maintained primarily for the transportation of property; or

(iv) In the custody of any resident for more than 30 days during any registration year.

(b) With the approval of the Governor, the Administration may permit a foreign vehicle to be driven in this State by:

(1) Issuing complimentary guest cards, permits, or licenses to persons visiting this State from any foreign country; or

(2) Recognizing and permitting the use of guest cards, permits, or licenses granted by other states.

(c) If a nonresident is a member of the armed forces of the United States or of the United States Public Health Service and is serving on active duty in this State or an adjoining state or the District of Columbia, the nonresident need not register his personal passenger vehicles in this State if the vehicles are registered in the state of his residence.

(d) If a nonresident is a student enrolled in an accredited school, college, or university of this State or of a bordering state or is serving a medical internship in this State, the nonresident need not register his vehicles in this State if:

(1) The state of which the nonresident is a resident extends the same privileges to the residents of this State; and

(2) The nonresident meets the required security provisions of the Maryland Vehicle Law as to any vehicle to which this exemption applies.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, if a nonresident temporarily maintains or occupies a dwelling in this State for a period in excess of 30 days but not in excess of 1 year, the nonresident shall obtain a nonresident's permit from the Administration, in lieu of registration, within 10 days immediately

following the 30–day period.

(2) A nonresident exempt from registration under subsection (d) of this section shall obtain a nonresident's permit from the Administration, in lieu of registration, within 30 days of maintaining or occupying a dwelling in this State.

(3) A nonresident exempt from registration under subsection (c) of this section may obtain a nonresident's permit from the Administration, in lieu of registration, if the permit application is made within 10 days immediately following the 30–day period.

(4) (i) On application, a nonresident's permit may be issued by the Administration, or an agent designated by the Administration, in a form determined by the Administration.

(ii) For each nonresident permit it issues, an agent designated by the Administration may collect a fee not to exceed $4 in addition to the nonresident permit fee to offset expenses incurred in the issuance of nonresident permits.

(5) The application shall be accompanied by:

(i) A fee established by the Administration;

(ii) Evidence to reasonably establish that the applicant has a domicile outside of this State and is not a resident as defined in § 11–149 of this article; and

(iii) Evidence that the nonresident meets the required security provisions of the Maryland Vehicle Law.

(6) The nonresident permit shall be displayed on the windshield of the nonresident's exempt vehicle in the place and manner prescribed by the Administration.

(7) (i) A nonresident permit issued under paragraph (1) or (2) of this subsection shall be issued for a period not to exceed 1 year.

(ii) A nonresident permit issued under paragraph (3) of this subsection shall be valid until the expiration date of the registration plates of the vehicle to which it is issued.

(iii) 1. A nonresident permit issued under paragraph (2) of this subsection may be renewed annually in accordance with the nonresident's eligibility for the exemption provided in subsection (d) of this section.

2. A renewal fee established by the Administration shall be paid at the time of renewal.

(8) (i) Of the funds collected under paragraphs (5)(i) and (7)(iii)2 of this subsection, the Administration shall retain an amount equal to its administrative costs under this section.

(ii) Any excess funds shall be credited to the Gasoline and Motor Vehicle Revenue Account for distribution as highway user revenues in accordance with §§ 8–403 and 8–404 of this article.

(f) A person who drives or attempts to drive a vehicle on any highway in this State in violation of any of the provisions of this section is guilty of a misdemeanor.

§13–403.

(a) (1) Except as provided in paragraph (2) of this subsection, the owner of a vehicle subject to registration under this subtitle shall apply to the Administration for the registration of the vehicle in a manner that the Administration requires.

(2) The application for registration of a low speed vehicle shall be made by electronic transmission under § 13-610 of this title.

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

(c) If a licensed dealer holds a low speed vehicle for sale and transfers the vehicle to a person other than another licensed dealer, the dealer shall:

(1) Obtain from the transferee a completed application;

(2) Collect all fees required to register the low speed vehicle under this subtitle; and

(3) Within 30 days of the date of delivery of the low speed vehicle, electronically transmit the application and fees in accordance with § 13-610 of this title.

§13–404.

(a) This section applies to a State agency or political subdivision authorized to regulate parking under Title 26, Subtitle 3 of this article.

(b) (1) A State agency or political subdivision in this State may act as the agent of the Administration in the registration of vehicles and in the issuance of registration plates and registration cards.

(2) At the end of each week, the State agency or political subdivision shall remit to the Administration:

(i) Except as otherwise provided in this subsection, all fees collected

for the registration of vehicles under this section; and

(ii) A complete record of the registrations made during each day.

(3) In addition to the registration fees required by this title, the applicant for registration of a vehicle shall pay a fee of $1 for each registration issued by a State agency or political subdivision acting as an agent of the Administration under subsection (b)(1) of this section. The Administration shall retain a portion of this fee in order to offset its costs. The State agency or political subdivision may collect, for each registration issued, an additional fee not to exceed $1 to offset expenses incurred in the issuance of registrations. The amount of the additional fee shall be determined by the State agency or political subdivision.

(4) The Administration shall adopt rules and regulations to govern the issuance of registration plates and validation tabs by a State agency or political subdivision.

§13–405.

(a) If an application for registration and certificate of title of a vehicle is accompanied by the required fees, the Administration may issue a temporary registration to permit the vehicle to be driven pending action on the application by the Administration.

(b) Temporary registration may be issued for a period determined by the Administrator.

(c) The fee for each temporary registration issued shall be established by the Administration.

(d) Temporary registration issued under this section may only be issued in the case of sales between persons who are not licensed dealers, and in the case of those transfers set forth in § 23-106(b)(4) of this article.

§13–406.

The Administration shall refuse to register or transfer the registration of any vehicle if:

(1) The application contains any false or fraudulent statement;

(2) The applicant has failed to furnish information or documents required or requested by the Administration;

(3) Any required fee has not been paid;

(4) The applicant is not entitled to registration of the vehicle under the Maryland Vehicle Law;

(5) The vehicle is mechanically unfit or unsafe to be operated on the highways;

(6) The registration of the vehicle is suspended or revoked;

(7) A warrant for a motor vehicle violation under the Maryland Vehicle Law has been issued against the applicant and has not been served on the applicant;

(8) Subject to § 13–406.1 of this subtitle, the applicant is named in an outstanding arrest warrant;

(9) The Administration has reasonable grounds to believe:

(i) That the vehicle is stolen;

(ii) That the grant or transfer of registration would be a fraud against another person; or

(iii) That the vehicle does not comply with Title 2, Subtitle 11 of the Environment Article or any regulations adopted under that subtitle; or

(10) The gross vehicle weight is 55,000 pounds or over and the applicant has failed to furnish proof of payment of the Federal Heavy Vehicle Use Tax.

§13–406.1.

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

(2) "Law enforcement agency" means:

(i) A state, county, or municipal police department or agency;

(ii) A sheriff's office; or

(iii) A federal law enforcement agency.

(3) "Outstanding warrant" means an arrest warrant that:

(i) A law enforcement agency has attempted, but failed, to serve on the individual named in the warrant due to the inability to locate the individual; and

(ii) Is at least 31 days old.

(4) "Primary law enforcement officer" means:

(i) In a municipal corporation, the chief of police, if any, or the chief's designee;

(ii) In a county that has a county police department, the chief of police

or the chief's designee;

(iii) In a county without a police department, the sheriff or the sheriff's designee;

(iv) In Baltimore City, the Police Commissioner or the Police Commissioner's designee;

(v) The Secretary of State Police; or

(vi) The principal law enforcement officers of a federal law enforcement agency or the officer's designee.

(b) Subject to subsection (h) of this section, on notification by a law enforcement agency that an applicant for vehicle registration is named in an outstanding warrant, the Administration shall refuse to register or transfer the registration of any vehicle owned by the applicant.

(c) (1) Before refusing to register or transfer the registration of a vehicle under subsection (b) of this section, the Administration shall notify the applicant of the proposed action and inform the applicant of the applicant's right to contest the accuracy of the information on which the refusal is based.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose registration or transfer of registration has been refused.

(d) An individual named in an outstanding warrant may appeal a decision of the Administration under this section to refuse to register or transfer the registration of the individual's vehicle.

(e) An applicant shall be referred to the law enforcement agency that notified the Administration of the outstanding warrant to resolve any question of whether the outstanding warrant has been satisfied.

(f) (1) The Administration shall continue the refusal to register or transfer the registration of a vehicle owned by an individual named in an outstanding warrant until:

(i) The Administration is ordered by a court to register or transfer the registration of the vehicle; or

(ii) A law enforcement agency notifies the Administration that:

1. The individual named in the outstanding warrant has been arrested; or

2. The outstanding warrant has been otherwise satisfied.

(2) On receipt of an order or notice under paragraph (1) of this subsection, the Administration shall allow the applicant to register the vehicle or transfer the registration unless the registration or transfer has been restricted under any other provision of the Maryland Vehicle Law.

(g) (1) The Administration, in consultation with the primary law enforcement officers of the State, shall adopt regulations to implement this section.

(2) The regulations shall include:

(i) Criteria that a law enforcement agency must meet prior to notifying the Administration that an individual is named in an outstanding warrant;

(ii) A procedure for informing an individual named in an outstanding warrant:

1. That the registration or transfer of the registration of the individual's vehicle has been refused; and

2. Of the manner in which the individual may contest or resolve the refusal;

(iii) A procedure that must be followed by a law enforcement agency to notify the Administration of changes in the status of an outstanding warrant; and

(iv) A procedure for the Administration to carry out the refusal of registration as authorized under this section.

(h) If a law enforcement agency meets the criteria established under subsection (g) of this section, the Administration shall enter into an agreement with the appropriate primary law enforcement officer that provides for the notification to the Administration of persons named in outstanding warrants.

(i) (1) In addition to any other fee or penalty provided by law, the owner of a vehicle refused registration under this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee under paragraph (1) of this subsection shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(j) The procedures specified in this section are in addition to any other penalty provided by law for the failure to meet the demands specified in a warrant.

(k) This section may not be construed to require the Administration to arrest a person named in an outstanding warrant.

§13–406.2.

(a) The Administration may not renew or transfer the registration of any vehicle if the applicant has not paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or provided for payment in a manner satisfactory to the unit responsible for collection.

(b) The Administration shall cooperate with the Comptroller and the Department of Labor, Licensing, and Regulation to develop procedures and adopt regulations in accordance with this section.

(c) Regulations adopted under this section shall require:

(1) The Comptroller to notify the Administration that an individual has not paid all undisputed taxes; and

(2) The Department of Labor, Licensing, and Regulation to notify the Administration that an individual has not paid all undisputed unemployment insurance contributions.

§13–407.

The Administration shall:

(1) File each application for registration that it receives;

(2) Register the described vehicle if it finds that the applicant is entitled to the registration; and

(3) Keep a record of the registration in a manner that permits identification of the vehicle and its owner.

§13–408.

When it registers a vehicle, the Administration shall issue and deliver to the owner a registration card that contains:

(1) The date issued;

(2) The name and Maryland address of the owner;

(3) The registration number assigned by the Administration to the vehicle; and

(4) Such description of the vehicle as the Administrator determines.

§13–409.

(a) An individual who is driving or in control of a vehicle shall carry a registration card in the vehicle to which the registration card refers.

(b) On demand of a police officer who identifies himself as a police officer, an individual who is driving or in control of a vehicle shall display a registration card that refers to the vehicle.

(c) An individual may satisfy subsection (a) or (b) of this section by carrying in the vehicle and making available a valid rental agreement in place of a registration card in the case of a rental vehicle that is:

(1) Rented under the provisions of Title 18 of this article; or

(2) Rented or leased for a period not exceeding 180 days and registered in another state.

(d) This section does not apply if the card is being used to apply for the transfer of registration of the vehicle.

§13–410.

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

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

(ii) Two registration plates for every other vehicle.

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

(b) (1) Each registration plate shall display:

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

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

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

(c) (1) This subsection applies only to the following vehicles:

(i) A Class A (passenger) vehicle;

(ii) A Class E (truck) vehicle registered or capable of registration under § 13-917 of this title; and

(iii) A Class M (multipurpose) vehicle.

(2) At the option of the registered owner of a vehicle for which registration plates are issued under this title, in addition to the information otherwise required to be shown on the registration plates, the registration plates may display a sticker indicating the name of the county, including Baltimore City, in which the owner of the vehicle resides.

(3) The Administration shall:

(i) Approve a sticker design option that complies with paragraph (2) of this subsection; and

(ii) Offer to each vehicle owner applying for new or replacement registration plates under this title the option to select a sticker that displays the owner's county of residence.

(4) In addition to the annual registration fee otherwise required under this title, the Administration may charge a fee, not to exceed its costs, for issuing or replacing the county sticker offered under this subsection.

(5) A vehicle owner may not display stickers that show a county name other than the owner's county of residence.

(6) A county sticker issued under this subsection may not be placed on a special registration plate or a commemorative registration plate issued under Subtitle 6 of this title.

(d) Registration plates may be reflectorized and shall be manufactured of a material warranted to have a durability of at least 5 years. However, prior to registration plates being reflectorized, the Administration shall obtain approval of the General Assembly through a budget item.

(e) (1) During subsequent registration years, the Administrator may order the continued use of registration plates that are valid during any current registration year, and, after so doing, the Administrator shall issue, at the time a vehicle's registration is renewed, a validation tab to evidence payment of the vehicle's annual registration fee.

(2) The tab shall be displayed on the plates of the vehicle in the manner that the Administrator requires.

(3) The Administrator from time to time shall evaluate the condition of registration plates issued under this title and may provide for the manufacture and issuance of new registration plates. These new registration plates shall be issued and subsequently validated in the manner required by this subtitle.

(f) Notwithstanding the provisions of subsection (d) of this section, the

Administration may issue reflectorized registration plates under §§ 13–618 and 13–619 of this title.

(g) The dimensions of a registration plate issued for a Class D (motorcycle) vehicle shall be 7 inches wide by 4 inches high.

§13–411.

(a) On a vehicle for which two registration plates are required, one plate shall be attached on the front and the other on the rear of the vehicle.

(b) On a vehicle for which one registration plate is required, the plate shall be attached on the:

(1) Front of the vehicle for a Class F (tractor) vehicle; and

(2) Rear of the vehicle for every other vehicle.

(c) At all times, each registration plate shall be:

(1) Maintained free from foreign materials, including registration plate covers as defined in § 13-411.1 of this subtitle, and in a condition to be clearly legible; and

(2) Securely fastened to the vehicle for which it is issued:

(i) In a horizontal position;

(ii) In a manner that prevents the plate from swinging; and

(iii) In a place and position to be clearly visible.

(d) Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless there is attached to the vehicle and displayed on it, as required in this title:

(1) A registration plate or plates issued for the vehicle by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

(e) Except as otherwise expressly permitted by the Maryland Vehicle Law, as to any vehicle required to be registered under this title, the owner of the vehicle may not permit the vehicle to be driven on any highway in this State, unless there is attached to and displayed on the vehicle, as required in this title:

(1) A registration plate or plates issued by the Administration for the current registration period; and

(2) Any validation tab issued for the vehicle under this subtitle.

(f) Except as otherwise expressly permitted by the Maryland Vehicle Law, a vehicle used or driven in this State may not display on either its front or rear any expired registration plate issued by any state.

(g) Except as otherwise expressly permitted by the Maryland Vehicle Law, a person may not display or permit to be displayed on any vehicle used or driven in this State any registration plate issued for another vehicle or to a person other than the owner of the vehicle.

(h) (1) A vehicle registered as a historic or antique vehicle (Class L) in this State or in another state, when used or driven in this State, may display vintage registration plates as an indication of the historic or antique nature of the vehicle. Except as provided in paragraph (2) of this subsection, the place on the vehicle provided for the display of registration plates may only be used for the display of current registration plates in accordance with subsections (a) through (c) of this section, and any vintage registration plates which are used shall be displayed elsewhere on the vehicle.

(2) If the Administration authorizes the display of vintage registration plates in lieu of current registration plates, as provided in § 13-936.1 of this title, the vintage registration plates shall be displayed as required under subsections (a) through (c) of this section. However, the current registration plates shall be kept in the vehicle at all times.

(i) It is the duty of every police officer to report to the Administration all vehicles operated in violation of this section. The Administration shall verify whether the owner of a reported vehicle has complied with this section.

§13–411.1.

(a) In this section, "registration plate cover" means any tinted, colored, painted, marked, clear, or illuminated object that is designed to:

(1) Cover any of the characters of a vehicle's registration plate; or

(2) Distort a recorded image of any of the characters of a vehicle's registration plate recorded by a traffic control signal monitoring system under § 21-202.1 of this article.

(b) A person may not sell or offer for sale a registration plate cover.

(c) A person may not advertise for the purpose of promoting the sale of registration plate covers.

§13–412.

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

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

(2) A temporary authorization certificate:

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

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

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

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

§13–413.

(a) Notwithstanding any other provision of this subtitle, the Administration may adopt a system of multiyear registration.

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

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

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

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

§13–414.

(a) If any person who has applied for or obtained the registration of a vehicle

moves from the address given in the application or shown on the registration card, the person shall, within 30 days of the change, notify the Administration of the former address and new address.

(b) If the name of any individual who has applied for or obtained the registration of a vehicle is later changed by marriage or by court order, or if the name of any other person who has applied for or obtained the registration of a vehicle is later changed as provided by law, the person shall, within 30 days of the change, notify the Administration of the former name and the new name and apply for a corrected registration certification on the form that the Administration requires. On receipt of the application, the Administration shall issue a corrected registration certificate without charge.

§13–415.

(a) If a current registration card or current validation tabs that never have been affixed to registration plates are lost, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title of the vehicle, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(b) If a current registration card or current validation tabs that never have been affixed to registration plates are stolen, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(c) If a current registration card or current validation tabs that never have been affixed to registration plates are damaged to the extent that the registration card or validation tabs are illegible, the owner of the vehicle for which the card or tabs were issued or the legal representative of the owner named in the certificate of title, as shown by the records of the Administration, immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate registration card or replacement validation tabs.

(d) (1) If a current registration plate is lost, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(e) (1) If a current registration plate is stolen, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary

number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(f) (1) If a current registration plate is damaged to the extent that the registration plate is illegible, the owner of the vehicle for which the registration was issued immediately shall place on the vehicle a temporary number plate bearing the vehicle's registration number.

(2) The temporary plate shall be displayed as nearly as possible in the same manner as provided in this subtitle for the registration plate.

(g) Within 48 hours after the loss, theft, or damage to the extent of illegibility of any current registration plate or any current validation tab that has been affixed to a registration plate, the owner of the vehicle for which the plate or tab was issued or the legal representative of the owner named in the certificate of title of the vehicle, as shown by the records of the Administration, shall notify the Administration and apply for replacement registration plates, a replacement registration card, and replacement validation tabs. The Administration shall supply the replacements on receiving information satisfactory to it and payment of the required fee.

(h) On receipt of the replacements, the original registration card and all of the original registration plates and validation tabs issued for that vehicle shall be surrendered to the Administration.

§13–416.

The Administration may not charge a recipient of the Medal of Honor a fee for the renewal of the registration of a vehicle owned by the Medal of Honor recipient.

§13–417.

The Administrator may adopt rules and regulations governing the registration of a motor vehicle in which one engine has been changed or substituted for another.

§13–420.

(a) (1) A school type vehicle operated on a regular daily basis to transport students attending grades K through 12 shall be registered under this section.

(2) A school type vehicle otherwise operated to transport persons for educational purposes or maintained by an educational institution as part of a transportation system shall be registered, at the option of the registrant:

(i) Under this section; or

(ii) Under any other appropriate section of this title.

(3) The Administration may establish guidelines for the registration of school type vehicles in accordance with this section.

(b) If it is only operated for the transportation of children, students, or teachers for educational purposes or in connection with a school activity or if it is operated, with approval from a board of education in any county, to provide transportation for persons 60 years old or older to civic, educational, social, or recreational activities, a Type I school vehicle (school bus) shall:

(1) Display distinctive "school bus" registration plates issued by the Administration; and

(2) Comply with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type I school vehicle.

(c) (1) If it is operated for any purpose in addition to those specified in subsection (b) of this section, a Type I school vehicle (school bus) shall display distinctive "school charter" registration plates issued by the Administration.

(2) The Administration shall issue "school charter" plates:

(i) In place of and not in addition to "school bus" plates; and

(ii) Only to vehicles complying with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type I school vehicle.

(d) A Type II school vehicle shall:

(1) Display distinctive registration plates issued by the Administration; and

(2) Comply with all the requirements of the Maryland Vehicle Law and the regulations of the Administration that relate to a Type II school vehicle.

§13–422.

(a) A motor vehicle used in vanpool operations shall be registered under this section.

(b) Before the Administration initially registers any used vehicle as a vanpool vehicle or renews the registration of any vanpool vehicle, the applicant shall present to the Administration an inspection certificate for the vehicle issued under Title 23 of this article with a date of issuance not more than 90 days prior to the date of application for or renewal of registration.

(c) Before the Administration registers or renews the registration of any vanpool vehicle, the applicant shall present to the Administration evidence of

insurance for the vehicle and its occupants in an amount at least equal to:

(1) Five times the minimum coverage required by § 17-103(b)(1) of this article for the payment of claims for bodily injury or death;

(2) The minimum coverage required by § 17-103(b)(2) of this article for property damage claims; and

(3) The minimum benefits required by § 17-103(b)(3) and (4) of this article.

(d) If a vanpool operation is a company organized operation, the company may not require participation of an employee as a condition of employment.

(e) If a vanpool operation is a company organized operation, the company may not discriminate against any employee in the use of a vanpool.

§13–423.

(a) Each motor vehicle for which a permit is required from the Public Service Commission under § 9–201 of the Public Utilities Article shall be registered under this title.

(b) Each motor vehicle used in the interstate transportation of passengers for hire shall be registered under this title.

(c) The owner of a motor vehicle specified in subsection (a) of this section when registering or renewing the registration of the vehicle shall:

(1) Secure a permit from the Public Service Commission, or other appropriate agency, to operate on the highways;

(2) Present the permit to the Administration;

(3) Make application for registration or renewal of registration as required by the Administration; and

(4) Pay to the Administration all applicable fees required for registration under this title.

(d) No portion of the registration fee or other fees paid on vehicles required to be registered under this section will be refunded for any part of the year during which the vehicle is not used, unless pursuant to an order issued by an agency of the State or the United States government, the owner of the vehicle discontinues operation of the vehicle. If operation is discontinued a person may, at any time on or after the effective date of the order, surrender to the Administration the registration plates issued to the vehicle and apply for a refund of the registration fee paid for the vehicle prorated for the unused portion of the registration year.

§13–501.

(a) (1) Except as otherwise provided in this subtitle, if the owner of a vehicle registered in this State assigns or otherwise transfers his title or interest in the vehicle, the registration of the vehicle expires, unless the owner gives the transferee written permission to use the existing registration plates.

(2) If the owner does not give this permission, the owner shall remove the registration plates from the vehicle.

(b) A transferee who has been given written permission to use the existing registration plates may drive and permit the vehicle to be driven with those plates for not more than 10 days from the date of the transfer.

(c) Before the 10-day period described under subsection (b) of this section expires, the transferee shall remove the plates from the vehicle and return them promptly to the former owner of the vehicle or to the Administration.

(d) When the 10-day period expires or, if earlier, when the registration plates are removed, the registration of the vehicle expires.

(e) After 24 hours of the time the registration of the vehicle expires, neither the transferee nor any other person, other than the person to whom the registration plates originally were issued, may have the registration plates in his possession, whether or not they are in use.

(f) This section does not prohibit the former owner from transferring the registration plates to another vehicle, as provided in this subtitle.

§13–502.

(a) Except as otherwise permitted in this subtitle, before the transferee of a registered vehicle may drive a vehicle on a highway, the transferee shall apply for and obtain a new registration of the vehicle, as on an original registration.

(b) Except as otherwise permitted in this subtitle, before the transferee of a registered vehicle may permit the vehicle to be driven on a highway, the transferee shall apply for and obtain a new registration of the vehicle, as on an original registration.

(c) If the vehicle is not driven on a highway, however, the vehicle need not be registered.

§13–502.1.

(a) The former registered owner of a transferred vehicle may have its plates and registration number transferred to another vehicle in the same classification by applying to the Administration and paying a transfer fee established by the Administration.

(b) (1) If the vehicle to which the transfer is made is one for which the registration fee is higher than that required for the former vehicle, the owner shall pay, in addition to the transfer fee, the difference between the registration fee paid for the former vehicle and the registration fee otherwise required for the vehicle to which the transfer is made.

(2) If the vehicle to which the transfer is made is one for which the registration fee is lower than that required for the former vehicle, the Administration need not make any refunds of the difference.

§13–503.

(a) If the transferee of a vehicle is a licensed dealer who holds the vehicle for sale, the transferee need not obtain a new registration of the vehicle if he:

(1) Lawfully drives it under a dealer's registration plate; or

(2) Does not drive the vehicle or permit it to be driven on the highways.

(b) If a licensed dealer transfers a vehicle to a person who possesses current registration plates issued to another registered vehicle, and if these registration plates are transferable, the dealer shall issue to the transferee a permit that authorizes the transferee to use these current registration plates on the transferred vehicle for a period of not more than 60 days from the date of the transfer.

(c) The dealer may not issue more than one of the permits described under subsection (b) of this section for any vehicle.

(d) The permit described under subsection (b) of this section shall be issued by the dealer on the form and in the manner that the Administration requires.

(e) The permit described under subsection (b) of this section shall be signed by the dealer and carried and displayed the same as registration cards are required to be carried and displayed under Subtitle 4 of this title.

§13–503.1.

(a) If, whether by act of the parties or by operation of law, the title or interest of an owner in a vehicle is transferred in a manner specified in subsection (b) of this section, the transferee may continue to use the same registration plates on the vehicle after the transfer.

(b) This section applies to the transfer of the title or interest of an owner in a vehicle if the vehicle is registered in the:

(1) Joint names of a husband and wife and is transferred to the individual name of either spouse;

(2) Individual name of either spouse and is transferred to their joint names or to the individual name of the other spouse;

(3) Joint names of a parent and child and is transferred to the individual name of either party;

(4) Name of an individual and is transferred to the joint names of that individual and the individual's parent or child; or

(5) Name of an individual and is transferred to the name of a child or parent of that individual.

(c) In all other respects the transfer shall be treated the same way as any other transfer by a private owner of a registered vehicle.

§13–503.2.

If the title or interest of an owner in a vehicle is transferred as a result of a reorganization such that the vehicle is exempt from the excise tax under the provisions of § 13-810(c)(8) of this title, the transferee may continue to use the same registration plates after the transfer. In all other respects the transfer shall be treated the same way as any other transfer by a private owner of a registered vehicle.

§13–503.3.

(a) If the title or interest of an owner of a vehicle is transferred into a written inter vivos trust in which the transferor is the primary beneficiary, the transferee may continue to use the same registration plates after the transfer.

(b) In all other respects the transfer shall be treated the same way as any other transfer by a private owner of a registered vehicle.

§13–504.

(a) Except as otherwise provided in this section, if the title or interest of an owner in a registered vehicle passes to another person other than by voluntary transfer:

(1) The registration of the vehicle expires; and

(2) The vehicle may not be driven on a highway until the person entitled to possession of the vehicle applies for and obtains a new registration of the vehicle.

(b) However, the person entitled to possession of the vehicle, or his authorized representative, may drive the vehicle on highways in this State for a distance of not more than 200 miles, but only from the place that the person or his authorized representative obtained possession of the vehicle to the person's place of business, residence, or other place where the vehicle is to be kept.

(c) During the operation of a vehicle described in subsection (b) of this section, the registration plates issued to the former owner may be displayed on the vehicle.

(d) After the operation of a vehicle described in subsection (b) of this section is completed or, even before this operation is completed, on request of the former owner or the Administration, the person who obtained possession of the vehicle shall return its registration plates to the former owner or to the Administration.

(e) After 24 hours of the earlier of the request or the completion of the operation described in subsection (b) of this section, no person, other than the person to whom the registration plates originally were issued, may have the registration plates in his possession, whether or not they are in use.

(f) If the title or interest of an owner in a registered vehicle passes to a legatee or distributee as a result of testamentary disposition or intestate devolution, the personal representative, legatee, or distributee may drive the vehicle and permit it to be driven on the highways, without applying for a new registration, until the expiration of the last annual registration in the name of the deceased owner.

(g) If the interest in a registered vehicle of a joint owner who has died passes to the surviving spouse through joint ownership, the surviving spouse may drive the vehicle and allow it to be driven on a highway, without applying for a new registration, until the expiration of the last registration in the name of the joint owners.

§13–505.

If an owner transfers his title or interest in a vehicle that is to be scrapped, dismantled, or destroyed, the owner immediately shall mail or deliver the registration card and registration plates of the vehicle to the Administration for cancellation, unless the registration plates are transferred to another vehicle as provided in this subtitle.

§13–506.

(a) (1) A salvage certificate shall be issued in accordance with the provisions of this section.

(2) A salvage certificate issued under this section shall:

(i) Be issued in the name of the applicant; and

(ii) Serve as an ownership document.

(a–1) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company in accordance with § 13–506.1 of this subtitle.

(b) The Administration shall issue a salvage certificate:

(1) To an insurance company or its authorized agent that:

(i) Is licensed to insure automobiles in this State;

(ii) Acquires a vehicle as the result of a claim settlement; and

(iii) Within 10 days after the date of settlement, applies for a salvage certificate as provided in subsection (c) of this section;

(2) To an automotive dismantler and recycler that:

(i) Acquires a salvage vehicle from a source other than an insurance company licensed to insure automobiles in this State;

(ii) Acquires a salvage vehicle by a means other than a transfer of a salvage certificate; and

(iii) Applies for a salvage certificate as provided in subsection (d) of this section; or

(3) To any other person who:

(i) Acquires or retains ownership of a vehicle that is salvage, as defined in § 11–152 of this article;

(ii) Applies for a salvage certificate on a form provided by the Administration; and

(iii) Pays a fee established by the Administration.

(c) (1) For each vehicle that is acquired as a result of a claim settlement arising from an accident that occurred in the State, an insurance company or its authorized agent shall apply:

(i) For a salvage certificate on a form provided by the Administration for a vehicle titled in the State; or

(ii) Electronically for a salvage certificate for a vehicle titled in a foreign jurisdiction.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The certificate of title of the vehicle or, if the certificate of title is defective, lost, or destroyed, an affidavit of ownership on a form and in a manner prescribed by the Administration and a copy of the settlement check or other evidence of final payment;

(ii) A statement by the insurance company that:

1. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the vehicle is repairable;

2. The vehicle is not rebuildable, will be used for parts only, and is not to be retitled;

3. The vehicle has been stolen;

4. The vehicle has sustained flood damage; or

5. The vehicle has been acquired by an insurance company as a result of a claim settlement and the cost to repair the vehicle is 75% or less of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid; and

(iii) A fee established by the Administration.

(3) Subject to the provisions of § 13–507(c)(2) of this subtitle, a salvage certificate issued under this paragraph shall contain a conspicuous notation by the Administration that describes which of the statements under paragraph (2)(ii) of this subsection applies to the vehicle.

(4) To determine the cost to repair a vehicle for highway operation for purposes of § 11–152 of this article and paragraph (2)(ii) of this subsection, a person may not use the cost of:

(i) Towing, storage, or vehicle rental; or

(ii) Repairing cosmetic damage.

(5) The calculation under the 75% cost of repair threshold under paragraph (2) of this subsection may not affect the right of an insurer or a vehicle owner to make an economic or safety related decision to not repair the vehicle.

(6) The Administration, in consultation with the Department of State Police and other interested parties, shall adopt regulations to implement this subsection.

(d) (1) An automotive dismantler and recycler may apply for a salvage certificate on a form provided by the Administration.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The document through which ownership of the vehicle was

acquired; and

(ii) A fee established by the Administration.

(e) The Administration shall maintain records to indicate that a vehicle:

(1) Was transferred as salvage; and

(2) May not be titled or registered for operation in this State except in accordance with §§ 13–506.1 and 13–507 of this subtitle.

(f) The Administration shall establish a fee for:

(1) A duplicate salvage certificate; and

(2) A corrected salvage certificate.

§13–506.1.

(a) An insurance company shall promptly notify the Administration if:

(1) The company makes a claim settlement on a vehicle that is salvage; and

(2) The owner retains possession of the vehicle.

(b) The notice under subsection (a) of this section shall:

(1) Be accompanied by the title to the vehicle and a fee established by the Administration under § 13–117 of this title for a corrected title;

(2) Include the name of the vehicle's owner and a description of the vehicle; and

(3) Include a statement by the insurance company that the salvage certificate bears a notation under § 13–506(c)(2)(ii)1, 2, 3, or 4 of this subtitle.

(c) On receipt of the notice under subsection (a) of this section, the Administration shall:

(1) Record that the vehicle has been declared salvage; and

(2) (i) In the case of a repairable vehicle described in § 13–506(c)(2)(ii)1 or 4 of this subtitle, send a notice to the owner of the vehicle that the vehicle registration will be suspended unless the owner submits proof satisfactory to the Administration that the vehicle has been inspected for safety, in compliance with Title 23 of this article, within 90 days of the date of the notice; or

(ii) In the case of a vehicle described in § 13–506(c)(2)(ii)2 of this

subtitle:

1. Issue a salvage certificate to the owner of the vehicle; and

2. Send a notice to the owner of the vehicle that the vehicle registration has been suspended and directing that the vehicle's registration plates be returned immediately to the Administration.

(d) In accordance with § 13–507 of this subtitle, after a vehicle described in § 13–506(c)(2)(ii)1 or 4 of this subtitle has been inspected for safety in accordance with Title 23 of this article, the Administration shall issue to the owner a new certificate of title for the vehicle.

§13–507.

(a) (1) An application for a certificate of title of a vehicle for which a salvage certificate has been issued shall be made by the owner of the vehicle on a form that the Administration requires.

(2) An application under paragraph (1) of this subsection shall be accompanied by:

(i) Except as provided in subsection (c)(3) of this section, the salvage certificate for the vehicle;

(ii) A certificate of inspection issued by a county police department or the Department of State Police; and

(iii) A certificate of inspection as required under Title 23 of this article.

(3) (i) The Administration may establish a fee for an inspection under paragraph (2)(ii) of this subsection.

(ii) 1. The fees established under this paragraph shall be collected by the Administration or the Automotive Safety Enforcement Division of the Department of State Police.

2. The fees collected under this subparagraph shall be paid to the Automotive Safety Enforcement Division of the Department of State Police for the purpose of recovering the cost of administering the salvage inspection program and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(b) (1) The certificate of title issued by the Administration shall be:

(i) Issued in the name of the applicant; and

(ii) In a form as provided in this subsection.

(2) (i) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "rebuilt salvage" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)1 of this subtitle.

(ii) The Administration may not issue a certificate of title for a vehicle if the salvage certificate for the vehicle bears a notation under §13–506(c)(2)(ii)2 of this subtitle.

(3) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "Flood Damaged" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)4 of this subtitle.

(4) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "X–Salvage" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)5 of this subtitle or is issued under § 13–506(d) of this subtitle.

(c) (1) When an insurance company makes a claim settlement on a vehicle that has been stolen, the company shall apply for a salvage certificate as provided in § 13–506(c) of this subtitle.

(2) On receipt of an application under this subsection, the Administration:

(i) Shall make the appropriate notation in its records; and

(ii) May not issue the salvage certificate until the vehicle is recovered.

(3) When a vehicle that has been stolen is recovered, the Administration shall:

(i) Issue a salvage certificate for the vehicle if the insurance company submits a certification under § 13–506(c)(2)(ii)1, 2, 4, or 5 of this subtitle; or

(ii) Issue a certificate of title in the name of the insurance company in lieu of a salvage certificate if the insurance company states that the vehicle has sustained damage, except for flood damage, that costs 75% or less than the fair market value of the vehicle to repair.

(4) The provisions of subsection (b) of this section apply to a certificate of title issued under this subsection.

(5) A vehicle for which a certificate of title was issued under paragraph (3)(ii) of this subsection is exempt from the vehicle excise tax as provided in § 13–810(a)(9) of this title.

(d) If the Administration receives an application for a certificate of title for a vehicle accompanied by an ownership document issued by another state containing a notation under the laws of the issuing state that the vehicle is in a condition that is substantially similar to a vehicle that is rebuilt salvage under Maryland law, the certificate of title issued by the Administration shall contain a similar notation.

(e) The Administration may adopt regulations to implement this section.

§13–601.

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

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

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

(b) A wholesale dealer may not apply for temporary registration plates.

§13–602.

(a) (1) (i) Subject to the provisions of this part, a licensed dealer may issue one temporary registration plate for a vehicle to the person who buys the vehicle from the dealer, whether or not the vehicle is to be registered in this State.

(ii) The dealer may not issue more than one temporary registration for any vehicle.

(2) A licensed dealer may issue a temporary registration plate to a vehicle buyer who is subject to a penalty for lapsed security for another vehicle under § 17–106 of this article.

(b) Before a temporary registration plate may be issued for a vehicle, the buyer of the vehicle shall complete and deliver to the dealer a temporary registration plate application, on the form that the Administration requires.

(c) On the same day that a dealer issues a temporary registration plate for a vehicle, the dealer shall:

(1) Send to the Administration a copy of the temporary registration plate application completed by the buyer of the vehicle; and

(2) Electronically transmit to the Administration, in the format that the Administration requires, the vehicle, owner, insurance, and temporary registration information contained on the temporary registration plate application.

§13–603.

(a) On request of the buyer of a vehicle to whom the dealer has issued a temporary registration plate, the dealer immediately shall send to the Administration an application completed by the buyer for the annual registration of the vehicle.

(b) On request of the buyer of a vehicle to whom the dealer has issued a temporary registration plate, the dealer immediately shall send to the Administration, the required registration fee collected from the buyer.

(c) If the dealer is not requested to send an application to the Administration for annual registration of the vehicle, the dealer shall notify the Administration of this fact when he complies with § 13-602(c) of this subtitle.

§13–604.

(a) Each dealer who issues a temporary registration plate shall insert clearly and indelibly on the face of the plate the dates of its issuance and expiration.

(b) Each dealer who issues a temporary registration plate shall insert clearly and indelibly on the face of the plate the make and vehicle identification number of the vehicle for which the plate is issued.

(c) A temporary registration plate shall be attached, in the manner provided in § 13-411 of this title, to the rear of the vehicle for which it is issued.

§13–605.

(a) The temporary registration of a vehicle under this part expires on the first to occur of:

(1) Receipt of annual registration plates for the vehicle;

(2) Rescission of the contract to buy the vehicle; or

(3) Expiration of 60 days from the date the temporary plate was issued.

(b) The Administration may extend the temporary registration for a vehicle under this part for a period not to exceed 30 days if the Administration is satisfied that reasonable conditions exist to justify the granting of this extension.

(c) The person to whom a temporary registration plate has been issued for a vehicle shall destroy the temporary registration plate as soon as the temporary registration expires.

§13–606.

(a) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of all temporary registration

plates delivered to the dealer.

(b) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of all temporary registration plates issued by the dealer.

(c) Each dealer who has applied for temporary registration plates under § 13–601 of this subtitle shall keep a record for 3 years of any other relevant information that the Administration requires.

§13–607.

(a) A person may not issue any temporary registration plate that contains any misstatement of fact.

(b) A person may not knowingly insert any false information on the face of a temporary registration plate.

(c) A dealer may not issue a temporary registration plate to any person who has annual registration plates for a vehicle that has been sold or exchanged.

(d) A dealer may not lend a temporary registration plate to any person.

(e) A dealer may not use a temporary registration plate on any vehicle that the dealer owns.

(f) A dealer may not otherwise issue, assign, transfer, or deliver any temporary registration plate to any person for any reason except as authorized by this part.

§13–608.

If, after notice and hearing, the Administrator determines that a dealer has failed to comply with any provision of this part or of the rules and regulations adopted by the Administration under this part, the Administrator may suspend the privilege of the dealer to issue temporary registration plates.

§13–609.

The Administration may not refund or credit any fee paid by a dealer for a temporary registration plate. However, if the Administration discontinues the issuance of temporary registration plates, a dealer who returns them to the Administration may apply for and is entitled to a refund of or a credit for the fee paid for them.

§13–610.

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

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

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

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

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

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

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

(c) The Administration shall adopt regulations to:

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

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

§13–612.

Except as otherwise expressly provided in this part, every special registration number assigned to a vehicle under this part shall be displayed, as specified in § 13-410 of this title, on the special registration plates issued for that vehicle.

§13–613.

(a) (1) The owner of any vehicle described in paragraph (2) of this subsection may apply to the Administration for the assignment to that vehicle of a special, personalized registration number.

(2) This section applies only as to:

(i) A Class A (passenger) vehicle;

(ii) A Class D (motorcycle) vehicle;

(iii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity;

(iv) A Class G (nonfreight trailer) vehicle;

(v) A Class L (historic) vehicle;

(vi) A Class M (multipurpose) vehicle; or

(vii) A Class N (street rod) vehicle.

(b) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of $50, payable with the original and each renewal application for special registration under this section.

(c) (1) A special registration number assigned under this section may consist of any combination of not more than 7 letters and numerals.

(2) In its discretion, the Administration may refuse any combination of letters and numerals.

(d) The proceeds collected annually from the additional fees charged under this section shall be distributed to the Transportation Trust Fund.

§13–616.

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

(2) "Certified nurse practitioner" means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) "Licensed chiropractor" means a chiropractor who is licensed by the State Board of Chiropractic and Massage Therapy Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) "Licensed optometrist" means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) "Licensed physician" means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

(6) "Licensed physician assistant" means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

(7) "Licensed podiatrist" means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, or licensed podiatrist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO2) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor or a licensed podiatrist may certify

conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self–certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full–service Motor Vehicle Administration office during normal business hours.

(3) This section applies only to:

(i) A Class A (passenger) vehicle;

(ii) A Class D (motorcycle) vehicle;

(iii) A Class M (multipurpose) vehicle;

(iv) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity; or

(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(4) (i) Notwithstanding the provisions of paragraph (1) of this subsection, a nursing home, health care facility, adult day care facility, retirement home, or other facility that regularly provides transportation for individuals with disabilities may apply to the Administration for special disability registration for vehicles owned by the facility.

(ii) An application for special disability registration under this paragraph shall contain:

1. The certification of the owner or operator of the facility that the vehicle for which the registration is sought is used exclusively for the transportation of individuals with disabilities as described in paragraph (1) of this subsection; and

2. Any other information or documentation concerning the facility or the vehicle that the Administration requires.

(c) (1) Except as otherwise provided in subsection (b)(4) of this section, special registration and special registration plates may be issued under this section only if the applicant submits proof satisfactory to the Administration that the applicant is an individual with a disability described in subsection (b)(1) of this section.

(2) Except as provided by paragraph (3) of this subsection and subsection (b)(4) of this section, the Administration may not accept applications for special

registration under this section from an applicant who, at the time of application:

(i) Possesses one valid special registration issued under this section; or

(ii) Possesses two parking placards issued under § 13–616.1 of this subtitle.

(3) An individual may possess two valid special registrations for Class D motorcycles in addition to the special registration authorized under subsection (b) of this section and the parking placards authorized under § 13–616.1 of this subtitle.

(d) Except as provided under §§ 13–951 and 13–952 of this title, no fee in addition to the annual registration fee otherwise required by this title is required for special registration under this section.

(e) A special registration number assigned under this section shall:

(1) Consist of the letters, numerals, or both that the Administration specifies; and

(2) Be displayed on special registration plates issued for the vehicle, together with the International Symbol of Access.

(f) (1) In this subsection, "special types of vehicles" means:

(i) Emergency vehicles defined under § 11–118 of this article;

(ii) Service vehicles defined under § 22–201 of this article;

(iii) Class B (for hire) vehicles;

(iv) Class C (funeral and ambulance) vehicles;

(v) Class H (school) vehicles;

(vi) Class I (charter bus) vehicles;

(vii) Class J (vanpool) vehicles;

(viii) Class P (passenger bus) vehicles;

(ix) Class Q (limousine) vehicles; and

(x) State or local government vehicles.

(2) The person for whom special registration plates are issued under this section or under a similar provision of any other state or country:

(i) 1. Except as provided in items (ii) and (iii) of this paragraph, may park for unlimited periods in parking zones restricted as to the length of parking time permitted; and

2. Is not required to pay any parking meter fees of this State or of any political subdivision of this State where parking meters do not meet the requirements of the Americans with Disabilities Act;

(ii) May park in a parking space equipped with a parking meter only for:

1. Except as provided in item 2 of this item, twice the maximum time period permitted on the parking meter but not to exceed a maximum of 4 hours; and

2. If the parking meter permits parking for more than 4 hours, the period permitted on the parking meter; and

(iii) Subject to the posted time restriction specified for the parking zone, may park in a designated zone for the handicapped established:

1. At any State–owned airport; or

2. By Baltimore County on any county highway.

(3) The provisions of this subsection supersede any local ordinance, except that they do not apply:

(i) To zones where stopping, standing, or parking is prohibited to all vehicles;

(ii) To zones that are reserved for special types of vehicles;

(iii) Where there is a local ordinance that prohibits parking during heavy traffic periods in morning, afternoon, or evening rush hours, or where parking clearly would present a traffic hazard; or

(iv) In Baltimore City, where there is a local ordinance that restricts parking for vehicles that do not display a specified residential parking permit.

(g) When using the parking privileges granted under this section:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in subsection (b)(1) of this section; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties

of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) A person may not commit any fraud or make any misrepresentation in applying for disability registration plates, using special disability registration plates, or certifying an individual with a disability as defined in subsection (b)(1) of this section for special disability registration under this section.

(i) A person who operates a motor vehicle with a special disability registration number or special disability registration plates may not use the privileges granted under this section, unless the person:

(1) Is a person with a disability who meets the requirements of subsection (b)(1) of this section; or

(2) Is accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of subsection (b)(1) of this section.

(j) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a registration that is issued by the Administration under this subsection and:

(1) If the Administration finds it necessary to review the severity or permanency of a registration holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article; and

(2) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the registration.

(k) Any person who violates the provisions of this section is guilty of a misdemeanor, in accordance with the terms of § 27–101 of this article.

(l) The Administration shall administer the special registration plates program in accordance with the provisions of this section.

(m) In accordance with the provisions of this section, by July 1, 2001, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, or licensed podiatrists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

§13–616.1.

(a) A person may apply to the Administration for a parking placard on a form

provided by the Administration if the applicant:

(1) Is a resident of the State; and

(2) (i) Has a permanent disability as described in § 13–616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, or licensed podiatrist, as defined in § 13–616(a) of this subtitle; or

(ii) Has a permanent disability as described in § 13–616(b)(1)(vi) of this subtitle and as self–certified as provided by § 13–616(b)(2)(iv) of this subtitle.

(b) (1) A parking placard for a person with a disability may be issued to an applicant described in subsection (a) of this section only if the applicant submits proof satisfactory to the Administration that the applicant is a person with a disability as described in § 13-616(b) of this subtitle.

(2) A parent or legal guardian may apply for a special disability parking placard on behalf of a qualified minor.

(c) (1) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to an applicant:

(i) More than one placard if the applicant requests one set of special registration plates under § 13–616 of this subtitle; or

(ii) More than two placards if the applicant does not request a set of special registration plates under § 13–616 of this subtitle.

(2) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to a person issued special vehicle registration plates under § 13–616 of this subtitle a combination of special disability registration plates and placards exceeding two.

(d) (1) A placard issued under this section to an applicant described in subsection (a) of this section expires 4 years from the date of issue.

(2) The placard may be renewed by the placard holder on an application form approved by the Administration.

(e) (1) A parking placard for a person with a disability shall be issued:

(i) Except as provided in item (ii) or item (iii) of this paragraph, in the form of a removable windshield placard capable of being hung from the inside rearview mirror and of a size and design as determined by the Administration;

(ii) For a vehicle not equipped with an inside rearview mirror or in which the inside rearview mirror is not visible from the rear of the vehicle, in the form

of a windshield placard of a size and design as determined by the Administration; or

(iii) For a Class D (motorcycle) vehicle, in the form of a sticker of a size and design as designated by the Administration.

(2) A person to whom a parking placard for a person with a disability is issued shall display the placard described in this section:

(i) In a Class A (passenger) vehicle or a Class M (multipurpose) vehicle;

(ii) On a Class D (motorcycle) vehicle as required by the Administration;

(iii) In a Class E (truck) vehicle with a one ton or less manufacturer's rated capacity and specially equipped for the transportation of or operation by an individual with a disability; or

(iv) In a Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(f) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a removable windshield placard is issued, the removable windshield placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a removable windshield placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The removable windshield placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the removable windshield placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a removable windshield placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13-616(f) of this subtitle.

(g) When using the parking privileges granted under § 13-616(f) of this subtitle:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in § 13-616(b)(1) of this subtitle; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) (1) A person may not commit any fraud or make any misrepresentation in certifying a person's disability or applying for or using a parking placard for a person with a disability.

(2) A person who operates a motor vehicle displaying a parking placard for a person with a disability may not use the privileges granted under this section, unless the person is:

(i) A person with a disability who meets the requirements of § 13-616(b)(1) of this subtitle; or

(ii) Accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of § 13-616(b)(1) of this subtitle.

(3) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a parking placard for a person with a disability that is issued by the Administration under this section and:

(i) If the Administration finds it necessary to review the severity or permanency of a placard holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16-118 of this article; and

(ii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the parking placard for a person with a disability.

(i) Any person who violates the provisions of this section is guilty of a misdemeanor.

(j) The Administration shall:

(1) Administer the removable windshield placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of placards in a timely manner to ensure that the objectives of the placard program are achieved in an efficient and orderly manner.

(k) In accordance with the provisions of this section, by July 1, 2001, each board for licensed physicians, licensed physician assistants, licensed chiropractors,

licensed optometrists, or licensed podiatrists shall be responsible for the development and maintenance of a database system, with which the Administration can interface and verify licensure.

§13–616.2.

(a) A person may apply to the Administration for a temporary parking placard on a form provided by the Administration if:

(1) The applicant, a dependent of the applicant, or any individual who depends on the applicant for transportation has a disability, as described in § 13–616(b)(1) of this subtitle; and

(2) A licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, or licensed podiatrist, as defined in § 13–616(a) of this subtitle, certifies that the disability is not permanent but would substantially impair the applicant's mobility or limit or impair the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking placard were denied.

(b) An application under subsection (a) of this section shall be accompanied by:

(1) Proof satisfactory to the Administration that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is a person with a disability under subsection (a) of this section; and

(2) The certification of a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, or licensed podiatrist that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is disabled, including an estimate of the length of time the disability will continue.

(c) (1) A temporary parking placard for a person with a disability issued under this section shall be valid for a period of time the licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, or licensed podiatrist has determined that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is likely to have the disability, not to exceed 6 months.

(2) The person to whom a temporary parking placard was issued under this section shall return the placard to the Administration within 5 calendar days of the placard's expiration.

(d) (1) A temporary parking placard for a person with a disability shall be issued in the form, size, and design determined by the Administration.

(2) A person to whom a temporary parking placard is issued shall display the placard described in this section in a vehicle described in § 13-616.1(e)(2) of this

subtitle.

(3) This section applies only to vehicles defined in §§ 13-616(b)(3) and 13-616.1(e)(2) of this subtitle.

(e) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a temporary parking placard is issued, the temporary parking placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a temporary parking placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The temporary parking placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the temporary parking placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a temporary parking placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13-616(f) of this subtitle.

(f) (1) A person may not commit any fraud or make any misrepresentations in certifying a person's disability or applying for or using a temporary parking placard.

(2) (i) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a temporary parking placard that is issued by the Administration under this section.

(ii) If the Administration finds it necessary to review the severity of a placard holder's disability or the current status of the temporary disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16-118 of this article.

(iii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the temporary parking placard.

(g) Any person who violates the provisions of this section is guilty of a misdemeanor.

(h) The Administration shall:

(1) Administer the temporary parking placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of temporary placards in a timely manner to ensure that the objectives of the temporary placard program are achieved in an efficient and

orderly manner.

(i) In accordance with the provisions of this section, by July 1, 2001, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, or licensed podiatrists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

§13–617.

(a) (1) The owner of any vehicle described in paragraph (2) of this subsection may apply to the Administration for the assignment to that vehicle of a special amateur radio registration number, if the applicant holds an amateur radio station license issued by the Federal Communications Commission.

(2) This section applies only as to:

(i) A Class A (passenger) vehicle; or

(ii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity.

(b) Special registration may be issued and continued under this section only if the applicant submits, with the original and each renewal application, proof satisfactory to the Administration that the applicant holds an amateur radio station license issued by the Federal Communications Commission.

(c) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of $5, payable with the original and each renewal application for special registration under this section.

(d) A special registration number assigned under this section shall consist of the amateur radio call letters assigned to the applicant by the Federal Communications Commission.

§13–618.

(a) The Administration shall issue a special Chesapeake Bay Commemorative Registration Plate.

(b) The owner of a vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle considered eligible by the Administration may apply to the Administration for the assignment of a commemorative registration plate under this section if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

(2) A Class E (truck) vehicle with a manufacturer's rated capacity of one ton or less;

(3) A Class G (trailer) vehicle; or

(4) A Class M (multipurpose) vehicle.

(c) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a commemorative registration plate under this section shall pay:

(i) An additional initial registration fee set by the Administration when the new registration plates are issued to the vehicle under this section; or

(ii) An additional renewal fee set by the Administration each time the plate is renewed.

(2) (i) The Administration shall set the additional initial registration fee at a level that will enable the Administration to recover its costs under this section.

(ii) The Administration may set the additional initial registration fee at a level that is sufficient to result in a surplus after costs are subtracted.

(iii) The Administration shall retain a portion of the additional initial registration fee that is sufficient to allow the Administration to recover any costs of issuing and distributing commemorative plates under this section.

(iv) Any surplus moneys remaining after the Administration has recovered the costs of issuing a commemorative plate under this section and moneys collected for additional renewal fees may not be retained by or transferred to any agency of the State for any purpose.

(v) Notwithstanding subparagraph (iv) of this paragraph, the surplus moneys and moneys collected for additional renewal fees shall be disbursed by the Administration to the Chesapeake Bay Trust.

(3) No portion of the additional initial registration or renewal fees may be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(d) (1) The Administration shall adopt regulations not inconsistent with the Maryland Vehicle Law to govern the issuance of special registration plates under this section, including regulations detailing the plan of distribution of the funds.

(2) The Administration shall consult with the Chesapeake Bay Trust to establish a schedule under which the Administration will transfer to the Trust revenue collected on behalf of the Trust under this section.

(e) The additional fees to the annual registration fee required by this section are not required for special registration of a vehicle that is exempt under § 13–903 of this title.

(f) (1) A commemorative registration plate issued under this section shall display:

(i) A special registration number assigned by the Administration that may consist of any combination of:

1. Letters; and

2. Numerals; and

(ii) A design approved by the Administration that adequately reflects the Chesapeake Bay theme that the plate commemorates.

(2) The Administration shall consult with the Chesapeake Bay Trust with respect to the design of the Chesapeake Bay Commemorative Registration Plate.

§13–619.

(a) The owner of a motor vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle who is a member or, subject to subsection (c)(3) of this section, the surviving spouse of a member, of an organization considered eligible by the Administration may apply to the Administration for the assignment of a special registration number if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

(2) A Class E (truck) vehicle with a manufacturer's rated capacity of one ton or less; or

(3) A Class M (multipurpose) vehicle.

(b) (1) In this subsection, "motorcyclist organization" means a motorcyclist organization, institution, association, society, or corporation that:

(i) Is exempt from taxation under § 501(c)(7) of the Internal Revenue Code; and

(ii) Is determined by the Administration to be eligible under this section.

(2) The owner of a Class D (motorcycle) vehicle who is a member of a motorcyclist organization may apply to the Administration for the assignment of a special registration number for the vehicle.

(c) The Administration may issue and continue a special registration number under this section if:

(1) The owner of the motor vehicle submits, with the original application, proof satisfactory to the Administration that the owner of the vehicle is a member of a nonprofit organization and complies with the regulations adopted by the Administration under subsection (d) of this section;

(2) At least 25 owners of vehicles in a class apply to the Administration for the assignment of special registration numbers, and at least 25 special registration numbers are issued initially; and

(3) In the case of an owner who is applying as a surviving spouse, the owner submits proof satisfactory to the Administration that at the time of death of the owner's spouse, the deceased spouse was the holder of a special registration number issued under this section.

(d) The Administration shall adopt regulations not inconsistent with the Maryland Vehicle Law to govern the issuance of special registration plates to members of nonprofit organizations under this section.

(e) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a special registration under this section shall pay a fee determined by the Administration each time new registration plates are issued for the vehicle.

(2) The fee:

(i) May not exceed the amount required to enable the Administration to recover its costs under this section;

(ii) Shall be retained by the Administration for the purpose of recovering its cost under this section; and

(iii) May not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(f) The additional fee required under subsection (e) of this section is not required for special registration of a vehicle that is exempt under § 13-903 of this title, or a vehicle with a special registration plate recognizing:

(1) The Maryland National Guard; or

(2) A volunteer fire department, volunteer rescue squad, or volunteer ambulance company in this State.

(g) (1) The special registration plates or plate issued under this section may consist of:

(i) 1. Any combination of letters, numerals, or both; and

2. The name, initials, or abbreviation of the name of the organization; or

(ii) 1. Any combination of letters, numerals, or both;

2. The name, initials, or abbreviation of the name of the organization; and

3. An emblem or logo as authorized by the Administration that depicts the organization.

(2) A special registration number assigned under this section shall be displayed on the registration plates or plate for the vehicle.

(3) An organization may, at its option, receive a special registration under either paragraph (1)(i) or paragraph (1)(ii) of this subsection, but not under both.

§13–619.1.

(a) (1) The owner of a motor vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle may apply to the Administration for the assignment of a special registration number and special registration plates under this section for a vehicle included in one of the following classes:

(i) A Class A (passenger) vehicle;

(ii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity;

(iii) A Class M (multipurpose) vehicle; or

(iv) A Class D (motorcycle) vehicle.

(2) To be eligible for a special registration described under subsection (c)(2)(i) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is a recipient of an individually earned, combat–related, armed forces medal.

(3) To be eligible for a special registration described under subsection (c)(2)(ii) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is an honorably discharged veteran of a branch of the armed forces of the United States.

(4) To be eligible for a special registration described under subsection (c)(2)(iii) of this section, an applicant shall provide proof that is satisfactory to the

Administration that the applicant is a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces who lost their lives in combat.

(b) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a special registration under this section shall pay a fee as determined by the Administration each time new registration plates are issued for the vehicle. The fee shall be calculated to recover the costs incurred by the Administration in carrying out the provisions of this section.

(2) The additional fee charged under this section shall be retained by the Administration for the purpose of recovering the Administration's costs under this section, and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(c) Special registration plates issued under this section:

(1) May consist of any combination of letters, numerals, or both; and

(2) Shall include:

(i) For registration plates issued for an applicant described in subsection (a)(2) of this section:

1. An emblem or logo as authorized by the Administration that depicts the applicant's armed forces medal; and

2. Except on plates issued for Class D (motorcycle) vehicles, words describing the medal printed across the bottom of the plates;

(ii) Words or an emblem or logo indicating that the special registration plate holder is an honorably discharged veteran of a branch of the armed forces of the United States; or

(iii) An emblem or logo indicating that the registration plate holder is the recipient of the U.S. Department of Defense Gold Star.

(d) (1) The Administration, in consultation with the U.S. Department of Defense and appropriate representatives of the various branches of the armed forces, shall adopt regulations specifying those armed forces medals that are of the type described in subsection (a)(2) of this section and which, when awarded to an individual, qualify that individual to apply for special registration under this section.

(2) The Administration may adopt other regulations as necessary to govern the issuance of special registration numbers and special registration plates under this section.

(e) If, whether by act of the parties or by operation of law, the title or ownership

interest in a vehicle assigned a special registration under this section is transferred from the joint names of a husband and wife to the individual name of either spouse, the transferee may continue to use the same special registration plates issued under this section on the vehicle after the transfer.

§13–619.2.

(a) In consultation with the Maryland Agricultural Education Foundation, Inc. the Administration shall develop and make available for qualifying vehicles a specially designed registration plate honoring Maryland agriculture.

(b) The owner of a vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle considered eligible by the Administration may apply to the Administration for an original or substitute registration plate under this section if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

(2) A Class E (truck) vehicle with a manufacturer's rated capacity of one ton or less;

(3) A Class E (farm truck) vehicle;

(4) A Class G (trailer) vehicle; or

(5) A Class M (multipurpose) vehicle.

(c) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a registration plate under this section shall pay:

(i) When initially issued the registration plate, a onetime fee set by the Administration to recover the Administration's costs under this section; and

(ii) When initially issued the registration plate, and each time the registration plate is renewed, an additional fee set by the Administration to benefit the Maryland Agricultural Education Foundation, Inc.

(2) The additional fee collected under this section is not required for special registration of a vehicle that is exempt under § 13–903 of this title.

(3) No portion of the fee collected under this section may be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(d) The Administration shall consult with the Maryland Agricultural Education Foundation, Inc. on:

(1) The design of a registration plate to be issued under this section to honor Maryland agriculture;

(2) The setting of the fee to be charged under subsection (c)(1)(ii) of this section at a level intended to encourage the purchase of the registration plate issued under this section while providing a continuous revenue source to benefit the Foundation; and

(3) A schedule under which the Administration will transfer to the Foundation revenue collected on the Foundation's behalf.

(e) The Administration shall adopt regulations to govern the issuance of special registration plates under this section.

§13–619.3.

(a) The Administration shall develop and make available for qualifying vehicles a specially designed vintage reproduction registration plate.

(b) The owner of a vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, an officer, an employee, or a partner of a business entity that owns the vehicle considered eligible by the Administration may apply to the Administration for a registration plate under this section if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

(2) A Class E (truck) vehicle with a manufacturer's rated capacity of 1 ton or less;

(3) A Class L (historic) vehicle;

(4) A Class M (multipurpose) vehicle; or

(5) A Class N (street rod) vehicle.

(c) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a registration plate under this section shall pay when initially issued the registration plate and each time the registration plate is renewed:

(1) A fee set by the Administration to recover the Administration's costs under this section; and

(2) A fee set by the Administration to be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(d) The special registration plate issued under this section shall:

(1) Be available for sale for 1 year from the date of initial issuance; and

(2) Resemble the black lettering on yellow background registration plate issued by the State for display on a motor vehicle in 1910.

§13–620.

(a) A special registration plate issued under this part:

(1) May be used on and for the operation of any vehicle expressly authorized to be driven under that class of registration plate, without registering the specific vehicle with the Administration; and

(2) Is interchangeable among these vehicles.

(b) A vehicle may not be driven under a special registration plate issued under this part unless the plate is displayed on the vehicle in the manner required by § 13-411 of this title.

(c) A special registration plate issued under this part may not be used on or for the operation of any vehicle other than a vehicle expressly authorized to be driven under that class of registration plate.

(d) If the required license or authorization to do business of a person to whom a special registration plate is issued under this part expires or is canceled, suspended, or revoked, or if the Administration notifies the person that the special registration plates issued to the person have been suspended or revoked under § 13-706 of this title:

(1) All of the special registration plates issued to that person are invalid; and

(2) The person may not drive any vehicle or permit any vehicle to be driven under those plates.

§13–621.

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

(2) "Educational institution" includes:

(i) Public schools, as defined in § 1–101(k) of the Education Article; and

(ii) A public institution of higher education, as defined in § 11–206.1(a)(2) of the Education Article.

(3) "Licensed dealer" includes, as to Class 1A (dealer) plates provided for under § 13–940 of this title, a licensed manufacturer, licensed distributor, and licensed factory branch.

(b) If a licensed dealer owns a vehicle that is mainly used in the dealer's business

and that otherwise is required to be registered under this title, the dealer may apply to the Administration for the issuance of as many special, dealer registration plates as the Administration authorizes.

(c) Except as otherwise provided in § 15–305.1 of this article and Subtitle 9 of this title, a licensed dealer may:

(1) Drive, under any one dealer registration plate issued to the dealer:

(i) Any vehicle owned by the dealer and mainly used in the dealer's business; and

(ii) Any vehicle in the possession of the dealer, but not owned by him, if the dealer has the consent of the owner of the vehicle to this use; and

(2) As to any vehicle the dealer owns and to which is attached any one dealer registration plate issued to the dealer:

(i) 1. Lend the vehicle to a prospective buyer, for demonstration purposes; and

2. Permit the prospective buyer to drive the vehicle under that plate for a period of not more than 10 days from the date of delivery of the vehicle to the prospective buyer, regardless of the business in which the prospective buyer is engaged or the use to which the vehicle will be put during the demonstration period; and

(ii) Lend the vehicle to an educational institution that provides accommodations for the deaf and hard of hearing in its driver's education instruction under a manufacturer–sponsored driver's education loan program approved by the Administration.

§13–622.

(a) If an automotive dismantler and recycler or scrap processor licensed under Title 15 of this article owns a vehicle that is mainly used in his business and that otherwise is required to be registered under this title, he may apply to the Administration for the issuance of as many special, recycler registration plates as the Administration authorizes.

(b) A licensed automotive dismantler and recycler or scrap processor may drive, under any one recycler registration plate issued to him:

(1) Any used vehicle owned by him and mainly used in his business; and

(2) Any vehicle in his possession, but not owned by him, if he has the consent of the owner of the vehicle to this use.

(c) When operating a vehicle with special recycler registration plates outside

of this State, a licensed automotive dismantler and recycler or scrap processor shall operate the vehicle exclusively for the business purposes of automotive dismantling and recycling or scrap processing.

§13–623.

(a) In this section, "financial institution" means:

(1) Any bank that is authorized to do business in this State; and

(2) Any other financial institution that is licensed to do business in this State by the Commissioner of Financial Regulation.

(b) Any financial institution may apply to the Administration for the issuance of as many special, finance company registration plates as the Administration authorizes.

(c) A financial institution may drive, under any one finance company registration plate issued to it, any vehicle repossessed by or on behalf of the financial institution:

(1) From the place of its repossession to a place of storage;

(2) From one place of storage to another;

(3) To or from a business for its repair; or

(4) To or from a place for its inspection.

§13–624.

(a) The owner or operator of any special mobile equipment may apply to the Administration for the issuance of as many special, mobile equipment registration plates as the Administration authorizes.

(b) The owner or operator of any special mobile equipment may operate the special mobile equipment under any one mobile equipment registration plate issued under this section.

§13–625.

(a) In this section, "transporter" means a person in the business of:

(1) Delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to point of destination;

(2) Transporting or moving these vehicles to or from places of business for repair, painting, remodeling, or installing equipment or for the transportation of recovered stolen vehicles by insurance companies;

(3) A licensed auctioneer acting on behalf of a seller exempt from the licensing requirements of § 15–101(c)(3)(i), (ii), (iii), (iv), and (vi) of this article; or

(4) Transporting new or used mobile or modular homes.

(b) Any transporter may apply to the Administration for:

(1) Registration of its business; and

(2) On registration, the issuance of as many special, transporter registration plates as the Administration authorizes.

(c) Each application under this section shall be accompanied by evidence that the transporter:

(1) Is engaged in the business of transporting new or used motor vehicles, new or used trailers, or mobile construction equipment;

(2) Is subject to at least two written contracts under which the transporter is to repair, paint, remodel, or install equipment on vehicles or auction vehicles;

(3) Is a licensed inspection station under Title 23 of this article; or

(4) Is certified by the Interstate Commerce Commission or the United States government to transport vehicles as evidenced by the applicant's certificate of public convenience and necessity and Interstate Commerce Commission docket number.

(d) A transporter may not be registered under this section unless the business of the transporter:

(1) Is equipped to perform the services indicated on the application; and

(2) Has facilities adequate for the type of business that the transporter proposes to conduct.

(e) (1) The registration of a transporter under this section expires at the time that the Administration designates when it registers the transporter.

(2) After the expiration of its registration, a transporter may not exercise the privileges granted by this section until his registration has been renewed.

(f) A transporter registered under this section immediately shall notify the Administration in writing of any change of address, business name, business designation, or any other information given on or with his last application for registration or renewal.

(g) Transporter registration plates may be used only:

(1) On a vehicle in the possession of, but not owned by, the transporter, if the vehicle is operated to facilitate delivery, inspection, repair, painting, remodeling, the installation of equipment on it, or relocation among storage facilities and points of pickup and delivery, and not for any personal, private, or public use; and

(2) On a new or used mobile or modular home, if the transporter submits evidence of:

(i) Proper registration of the towing vehicle; and

(ii) Commercial insurance as required by the Administration.

§13–626.

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

(2) "Shuttle" means a procession of new vehicles being moved between a maritime port facility and a temporary storage area that is not more than 5 miles distant.

(3) "Shuttle permit" means a permit authorizing a registered vehicle to lead a shuttle on a highway.

(b) The Administration may issue shuttle permits to a person submitting an application that shall be on a form and contain the information that the Administration requires.

(c) The Administration shall charge a fee for shuttle permits, not to exceed the cost of procurement and issuance of the permits.

(d) When a vehicle is leading a shuttle on a highway, a shuttle permit shall be displayed on the dashboard of the vehicle.

(e) When operated under the provisions of this section, a vehicle in a shuttle shall be covered by the required security contained in Title 17 of this article.

(f) A vehicle in a shuttle may not be operated on a highway except on the most direct route between the authorized points.

(g) In addition to any other penalty provided in this article, a violation of any of the provisions of this section may result in the suspension or revocation of a person's authorization for obtaining shuttle permits.

§13–629.

Any person to whom special registration plates have been issued under the law relating to common carriers, as set forth in § 13-423(a) of this title, may, after notifying the Administration of his intention to do so:

(1) Transfer, for a period of not more than 15 days, the registration plates to a motor vehicle owned by a manufacturer; and

(2) Operate the vehicle over the existing route or routes for a trial or demonstration period.

§13–701.

(a) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, a person may not drive the vehicle on any highway in this State, unless the vehicle displays current registration plates and a current registration card is carried as required in this title.

(b) Except as otherwise provided in this title, as to any vehicle required to be registered under this title, an owner of the vehicle may not knowingly permit the vehicle to be driven on a highway in this State, unless the vehicle displays current registration plates and a current registration card is carried as required in this title.

§13–702.

(a) A person may not drive a vehicle on any highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

(b) An owner of a vehicle may not knowingly permit the vehicle to be driven on a highway in this State, if the registration of the vehicle has been canceled, suspended, or revoked.

§13–703.

(a) As to any certificate of title, issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(b) As to any registration card, issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(c) As to any registration plate issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(d) As to any special plate issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(e) As to any permit issued to a person under this title, the person may not knowingly permit its use by any other person who is not entitled by law to its use.

(f) A person may not display on or for a vehicle any registration card that is

neither:

(1) Issued for the vehicle; or

(2) Otherwise lawfully used on or for the vehicle under this title.

(g) A person may not display on or for a vehicle any registration plate that is neither:

(1) Issued for the vehicle; or

(2) Otherwise lawfully used on or for the vehicle under this title.

(h) A person may not display on or for a vehicle any permit that is neither:

(1) Issued for the vehicle; or

(2) Otherwise lawfully used on or for the vehicle under this title.

§13–704.

(a) In any application for a certificate of title, a person may not:

(1) Fraudulently use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact; or

(4) Otherwise commit a fraud in making the application.

(b) In any application for the registration of a vehicle, a person may not:

(1) Fraudulently use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact; or

(4) Otherwise commit a fraud in making the application.

§13–705.

(a) (1) The Administration may suspend or revoke the registration or certificate of title of any vehicle if the Administration:

(i) Is satisfied that the registration or certificate was fraudulently obtained or erroneously issued;

(ii) Determines that the required fee has not been paid after

reasonable notice and demand; or

(iii) Is so authorized under any other provision of law.

(2) The Administration may suspend or revoke the registration of a vehicle if:

(i) The Administration determines that the vehicle is mechanically unfit or unsafe to be operated on the highways;

(ii) The vehicle has been dismantled or wrecked; or

(iii) A registration card or registration plate not issued for that vehicle is displayed on or for the vehicle.

(b) A suspension or revocation under this section is subject to the right of appeal as follows:

(1) By a resident to the circuit court for the county in which the individual resides or has a principal place of business;

(2) By a nonresident to the circuit court for the county in which the individual temporarily resides or was apprehended; or

(3) In any other case, to the Circuit Court for Anne Arundel County.

§13–705.1.

(a) If a person is convicted of driving or attempting to drive a motor vehicle while the driver's license of the person is suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article, the Administration may, after a hearing, suspend, for not more than 120 days, the registration of the motor vehicle.

(b) The Administration may not suspend the registration of the motor vehicle if:

(1) The motor vehicle was operated by anyone other than the registered owner with his implied or express consent, and the registered owner neither knew nor should have known that the driver's license of the operator was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article; or

(2) The motor vehicle was operated by anyone other than the registered owner without his implied or express consent; or

(3) The motor vehicle is used as a common carrier or vehicle for hire and the owner or other person in charge of the vehicle was not a consenting party or privy

to the unlawful action of the operator of the motor vehicle; or

(4) The motor vehicle was operated after being obtained by the violator through duress or coercion from an owner or co-owner who is a member of the immediate family of the violator.

(c) The Administration shall bear the burden of proving that the registered owner knew or should have known that the driver's license of the operator of the vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article.

§13–706.

After notice and hearing, the Administration may suspend or revoke the special plates for interchangeable registration issued to any person under Subtitle 6, Part III of this title, if the Administration finds that the person:

(1) Is not entitled by law to their possession or use;

(2) Knowingly has made or permitted any illegal use of them;

(3) Has committed fraud in connection with the person's application for them; or

(4) Has failed to give notices of transfers or other information as required by this title.

§13–707.

If the Public Service Commission suspends or revokes a motor carrier permit granted by it, the Administration shall suspend or revoke, as the case may be, the registration of each vehicle for which the permit was granted.

§13–708.

(a) If the Administration cancels, suspends, or revokes the certificate of title or the registration of a vehicle, the owner of the evidences of the title or the evidences of the registration, including the registration card and registration plates, immediately shall return them to the Administration.

(b) If the Administration cancels, suspends, or revokes the certificate of title or the registration of a vehicle, the person in possession of the evidences of the title or the evidences of the registration, including the registration card and registration plates, immediately shall return them to the Administration.

§13–709.

The cancellation, suspension, or revocation of the registration of a vehicle does

not affect the status of the title to or any property rights in the vehicle.

§13–801.

Any applicable fees specified in this part for a certificate of title shall be paid to the Administration before issuance of the certificate.

§13–802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is $100.

(b) (1) For fiscal years 2012 through 2016 only, the fee for each certificate of title issued for a rental vehicle is $50.

(2) The fee for each certificate of title issued for a motor scooter or a moped is $20.

(3) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

§13–804.

For the purpose of enforcing Title 23 of this article ("Inspection of Used Vehicles and Warnings for Defective Equipment"), the Administration may retain and use an appropriate amount established by the Administration from each fee paid under § 13-802 of this subtitle for a certificate of title for a vehicle subject to inspection under Title 23 of this article.

§13–805.

For the issuance of a duplicate certificate of title, issued under § 13-111 of this title to replace a lost, stolen, or damaged certificate of title, the fee shall be established by the Administration.

§13–808.

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

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

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

§13–809.

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

(2) "Fair market value" means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. $640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

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

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

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

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

(iv) As to a used trailer, a motor scooter, a moped, or an off–highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or

2. $320; and

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

(3) (i) Subject to subparagraph (ii) of this paragraph, "total purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade–in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, "total purchase price" means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade–in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

(4) "Trailer" has the meaning stated in § 11–169 of this article.

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

(i) For each original and each subsequent certificate of title issued in this State for a motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an off–highway recreational vehicle for which sales and use tax is not collected at the time of purchase; and

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

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

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

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

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is 6 percent of the fair market value of the vehicle.

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

(3) (i) 1. In this subparagraph, "military" includes the Commissioned Corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.

2. If the vehicle was formerly titled and registered in another state and the present owner has paid a sales or excise tax to that state at a rate less than that imposed by this State, then the tax imposed shall apply but at a rate measured by the difference only between the tax rate paid to the other state and the tax rate imposed by this section, if the present owner:

A. Has not been a Maryland resident for more than 60 days;

B. Is a member of the military on active duty and has not been a Maryland resident for more than 1 year; or

C. Is a Maryland resident who is a member of the military returning to Maryland from, or on, active duty and who applies for titling and registration in Maryland no more than 1 year after returning.

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

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

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

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

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

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

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

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

1. Canceled checks;

2. Money order receipts;

3. Loan documents; or

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

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

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

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

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

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

(f) The Administration shall adopt regulations to implement the provisions of this section.

§13–810.

(a) On issuance in this State of an original or subsequent certificate of title for a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

(1) A mobile home over 35 feet long;

(2) A vehicle owned by the United States and used in the investigation of any violation or suspected violation of any law of the United States;

(3) A vehicle owned by this State or any political subdivision of this State;

(4) A fire engine or other fire department emergency apparatus, including any vehicle operated by or in connection with any fire department;

(5) An ambulance, rescue, or other vehicle owned and operated for the benefit of the public by a nonprofit rescue squad;

(6) A vehicle owned and operated by the Civil Air Patrol;

(7) A vehicle owned and held for the use of the public by a unit of a national veterans' organization;

(8) A vehicle owned and operated by a Maryland chapter of the American Red Cross;

(9) A vehicle acquired by an insurance company as a result of a comprehensive or collision claim;

(10) A vehicle registered in a jurisdiction the laws of which do not require titling and acquired for resale by a licensed dealer;

(11) A vehicle that is involuntarily transferred to a licensed dealer and for which a certificate of title is not available;

(12) A school bus owned by a religious organization or a private school which is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code;

(13) A privately owned bus used only for operating the transportation system of any political subdivision in this State, if the bus is used for the transportation of the public on regular schedules and between fixed termini;

(14) A vehicle otherwise exempt from the excise tax by any other applicable law;

(15) A vehicle which is used regularly for the transportation of individuals with disabilities and owned by a nonprofit organization providing direct care services to individuals with disabilities which is licensed by the Department of Health and Mental Hygiene and is wholly or partially funded by the State;

(16) A mobile hearing and vision screening vehicle owned and operated for the benefit of the public by a nonprofit civic organization;

(17) Registered under § 13-923 of this title;

(18) Registered under § 13-933 of this title;

(19) A salvage vehicle acquired by a licensed dealer that has been restored by the licensed dealer and that has been inspected under § 13-507(a)(2)(ii) of this title;

(20) A vehicle acquired for resale by a licensed dealer if the dealer reassignment sections contained on the certificate of title are exhausted;

(21) A Class M motor home or Class G travel trailer that is transferred or retitled in the dealership's name under § 15-305(d)(2) of this article;

(22) A special purpose vehicle owned by a coal company if the vehicle is used:

(i) For transportation of workers, coal, or equipment used in the coal production process; and

(ii) Exclusively in or on coal mining property;

(23) A vehicle which is used exclusively in the transportation of disabled or elderly persons, owned by a nonprofit organization, and in which the Maryland Transit Administration retains a security interest;

(24) A vehicle acquired by a religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Resources, or a local department of social services for the purpose of transferring the vehicle to a Family Investment Program recipient or an individual certified by the Department of Human Resources or a local department of social services as eligible for the transfer; or

(25) A rental vehicle.

(b) The provisions of subsection (c)(1) and (3) of this section do not apply to the transfer of a vehicle if:

(1) A vehicle that is transferred was previously exempt under subsection (a)(17) or (18) of this section; and

(2) The transferee of the vehicle titles and registers the vehicle under any other section of this title.

(c) On transfer of a vehicle titled in this State and issuance of a subsequent certificate of title, the vehicle is exempt from the excise tax imposed by this part, if it is:

(1) A vehicle transferred to:

(i) A spouse, son, daughter, grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of the transferor, and no money or other valuable consideration is involved in the transfer; or

(ii) A niece or nephew of the transferor if:

1. The transferor is at least 65 years of age at the time of the transfer; and

2. No money or other valuable consideration is involved in the transfer;

(2) A vehicle repossessed under a security agreement, unless the sale of the vehicle is required under the agreement;

(3) A vehicle transferred from an individual to a partnership, limited liability company, or corporation or from a partnership, limited liability company, or corporation to a subpartnership, subsidiary limited liability company, or subsidiary corporation, if the individual, partnership, limited liability company, or corporation is a partner, member, or principal stockholder of the newly formed partnership, subpartnership, limited liability company, subsidiary limited liability company, corporation, or subsidiary corporation, as the case may be;

(4) A vehicle transferred to a legal heir, legatee, or distributee;

(5) A vehicle involuntarily transferred as a result of divorce or separation proceedings;

(6) A vehicle that is jointly owned and transferred to the name of one of the owners, if the transferee can establish to the satisfaction of the Administration that the transferor did not pay any part of the original purchase price of the vehicle or any applicable taxes or fees for the vehicle;

(7) A vehicle transferred by a corporation to its stockholder or stockholders or by a limited liability company to its member or members as a liquidating distribution of tangible personal property where the vehicle or vehicles transferred are not a

principal or substantial asset of the corporation or limited liability company as determined by the Administration;

(8) A vehicle transferred as a result of a reorganization within the meaning of § 368(a) of the Internal Revenue Code or a vehicle transferred as a result of a statutory merger or consolidation of a corporation and a limited liability company if no gain or loss is recognized as a result of the transaction under § 332 and § 721 of the Internal Revenue Code;

(9) A vehicle transferred to a Family Investment Program recipient or an individual certified by the Department of Human Resources or a local department of social services as eligible for transfer of the vehicle that was exempted from the excise tax imposed by this part under subsection (a)(24) of this section;

(10) A vehicle transferred into a written inter vivos trust in which the transferor is the primary beneficiary; or

(11) A vehicle transferred to a lessee who exercises an option under a vehicle leasing agreement for an initial term of more than 180 consecutive days to purchase the leased vehicle at the end of the lease.

(d) The Administration may exempt from the excise tax imposed by this part any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(e) If the owner of a vehicle that is exempt under subsection (a)(17) or (18) of this section from the vehicle excise tax subsequently registers the vehicle under any other section of this title, the owner shall pay the excise tax based on the fair market value of the vehicle at the time the exemption was initially granted.

§13–811.

The excise tax imposed by this part also is imposed on the issuance by a dealer of a temporary registration plate, if the temporary registration plate is issued for a vehicle that previously was transferred to the dealer without complying with the applicable provisions of Subtitle 1 of this title on transfers to dealers.

§13–812.

(a) For collecting and remitting the tax, a licensed dealer who, on behalf of the Administration, collects the excise tax imposed by this part may keep the lesser of $12 per vehicle or 0.6 percent of the gross excise tax the dealer collects.

(b) Each dealer who collects any tax or fee required for titling a vehicle shall:

(1) Keep complete and accurate records of each taxable sale, together with a record of the tax collected on the sale;

(2) Keep copies of every invoice, bill of sale, and other pertinent documents and records, in the form that the Administration requires; and

(3) Preserve these records in original form for at least 3 years, unless the Administration consents in writing to their earlier destruction or, by order, requires that they be kept for a longer period.

(c) Each dealer who collects any tax or fee required for titling a vehicle shall, during business hours, allow any representative of the Administration and any police officer full access to records required to be kept under subsection (b) of this section.

(d) If the Administration finds that the records of a dealer are inadequate or incorrect and that the amount of excise tax collected for the Administration on these sales cannot be determined accurately from the records:

(1) The Administration shall determine the taxable sales of the dealer for the period involved and compute the tax from the best information available; and

(2) The determination and computation of the Administration are prima facie correct.

(e) (1) If, under subsection (d) of this section, the Administration determines the sales of vehicles and computes the tax due, it shall:

(i) Levy an assessment against the dealer for the deficiency, interest, and penalties in the manner authorized in §§ 13-401, 13-601, and 13-701 of the Tax - General Article; and

(ii) Notify the dealer of the tax due and of the amount of the deficiency assessment.

(2) If the dealer fails to pay the tax and assessment within 10 days after receiving the notice from the Administration, the Administration may levy, in addition to the tax and assessment, a penalty equal to 25 percent of the tax due.

(f) If a dealer fails to keep any records of sales of vehicles, the Administration may compute the tax due as provided in § 13-407 of the Tax - General Article.

(g) All amounts received from any dealer under this section shall be credited:

(1) First, to any penalty and interest accrued under this section; and

(2) Then, to the tax due.

§13–813.

(a) If the Administration finds that any dealer or other person liable for the excise tax imposed by this part intends to depart from this State, remove his property

from this State, conceal himself or his property in this State, or do anything else tending to prejudice or render wholly or partly ineffectual proceedings to collect the tax, the Administration may notify the person of its findings and demand an immediate return and immediate payment of the tax and any interest and penalty.

(b) If the amount of tax, interest, and penalty specified in the notice of jeopardy assessment is not paid within 10 days of the service of the notice, the Administration may bring any action that it considers advisable for the prompt collection of the tax.

(c) If, within 10 days of the service of the notice, the person liable for the tax files with the Administration satisfactory evidence that he is not in default in paying the tax or that he will duly return and pay the tax, then the tax is not payable before the time otherwise required by this part. However, in each case, the findings of the Administration as to the responsibility of the person liable for the tax are final and conclusive.

§13–814.

Money collected under this part shall be deposited in the State Treasury and accounted for on the records of the State Comptroller and transferred to the Transportation Trust Fund.

§13–815.

(a) In this section, "excise tax" means the tax imposed under § 13–809 of this subtitle.

(b) This section applies only to a plug–in electric drive vehicle that:

(1) Has not been modified from original manufacturer specifications;

(2) Is acquired for use or lease by the taxpayer and not for resale; and

(3) Is purchased new and titled for the first time on or after July 1, 2014, but before July 1, 2017.

(c) Subject to available funding, a credit is allowed against the excise tax imposed for a plug–in electric drive vehicle.

(d) The credit allowed under this section may not exceed the lesser of:

(1) The product of $125 times the number of kilowatt–hours of battery capacity of the vehicle; or

(2) $3,000.

(e) The credit allowed under this section is limited to the acquisition of:

(1) One vehicle per individual; and

(2) 10 vehicles per business entity.

(f) A credit may not be claimed under this section:

(1) For a vehicle unless the vehicle is registered in the State; or

(2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean–fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled.

(g) The Motor Vehicle Administration shall administer the credit under this section.

§13–817.

(a) If the Administration determines that an overpayment has been made under this subtitle, the Administration may submit the overpayment and the supporting information, whether accompanied by a written claim or not, to the State Comptroller for refund to the person entitled to it.

(b) The Administration may refund the full or any portion of the excise taxes paid by a consumer for a motor vehicle, if the dealer, manufacturer, factory branch, or distributor, by voluntary agreement or subject to the provisions of § 14-1502 of the Commercial Law Article, refunds the full or any portion of the purchase price or accepts return of the motor vehicle.

§13–818.

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

(2) "Fuel economy" has the meaning stated in § 4064 of the Internal Revenue Code as determined and adjusted by the U.S. Environmental Protection Agency to account for the difference between controlled laboratory conditions and actual road driving.

(3) "Model type" and "model year" have the meaning stated in § 4064 of the Internal Revenue Code.

(4) "Passenger car" means a motor vehicle that may be registered as a Class A (passenger) vehicle or registered under § 13–937 of this title as a Class M (multipurpose) vehicle.

(b) In conjunction with the tax imposed under § 13–809 of this subtitle, a fuel efficiency surcharge or fuel efficiency credit shall be imposed under this section based on the fuel economy rating of the model type of the passenger car.

(c) (1) (i) Subject to paragraph (2) of this subsection, for new or used passenger cars with a model year of 1993 or 1994, a fuel efficiency surcharge of $100

shall be imposed on all such passenger cars that have a fuel economy rating that is less than 21 miles per gallon.

(ii) 1. This subparagraph does not apply to a passenger car registered under § 13–616 of this title.

2. Subject to paragraph (2) of this subsection, for new or used passenger cars with a model year of 1995 or thereafter, a fuel efficiency surcharge shall be imposed on all such passenger cars that have a fuel economy rating that is less than 27 miles per gallon. The fuel efficiency surcharge shall be an amount equal to the product of multiplying:

A. $50; and

B. The nearest whole number of miles per gallon that the fuel economy rating of the model type of the automobile is less than 27 miles per gallon.

(2) The surcharge imposed under paragraph (1) of this subsection may not exceed an amount equal to 1% of the total purchase price of the passenger car as defined in § 13–809 of this subtitle.

(3) (i) Subject to paragraph (4) of this subsection, for new or used passenger cars with a model year of 1993 or 1994, a fuel efficiency credit of $50 shall be granted for all passenger cars that have a fuel economy rating that is greater than 35 miles per gallon.

(ii) Subject to paragraph (4) of this subsection, for new or used passenger cars with a model year of 1995 and thereafter, a fuel efficiency credit shall be granted for all passenger cars that have a fuel economy rating that is greater than 35 miles per gallon. The fuel efficiency credit shall be an amount equal to the product of multiplying:

1. $50; and

2. The nearest whole number of miles per gallon that the fuel economy rating of the model type of the automobile is greater than 35 miles per gallon.

(4) The credit granted under paragraph (3) of this subsection may not exceed an amount equal to 1% of the total purchase price of the passenger car as defined in § 13–809 of this subtitle.

(d) The proceeds collected under this section shall be deposited in the Transportation Trust Fund and, to the extent not required by any lawful pledge, covenant, dedication, or commitment for the annual debt service on bonds referred to in § 3–216(e) of this article, shall be disbursed in accordance with this section.

(e) The proceeds collected from the fuel efficiency surcharge imposed under this section shall be used to fund the fuel efficiency credits granted under this section. All

remaining funds shall be used solely for transit purposes.

(f) A motor vehicle dealer shall prominently display on a vehicle offered for sale a notice on a form prescribed by the Administration to inform consumers of the fuel efficiency surcharge and fuel efficiency credit program. The notice shall state the provisions of this section applicable to the vehicle and shall be in substantially the following form:

"For this vehicle, the fuel economy rating is _____. The fuel efficiency surcharge is _____ or the fuel efficiency credit is _____.

A fuel efficiency surcharge or fuel efficiency credit is required to be applied to purchases of certain passenger cars based on the fuel economy rating of the motor vehicle. The fuel economy rating is determined by a weighted average of the urban and the highway mileage ratings as determined by the Environmental Protection Agency and published in the Environmental Protection Agency's Gas Mileage Guide.

A fuel efficiency surcharge shall be applied to all passenger cars with a fuel economy rating of less than _____ miles per gallon. The surcharge is _____ (as provided in § 13–818 of the Transportation Article).

A fuel efficiency credit shall be applied to all passenger cars with a fuel economy rating of more than _____ miles per gallon. The credit is _____ (as provided in § 13–818 of the Transportation Article).

The credit or surcharge on any vehicle may not be greater than an amount equal to 1% of the total purchase price of the vehicle."

(g) The Administration may adopt regulations to implement and operate the fuel efficiency surcharge and credit program under this section.

(h) Revenue generated under this section is not subject to the distribution provisions of Title 8, Subtitle 4 of this article.

§13–901.

The fees specified in this subtitle for the registration of a classified vehicle or for any interchangeable registration shall be paid to the Administration:

(1) Before issuance of the registration and any registration plates and registration cards; and

(2) Except as otherwise expressly provided, during each registration year

before the issuance or renewal of the registration.

§13–902.

In case of dispute, the Administration may determine the registration classification to which any vehicle belongs, under this title or any other provision of the Maryland Vehicle Law.

§13–903.

(a) The following vehicles are exempt from the registration fees specified in this subtitle:

(1) A vehicle that is owned and operated by the United States, this State, or any political subdivision of this State;

(2) A vehicle that is owned by a volunteer fire company incorporated in this State or by a rescue squad and that is used for fire fighting or ambulance purposes;

(3) A canteen wagon of a recognized fire buff organization, as certified by the International Fire Buffs Association;

(4) A vehicle owned and operated by the Civil Air Patrol;

(5) A vehicle owned and operated by a unit of a national veterans' organization;

(6) A vehicle owned and operated by a Maryland chapter of the American Red Cross;

(7) A motor vehicle and trailer known as the "40–8 box car" that is owned and operated only for social or charitable purposes by any voiture of the Forty and Eight of the American Legion, Department of Maryland;

(8) A vehicle owned and personally used by a veteran who:

(i) As designated or classified by the Veterans' Administration, has lost the use of a hand, arm, or leg, or is totally disabled; or

(ii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye;

(9) A vehicle owned and personally used by an individual who is at least 65

years old and is the surviving spouse of a deceased disabled veteran, as defined under § 7–208 of the Tax – Property Article; and

(10) A Type I or Type II school vehicle owned and operated by a religious organization.

(b) The Administration may exempt from the registration fees specified in this subtitle any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(c) (1) Each registered vehicle that is exempt from registration fees under subsection (a) of this section shall display a special identification marker approved by the Administrator.

(2) The special identification marker for a motor vehicle and trailer exempt under subsection (a)(7) of this section shall bear the number of the organization and the number of the local voiture, reading "40–8–(local number)".

(3) The special identification marker for a vehicle exempt under subsection (a)(8)(i) of this section shall indicate that the Veterans' Administration has designated or classified the veteran as having lost the use of a hand, arm, or leg or as being totally disabled.

(d) A disabled veteran whose vehicle is eligible for exemption under subsection (a)(8) of this section may, if eligible, receive the special registration number and special registration plates provided under § 13–616, § 13–617, § 13–618, § 13–619, § 13–619.1, or § 13–619.2 of this title without payment of the registration fees specified in this subtitle.

§13–904.

(a) Except as otherwise provided in this section, the annual registration fees specified in this subtitle are for the entire 12 months of a registration year.

(b) (1) If the registration of a vehicle is issued on or before the last day of the sixth month of the registration year for that class of vehicle, the full annual registration fee shall be paid.

(2) If the registration of a vehicle is issued on or after the first day of the seventh month of the registration year for that class of vehicle, only one half of the annual registration need be paid.

(c) If the registration of a commercial vehicle in excess of 26,000 pounds is issued for a period of less than the full annual registration year, the registration fee to be paid shall be one–quarter of the annual registration fee multiplied by the number of quarters remaining in the registration year including the quarter within which the registration takes effect.

§13–905.

The Administration may not require applicants for vehicle registration to pay postage for the mailing of any vehicle registration cards or plates.

§13–906.

An application for the registration of any vehicle for which the registration fee is based on maximum gross weight shall be accompanied by:

(1) A certificate that states the empty weight of the vehicle, including its body, cab, and spare tire;

(2) A declaration of the load the applicant intends the vehicle to carry; and

(3) Any other pertinent information that the Administration requires.

§13–907.

(a) At any time during a registration year, the owner of a vehicle registered in one of the classes listed in subsection (b) of this section may apply to the Administration for a transfer of the registration for that vehicle to any other permissible registration that is in the same class and has a higher registration fee, whether the transfer is for the same vehicle or is to another vehicle owned by the same person.

(b) A transfer of registration under this section may be made only within the following classes:

(1) Class E (trucks);

(2) Class F (tractors); and

(3) Class G (trailers).

(c) (1) For a new registration under this section, the registration fee is as provided in this subsection.

(2) If the new registration is issued on or before the last day of the sixth month of the registration year for that class of vehicle, the registration fee is the full registration fee ordinarily required for the new registration, with a credit for the other fee already paid.

(3) If the new registration is issued on or after the first day of the seventh month of the registration year for that class of vehicle, the registration fee is one half of the registration fee ordinarily required for the new registration, with a credit for so much of the other fee already paid as is allocable to the last six months of the registration year.

§13–908.

If the Administration determines that an overpayment has been made under this subtitle, the Administration may submit the overpayment and the supporting information, whether accompanied by a written claim or not, to the State Comptroller for refund to the person entitled to it.

§13–909.

(a) Notwithstanding any other provision of this subtitle, the Administration may adopt a system of staggered registration for any motor vehicle class.

(b) (1) During the registration period in which the system is initiated, vehicle registrations may be issued for periods varying from 7 months to 18 months with fees prorated according to the number of months for which the registration is issued.

(2) Vehicle registration plates or validation tabs shall be issued and displayed in accordance with a schedule established by the Administration.

(3) Any new registration or renewal issued during the year may be issued initially for other than a 12-month period to facilitate an equal volume of monthly issuances and the registration fee shall be prorated for the period issued.

(4) For the purpose of maintaining relatively uniform work loads, the Administration shall evaluate monthly volumes of registration renewals from time to time and any portion of a monthly issuance may be rescheduled by applying a different expiration date and prorating the fee accordingly.

(5) The Administration shall refund a registration fee on surrender of a registration card and unused registration plates by the owner as provided under § 13-938 of this subtitle only if the return is made prior to the expiration date of the registration period for which the application for refund is made.

(6) When the Administration assesses a prorated fee, it shall be calculated by multiplying one-twelfth of the applicable fee by the number of months for which the issuance or renewal is made and adjusting this amount to the nearest dollar amount.

(c) The Administration may adopt regulations to implement and operate a staggered registration system as provided under this section.

§13–911.

(a) In this part the following words have the meanings indicated.

(b) "Farm products" include food for consumption by humans or livestock, tobacco, shrubbery, flowers, plants, trees for replanting, seed, fertilizer, mulch, peat, sod, livestock and livestock products, poultry and poultry products, farm wood lot products, and fibers.

(c) "Farm vehicle" means a vehicle that:

(1) Is owned by a farmer;

(2) Is used only in the farmer's farming business and about the farmer's farm home and in hauling farm products and the labor, supplies, equipment, and other materials necessary for the operation of the farm and farm home; and

(3) Is not used to haul farm products previously acquired by the farmer for resale or to haul farm products for hire for another person who is not a farmer.

(d) "Farmer" means any person who:

(1) Raises, grows, and produces farm products on a farm of at least 3 acres; or

(2) Keeps at least 25 hives of bees for the pollination of orchards and farm crops and the commercial production of honey.

§13–912.

(a) When registered with the Administration, every passenger car and station wagon, except as otherwise provided in this part, is a Class A (passenger) vehicle.

(b) For each Class A (passenger) vehicle, the annual registration fee is:

(1) For a vehicle with a manufacturer's shipping weight of 3,700 pounds or less -- $50.50; and

(2) For a vehicle with a manufacturer's shipping weight of more than 3,700 pounds -- $76.50.

§13–913.

(a) (1) When registered with the Administration, every passenger motor vehicle operated for the transportation of persons for hire, except a vehicle described in paragraph (2) of this subsection, is a Class B (for hire) vehicle.

(2) The following vehicles are not subject to the classification specified in this section:

(i) Any vehicle operated on a regular schedule and between fixed termini; and

(ii) Any vehicle for which a different classification is specified in this part.

(b) For each Class B (for hire) vehicle, the annual registration fee is $150.00.

§13–914.

(a) When registered with the Administration, every motor vehicle operated as an ambulance, a mortician flower coach or service wagon, or a funeral limousine or coach is a Class C (funeral and ambulance) vehicle.

(b) For each Class C (funeral and ambulance) vehicle, the annual registration fee is $100.00.

§13–915.

(a) When registered with the Administration, every motorcycle is a Class D (motorcycle) vehicle.

(b) For each Class D (motorcycle) vehicle, the annual registration fee is $35.00.

§13–916.

(a) When registered with the Administration, every single unit truck with two or more axles is a Class E (truck) vehicle.

(b) For each Class E (truck) vehicle, the annual registration fee is based on the maximum gross weight of the vehicle or combination of vehicles, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) - 18,000	$ 9.00
18,001 - 26,000	11.75
26,001 - 40,000	12.75
40,001 - 60,000	14.75
60,001 - 80,000 (maximum)	16.00

§13–917.

Notwithstanding § 13-916(b) of this subtitle, for any Class E (truck) vehicle, the annual registration fee is $63.75 if:

(1) The manufacturer's rated capacity is 3/4 ton or less; and

(2) The maximum gross vehicle weight is 7,000 pounds or less.

§13–918.

(a) If a Class E (truck) vehicle is operated in combination with a nonfreight trailer or semitrailer under § 13-927(b)(1) of this subtitle, the Class E (truck) vehicle

shall be registered for only the gross vehicle weight of the Class E (truck) vehicle and not the gross combination weight of the Class E (truck) vehicle and nonfreight trailer or semitrailer.

(b) If a Class E (truck) vehicle is operated in combination with a freight trailer or semitrailer, under § 13-927(c)(1) of this subtitle, the Class E (truck) vehicle shall be registered for the gross combination weight, which includes the gross weight of the Class E (truck) vehicle, and the freight trailer or semitrailer with which it is in combination.

§13–919.

(a) On application, the Administration shall issue a special Class E "dump service registration" to any applicant who certifies that the vehicle for which the application is made is a Class E (truck) vehicle that:

(1) Is designed to haul cargo and to self-unload by gravity or mechanical means; and

(2) Is to be used to haul feed or other loose materials in bulk.

(b) The maximum gross weight limitation for a vehicle registered under this section is for a vehicle with two axles -- 40,000 pounds.

(c) (1) The maximum gross weight limitation for a vehicle registered under this section after June 1, 1994 is for a vehicle with three axles -- 55,000 pounds.

(2) Except as provided in paragraph (1) of this subsection, the maximum gross weight limitation for a vehicle registered under this section after June 1, 1994 is:

(i) In Allegany and Garrett counties for a vehicle with four or more axles in use when loaded -- 70,000 pounds; and

(ii) For a vehicle with four axles that is in compliance with regulations adopted by the Department that specify alternative vehicle design configurations based on recommendations of the Dump Truck Technical Task Force -- 70,000 pounds.

(d) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, three-axle vehicles registered before June 1, 1994 may continue to be operated at the gross vehicle weight limit specified by the applicable law in effect on May 31, 1994 for a period of 20 years beginning:

1. For a new vehicle registered for the first time, the later of the vehicle's model year or date of registration; and

2. For a used vehicle, the vehicle's model year.

(ii) Notwithstanding any other provision of law, any vehicle registered under this section before June 1, 1994 may continue to be operated until June 1, 1999 under the applicable provisions of law in effect on May 31, 1994.

(2) (i) A vehicle may continue to be registered under this section, regardless of the vehicle's configuration, and to be operated under the same administrative regulations that were in effect on June 1, 1994, for the applicable time periods specified in paragraph (1) of this subsection, if the vehicle:

1. Was registered under this section before June 1, 1994; or

2. Is a three-axle vehicle that on June 1, 1994 was in the inventory of a dealer licensed under Title 15 of this article and was sold and registered before June 1, 1995.

(ii) Subparagraph (i) of this paragraph does not apply to flat bed trucks used to haul concrete blocks.

(e) The Administration:

(1) Shall stamp the words "dump service" on each registration card issued for a vehicle registered under this section; and

(2) May issue special registration plates to distinguish registrations made under this section.

(f) For each vehicle registered under this section, the annual registration fee is the greater of:

(1) $26.25 for each thousand pounds of gross weight of the vehicle; or

(2) $1,050.00.

(g) Except while it is operating on a divided highway with two or more lanes in each direction or while it is unloaded, a vehicle registered under this section may not be operated on any highway at a speed of more than 45 miles an hour.

(h) (1) Subject to the provisions of paragraph (2) of this subsection, if a vehicle registered under this section is hauling loose materials in bulk for a distance of not more than 40 miles:

(i) Subject to the provisions of subsection (i) of this section, the vehicle is limited as to maximum gross weight only by the allowable and paid registration weight; and

(ii) 1. Except in Allegany and Garrett counties, the vehicle is not subject to any restrictions of the Maryland Vehicle Law on the weight, gross weight, or axle loads of a vehicle other than the restrictions on gross vehicle weight imposed

under this section; and

2. In Allegany and Garrett counties, the vehicle is not subject to any other restrictions of the Maryland Vehicle Law on the weight, gross weight, or axle loads of a vehicle unless the vehicle exceeds its maximum registered gross weight by 10 percent or one of its axles is not carrying at least 15 percent of the vehicle's total gross weight.

(2) A vehicle registered under this section may be operated on a statewide basis without any distance limitations if the vehicle is:

(i) A three-axle vehicle with a maximum gross vehicle weight of 55,000 pounds; or

(ii) A four-axle vehicle with a maximum gross vehicle weight of 70,000 pounds that is in compliance with the regulations described under subsection (c)(2)(ii) of this section.

(i) (1) Except as provided in paragraph (2) of this subsection, a vehicle registered under this section with a registered maximum gross weight limitation of more than 65,000 pounds that is not in compliance with the regulations described in subsection (c)(2)(ii) of this section is limited to a maximum gross weight of 65,000 pounds when the vehicle is operated on an interstate highway or in a county in the State other than Allegany County or Garrett County.

(2) A vehicle used to haul coal, logs, or pulpwood that is registered under this section and operated on Interstate Route 68 in Allegany County or Garrett County is allowed a maximum gross weight limitation of 70,000 pounds, regardless of whether the vehicle is in compliance with the regulations described in subsection (c)(2)(ii) of this section.

§13–920.

(a) (1) In this section, "tow truck" means a vehicle that:

(i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry a vehicle by a hoist or mechanical apparatus;

(ii) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or more; and

(iii) Is equipped as a tow truck or designed as a rollback as defined in § 11–151.1 of this article.

(2) In this section, "tow truck" does not include a truck tractor as defined in § 11–172 of this article.

(b) When registered with the Administration every tow truck as defined in this

section is a Class T vehicle.

(c) A tow truck registered under this section may be used to tow vehicles for repair, storage, or removal from the highway.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, for each vehicle registered under this section, the annual registration fee is based on the manufacturer's gross vehicle weight rating as follows:

Manufacturer's Gross Weight Rating (in Pounds)	Fee
10,000 (or less) to 26,000	$185.00
More than 26,000	$550.00

(2) (i) The annual registration fee for a vehicle registered under this section that is used for any purpose other than that described in subsection (c) of this section shall be determined under subparagraph (ii) of this paragraph if the maximum gross weight of the vehicle or combination of vehicles:

1. Exceeds 18,000 pounds and the vehicle has a manufacturer's gross weight rating of 26,000 pounds or less; or

2. Exceeds 35,000 pounds and the vehicle has a manufacturer's gross weight rating of more than 26,000 pounds.

(ii) The annual registration fee shall be the greater of:

1. The fees set forth in paragraph (1) of this subsection; or

2. The fees set forth in § 13–916(b) of this subtitle.

(e) Notwithstanding §§ 24–104.1, 24–108, and 24–109 of this article, a tow truck registered under this section, while engaged in a tow, may move a vehicle or vehicle combination on a highway for safety reasons if:

(1) The tow truck and the vehicle or vehicle combination being towed comply with all applicable statutory weight and size restrictions under Title 24 of this article when measured or weighed separately; and

(2) The vehicle or vehicle combination is being towed by the safest and shortest practical route possible to the vehicle's destination.

(f) Notwithstanding any other provision of this section, while engaged in towing, a tow truck registered under this section is subject to:

(1) Weight restrictions imposed on restricted bridges; and

(2) All applicable statutory weight and size restrictions under Title 24 of this article while being operated within the limits of Baltimore City, unless the vehicle is being operated on an interstate highway.

(g) Except for tow trucks operated by dealers, automotive dismantlers and recyclers, and scrap processors displaying special registration plates issued under this title, the vehicle shall display a distinctive registration plate as authorized by the Administration.

(h) Subject to § 25–111.1 of this article, a person who registers a tow truck under this section, including a dealer, an automotive dismantler and recycler, or a scrap processor who operates a tow truck in the State, or a person who operates a tow truck in this State that is registered under the laws of another state, shall:

(1) Obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce; and

(2) Provide a federal employer identification number and, if applicable to the tow truck under federal requirements:

(i) A U.S. Department of Transportation motor carrier number; or

(ii) An Interstate Commerce Commission motor carrier authority number.

(i) (1) Except as provided under paragraph (2) of this subsection, a person may not operate a rollback in combination with a vehicle being towed unless the rollback is registered as a tow truck.

(2) This subsection does not apply to a vehicle that is registered and operated in accordance with § 13–621 or § 13–622 of this title.

(j) (1) This subsection applies only to a vehicle required to be registered in the State.

(2) A person may not operate a tow truck for hire unless the tow truck is registered under this section.

(3) (i) A person convicted of operating a tow truck in violation of this subsection shall be subject to a fine not exceeding $3,000 or imprisonment not exceeding 1 year or both.

(ii) A tow truck that is improperly registered or unregistered shall be impounded.

§13–921.

(a) In this section, "farm truck" means a farm vehicle that:

(1) Is a Class E (truck) vehicle; and

(2) Has a shipping weight of its chassis and battery, as certified by the manufacturer, of more than 3/4 ton.

(b) On application, the Administration shall issue a Class E "farm truck registration" to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck, specifying its proposed use.

(c) For each vehicle registered under this section, the annual registration fee is based on the maximum gross vehicle weight, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) – 40,000	$5.00
40,001 – 65,000 (maximum)	$5.25

(d) Except as provided in § 8–602(c) of this article, a vehicle registered under this section may not be used:

(1) For hire except to haul farm products for another farmer; or

(2) In any manner other than as a farm truck.

§13–923.

(a) When registered with the Administration, every truck tractor or similar motor vehicle used for propelling, supporting, or drawing a trailer or semitrailer is a Class F (tractor) vehicle.

(b) For each Class F (tractor) vehicle, the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) - 60,000	$21.00
60,001 - 80,000 or more	$22.50

§13–924.

(a) In this section, "farm truck tractor" means a farm vehicle that is a Class F (tractor) vehicle.

(b) On application, the Administration shall issue a Class F "farm truck tractor" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm truck tractor, specifying its proposed use.

(c) For each farm truck tractor the annual registration fee is based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) - 80,000 (maximum)	$5.25

(d) A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) A vehicle registered under this section may not be used in any manner other than as a farm truck tractor.

§13–927.

(a) (1) When registered with the Administration, every trailer and semitrailer is a Class G (trailer) vehicle.

(2) A Class G (trailer) vehicle shall be classified as "freight" or "nonfreight".

(b) A nonfreight trailer or semitrailer is a vehicle designed for towing by a Class A (passenger) vehicle, a Class M (multipurpose) vehicle, or a Class E (truck) vehicle, and shall:

(1) (i) If towed by a Class E (truck) vehicle, have a gross weight of 20,000 pounds or less; or

(ii) If towed by a Class A (passenger) vehicle or a Class M (multipurpose) vehicle, have a gross weight of 10,000 pounds or less; and

(2) Be a:

(i) Boat trailer;

(ii) Camping trailer;

(iii) Travel trailer;

(iv) House trailer; or

(v) Utility trailer.

(c) A freight trailer or semitrailer shall be:

(1) Designed for towing by a Class E (truck) or Class F (tractor) vehicle; and

(2) (i) In excess of 20,000 pounds gross weight if towed by a Class E (truck) vehicle; or

(ii) In excess of 10,000 pounds gross weight if towed by a Class F (tractor) vehicle.

(d) The annual registration fee for a Class G (trailer) vehicle is based on the maximum gross weight as follows:

(1) Except as provided in paragraph (2) of this subsection, for a nonfreight trailer or semitrailer:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000 or less	$ 25.50
3,001 to 5,000	51.00
5,001 to 10,000	80.00
10,001 to 20,000	124.00

(2) For a nonfreight trailer or semitrailer with a maximum gross weight limit (in pounds) of 10,001 to 20,000 that is titled on or after October 1, 2005:

(i) The fee is $124.00; and

(ii) The vehicle shall be registered in one of the following weight ranges:

Maximum Gross Weight
Limit (in Pounds)

10,001 to 11,000

11,001 to 12,000

12,001 to 13,000

13,001 to 14,000

14,001 to 15,000

15,001 to 16,000

16,001 to 17,000

17,001 to 18,000

18,001 to 19,000

19,001 to 20,000

(3) For a freight trailer or semitrailer the fee is $38.25.

§13–928.

(a) (1) The owner of a fleet of trailers or semitrailers may apply to the Administration for registration under this section of the Class G (trailer) vehicles in the fleet, if:

(i) The fleet consists of at least 25 Class G (trailer) vehicles that are rented or offered for rent for periods of 364 days or less; or

(ii) The fleet consists of at least five Class G (trailer) vehicles with a permitted gross weight of over 10,000 pounds.

(2) Each application made under this section shall contain the information that the Administration requires.

(b) If the applicant pays the fees required by this section and meets the other conditions required by the Administration, the Administration shall issue a special registration plate and registration card for each vehicle for which application is made.

(c) A special registration plate and registration card issued under this section:

(1) May be issued for any period of up to 8 years as the Administration determines;

(2) Shall expire on the date that the Administration determines; and

(3) Until they expire, are valid only:

(i) As long as the applicant retains ownership of the vehicle for which they are issued; and

(ii) If the registration is made on a prorated annual fee basis, as long as the owner pays the required annual fees before the date on which regular Class G registration plates expire.

(d) (1) The fee for registration under this section shall be paid to the Administration, at the election of the applicant, either:

(i) At the time of registration, for the full registration period; or

(ii) Annually, on a prorated fee basis.

(2) The fee for the full registration period for each vehicle is the regular annual fee required for the vehicle under § 13-927 of this subtitle, multiplied by the number of years in the registration period.

(e) If the application is made on a prorated annual fee basis, the applicant shall submit with the application acceptable evidence of a surety bond or irrevocable letter of credit that is:

(1) In a form and with a surety or insured Maryland financial institution approved by the Administration; and

(2) In an amount equal to the total annual fees required for all vehicles registered to the applicant under this section.

§13–930.

(a) In this section, "farm trailer or semitrailer" means a farm vehicle that is a Class G (trailer) vehicle.

(b) On application, the Administration shall issue a special Class G "farm trailer or semitrailer" registration to any applicant who certifies:

(1) That the applicant is a farmer; and

(2) That the vehicle for which the application is made is a farm trailer or semitrailer, specifying its proposed use.

(c) Except as otherwise provided in this part, for each farm trailer or semitrailer, the annual registration fee is based on the maximum gross weight limitations for the vehicle, as follows:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000	$ 12.75
5,000	25.50

10,000	40.00
20,000	62.00

(d) A vehicle registered under this section may not be used for hire except to haul farm products for another farmer.

(e) A vehicle registered under this section may not be used in any manner other than as a farm trailer or semitrailer.

§13–932.

(a) When registered with the Administration, every school vehicle is a Class H (school) vehicle.

(b) For each Type I school vehicle, the annual registration fee is:

(1) If the vehicle is a school bus only operated for the transportation of children, students, or teachers for educational purposes or in connection with a school activity or, with approval from a board of education in any county, to provide transportation for persons 60 years of age or older to civic, educational, social, or recreational activities – $51.00; and

(2) If the vehicle is a school bus charter operated for any purpose in addition to that specified in item (1) of this subsection – $150.00, less any amount paid under item (1) of this subsection.

(c) For each Type II school vehicle, the annual registration fee is $51.00.

§13–933.

(a) When registered with the Administration, every bus operated under charter or for hire is a Class P (passenger bus) vehicle.

(b) For each Class P (passenger bus) vehicle, the annual registration fee is based on the seating capacity of the bus, as follows:

Seating Capacity	Fee
20 or less	$ 275.00
21 to 35	525.00
36 or more	875.00

§13–934.

(a) When registered with the Administration, every vehicle used as a vanpool vehicle is a Class J (vanpool) vehicle.

(b) For each Class J (vanpool) vehicle, the annual registration fee is $76.50.

§13–935. IN EFFECT

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

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 25–mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

(i) Is not accessible by a highway;

(ii) Does not have State maintained highways; and

(iii) Contains less than 20 miles of highways.

(b) If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is $2.50.

(d) (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35–mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this

article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

(f) In applying for registration of a farm area motor vehicle under this section, the owner of the vehicle shall submit with the application, from the most recent federal tax filing of the owner, a copy of:

(1) Internal Revenue Service form 1040, schedule F; or

(2) Any other federal tax form showing active farming status, as determined by the Administration.

13–935. // EFFECTIVE APRIL 14, 2019 PER CHAPTER 146 OF 2014 //

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

(2) "Farm area motor vehicle" means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a 10–mile radius of the farm.

(3) "Island vehicle" means a motor vehicle, other than a golf cart, operated exclusively on an island that:

(i) Is not accessible by a highway;

(ii) Does not have State maintained highways; and

(iii) Contains less than 20 miles of highways.

(b) If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is $2.50.

(d) (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating

out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35–mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

§13–936.

(a) In this section, "historic motor vehicle" means a motor vehicle, including a passenger vehicle, motorcycle, or truck that:

(1) Is at least 20 years old;

(2) Has not been substantially altered from the manufacturer's original design; and

(3) Meets criteria contained in regulations adopted by the Administration.

(b) In this section, "historic motor vehicle" does not include a vehicle that has been remanufactured or reconstructed as a replica of an original vehicle.

(c) If registered with the Administration under this section, every historic motor

vehicle is a Class L (historic) vehicle.

(d) Except as provided in subsection (i) of this section, for each Class L (historic) vehicle, the annual registration fee is $25.50.

(e) In applying for registration of a historic motor vehicle under this section, the owner of the vehicle shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for use in exhibitions, club activities, parades, tours, occasional transportation, and similar uses; and

(2) Will not be used:

(i) For general daily transportation; or

(ii) Primarily for the transportation of passengers or property on highways.

(f) Except as provided in § 13–936.1 of this subtitle, on registration of a vehicle under this section, the Administration shall issue a special, historic motor vehicle registration plate of the size and design that the Administration determines.

(g) Unless the presence of the equipment was specifically required by a statute of this State as a condition of sale when the vehicle was manufactured, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

(h) A vehicle registered under this section is exempt from any statute that requires periodic vehicle inspections or that requires the use and inspection of emission controls.

(i) (1) For a motor vehicle manufactured at least 60 years prior to the current model year, there is a onetime registration fee of $50.00.

(2) Registration of a motor vehicle manufactured under this subsection is not transferable to a subsequent owner.

§13–936.1.

(a) In this section, "vintage registration plate" means a Maryland registration plate that was actually issued for display on a motor vehicle in a year not less than 25 years prior to January 1 of each calendar year.

(b) (1) Subject to the provisions of this subsection, the owner of a motor vehicle registered under § 13-936 or § 13-937.1 of this subtitle as a Class L (historic) or Class N (street rod) vehicle may display 2 vintage registration plates in lieu of current registration plates on that vehicle.

(2) The Administration may authorize the display of 2 vintage registration plates in lieu of current registration plates on a motor vehicle described in paragraph (1) of this subsection if:

(i) The owner of the motor vehicle submits an application on a form prescribed by the Administrator;

(ii) The 2 vintage registration plates were issued in the same year as the model year of the motor vehicle; and

(iii) The owner of the motor vehicle pays a onetime registration fee of $25.50.

(c) If the Administration authorizes the display of vintage registration plates under this section:

(1) The vintage registration plates shall remain valid for as long as title to the motor vehicle remains in the person who submitted an application under subsection (b)(2)(i) of this section; and

(2) A fee in addition to the onetime registration fee prescribed in subsection (b)(2)(iii) of this section is not required for the issuance of the vintage registration plates.

§13–936.2.

(a) In this section, "historic motor vehicle" means a Class E (truck) with a manufacturer's gross vehicle weight rating in excess of 10,000 pounds, Class F (tractor), or a Class M (multipurpose) motor home that:

(1) Is at least 25 years old;

(2) Has not been substantially altered from the manufacturer's original design; and

(3) Meets criteria contained in regulations adopted by the Administration.

(b) In this section, "historic motor vehicle" does not include a vehicle that has been remanufactured or reconstructed as a replica of an original vehicle.

(c) If registered with the Administration under this section, every historic motor vehicle is a Class L (historic) vehicle.

(d) Except as provided in subsection (i) of this section, for each Class L (historic) vehicle, the annual registration fee is $25.50.

(e) (1) A historic motor vehicle registered under this section may not be used for:

(i) General daily transportation; or

(ii) Any commercial transportation of passengers or property on highways.

(2) In applying for registration of a historic motor vehicle under this section, the owner of the vehicle shall submit with the application a certification that the vehicle for which the application is made:

(i) Will be maintained for use in exhibitions, club activities, parades, tours, and similar uses;

(ii) Will not be used for:

1. General daily transportation; or

2. Any commercial transportation of passengers or property on highways; and

(iii) Is insured by a historic vehicle, a show vehicle, or an antique vehicle insurance policy.

(f) Except as provided in § 13–936.1 of this subtitle, on registration of a vehicle under the section, the Administration shall issue a special, historic motor vehicle registration plate of the size and design that the Administration determines.

(g) Unless the presence of the equipment was specifically required by a statute of this State as a condition of sale when the vehicle was manufactured, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

(h) (1) A vehicle registered under this section is exempt from any statute that requires periodic vehicle inspections or that requires the use and inspection of emission controls.

(2) Paragraph (1) of this subsection may not be construed to limit the authority of a police officer to issue a safety equipment repair order for defective equipment under § 23–105 of this article.

(i) (1) For a motor vehicle manufactured at least 60 years prior to the current model year, there is a onetime registration fee of $50.00.

(2) Registration of a motor vehicle described in paragraph (1) of this subsection is not transferable to a subsequent owner.

§13–937.

(a) When registered with the Administration, every multipurpose passenger

vehicle is a Class M (multipurpose) vehicle.

(b) For each Class M (multipurpose) vehicle, the annual registration fee is:

(1) For a vehicle with a manufacturer's shipping weight of 3,700 pounds or less - $50.50; and

(2) For a vehicle with a manufacturer's shipping weight of more than 3,700 pounds - $76.50.

(c) The Administration may by rule and regulation provide for the registration under this section of all multipurpose passenger vehicles registered under another category.

§13–937.1.

(a) In this section, "street rod" means a motor vehicle that:

(1) Is 25 years old or older; and

(2) Has been substantially altered from the manufacturer's original design.

(b) Except as provided in subsection (e) of this section, if registered with the Administration under this section, every street rod is a Class N (street rod) vehicle.

(c) For each Class N (street rod) vehicle, the annual registration fee is $25.00.

(d) In applying for registration of a street rod under this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for use in exhibitions, club activities, parades, tours, occasional transportation, and similar uses; and

(2) Will not be used:

(i) For general daily transportation; or

(ii) Primarily for the transportation of passengers or property on highways.

(e) (1) The registration of a street rod registered before July 1, 1987 as a Class L (historic) vehicle shall remain valid until midnight on the date indicated on the registration card issued by the Administration.

(2) On expiration of a street rod's registration as a Class L (historic) vehicle, a street rod registered with the Administration shall be registered as a Class N (street rod) vehicle as required by this section.

(f) Except as provided in § 13-936.1 of this subtitle, on registration of a vehicle under this section, the Administration shall issue a special street rod vehicle registration plate of the size and design that the Administration determines.

(g) Unless the presence of the equipment was specifically required by a statute of this State as a condition of sale when the vehicle was manufactured, the presence of any specific equipment is not required for the operation of a vehicle registered under this section.

(h) A vehicle registered under this section is exempt from any statute that requires periodic vehicle inspections or that requires the use and inspection of emission controls.

§13–938.

If registration plates issued for a vehicle registered under this part have never been used, the owner of the vehicle for which the plates were issued is entitled to a refund of the Maryland registration fee paid less an administrative fee established by the Administration if, during the registration year for which the registration plates were issued, the owner:

(1) Applies to the Administration for a refund; and

(2) Surrenders to the Administration:

(i) The registration card issued for the vehicle; and

(ii) The unused registration plates.

§13–939.

(a) When registered with the Administration, every limousine operated for hire is a Class Q (limousine) vehicle.

(b) For each Class Q (limousine) vehicle, the annual registration fee is $185.00.

(c) On registration of a vehicle under this section, the Administration shall issue special limousine vehicle registration plates of the size and design that the Administration determines.

§13–939.1.

Notwithstanding any other provision of this subtitle, for a rental vehicle as defined in § 11–148.1 of this article, the annual registration fee is:

(1) For a Class A (passenger) vehicle with a manufacturer's shipping weight of:

(i) 3,700 pounds or less – $27.00; and

(ii) More than 3,700 pounds – $40.50;

(2) For a Class D (motorcycle) vehicle, the amount specified in § 13–915 of this subtitle;

(3) For a Class E (truck) vehicle with a manufacturer's rated capacity of 3/4 ton or less and a maximum gross vehicle weight of 7,000 pounds or less – $33.75;

(4) Notwithstanding item (3) of this section, for a Class E (truck) vehicle:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
10,000 (minimum) – 18,000	$ 4.75
18,001 – 26,000	7.50
26,001 – 40,000	8.50
40,001 – 60,000	10.50
60,001 – 80,000 (maximum)	11.75;

(5) For a Class F (tractor) vehicle based on the maximum gross weight of the vehicle in combination with a trailer or semitrailer as follows:

Maximum Gross Weight Limit (in Pounds)	Fee (per 1,000 Pounds or Fraction Thereof)
40,000 (minimum) – 60,000	$ 14.50
60,001 – 80,000 or more	16.00;

(6) For a Class G (trailer) vehicle based on the maximum gross weight as follows:

(i) For a nonfreight trailer or semitrailer:

Maximum Gross Weight Limit (in Pounds)	Fee
3,000 or less	$ 13.50
3,001 – 5,000	27.00
5,001 – 10,000	47.25
10,001 – 20,000	81.00; and

(ii) For a freight trailer or semitrailer – $20.25; and

(7) For a Class M (multipurpose) vehicle with a manufacturer's shipping weight of:

(i) 3,700 pounds or less – $27.00; and

(ii) More than 3,700 pounds – $40.50.

§13–939.2.

(a) When registered with the Administration, every low speed vehicle is a Class R (low speed) vehicle.

(b) For each Class R (low speed) vehicle, the annual registration fee is $35.00.

§13–940.

(a) Special registration plates issued to a dealer, manufacturer, distributor, or factory branch under § 13-621 of this title for use on vehicles in general are Class 1A (dealer) registration plates.

(b) For Class 1A (dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 1A (dealer) registration plate may be used only on vehicles owned or used by the dealer, manufacturer, distributor, or factory branch, and only as permitted by § 13-621 of this title.

§13–941.

(a) Special registration plates issued to a motorcycle dealer under § 13-621 of this title for use only on motorcycles are Class 1B (motorcycle dealer) registration plates.

(b) For Class 1B (motorcycle dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 1B (motorcycle dealer) registration plate may be used only on motorcycles owned or used by the motorcycle dealer and only as permitted by § 13-621 of this title.

§13–942.

(a) Special registration plates issued to a trailer dealer under § 13-621 of this title for use only on trailers and semitrailers are Class 1C (trailer dealer) registration plates.

(b) For Class 1C (trailer dealer) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the

Administration.

(c) A Class 1C (trailer dealer) registration plate may be used only on trailers or semitrailers owned or used by the trailer dealer, and only as permitted by § 13-621 of this title.

§13–943.

(a) Special registration plates issued to an automotive dismantler or recycler or scrap processor under § 13-622 of this title are Class 2 (recycler) registration plates.

(b) For Class 2 (recycler) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 2 (recycler) registration plate may be used only on used vehicles owned or used by the automotive dismantler or recycler or scrap processor, and only as permitted by § 13-622 of this title.

§13–944.

(a) Special registration plates issued to a financial institution under § 13-623 of this title are Class 3 (finance company) registration plates.

(b) For Class 3 (finance company) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 3 (finance company) registration plate may be used only on vehicles repossessed by or on behalf of the financial institution, and only as permitted by § 13-623 of this title.

§13–945.

(a) Special registration plates issued to the owner or operator of special mobile equipment under § 13-624 of this title are Class 4 (mobile equipment) registration plates.

(b) For each Class 4 (mobile equipment) registration plate, the annual registration fee shall be established by the Administration.

(c) A Class 4 (mobile equipment) registration plate may be used only on special mobile equipment owned or operated by the person to whom the plate is issued, and only as permitted by § 13-624 of this title.

§13–946.

(a) Special registration plates issued to a transporter under § 13-625 of this title are Class 5 (transporter) registration plates.

(b) For Class 5 (transporter) registration plates, the annual registration fee for each registration plate issued to the applicant shall be established by the Administration.

(c) A Class 5 (transporter) registration plate may be used on vehicles transported by the transporter, but only as permitted by § 13-625 of this title.

§13–950.

(a) (1) On application, the Administration may issue an additional registration card for a registered vehicle.

(2) For the issuance of an additional registration card under this subsection, the fee shall be established by the Administration.

(b) For the issuance of a duplicate registration card, issued under § 13-415(a) of this title to replace a lost, stolen, or damaged registration card, the fee shall be established by the Administration.

§13–951.

For the issuance of replacement validation tabs, issued under § 13-415(a) through (c) of this title to replace lost, stolen, or damaged validation tabs that have never been affixed to registration plates, the fee shall be established by the Administration.

§13–952.

(a) For the issuance of replacement registration plates, a replacement registration card, and replacement validation tabs, issued under § 13-415(d) through (f) of this title to replace a lost, stolen, or damaged registration plate or an affixed validation tab, the fee shall be established by the Administration.

(b) For the issuance of replacement registration plates issued under Subtitle 6, Part II of this title, the fee shall be as established by the Administration.

§13–953.

(a) Any person with a perfected security interest in a vehicle may apply to the Administration for a duplicate of the security interest filing.

(b) If a person who applies to the Administration for a duplicate of the security interest filing under this section furnishes information satisfactory to the Administration and pays the required fee, the Administration shall issue to the person a duplicate of the security interest filing.

(c) For the issuance of a duplicate of a security interest filing under this section, the fee shall be established by the Administration.

§13–954.

(a) In this section, "motor vehicle" means a:

(1) Class A (passenger) vehicle;

(2) Class B (for hire) vehicle;

(3) Class C (funeral and ambulance) vehicle;

(4) Class D (motorcycle) vehicle;

(5) Class E (truck) vehicle;

(6) Class F (tractor) vehicle;

(7) Class H (school) vehicle;

(8) Class J (vanpool) vehicle;

(9) Class M (multipurpose) vehicle;

(10) Class P (passenger bus) vehicle;

(11) Class Q (limousine) vehicle;

(12) Class R (low speed) vehicle; or

(13) Vehicle within any other class designated by the Administrator.

(b) (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of $17.00 per year for each motor vehicle registered.

(2) $2.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19–130 of the Health – General Article.

§13–955.

(a) In this section, "Fund" means the Maryland Emergency Medical System Operations Fund.

(b) (1) There is a Maryland Emergency Medical System Operations Fund.

(2) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302 of the State Finance and Procurement Article.

(3) Interest and earnings on the Fund shall be separately accounted for

and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and Procurement Article.

(c) The Fund consists of:

(1) Registration surcharges collected under § 13–954 of this subtitle;

(2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government; and

(3) Revenues distributed to the Fund from the surcharges collected under § 7–301(f) of the Courts Article.

(d) Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided under § 7-209 of the State Finance and Procurement Article, provided that any budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) The money in the Fund shall be used solely for:

(1) Medically oriented functions of the Department of State Police, Special Operations Bureau, Aviation Division;

(2) The Maryland Institute for Emergency Medical Services Systems;

(3) The R Adams Cowley Shock Trauma Center at the University of Maryland Medical System;

(4) The Maryland Fire and Rescue Institute;

(5) The provision of grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1 of the Public Safety Article; and

(6) The Volunteer Company Assistance Fund in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.

§14–101.

(a) This title does not apply to the following:

(1) A vehicle moved only by human or animal power; or

(2) A self-propelled invalid:

(i) Wheelchair; or

(ii) Tricycle.

(b) This title does not apply to the following unless a certificate of title has been issued for them under Title 13 of this article:

(1) Any farm equipment; or

(2) Any special mobile equipment.

§14–102.

(a) A person may not drive any vehicle without the consent of its owner and with intent to deprive the owner temporarily of his possession of the vehicle, even if without intent to steal it.

(b) A person may not take a vehicle without the consent of the owner of the vehicle and with the intent to deprive the owner temporarily of the owner's possession of the vehicle, even if without the intent to steal the vehicle.

(c) The consent of the owner of a vehicle to the driving or taking of the vehicle may not in any case be presumed or implied because of the owner's consent on a previous occasion to the driving or taking of the vehicle by the same or a different person.

§14–103.

(a) No person, except a person while making lawful use of it in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of his duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to open any motor vehicle in this State.

(b) No person, except a person while making lawful use of a motor vehicle master key in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of the law enforcement officer's duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to operate any motor vehicle in this State.

§14–104.

(a) A person may not willfully damage or tamper with any vehicle without the consent of its owner.

(b) A person may not drop or throw stones or other objects at any vehicle or at occupants of a vehicle.

(c) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, climb into or on any vehicle, whether it is in motion or at rest.

(d) A person may not, with intent to commit any malicious mischief, damage,

injury, or crime, manipulate or attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of any vehicle while the vehicle is at rest and unattended.

§14–105.

(a) If a police officer receives reliable information that a vehicle has been stolen, the police officer shall immediately report the theft to the Administration and the Department of State Police, unless the police officer has received reliable information of the recovery of the vehicle.

(b) An alleged violation under § 7-205 of the Criminal Law Article shall be a reportable theft of a vehicle for purposes of subsection (a) of this section.

(c) If a police officer receives reliable information that a vehicle which he previously reported stolen has been recovered, he shall immediately report the recovery to the Administration and the Department of State Police.

(d) If a vehicle titled or registered in this State has been stolen, the owner or secured party may notify the Administration of the theft.

(e) Every person who has given notice under subsection (d) of this section shall notify the Administration of a recovery of the vehicle.

(f) The Administration shall maintain and appropriately index cumulative public records of stolen vehicles reported to it under this section.

(g) The Administration may suspend the registration of a vehicle whose theft is reported to it under this section.

(h) Until the Administration learns of the recovery of the vehicle or that the report of its theft was erroneous, it may not issue a certificate of title for the vehicle.

§14–105.1.

(a) Every secured party who takes possession of a vehicle in which he has a security interest shall immediately inform the police that he has done so.

(b) Every secured party who takes possession of a vehicle in which the secured party has a security interest shall give any identifying information about the vehicle that the police reasonably request.

§14–106.

(a) A person may not knowingly make a false report of the theft of a vehicle to a police officer.

(b) A person may not knowingly make a false report of the theft of a vehicle to

the Administration.

§14–107.

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

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Identification number" includes any vehicle identification number, serial number, transmission number, federal vehicle certification label, engine number, or other distinguishing number or mark placed on a vehicle or engine:

(i) By its manufacturer;

(ii) By authority of the Administration; or

(iii) In accordance with the laws of the federal government or another state or country.

(4) "Remove" includes deface, cover, or destroy.

(b) A person may not willfully remove any identification number of a vehicle.

(c) A person may not willfully falsify any identification number of a vehicle.

(d) A person may not willfully remove any identification number of an engine for a vehicle.

(e) A person may not willfully falsify any identification number of an engine for a vehicle.

(f) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been removed.

(g) A person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been falsified.

(h) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been removed.

(i) A person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been falsified.

(j) A person may not, with intent to conceal or misrepresent the identity of a vehicle or its owner, remove a registration card or registration plate from the vehicle.

(k) A person may not, with intent to conceal or misrepresent the identity of

a vehicle or the owner of the vehicle, attach to the vehicle a registration plate not authorized by law for use on it.

(l) An identification number may be:

(1) Placed on a vehicle or engine by its manufacturer in the regular course of business; or

(2) Placed or restored on a vehicle or engine by authority of the Administration.

(m) (1) An insurance company or its insurance producer may buy, receive, and possess a motor vehicle knowing that the identification number of the vehicle has been removed, if the vehicle is the subject of a total loss settlement by the insurance company.

(2) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is not rebuildable; and

(iv) The transfer is to a licensed automotive dismantler and recycler or licensed scrap processor.

(3) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is rebuildable;

(iv) The transfer is to a licensed dealer, licensed automotive dismantler and recycler, or licensed scrap processor; and

(v) The transferee is advised that the vehicle may not be offered for

resale to any other person until after the vehicle has been assigned a distinguishing number under § 13–106.1 of this article.

§14–108.

(a) A person may not, with fraudulent intent, possess any certificate of title or other ownership document, registration card, registration plate, or vehicle identification number plate.

(b) A person may not, with fraudulent intent, give away, sell, or attempt to sell any certificate of title or other ownership document, registration card, registration plate, or vehicle identification number plate.

§14–110.

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

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Registration plate" means every plate or marker required by law to be attached to a vehicle, but does not include the temporary number plate referred to in § 13-415(e)(1) of this article.

(b) A person may not, with fraudulent intent, falsify or attempt to falsify any certificate of title, registration card, registration plate, validation tab, permit, or any other official document issued by the Administration.

(c) A person may not, with fraudulent intent, manufacture, construct, or possess any paraphernalia for use in any falsification prohibited by this section.

(d) A person may not, with fraudulent intent, possess, give away, sell, or attempt to sell any item falsified in violation of this section.

(e) A person may not, with fraudulent intent, falsify any assignment on a certificate of title.

(f) A person may not hold any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(g) A person may not use any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

§15–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration funds" means any payment or other money which is:

(1) Paid to a person licensed under Subtitle 2, 3, 4, or 6 of this title; and

(2) Owed to the Administration for payment of taxes or fees.

(c) (1) "Dealer" means, except as provided in paragraph (3) of this subsection, a dealer in vehicles of a type required to be registered under Title 13 of this article.

(2) (i) "Dealer" includes:

1. A person who is in the business of buying, selling, or exchanging vehicles, including a person who during any 12-month period offers to sell three or more of these vehicles, the ownership of which was acquired for resale purposes; and

2. For the purposes of §§ 15-301 through 15-315, inclusive, of this title, any person who sells vehicles, whether or not that person acquired the vehicles for personal or business use, if the vehicles are displayed at a fixed location used principally for the purpose of selling vehicles on a regular basis.

(ii) 1. For the purposes of subparagraph (i)1 of this paragraph, a person who offers to sell three or more vehicles during any 12-month period is presumed to have acquired the vehicles for resale purposes.

2. The vehicle owner has the burden of rebutting the presumption established under sub-subparagraph 1 of this subparagraph by a preponderance of the evidence.

(3) "Dealer" does not include:

(i) A public official who sells or disposes of vehicles in the performance of his official duties;

(ii) An insurance company, finance company, bank, or other lending institution licensed or otherwise authorized to do business in this State that, to save it from loss, sells or disposes of vehicles under a contractual right and in the regular course of its business;

(iii) A licensed auctioneer acting on behalf of a seller, secured party or owner and where title does not pass to the auctioneer and the auction is not for the purpose of avoiding the provisions of this title;

(iv) A receiver, trustee, personal representative, or other person appointed by or acting under the authority of any court;

(v) Either a manufacturer or distributor who sells or distributes vehicles to licensed dealers or a person employed by a manufacturer or distributor to promote the sale of the vehicles of the manufacturer or distributor, if that manufacturer, distributor, or person does not sell vehicles to retail buyers;

(vi) A person who sells or disposes of vehicles acquired and used for

personal or business use and not for the purpose of avoiding the provisions of this title, if that person is not engaged in buying, selling, or exchanging vehicles as a business;

(vii) An automotive dismantler and recycler who during the normal course of business acquires a salvage vehicle and transfers the vehicle on a salvage certificate. However, if the automotive dismantler and recycler rebuilds and sells more than 5 vehicles during a 12-month period to a person other than another automotive dismantler and recycler or licensed dealer, the automotive dismantler and recycler must be licensed as a dealer under § 15-302 of this title;

(viii) A person engaged in the leasing of motor vehicles under leases not intended as security; or

(ix) A religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Resources, or a local department of social services transferring a vehicle under § 13-810 of this article.

(d) "New Class A vehicle" and "new Class B vehicle" means a new vehicle that, if later sold and registered in this State, could be registered either as a Class A (passenger) vehicle or a Class B (for hire) vehicle, as the case may be.

(e) "Truck component part" means a truck's engine, power train, or rear axle that is not warranted by the final manufacturer of the truck.

(f) "Two-stage vehicle" means a two-stage vehicle, as defined in § 13-113.2 of this article, that is of a type required to be registered under Title 13 of this article.

(g) (1) "Vehicle salesman" means, except as provided in paragraph (2) of this subsection, any individual who:

(i) For a commission or other compensation, under any form of agreement or arrangement with a dealer, buys, sells, or exchanges or negotiates or attempts to negotiate a sale or exchange of an interest in a vehicle of a type required to be registered under Title 13 of this article; or

(ii) Induces or attempts to induce any other person to buy or exchange an interest in a vehicle of a type required to be registered under Title 13 of this article and receives or expects to receive a commission or other compensation from either the seller or the buyer of the vehicle.

(2) "Vehicle salesman" does not include:

(i) A person described in subsection (c)(3) of this section;

(ii) An individual acting as a representative of a person described in subsection (c)(3) of this section;

(iii) A person who:

1. Is compensated for arranging for the leasing of a vehicle for a period exceeding 180 days; and

2. As an incidental step in the consummation of the lease, induces or arranges for the sale of a vehicle from a licensed dealer to another person, who in turn leases the vehicle to a lessee under a lease not intended as a security; or

(iv) A person engaged in the leasing of vehicles under leases not intended as security.

§15–102.

(a) Each application for a license under this title shall be made on the form that the Administration requires.

(b) In addition to any other information required by this title, each application for a license under this title shall include:

(1) The name and address of the applicant;

(2) The address of the fixed location from which the licensed activity of the applicant will be conducted;

(3) A statement of the maximum amount charged as a dealer processing charge under § 15-311.1 of this title; and

(4) Any other information that the Administration requires.

(c) Each application for a license under this title shall:

(1) Contain a certification by the applicant that the information given in it is true; and

(2) Be signed by:

(i) The applicant, if the applicant is an individual;

(ii) A partner or other authorized representative, if the application is made for a partnership; or

(iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.

(d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

§15–103.

(a) (1) Except as provided in paragraph (2) of this subsection, a surety bond required of a licensee under this title shall be for the benefit of the Administration and any other person who suffers any loss because of a violation by the licensee, his agents, or employees of those provisions of the Maryland Vehicle Law that the Administration specifies.

(2) A manufacturer's or distributor's bond required under Subtitle 2 of this title shall be for the benefit of the Administration, any dealer, any buyer of a new or used Class A vehicle, and any member of the public who suffers any loss because of the breach of any express or implied warranty given by the manufacturer or distributor to a buyer of the vehicle from a dealer.

(b) Any person who suffers a loss described in subsection (a) of this section has a right of action in his own name against the surety on the bond.

(c) If, before a surety bond required under this title expires or is terminated, the licensee does not file satisfactory evidence that the bond has been extended or replaced by a bond that the Administration approves, his license automatically is suspended. The Administration immediately shall notify the licensee of the suspension.

§15–104.

The Administration shall issue a license under this title to an applicant if:

(1) The applicant has complied with the provisions of this title that apply to that license; and

(2) The applicant otherwise is entitled to a license.

§15–105.

(a) (1) A person who is licensed under this title may conduct the licensed activity only from a fixed location, as specified in the application for the license, unless conducting wholesale transactions at auctions or at other licensed dealership locations.

(2) The books of account and records of, except as otherwise specified by law, the licensee shall be kept at that location.

(3) A person, who holds multiple licenses at more than one location and has established a computerized data processing record keeping system at one of his locations, may keep certain records, as designated by the Administrator, of all his licensed activities at the centralized location, provided prior approval of the Administrator has been granted.

(b) A licensee may not remove or relocate the location specified for the licensed activity, unless the licensee has applied for and obtained a supplemental license from

the Administration.

(c) A licensee may not open any additional location other than a location specified for the licensed activity, unless the licensee has applied for and obtained a supplemental license from the Administration.

(d) Each licensee under this title shall maintain and keep records required by this article.

(e) The records shall be kept for 3 years after the transaction to which it applies.

(f) During business hours, the records of the licensee shall be open to inspection by the Administration or any police officer while discharging his official duties.

§15–106.

(a) If, during any license year, there is any change in the information that a licensee gave the Administration in obtaining a license under this title, the licensee shall report the change to the Administration within 30 days after the change occurs.

(b) If, during any license year, there is any change in the information that a licensee gave the Administration in retaining a license under this title, the licensee shall report the change to the Administration within 30 days after the change occurs.

(c) The report under this section shall be made on the form that the Administration requires.

(d) The licensee shall sign the form and certify that the information given in it is true.

§15–107.

If a license issued under this title is lost, stolen, mutilated, destroyed, or becomes illegible, the Administration may issue a duplicate license on application and payment of a fee established by the Administration. Before the Administration issues a duplicate, it may require the licensee to furnish satisfactory proof of the loss, theft, mutilation, destruction, or illegibility. When the Administration issues the duplicate, the license previously issued is void.

§15–108.

(a) Each license issued under this title expires on a staggered basis as determined by the Administration.

(b) A license issued under this title may be renewed on application and payment of the fee required by this title for that license.

§15–109.

In addition to any other grounds specified in this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this title to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person has violated or is attempting to violate any provision of this title or any rule or regulation adopted under this title;

(2) The person has violated or is attempting to violate any of the other provisions of the Maryland Vehicle Law that relate to the business or activity of that person; or

(3) Any officer, manager, agent, or employee of the person has violated or is attempting to violate any provision of this title, any rule or regulation adopted under this title, or any of the other provisions of the Maryland Vehicle Law that relate to the business or activity of the person, unless the Administration is satisfied that the individuals engaged in the management of the business or activity:

(i) Had no knowledge of the wrongful conduct; or

(ii) Were unable to prevent the violation or attempted violation.

§15–110.

(a) If the Administration refuses an application for a license or for the renewal of a license under this title, the applicant may request a hearing under Title 12, Subtitle 2 of this article.

(b) The Administration may suspend or revoke a license issued under this title only after a hearing under Title 12, Subtitle 2 of this article.

§15–110.1.

(a) If the Administration determines that there are reasonable grounds to suspend, revoke, or refuse to renew a license under this title, the Administration and the licensee may agree to conciliate the matter by conference.

(b) The Administration shall adopt regulations establishing criteria for the assessment of fines under this title.

§15–111.

(a) If the Administration suspends the license of any person licensed under this title, the licensee immediately shall return the license to the Administration.

(b) If the Administration revokes the license of any person licensed under this

title, the licensee immediately shall return the license to the Administration.

§15–112.

(a) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells a motorized minibike shall inform the buyer in writing that a motorized minibike may not be driven on a highway in the State.

(b) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells a motorized minibike shall inform the buyer in writing that local law, ordinance, and regulation may limit the use of the motorized minibike.

§15–113.

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

(1) The name and address of the consignor;

(2) The date on which it was consigned;

(3) The year, make, model, and serial number of each vehicle consigned;

(4) The title number and state where the vehicle was last registered;

(5) The odometer mileage reading at the time of consignment;

(6) The name and address of the person to whom the vehicle was sold;

(7) The selling price; and

(8) The date of sale.

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

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

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

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

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

§15–113.1.

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

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

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

(3) "Major component part" means:

(i) An air bag;

(ii) A bumper;

(iii) An engine;

(iv) A front fender;

(v) A front or rear side door;

(vi) A hood;

(vii) A pickup box or cargo box;

(viii) A rear quarter panel;

(ix) A rear door, deck lid, hatchback, or tailgate;

(x) A side assembly;

(xi) A sliding or cargo door; or

(xii) A transmission.

(4) "Used major component part" does not include a:

(i) Remanufactured part that has not been installed on a motor vehicle since remanufacture;

(ii) Core element that is held solely for the purpose of being returned for remanufacture; or

(iii) Part that is unsuitable for reuse in or on a motor vehicle.

(5) "Vehicle storage facility" means a facility where disabled vehicles are stored at any time for compensation.

(b) A person who operates an automotive repair facility shall keep accurate and

complete records at the location where motor vehicle repairs are conducted of:

(1) The name and address of the owner of each motor vehicle repaired or stored at the automotive repair facility or each customer who leaves a motor vehicle for repair or storage at the automotive repair facility;

(2) The date a motor vehicle was left at the automotive repair facility;

(3) The year, model, and, when repairs involve a used major component part, the vehicle identification number of the vehicle; and

(4) For a used major component part at the automotive repair facility, proof of ownership or proof of the right of possession, including, if available, the vehicle identification number on the component part.

(c) A person who operates a vehicle storage facility shall keep accurate and complete records at the location where vehicles are stored of:

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

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

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

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

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

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

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

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

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

(i) Records required under this section; and

(ii) Used major component parts and vehicles for which records are

required.

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

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

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

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

§15–115.

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

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

(i) Appearance in person or by counsel; or

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

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

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

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

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

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

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

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

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

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

§15–116.

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

§15–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Distributor" means a distributor who is authorized by the manufacturer or the manufacturer's authorized importer to enter into franchise agreements with dealers of:

(1) New motor vehicles constructed or assembled outside of the United States; or

(2) New two-stage vehicles completed outside of the United States by a second-stage manufacturer.

(c) "Factory branch" means a branch office of a manufacturer from which the manufacturer:

(1) Sells or promotes the sale to dealers in this State of a particular brand or make of new motor vehicles, or new completed two-stage vehicles;

(2) Directs and supervises its representatives in this State; or

(3) Supervises or contacts its dealers or prospective dealers in this State.

(d) "License" means a manufacturer's, distributor's, or factory branch's license issued by the Administration under this subtitle.

(e) "Manufacturer" means:

(1) A manufacturer of new motor vehicles constructed or assembled in the United States;

(2) A second-stage manufacturer of new two-stage vehicles completed in the United States; and

(3) In the case of trucks, a person engaged in the business of manufacturing truck component parts.

(f) "Second-stage manufacturer" has the meaning stated in § 13-113.2 of this

article.

§15–202.

(a) A manufacturer may not transfer any new motor vehicle, new two-stage vehicle, or truck component part to any dealer or distributor in this State unless the manufacturer is licensed by the Administration under this subtitle.

(b) A distributor may not transfer any new motor vehicle, or new two-stage vehicle to any dealer in this State unless the distributor is licensed by the Administration under this subtitle.

(c) A person may not conduct the business of a factory branch in new motor vehicles, or new two-stage vehicles unless the person is licensed by the Administration under this subtitle.

§15–203.

(a) In addition to the information required under Subtitle 1 of this title, each application for a license shall include:

(1) The address of the principal place of business of the applicant;

(2) The address of each place from which the applicant will make substantial contacts with dealers in this State; and

(3) The nature of the business to be conducted at each address.

(b) Each applicant for a license shall submit as part of the application:

(1) A copy of each form of any new vehicle warranty currently given or offered by the applicant;

(2) A copy of each form of franchise and any other contract with dealers used by the applicant, together with a list of dealers in this State who hold a franchise from the applicant;

(3) A copy of the vehicle preparation and delivery obligations of its dealers; and

(4) A statement of the compensation the applicant agrees to pay a dealer for parts supplied and work done by the dealer under:

(i) The preparation and delivery obligations referred to in item (3) of this subsection; or

(ii) Any outstanding express or implied new vehicle warranty.

§15–204.

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee for a manufacturer or a distributor shall be established by the Administration based on the combined number of new motor vehicles, new two-stage vehicles, and truck component parts transferred by the manufacturer or distributor to dealers in this State during the preceding license year.

(c) The annual license fee for a factory branch shall be established by the Administration.

§15–205.

(a) After the Administration notifies a manufacturer or distributor of new motor vehicles of the approval of an application for a license and before the Administration issues a license, the manufacturer or distributor shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(b) (1) The amount of the surety bond shall be based on the number of new motor vehicles transferred by the manufacturer or distributor to dealers in this State during the preceding license year, according to the following schedule:

(i) 1 to 50 vehicles – $25,000 surety bond;

(ii) 51 to 500 vehicles – $50,000 surety bond;

(iii) 501 to 10,000 vehicles – $100,000 surety bond; and

(iv) Over 10,000 vehicles – $300,000 surety bond.

(2) Each bond shall remain continuously in the amounts specified in this subsection.

(3) A manufacturer or distributor need file only one bond, regardless of the number of makes of motor vehicles manufactured or distributed.

(4) A manufacturer of truck component parts shall file a bond in the amount of $25,000.

§15–206.

A license issued under this subtitle authorizes the licensee to conduct the business of a manufacturer, distributor, or factory branch, as the case may be, during the license year for which it is issued.

§15–206.1.

(a) In this section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(b) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, or representative, may not fail to act in good faith:

(1) In acting or purporting to act under the terms, provisions, or conditions of any franchise agreement; or

(2) In any transaction or conduct governed by this subtitle.

§15–207.

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

(2) (i) "Coerce" means to compel or attempt to compel by threat of harm, breach of contract, or other adverse consequences, including the loss of any benefit made available to other dealers of the same line make in the State.

(ii) "Coerce" includes to act in a manner that violates § 15–206.1 of this subtitle.

(iii) "Coerce" does not include to argue, urge, recommend, or persuade.

(3) "Require" means to impose upon a dealer a provision not required by law or previously agreed to by a dealer in a franchise agreement, excluding business decisions by a manufacturer, distributor, or factory branch which are uniformly applied to all Maryland dealers in new vehicles of the manufacturer, distributor, or factory branch.

(b) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not coerce any dealer to make any agreement with the manufacturer, distributor, or factory branch or their agent, employee, affiliate, or representative.

(c) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not coerce any dealer to order or accept delivery of any vehicle, any equipment, parts, or accessories for a vehicle, or any other commodity that is not required by law or by the dealer's franchise or that was not ordered voluntarily by the dealer.

(d) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not require or coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to:

(1) Exclude from the use of the dealer's facilities a dealership for which the dealer has a franchise agreement to utilize the facilities; or

(2) Materially change the dealer's facilities or method of conducting business if the change would impose substantial financial hardship on the business of the dealer.

(e) (1) A manufacturer, distributor, or factory branch, whether directly or through an agent, employee, affiliate, or representative, may not require or coerce a dealer to adhere to performance standards that are not applied uniformly to other similarly situated dealers.

(2) (i) A performance standard, sales objective, or program for measuring dealership performance that may have a material effect on a dealer, including the dealer's right to payment under any incentive or reimbursement program, and the application of the standard, sales objective, or program by a manufacturer, distributor, or factory branch shall be fair, reasonable, equitable, and based on accurate information.

(ii) A dealer that claims that the application of a performance standard, sales objective, or program for measuring dealership performance is unfair or unreasonable due to the demographic characteristics of the population in the dealer's assigned market area, including car and truck preferences of consumers, or due to the geographic characteristics that affect car and truck shopping patterns in the dealer's assigned marketing area, may file a claim in a court of competent jurisdiction to determine whether the application of the performance standard or program is unfair or unreasonable under this paragraph.

(iii) A manufacturer, distributor, or factory branch has the burden of proving that the performance standard, sales objective, or program for measuring dealership performance is fair and reasonable under this paragraph.

(3) (i) If the performance standard is based on a survey, it must be shown that:

1. The survey was designed with experts;

2. The proper universe was examined;

3. A representative sample was chosen; and

4. The data was accurately reported.

(ii) The manufacturer, distributor, or factory branch shall establish the objectivity of the survey process and provide this information to any dealer of the same line make covered by the survey on request.

(f) A franchise agreement or other contract offered to a dealer by a

manufacturer, distributor, or factory branch may not contain any provision requiring a dealer to pay the attorney's fees of the manufacturer, distributor, or factory branch related to disputes involving the franchise.

(g) (1) (i) If the dealer is an entity other than an individual, the dealer shall designate an individual to represent the dealer to do business with the manufacturer, distributor, or factory branch.

(ii) Approval of the individual may not be withheld by the manufacturer, distributor, or factory branch unless the individual is unfit due to lack of good moral character or fails to meet reasonable general business experience requirements.

(2) A dealer shall have a reasonable amount of time to:

(i) Designate a representative or a successor if a change is required for any reason; and

(ii) Obtain approval of the representative or successor designated under item (i) of this paragraph, including time for a hearing, in the event of any objection by the manufacturer, distributor, or factory branch.

(3) At a hearing resulting from an objection to the approval of the designated individual, the manufacturer, distributor, or factory branch has the burden of proving that the designated individual is not of good moral character or fails to meet reasonable general business experience requirements.

(h) (1) (i) Any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms that a manufacturer, distributor, or factory branch offers or advertises, or allows its dealers to offer or advertise, shall be offered to all dealers of the same line make.

(ii) Any manufacturer, distributor, or factory branch that denies the benefit of any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms to a dealer on the basis that the dealer failed to comply with performance standards has the burden of proving that the performance standards comply with the provisions of this section.

(2) Unless a dealer violates a State or local law intended to protect the public, a manufacturer, distributor, or factory branch may not:

(i) Require a dealer to alter or replace an existing dealership facility; or

(ii) Deny, or threaten to deny, any benefit generally available to all dealers for a dealer's failure to alter or replace an existing dealership facility.

(3) A manufacturer, distributor, or factory branch may not reduce the

price of a motor vehicle charged to a dealer or provide different financing terms to a dealer in exchange for the dealer's agreement to:

(i) Maintain an exclusive sales or service facility;

(ii) Build or alter a sales or service facility; or

(iii) Participate in a floor plan or other financing arrangement.

(i) A manufacturer, distributor, or factory branch may offer rebates, cash incentives, or other promotional items for the sale of a vehicle by its dealers if:

(1) The same rebate, cash incentive, or promotion is offered to all of its dealers of the same line make; and

(2) Any rebate, cash incentive, or promotion that is based on the sale of an individual vehicle is not increased for meeting a performance standard unless the standard is reasonable considering all existing circumstances.

(j) A manufacturer, distributor, or factory branch may not discriminate among its dealers in any program that provides assistance to its dealers, including Internet listings, sales leads, warranty policy adjustments, marketing programs, and dealer recognition programs.

(k) (1) This subsection does not apply to:

(i) The purchase or procurement of:

1. Moveable displays;

2. Brochures or other promotional materials;

3. Special tools and training as required by the manufacturer;

4. Parts for repairs made under warranty obligations of a manufacturer, distributor, or factory branch; or

5. Any goods or services for which a manufacturer, a distributor, a factory branch, or an affiliate provides a credit, stipend, payment, or reimbursement to the dealer that covers all or a substantial portion of the dealer's program costs;

(ii) Optional programs;

(iii) A program, or the renewal or modification of a program, in existence on October 1, 2014; or

(iv) An agreement between the manufacturer, distributor, factory branch, or affiliate and the dealer that is directly related to the dealer's completion of

a program if separate and valuable consideration has been offered to the dealer and accepted.

(2) (i) Subject to subparagraph (ii) of this paragraph, a manufacturer, distributor, factory branch, or one of its affiliates may not, directly or through an agent, an employee, an affiliate, or a representative, require or coerce by agreement, program, or incentive provision, a dealer to purchase goods or services from a vendor that is selected, identified, or designated by the manufacturer, distributor, factory branch, or one of its affiliates.

(ii) A manufacturer, distributor, factory branch, or one of its affiliates may offer a dealer the option to obtain goods or services under this subsection of substantially similar quality and design from a vendor chosen by the dealer subject to the advanced approval of the manufacturer, distributor, factory branch, or one of its affiliates.

(3) A manufacturer, distributor, factory branch, or one of its affiliates may not unreasonably withhold the approval required under paragraph (2) of this subsection.

(4) Nothing in this subsection may be construed to allow a dealer or vendor to:

(i) Directly or indirectly eliminate or impair in any way a manufacturer's intellectual property, trademark, or trade dress rights; or

(ii) Erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, distributor, factory branch, or one of its affiliates.

(5) (i) A manufacturer, distributor, factory branch, or one of its affiliates may not penalize a dealer for failure to participate in an optional program.

(ii) Withholding the benefits of an optional program in which the dealer failed to participate may not be construed to be a penalty imposed by the manufacturer, distributor, factory branch, or affiliate.

§15–208.

(a) A manufacturer may not refuse to deliver new motor vehicles, new two–stage vehicles, or truck component parts, as the case may be, to a licensed dealer or distributor, in reasonable quantities and within a reasonable time after receipt of a written order, if:

(1) The manufacturer specifically advertises that these vehicles or truck component parts are available for immediate delivery; and

(2) The dealer or distributor has a franchise or other contract with the

manufacturer for the sale of these vehicles or truck component parts to the public.

(b) A distributor may not refuse to deliver new motor vehicles, or new two–stage vehicles, as the case may be, to a licensed dealer, in reasonable quantities and within a reasonable time after receipt of a written order, if:

(1) The distributor specifically advertises that these vehicles are available for immediate delivery; and

(2) The dealer has a franchise or other contract with the distributor for the sale of these vehicles to the public.

(c) A factory branch may not refuse to deliver new motor vehicles, or new two–stage vehicles, as the case may be, to a licensed dealer, in reasonable quantities and within a reasonable time after receipt of a written order, if:

(1) The factory branch specifically advertises that these vehicles are available for immediate delivery; and

(2) The dealer has a franchise or other contract with the factory branch for the sale of these vehicles to the public.

(d) A failure to deliver vehicles because of a labor strike, government regulation, or other cause not the fault of the manufacturer, distributor, or factory branch is not a violation of this section.

(e) If a dealer has a franchise or other contract with a manufacturer, distributor, or factory branch for the sale of vehicles or truck component parts of a specific line or make, the manufacturer, distributor, or factory branch shall allow the dealer to:

(1) Purchase the vehicles or truck component parts at the same price and on the same terms as all other dealers with a franchise or other contract for the sale of vehicles or truck component parts of the same line or make; and

(2) Receive the same right to incentive payments that is given to all other dealers with a franchise or other contract for the sale of vehicles or truck component parts of the same line or make.

§15–209.

(a) A manufacturer may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the manufacturer:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(b) A distributor may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the distributor:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(c) A factory branch may not terminate, cancel, or fail to renew the franchise of a dealer, notwithstanding any term or provision of the franchise, unless:

(1) The dealer has failed to comply substantially with the reasonable requirements of the franchise; and

(2) Except as otherwise provided by subsection (d) of this section, the factory branch:

(i) Gives the dealer at least 90 days' prior written notice of the termination, cancellation, or nonrenewal and of the specific grounds for the action; and

(ii) Provides the Administration with a copy of that notice.

(d) The 90-day notice period required by subsection (a) of this section:

(1) May be reduced to not less than 15 days, if the ground for the termination, cancellation, or nonrenewal is the dealer's inability to reasonably serve the interests of the public; and

(2) Is not required, if the dealer waives it in writing.

(e) (1) If a dealer receives written notice that his franchise is being terminated, canceled, or not renewed, the dealer may, within the notice period required by this section, request a hearing under Title 12, Subtitle 2 of this article in which the manufacturer, distributor, or factory branch must show that the dealer has failed to comply substantially with the reasonable requirements of the franchise.

(2) If the dealer requests a hearing under this subsection, the dealer's franchise continues in effect, notwithstanding any term or provision of the franchise or

any other provision of this subtitle, until the Administration, after the hearing, makes a final determination.

(3) A dealer, manufacturer, distributor, or factory branch may appeal the determination of the Administration to the circuit court for the county in which the dealer's principal place of business is located.

(4) If the dealer, manufacturer, distributor, or factory branch appeals the determination of the Administration to a circuit court, the dealer's franchise continues in effect, notwithstanding any term or provision of the franchise or any other provision of this subtitle, until the circuit court makes a final determination.

(5) A dealer, manufacturer, distributor, or factory branch may appeal from a final judgment entered by a circuit court to the Court of Special Appeals as provided in § 12-301 of the Courts and Judicial Proceedings Article.

(f) (1) In addition to any administrative and criminal sanctions imposed under this subtitle, a manufacturer, distributor, or factory branch that terminates, cancels, or fails to renew the franchise of a dealer in violation of this section shall pay to the dealer the fair value of his business as a going concern.

(2) On payment, the dealer shall convey his business, free of liens and encumbrances, to the manufacturer, distributor, or factory branch.

§15–210.

(a) A manufacturer, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A distributor, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

(c) A factory branch, whether directly or through an agent, employee, or representative, may not use any advertisement that is in any way false, deceptive, or misleading.

§15–211.

(a) A manufacturer, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the dealership to any other person.

(b) A distributor, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the

dealership to any other person.

(c) A factory branch, whether directly or through an agent, employee, affiliate, or representative, may not prevent, by contract or otherwise, any owner, partner, or stockholder of any dealership from transferring any ownership interest in the dealership to any other person.

(d) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the manufacturer.

(2) Notwithstanding the terms of any franchise agreement or agreement related to a franchise, a manufacturer may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the manufacturer's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a manufacturer exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the manufacturer shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the manufacturer at least 45 days' notice of an intent to sell or transfer.

(e) A manufacturer may not unreasonably withhold consent to the transfer of a franchise under subsection (d) of this section.

(f) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the distributor.

(2) Notwithstanding the terms of any agreement related to the franchise, a distributor may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the distributor's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a distributor exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the distributor shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the distributor at least 45 days' notice of an intent to sell or transfer.

(g) However, the distributor may not unreasonably withhold consent to the transfer of a franchise under subsection (f) of this section.

(h) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the factory branch.

(2) Notwithstanding the terms of any agreement related to the franchise, a factory branch may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the factory branch's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a factory branch exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the factory branch shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the factory branch at least 45 days' notice of an intent to sell or transfer.

(i) However, the factory branch may not unreasonably withhold consent to the transfer of a franchise under subsection (h) of this section.

(j) A manufacturer, distributor, or factory branch may not impose a condition on the approval of the sale or transfer of the ownership of a dealership, by the sale of the business, stock transfer, or otherwise, if the condition would violate the provisions of this title if imposed on an existing dealer.

(k) (1) A manufacturer, distributor, or factory branch violates this section if, without a statement of specific grounds consistent with this title for the action, the manufacturer, distributor, or factory branch takes action to prevent or refuse to approve:

(i) The sale, assignment, or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise;

(ii) The sale, transfer, or assignment of a dealer franchise; or

(iii) A change in the executive management or principal operator of the dealership.

(2) (i) An existing dealer denied the sale, assignment, transfer, or change under this section may request that the Administrator conduct a hearing to review the denial or the imposition of a condition in violation of this section.

(ii) If the Administrator finds that the action leading to the denial or the imposition of a condition was in violation of this section, the Administrator may order the sale, assignment, or transfer to be approved by the manufacturer, distributor, or factory branch without imposition of the condition.

(3) (i) An applicant for approval of a sale, assignment, or transfer of ownership of a dealership or an existing dealer denied the sale, assignment, or transfer may institute an action for damages in the circuit court for the county in which the dealer's principal place of business is located, if:

1. The existing dealer does not request a hearing by the Administrator; and

2. The action taken in violation of this section to deny the sale, assignment, or transfer of ownership or the change in executive management or the condition imposed on the sale, assignment, or transfer is the proximate cause of the failure of the contract for the sale, assignment, or transfer of ownership of the dealership.

(ii) An action for damages under this section must be instituted within 2 years of the violation of this section.

§15–211.1.

(a) (1) A designated family member of a deceased or incapacitated dealer may succeed the dealer in the ownership or operation of the dealership under the existing

franchise agreement if the designated family member:

(i) Gives the manufacturer, distributor, or factory branch written notice of the designated family member's intention to succeed to the dealership within 120 days after the dealer's death or incapacity;

(ii) Agrees to be bound by all of the terms and conditions of the franchise agreement; and

(iii) Meets the current criteria that the manufacturer, distributor, or factory branch generally applies in qualifying dealers.

(2) A manufacturer, distributor, or factory branch may refuse to honor the existing franchise agreement with the designated family member only for good cause.

(b) (1) The manufacturer, distributor, or factory branch may request from a designated family member personal and financial data reasonably necessary to determine whether the existing franchise agreement should be honored.

(2) The designated family member shall supply the personal and financial data promptly upon the request.

(c) If a manufacturer, distributor, or factory branch believes that good cause exists for refusing to honor the succession, the manufacturer, distributor, or factory branch may, within 60 days after receipt of the notice of the designated family member's intent to succeed the dealer or, if the manufacturer, distributor, or factory branch requested personal or financial data, within 60 days after the receipt of the requested data, provide written notice to the designated family member of the manufacturer, distributor, or factory branch's refusal to approve the succession.

(d) The notice of the manufacturer, distributor, or factory branch provided in accordance with subsection (c) of this section shall state the specific grounds for the refusal to approve the succession and that discontinuance of the franchise agreement shall take effect not less than 90 days after the date the notice is provided.

(e) If written notice of refusal is not provided in accordance with subsection (c) of this section, the franchise agreement shall continue in effect and shall be subject to termination only as otherwise permitted by this title.

(f) This section does not preclude a dealer from designating any person as the dealer's successor by written instrument filed with the manufacturer, distributor, or factory branch. If a written instrument is filed, the instrument alone shall determine the succession rights to the management and operation of the dealership.

(g) (1) This section applies only to a dealer who is an individual.

(2) In the event of the incapacity or death of an individual designated to act as a representative of a dealer that is an entity under § 15-207(g) of this subtitle,

the procedure for replacement of the individual shall be as provided in § 15-207(g) of this subtitle.

§15–212.

(a) In this section, "motor home" means a motor vehicle that:

(1) Is designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self–propelled motor vehicle chassis or van; and

(2) Contains permanently installed independent life support systems which provide at least four of the following facilities:

(i) Cooking;

(ii) Refrigeration or ice box;

(iii) Self–contained toilet;

(iv) Heating, air–conditioning, or both;

(v) A potable water supply system including a faucet and sink;

(vi) Separate 110–125 volt electrical power supply; or

(vii) An LP gas supply.

(b) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has:

(1) Made any material misrepresentation in transferring a vehicle or truck component part to a dealer or distributor;

(2) Failed to comply with any written warranty agreement; or

(3) Failed to reasonably compensate any franchised dealer who does work under:

(i) The vehicle preparation and delivery obligations of the dealer; or

(ii) Any outstanding express or implied new vehicle or truck component parts warranty.

(c) (1) A licensee shall specify in writing to each of its motor vehicle dealers licensed in the State:

(i) The dealer's obligation for vehicle preparation, delivery, warranties, and recalls on its products;

(ii) The schedule of compensation to be paid to the dealers for parts, including parts assemblies, and labor, including diagnostic labor and associated administrative requirements, in connection with the service obligations established under item (i) of this paragraph; and

(iii) A time allowance for the performance of labor described in this paragraph that is reasonable and adequate.

(2) Reasonable compensation under this section may not be less than:

(i) With respect to labor for warranty or recall repairs, the dealer's current labor rate for nonwarranty repairs of a like kind for retail customers; and

(ii) With respect to any part, the dealer's cost plus its current retail mark–up percentage charged to retail customers for nonwarranty repairs of a like kind.

(3) (i) For purposes of paragraph (2) of this subsection, the dealer's labor rate or parts mark–up percentage shall be established by a submission to the licensee of whichever of the following produces fewer repair orders closed, as of the date of submission, within the preceding 180 days:

1. 100 qualifying sequential customer–paid repair orders; or

2. 90 days of qualifying customer–paid repair orders.

(ii) With respect to parts, a schedule of compensation established under this subsection shall be equal to the parts mark–up percentage as reflected in qualifying repair orders, calculated by dividing the total charges for parts in the repair orders by the total dealer cost for the parts minus one.

(iii) 1. A dealer may not make a submission under this subsection more than once in 1 year.

2. For purposes of subsubparagraph 1 of this subparagraph, a revision or supplement to a submission to correct or clarify the submission does not constitute a new submission.

(4) Repair orders for labor or parts in connection with any of the following may not constitute a qualifying repair order under paragraph (2) of this subsection:

(i) Accessories;

(ii) Repairs for manufacturer, distributor, or factory branch special events, promotions, or service campaigns;

(iii) Repairs related to collision;

(iv) Vehicle emission or safety inspections required by law;

(v) Parts sold, or repairs performed, at wholesale or for insurance carriers, or other third–party payors;

(vi) Routine maintenance not covered under any warranty, including maintenance involving fluids, filters, and belts not provided in the course of repairs;

(vii) Nuts, bolts, fasteners, and similar items that do not have an individual parts number;

(viii) Tires;

(ix) Vehicle reconditioning;

(x) Goodwill or policy repairs or replacements; or

(xi) Repairs on vehicles from a different line–make.

(5) If a licensee gives a dealer a part at no cost to use in performing a repair under a recall, campaign service action, or warranty repair, the licensee shall compensate the dealer for the part by paying the dealer the parts mark–up percentage established under this subsection on the cost for the part listed on the licensee's price schedule.

(6) (i) The schedule of compensation submitted under paragraph (3) of this subsection shall be presumed to be accurate and reasonable.

(ii) The licensee shall approve or rebut the dealer's submission within 30 days of receipt.

(iii) If the licensee approves a dealer's submission, the licensee shall begin compensating the dealer under the schedule within 30 days after the date of approval.

(iv) In the absence of a timely rebuttal by the licensee, the schedule of compensation submitted by the dealer shall go into effect on the 31st day following the licensee's receipt of the schedule.

(v) Any rebuttal of the schedule of compensation by the licensee shall:

1. Be delivered to the dealer within 30 days of the licensee's receipt of the schedule; and

2. Consist of reasonable substantiating evidence that the declared rate is materially inaccurate.

(vi) In the event of a timely rebuttal, on resolution of the matter by agreement of the parties or by administrative, judicial, or other action, a licensee's payment obligations under the resulting schedule of compensation shall begin on the 31st day following a final order unless otherwise provided for by the fact finder.

(vii) 1. To the extent that any action commenced under subsection (d) of this section or § 15–213 or § 15–214 of this subtitle involves the application of paragraph (3) of this subsection, the issues shall be limited to whether the labor rate or parts mark–up percentage stated in the dealer's submission was materially inaccurate.

2. A licensee shall have the burden of proving under this subparagraph that the dealer's submission was materially inaccurate.

(viii) 1. A licensee may verify a dealer's effective rates once annually.

2. If a licensee finds that a dealer's effective rates have increased or decreased, the licensee may increase or decrease, respectively, the warranty reimbursement rate prospectively.

(7) A licensee may not directly or indirectly:

(i) Calculate its own labor rate or parts mark–up percentage on a warranty reimbursement rate submission by the licensee's dealer under this section, or require a dealer to calculate a labor rate or parts mark–up percentage, by any method not required under this section, including a method that is unduly burdensome or time–consuming or that requires information that is unduly burdensome or time–consuming to provide such as:

1. A part–by–part or transaction–by–transaction calculation; or

2. Presentation of information as to, or calculations based on, the dealer's or other dealers' warranty compensation;

(ii) Establish or implement a special part or component number for parts used in warranty fulfillment, if the special part or component number results in reduced compensation for the dealer unless the part is used for specific, limited repair situations;

(iii) Require or coerce a dealer to change the prices for which it sells parts or labor for retail customer repairs;

(iv) Take adverse action against a dealer because the dealer seeks compensation under this section, by:

1. Implementing a process that is inconsistent with the licensee's obligations to the dealer under this subtitle; or

2. Failing to act in good faith;

(v) Conduct any warranty or retail customer repair audit, or other service–related audit, solely because the dealer makes a request for warranty reimbursement at retail rates in the ordinary course of business; or

(vi) Establish, implement, enforce, or apply any policy, standard, rule, program, or incentive regarding the compensation due under this section other than in a uniform manner among the licensee's dealers in the State.

(8) The provisions of paragraphs (1) through (7) of this subsection do not apply to travel trailers or parts of systems, fixtures, appliances, furnishings, accessories, and features of motor homes that are not manufactured by the manufacturer of the motor home as a part of the unit.

(9) (i) A claim filed under this section by a dealer with a manufacturer or distributor shall be:

1. In the manner and form reasonably prescribed by the manufacturer or distributor; and

2. Approved or disapproved within 30 days of receipt.

(ii) A claim not approved or disapproved within 30 days of receipt shall be deemed approved.

(iii) Payment of or credit issued on a claim filed under this section shall be made within 30 days of approval.

(10) A dealer's failure to comply with a specific requirement of the manufacturer or distributor may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents documentation or other reasonable evidence to substantiate that the repair and the claim were done according to manufacturer warranty guidelines.

(11) (i) If a claim filed under this section is shown by the manufacturer or distributor to be false or unsubstantiated, the manufacturer or distributor may charge back the claim within 9 months from the date the claim was paid or credit issued.

(ii) This paragraph does not limit the right of a manufacturer or distributor to:

1. Conduct an audit of any claim filed under this section; or

2. Charge back for any claim that is proven to be fraudulent.

(iii) An audit under this paragraph shall be conducted according to generally accepted accounting principles.

(d) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or nonrenewal of a license under this section, the Administrator:

(1) May order the licensee to pay a fine not exceeding $50,000 for each violation of this subtitle; and

(2) May order the licensee to compensate any person for financial injury or other damage suffered as a result of the violation.

§15–212.1.

(a) Upon the filing of a claim, a manufacturer, factory branch, or distributor shall compensate a dealer for any incentive or reimbursement program sponsored by the manufacturer, factory branch, or distributor, under the terms of which the dealer is eligible for compensation.

(b) (1) A claim filed under this section shall be:

(i) In the manner and form prescribed by the manufacturer, factory branch, or distributor; and

(ii) Approved or disapproved within 30 days of receipt.

(2) A claim not approved or disapproved within 30 days of receipt shall be deemed approved.

(3) Payment of a claim filed under this section shall be made within 30 days of approval.

(c) (1) If a claim filed under this section is shown by the manufacturer, factory branch, or distributor to be false or unsubstantiated, the manufacturer, factory branch, or distributor may charge back the claim within 6 months from the payment of the incentive or reimbursement.

(2) This paragraph does not limit the right of a manufacturer, factory branch, or distributor to:

(i) Conduct an audit of any claim filed under this section; or

(ii) Charge back for any claim that is proven to be fraudulent.

(3) An audit under this paragraph shall be conducted according to generally accepted accounting principles.

(d) A manufacturer, distributor, or factory branch may not refuse to pay, or claim reimbursement from, a dealer for sales, incentives, or payments related to a motor vehicle sold by the dealer because the purchaser of the motor vehicle exported or resold

the motor vehicle in violation of the policy of the manufacturer, distributor, or factory branch unless the manufacturer, distributor, or factory branch can show that, at the time of sale, the dealer knew or should have known of the purchaser's intention to export or resell the motor vehicle.

(e) (1) This subsection applies only to an incentive payment, a reimbursement payment, cash, a gift, or a thing of value earned by an employee of a dealer on or after May 1, 2009.

(2) (i) An incentive payment, a reimbursement payment, cash, a gift, or a thing of value to be given by a manufacturer, distributor, or factory branch to an employee of a dealer may be given:

1. Directly to the employee; or

2. To the dealer to be distributed to the employee.

(ii) An incentive payment, a reimbursement payment, or cash given to a dealer for distribution to an employee under this paragraph shall be distributed to the employee as part of the payroll process after the appropriate payroll deductions have been made by the dealer.

(3) A manufacturer, distributor, or factory branch shall make information available to a dealer about any incentive payment, reimbursement payment, cash, gift, or thing of value totaling more than $200 in a calendar year that is given directly to an employee of the dealer.

§15–212.2.

(a) If a manufacturer, distributor, or factory branch terminates, suspends, refuses to renew, or closes a dealer's franchise or refuses to supply new vehicles to a dealer who holds a franchise, the manufacturer, distributor, or factory branch shall:

(1) Reimburse the dealer for any costs the dealer incurred for facility upgrades or alterations required by the manufacturer, distributor, or factory branch within the previous 2 years;

(2) Pay the dealer at least the dealer cost, plus any charges by the franchisor, distributor, or factory branch, for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor for any new, undamaged motor vehicles purchased within 18 months of the date of the termination, suspension, refusal to renew, closure, or refusal to supply, whether acquired from the franchisor or from another dealer of the same line make in the ordinary course of business;

(3) Pay the dealer at least the dealer acquisition cost of each new, unused, undamaged, and unsold part or accessory if the part or accessory is in the current parts catalog and is:

(i) Still in the original, resalable merchandising package and in unbroken lots; or

(ii) In the case of sheet metal, in the original packaging or a comparable substitute for the original packaging;

(4) Pay the dealer at least the fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name, or commercial symbol used or claimed by the franchisor if the sign was purchased from or at the request of the franchisor;

(5) Pay the dealer at least the fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in useable and good condition except for normal wear and tear; and

(6) Pay the dealer at least the reasonable cost of transporting, handling, packing, and loading motor vehicle parts, signs, tools, and special equipment subject to repurchase under this section.

(b) (1) If a manufacturer of motor homes terminates or cancels a motor home dealer, the manufacturer shall reimburse the dealer, less any allowances, discounts, or rebates paid to the dealer by the manufacturer, for at least:

(i) The total net inventory invoice costs;

(ii) Any charges by the manufacturer for distribution delivery; and

(iii) Any inventory related taxes paid by the dealer.

(2) This subsection only applies to motor homes in inventory that:

(i) Are new and untitled;

(ii) Were acquired from the manufacturer within 18 months before the effective date of the notice of termination or cancellation;

(iii) Have not been used, other than for demonstration purposes; and

(iv) Have not been altered or damaged.

§15–213.

Notwithstanding any administrative or criminal sanctions imposed by this subtitle, if a person suffers financial injury or other damage as a result of a violation of this subtitle by any other person, whether or not that other person has been found guilty of a criminal violation, the injured person may recover damages and reasonable attorneys' fees in any court of competent jurisdiction.

§15–214.

In addition to any other right to request a hearing under this subtitle and notwithstanding any provisions of the franchise agreement to the contrary, a dealer, designated dealer successor as provided in § 15-211.1 of this subtitle, manufacturer, distributor, or factory branch may request a hearing under Title 12, Subtitle 2 of this article to:

(1) Resolve a dispute under any provision of this title between a dealer or a designated dealer successor and a manufacturer, distributor, or factory branch; or

(2) Seek clarification or interpretation of any provision of this subtitle.

§15–301.

In this subtitle, "license" means a dealer's license issued by the Administration under this subtitle.

§15–302.

(a) A person may not conduct the business of a dealer unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a dealer's license in this State or whose dealer's license is revoked or suspended may not conduct the business of a dealer under any license, permit, or registration certificate issued by any other jurisdiction.

§15–303.

(a) A license may not be issued to a partnership or corporation as such.

(b) (1) If an application for a license is made for a corporation, the license shall be applied for by and issued to three officers of the corporation who are authorized to act for it or, if it is a close corporation, at least one officer authorized to act for the close corporation.

(2) If an application is made for a partnership, the license shall be applied for and issued to all of the partners who are authorized to act for the partnership. However, as to any such partner that is a corporation, the application for the corporate partner shall be made by and issued to three officers of the corporate partner who are authorized to act for it or, if it is a close corporation, at least one officer authorized to act for the close corporation.

(c) Each individual who applies for a license under this section assumes, as an individual, all responsibilities of the dealership and, as an individual, is subject to all conditions, restrictions, and penalties imposed on licensed dealers by the Maryland Vehicle Law.

§15–304.

(a) Except as provided in subsection (b) of this section, a person may not be licensed under this subtitle unless:

(1) The business to be conducted under the license is the only or principal business conducted from the fixed location specified in the application;

(2) That business is conducted from a building that is adequate and appropriate for the sale of the vehicles that may be sold under the license; and

(3) That business either:

(i) Maintains and operates an automotive repair facility equipped for reasonably adequate and proper servicing of the vehicles to be sold by it; or

(ii) Has an existing contract, approved by the Administration, that requires the contractor to service, at a reasonably convenient location, the vehicles to be sold by the business.

(b) (1) As to trailers, semitrailers, motorcycles, Class C (funeral and ambulance) vehicles, or emergency vehicles as defined in § 11-118(2), (5), and (6) of this article, the sale of these vehicles need not be the only or principal business conducted from the fixed location, but shall be subject to any reasonable location requirements determined by the Administration by rule or regulation.

(2) A wholesale dealer may be licensed under this subtitle regardless of whether the wholesale dealer meets the requirements of subsection (a)(1) and (3) of this section, but a wholesale dealer shall be subject to any reasonable location requirements determined by the Administration by rule or regulation.

(c) Notwithstanding the provisions of this section:

(1) A new vehicle dealer, or a licensed vehicle salesman who is employed by the dealer, may participate in 2 annual vehicle shows for each dealer location.

(2) A display or exhibit of vehicles provided by a vehicle manufacturer is not a vehicle show under this section if buyers' orders are not executed and deposits are not accepted.

(3) A new vehicle dealer franchised to sell Class M motor homes or Class G trailers, or a licensed salesman who is employed by the dealer, may participate in more than 2 annual vehicle shows, if the shows are limited to Class M motor homes or Class G trailers.

(d) A vehicle dealer or licensed vehicle salesman listed in subsection (c) of this section may participate in a vehicle show if:

(1) The dealer holds a valid license issued under this title; and

(2) At least 60 days before the vehicle show, an application is filed with the Administration, for approval by the Administration, that contains:

(i) A list of the names and business addresses of participating dealers;

(ii) The location of the vehicle show;

(iii) The specific dates on which the vehicle show will be held; and

(iv) Other reasonable information required by the Administration; and

(3) The vehicle show does not exceed 10 consecutive days and is restricted to new vehicles only.

(e) (1) A licensed dealer, or a licensed vehicle salesman who is employed by the dealer, who participates in a vehicle show may execute a buyer's order and accept a deposit as provided in paragraph (2) of this subsection.

(2) A licensed dealer may not accept a deposit that:

(i) For an order for any vehicle, except a Class M motor home, exceeds 5 percent of the cost of the vehicle; or

(ii) For an order of a Class M motor home, exceeds 10 percent of the cost of the motor home.

(3) Except as otherwise provided in paragraph (1) of this subsection, a licensed dealer, or a licensed vehicle salesman who is employed by the dealer, shall conduct activities involved in a vehicle sale, including the completion of the sales contract, the issuance of temporary registration plates and a temporary registration certificate, and delivery of the vehicle, at the dealer's fixed location as shown in the dealer's application for the license.

§15–305.

(a) A license to deal in new vehicles may not be issued to any person unless the manufacturer or distributor of the vehicles is in compliance with the surety bond requirements of § 15-205 of this title.

(b) A license to deal in new vehicles may be issued only for a dealer in new vehicles who holds a franchise from:

(1) The manufacturer of the vehicles; or

(2) A distributor who is authorized by the manufacturer or the

manufacturer's authorized importer of the vehicles.

(c) If an applicant for a license to deal in new vehicles seeks to qualify under subsection (b) of this section, the applicant shall submit with the application an exact copy of the required franchise.

(d) (1) If a franchise required by this section is terminated in accordance with § 15-209 of this title, the license of the dealer shall be suspended automatically unless, before the effective date of termination, the licensed dealer files satisfactory evidence that the franchise has been extended. The Administration immediately shall notify the licensee of the suspension.

(2) (i) Notwithstanding paragraph (1) of this subsection, if a franchise issued to a licensee who deals in Class M motor homes or Class G travel trailers is terminated for any reason, the Administration may authorize the licensee to dispose of the Class M motor homes and Class G travel trailers that were in the dealer's inventory prior to the franchise termination without applying for a certificate of title in the dealership's name or paying the applicable excise tax.

(ii) The initial authorization period under subparagraph (i) of this paragraph may not exceed 12 months from the date of the franchise termination.

(iii) After the initial authorization period under subparagraph (i) of this paragraph, the Administration may review each situation on a case by case basis and determine whether a further extension of time to dispose of remaining inventory is warranted or whether the dealer shall be required to take title to any remaining Class M motor homes and Class G travel trailers in the dealer's inventory.

(e) Notwithstanding subsections (a) and (f) of this section, a manufacturer or distributor may be licensed as a dealer only if the manufacturer or distributor:

(1) Operates temporarily a dealership that:

(i) Was previously owned by a franchised dealer; and

(ii) Is for sale to any qualified person at a reasonable price;

(2) Operates a dealership in a bona fide relationship in which an independent person:

(i) Has made a significant investment, subject to loss, in the dealership; and

(ii) Can reasonably expect to acquire full ownership of the dealership under reasonable terms and conditions; or

(3) (i) Is a second-stage manufacturer as defined in § 13-113.2(a)(7) of this article; and

(ii) Deals only in Class E (truck) vehicles with a gross weight limit of 10,000 pounds or more, as defined in § 13-916 of this article.

(f) A manufacturer or distributor, or a person who is acting for a partnership or corporation that is owned or controlled by or under common control with a manufacturer or distributor, may not sell a new vehicle to a retail buyer.

§15–305.1.

(a) A wholesale dealer who is licensed by the Administration under this subtitle:

(1) May buy a vehicle from another dealer, at an auto auction, or from a retail seller;

(2) May sell a vehicle to or exchange vehicles with another dealer;

(3) Except as provided in item (4) of this subsection, may sell a vehicle or exchange vehicles at an auto auction;

(4) May not sell a vehicle to or exchange vehicles with a retail buyer; and

(5) May not buy, sell, or exchange new vehicles.

(b) A wholesale dealer shall keep a record of the following:

(1) The year, make, model, and identification number of a vehicle that is bought, sold, or exchanged;

(2) The date that a vehicle is bought, sold, or exchanged;

(3) The amount for which a vehicle is bought or sold;

(4) The name, address, and license number of the other person with whom the wholesale dealer conducts a purchase, sale, or exchange;

(5) The odometer mileage statement for a vehicle that is required under the federal Motor Vehicle Information and Cost Act; and

(6) Each invoice, bill of sale, and other pertinent document and record in the form required by the Administration.

§15–306.

In addition to the information required under Subtitle 1 of this title, each application for a license shall include:

(1) The type of dealership applied for;

(2) If the application is made for a partnership, the name and address of

each partner applying for the partnership;

(3) If the application is made for a corporation or for a partnership by a corporate partner, the name and address of each of the officers applying for the corporation or partnership;

(4) If the application is made for a corporation, the place of its incorporation; and

(5) The nature of the business to be conducted at each address.

§15–307.

(a) Each licensed dealer shall pay to the Administration an annual license fee established by the Administration for each license year or part of a license year for which the license is issued.

(b) A licensed dealer need not pay more than one annual fee, regardless of the number of its business locations.

(c) On payment of the fee required by this section and issuance of a dealer's license, the Administration also shall issue one vehicle salesman's license without further charge.

§15–308.

(a) (1) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(2) The bond shall be for the applicant's primary location and all supplemental locations if all of the locations are licensed under the same dealer business license number.

(b) The amount of the surety bond shall be:

(1) For a licensee who is licensed to deal only in trailers or semitrailers 15 feet or less in length, or only in boat trailers of any size $5,000;

(2) For a licensee who is licensed to deal in the sale of new motor vehicles, an amount based on the number of new motor vehicle sales during the preceding license year, according to the following schedule:

(i) 1 to 500 vehicles $50,000;

(ii) 501 to 1,000 vehicles $75,000;

(iii) 1,001 to 2,500 vehicles ..... $100,000; and

(iv) Over 2,500 vehicles ..... $300,000; and

(3) For a licensee who is licensed to deal only in the sale of used motor vehicles, including wholesalers, or a licensee who is licensed to deal in the sale of trailers or semitrailers over 15 feet in length, an amount based on the number of used vehicle sales, or sales of trailers or semitrailers over 15 feet in length, during the preceding license year, according to the following schedule:

(i) 1 to 250 vehicles $15,000;

(ii) 251 to 500 vehicles $25,000;

(iii) 501 to 1,000 vehicles $35,000;

(iv) 1,001 to 2,500 vehicles ..... $50,000; and

(v) Over 2,500 vehicles ..... $150,000.

(c) (1) This subsection applies only to an applicant who:

(i) Applies for a license to deal in the sale of new or used vehicles; and

(ii) Was not licensed to sell vehicles during the preceding license year.

(2) Subject to paragraph (3) of this subsection, the Administration shall base the amount of a surety bond for an applicant described in paragraph (1) of this subsection on the estimated volume of sales in the initial year in which the license is in effect.

(3) The amount of the surety bond under paragraph (2) of this subsection may not be less than:

(i) For an applicant for a license to deal in the sale of new motor vehicles, $50,000; or

(ii) For an applicant for a license to deal in the sale of either used vehicles or trailers or semitrailers over 15 feet in length, $15,000.

(d) Notwithstanding subsection (c) of this section, if an applicant seeks a license for a location that is or that previously had been operated by a licensed dealer, the Administration may require a surety bond under subsection (b)(2) or (3) of this section based on the volume of sales at that location during a preceding license year.

§15–309.

A license issued under this subtitle authorizes the licensed dealer to conduct the business of a dealer in the types of vehicles specified in it during the license year for

which it is issued.

§15–310.

Each license shall state:

(1) The type of vehicles in which the licensee may deal;

(2) The locations from which the licensee may deal in that type of vehicle;

(3) If it is a license to deal in new vehicles, the make of new vehicles in which the licensee may deal;

(4) As to a wholesale dealer, that the wholesale dealer may not sell a vehicle to or exchange vehicles with a retail buyer; and

(5) As to a wholesale dealer, that the wholesale dealer may not buy, sell, or exchange new vehicles.

§15–311.

(a) A contract for the sale of a vehicle by a dealer shall contain a clear statement of:

(1) The principal amount charged for the vehicle;

(2) Any interest charged on the principal amount;

(3) Any fee charged under § 13-610 of this article;

(4) Any dealer processing charge, as defined in § 15-311.1 of this subtitle; and

(5) Any other charge made in connection with the sale of the vehicle.

(b) In addition to the information required by subsection (a) of this section, a contract for the sale of a new vehicle shall include:

(1) The base price of the vehicle;

(2) The manufacturer's code or stock number for the vehicle; and

(3) A clear and specific description of each extra item and each extra charge not included in the base price of the vehicle ordered by the buyer.

(c) When a vehicle arrives for delivery, the dealer shall advise the buyer of any extra items ordered by the buyer that are not on the vehicle.

(d) When a vehicle arrives for delivery, the dealer shall advise the buyer of any

extra items on the vehicle that the buyer did not order.

(e) When a vehicle arrives for delivery, the dealer shall advise the buyer of the cost of extra items described under subsections (c) and (d) of this section.

§15–311.1.

(a) (1) In this section, "dealer processing charge" includes an amount charged by a dealer for:

(i) The preparation of written documentation of the transaction;

(ii) Obtaining the title and license plates for the vehicle;

(iii) Obtaining a release of lien;

(iv) Filing title documents with the Administration;

(v) Retaining documentation and records of the transaction;

(vi) Complying with federal or State privacy laws; or

(vii) Other administrative services concerning the sale of the vehicle.

(2) "Dealer processing charge" does not include a charge to purchase or install tangible personal property on or in the vehicle, or to perform mechanical service on the vehicle.

(b) (1) If a dealer charges a dealer processing charge, the charge:

(i) Shall be reasonable;

(ii) May not exceed:

1. $200 for the period from July 1, 2011, through June 30, 2014; and

2. $300 on and after July 1, 2014; and

(iii) Shall reflect dealer expenses generally incurred for the services identified in subsection (a)(1) of this section.

(2) A dealer shall provide a written disclosure of the services included in the dealer processing charge on request by the purchaser.

(c) Any dealer processing charge or freight charge shall be disclosed to a purchaser as provided in this section.

(d) A contract for the sale of a vehicle shall contain a statement, in 12 point type

or larger, on the contract form as follows:

"Dealer processing charge (not required by law): $....".

"Freight charge: $ ....".

(e) If a dealer advertises the price of a vehicle, the amount of any dealer processing charge and freight charge shall be included in the advertised price unless the dealer clearly and conspicuously discloses the amount of the dealer processing charge and freight charge in at least 10 point and bold font within reasonable proximity to the advertised price.

(f) The dealer shall attach its price statement to a window of the vehicle, next to any other price disclosure required by law. The dealer's price statement shall state the total price for which the dealer is offering to sell the vehicle. The total price stated shall include any dealer processing charge, which shall be disclosed above the total price in at least 10 point type as "dealer processing charge (not required by law): $.....". The total price may exclude only the taxes and title fees payable to the State.

§15–311.2.

(a) (1) For the purposes of this section, the term "mechanical repair contract" means any agreement or contract sold by a licensed vehicle dealer under which a specified provider agrees to perform over a fixed period of time, for a specific duration and for a specific identifiable price, services relating to the maintenance or repair of a motor vehicle, provided that the purchase of the contract is optional to the purchaser.

(2) The term "mechanical repair contract" includes, but is not limited to, extended warranties and extended service contracts.

(b) (1) A provider of services under a mechanical repair contract shall maintain adequate insurance reserves, as defined by the Insurance Commissioner, for each such contract for the protection of the purchasing consumer. A policy of insurance providing coverage for all obligations and liabilities incurred by a provider under the terms of a mechanical repair contract shall constitute adequate insurance reserves.

(2) The reserves shall be maintained with an insurer authorized to do business in Maryland on an admitted or surplus lines basis.

(3) A purchaser of a mechanical repair contract shall be entitled to make a direct claim against the insurer issuing a policy of insurance under this subsection upon failure of the specified provider to pay any claim or make any refund or consideration due within 60 days after the proof is filed with the provider.

(c) A mechanical repair contract shall be offered in addition to any express warranty originally included as part of the contract for sale of a new motor vehicle.

(d) A mechanical repair contract shall clearly and conspicuously set forth the

date when the warranty begins.

(e) A mechanical repair contract shall clearly and conspicuously set forth the date or the odometer reading at which the warranty expires and the name and address of the insurer issuing the policy of insurance as described in subsection (b) of this section.

(f) The repair of a malfunction or defect covered under a mechanical repair contract shall include the cost of the teardown and diagnosing the malfunction or defect.

(g) The provisions of the Maryland Consumer Products Guaranty Act, Title 14, Subtitle 4 of the Commercial Law Article, apply to a mechanical repair contract sold by a licensed vehicle dealer.

(h) The provisions of this section do not apply to mechanical repair contracts issued by the motor vehicle manufacturer or the distributor or a wholly owned subsidiary of the manufacturer or the distributor as defined in § 15-201 of this title.

(i) Notwithstanding subsection (h) of this section, licensed vehicle dealers who sell mechanical repair contracts shall have the same obligations as a seller under § 2-314 of the Commercial Law Article.

§15–312.

(a) A dealer or an agent or employee of a dealer may not permit any individual to road test a motor vehicle if he knows that the other individual does not have a license to drive of the appropriate class.

(b) A dealer or an agent or employee of a dealer may not make any material misrepresentation in obtaining a vehicle sales contract.

(c) A dealer or an agent or employee of a dealer may not commit any fraud in the execution of or any material alteration of a contract, power of attorney, or other document incident to a sales transaction.

(d) A dealer or an agent or employee of a dealer may not prepare or accept any promissory note or other evidence of indebtedness on a vehicle sales contract knowing that it requires the debtor to pay an amount greater than that agreed on in the written contract for the sale of the vehicle.

(e) A dealer or an agent or employee of a dealer may not willfully fail to perform, without justification, any vehicle sales contract.

(f) A dealer or an agent or employee of a dealer may not materially deviate from or disregard, without the consent of the buyer, any of the original terms of the contract.

(g) A dealer or an agent or employee of a dealer may not willfully fail to comply with the terms of a warranty or guarantee.

(h) A dealer or an agent or employee of a dealer may not rent a dealer registration plate issued by the Administration.

§15–313.

(a) A dealer or an agent or employee of a dealer may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A dealer or an agent or employee of a dealer may not by any means advertise or offer to the public any vehicle without intent to sell it as advertised or offered.

(c) (1) A dealer or an agent or employee of a dealer:

(i) May not state the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15–311.1 of this subtitle; and

(ii) Shall print the full delivered purchase price in a vehicle advertisement in the largest font used in the advertisement to provide any information related to the price of the vehicle.

(2) The advertisement of a leased vehicle by a dealer is governed under Title 14, Subtitle 20 of the Commercial Law Article.

(d) (1) A dealer or an agent or employee of a dealer may not place on a vehicle an insignia, logo, or other plate that advertises the name of the dealer, unless:

(i) The contract of sale for the vehicle contains a notice of the rights of the buyer described in this subsection; and

(ii) The buyer of the vehicle consents to the placement of the insignia, logo, or other plate on the vehicle.

(2) A dealer or an agent or employee of a dealer may enter into an agreement with a buyer of a vehicle to compensate the buyer in exchange for the buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that advertises the name of the dealer.

(3) If a dealer or an agent or employee of a dealer places an insignia, logo, or other plate that advertises the name of the dealer without obtaining a buyer's consent, the dealer shall, at the request of the buyer, remove the advertising and make all repairs necessary to restore the vehicle to its original appearance at no charge to the buyer.

(e) A dealer or an agent or employee of a dealer may not sell a Class A (passenger) or Class M (multipurpose) vehicle that has a maximum speed capability of more than 25 miles per hour but less than 55 miles per hour unless the dealer:

(1) Permanently affixes an emblem to the vehicle in accordance with § 21–805.1 of this article; and

(2) Informs the buyer in writing that the vehicle may be driven lawfully only on highways on which the speed capability of the vehicle exceeds the posted maximum speed limit for the highway by at least 5 miles per hour.

§15–314.

(a) A dealer or an agent or employee of a dealer may not misrepresent any material fact in obtaining a license.

(b) A dealer or an agent or employee of a dealer may not conduct a dealership in any name other than the one in which the dealer is licensed.

(c) A dealer or an agent or employee of a dealer may not willfully fail to notify the Administration of any change of ownership, management, business name, or location or of the employment of vehicle salesmen, as required by this title.

(d) A dealer or an agent or employee of a dealer may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(e) A dealer or an agent or employee of a dealer may not sell any new motor vehicle, or new two-stage motor vehicle unless the manufacturer or distributor of the vehicle is licensed as required by this title.

(f) A dealer or an agent or employee of a dealer may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

(g) A dealer or an agent or employee of a dealer may not willfully violate any of the dealer licensing laws of this State.

§15–315.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person, his management personnel, or any other person who has a direct or indirect financial interest in the dealership is untrustworthy, lacks competence, or has been convicted by final judgment in any court of a crime of moral turpitude;

(2) The vehicle sales transactions of the person have been marked by a practice of failure to perform contracts or by fraud or bad faith;

(3) The person or the manufacturer or distributor of the vehicles in which the person deals is not in compliance with the surety bond requirements of § 15-205 of this title; or

(4) The person has failed to comply with any of the provisions of the Maryland Vehicle Law relating to the registration of vehicles, certificates of title, and the sale of vehicles.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administrator may order the licensee to pay a fine not exceeding $1,000 for each violation of this subtitle.

§15–401.

In this subtitle, "license" means a vehicle salesman's license issued by the Administration under this subtitle.

§15–402.

(a) A person may not act as a vehicle salesman unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a vehicle salesman's license in this State or whose vehicle salesman's license is revoked or suspended may not conduct the business of a vehicle salesman under any license, permit, or registration certificate issued by any other jurisdiction.

§15–403.

A license may not be issued under this subtitle to a partnership, corporation, or other entity. It only may be applied for by and issued to an individual.

§15–404.

(a) A person may not be licensed under this subtitle unless the person:

(1) Is a licensed dealer; or

(2) Is employed as a vehicle salesman by a licensed dealer.

(b) Unless the applicant is himself a licensed dealer, each application for a license shall contain or be accompanied by the written statement of the licensed dealer by whom the applicant is or will be employed, certifying that the applicant has been accepted by the licensed dealer for employment as a vehicle salesman. The written statement shall be signed on behalf of the licensed dealer by a person authorized under this title to sign an application for a dealer's license.

(c) If a dealer makes a certified statement under this section, the dealer immediately shall notify the Administration of any termination of employment of the salesman.

(d) The notification required under subsection (c) of this section shall be made on the form that the Administration requires.

§15–405.

In addition to the information required under Subtitle 1 of this title, each application for a license shall include:

(1) The name and business address of the licensed dealer by whom the applicant is or will be employed; or

(2) A statement that the applicant is himself a licensed dealer.

§15–406.

(a) Except as otherwise provided in this title, each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

§15–408.

A license issued under this subtitle authorizes the licensee to be a vehicle salesman for a licensed dealer during the license year for which it is issued.

§15–409.

(a) Each license shall state the name of the licensed dealer by whom the licensee is employed, as specified in the application for the license.

(b) A licensed vehicle salesman may not act as a vehicle salesman for any person other than the licensed dealer named in the salesman's license.

(c) A licensed vehicle salesman may act as a vehicle salesman for any dealership that is at least 60 percent owned by the licensed dealer named in the salesman's license.

§15–410.

A contract for the sale of a vehicle by a vehicle salesman shall comply with the requirements of § 15-311 of this title on contracts by a dealer.

§15–411.

(a) A vehicle salesman may not fail to account for and remit to his dealership

any payment received by him in connection with a vehicle sales contract.

(b) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15-312 of this title as to vehicle sales transactions.

(c) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15-313 of this title on prohibited advertising practices.

(d) A vehicle salesman may not misrepresent any material fact in obtaining a license.

(e) A vehicle salesman may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(f) A vehicle salesman may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

§15–412.

In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person has been convicted by final judgment in any court of a crime of moral turpitude; or

(2) The vehicle sales transactions of the person have been marked by a practice of failure to perform contracts or by fraud or bad faith.

§15–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Automotive dismantler and recycler" means a person in the business of:

(i) Dismantling, destroying, or scrapping any vehicle for the purpose of reselling any of its usable parts; or

(ii) Otherwise acquiring vehicles for the benefit of their parts or the materials in them.

(2) Notwithstanding any provision to the contrary, any reference to a wrecker in any statute, rule, or regulation shall apply to an automotive dismantler and recycler.

(c) "License" means an automotive dismantler's or recycler's or scrap

processor's license issued by the Administration under this subtitle.

(d) "Scrap processor" means a person in a business:

(1) That has facilities for processing iron, steel, and nonferrous scrap metal; and

(2) The principal product of which is scrap iron, scrap steel, and nonferrous scrap for sale only for resmelting purposes.

(e) "Vehicle" means any vehicle, or the body or chassis of any vehicle, that is to be dismantled, destroyed, or scrapped.

§15–502.

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit an unlicensed person from purchasing, transporting, towing, or removing a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.

§15–503.

(a) A person may not be licensed under this subtitle unless:

(1) The business to be conducted under the license is conducted from a building that is adequate and appropriate for the business;

(2) That business has a storage area large enough for at least 25 vehicles; and

(3) At the fixed location from which the business is conducted, as specified

in the application, there is a substantial and legible sign:

(i) That advertises the type of business conducted at the location; and

(ii) That is placed in a way so as to be seen readily by the public.

(b) A person may not be licensed as a scrap processor unless the person maintains the following equipment suitable for processing vehicle scrap:

(1) A hydraulic baler and shears;

(2) A shredder; or

(3) Any other suitable equipment that the Administration requires by rule or regulation.

(c) A person licensed under this subtitle at a fixed location, as specified in the application, on or before December 31, 1985, and the person's successors or assigns, may not be refused permission to operate at the fixed location solely because any portion of the fixed location is within the 100-year floodplain of waters of the State as defined in § 8-101 of the Natural Resources Article.

§15–504.

The Administration shall submit a copy of each application for a license under this subtitle to the Department of Health and Mental Hygiene, for its comments on matters relating to air pollution and health.

§15–505.

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

§15–506.

A license issued under this subtitle authorizes the licensee to conduct the business of an automotive dismantler and recycler or scrap processor, as the case may be, during the license year for which it is issued.

§15–507.

(a) Except as provided in subsection (c) of this section, any person who transfers a vehicle to an automotive dismantler and recycler or scrap processor shall execute an assignment and warranty of title on:

(1) The certificate of title issued for the vehicle by this State or any other

state; or

(2) Any other documentary evidence of ownership acceptable to the Administration.

(b) Except as provided in subsection (c) of this section, any person who transfers a vehicle to an automotive dismantler and recycler or scrap processor shall deliver the certificate of title or other documentary evidence of ownership to the automotive dismantler and recycler or scrap processor at the time of the transfer.

(c) If a person holds an assigned certificate of title or any other documentary evidence of ownership acceptable to the Administration, the person:

(1) May transfer the vehicle to an automotive dismantler and recycler or scrap processor by endorsing a reassignment and warranty of title on the forms that the Administration requires; and

(2) Need not obtain a certificate of title in the person's own name.

§15–509.

(a) (1) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle from a person other than the owner of the vehicle and does not receive a certificate of title, a certificate of authority under § 25–209 of this article, or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

(2) This section does not apply to a vehicle towed from residential or commercial property under a continuing contract to tow unauthorized vehicles, for which a certificate of authority is required to be obtained under § 25–209 of this article.

(b) (1) As soon as reasonably possible and within 7 days after it takes a vehicle into possession from a person other than the owner of the vehicle, an automotive dismantler and recycler or scrap processor shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) The last known registered owner of the vehicle; and

(ii) Each secured party, as shown on the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Give the location of the facility where the vehicle is held;

(iv) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the date of the notice, on payment of all towing, recovery, and storage charges owed to the automotive dismantler and recycler or scrap processor resulting from taking or holding the vehicle; and

(v) State that the failure of the owner or secured party to exercise this right in the time provided is:

1. A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle; and

2. A consent to the dismantling, destroying, or scrapping of the vehicle.

(c) If the automotive dismantler and recycler or scrap processor receives with the vehicle documentary proof that the notification procedures of subsection (b) of this section already have been completed by another person before taking possession of the vehicle or that the vehicle is being received from the owner of the vehicle or an agent of the owner, the automotive dismantler and recycler or scrap processor may accept documentation as to notice or ownership as proof of compliance and is not required to repeat provision of this notification.

(d) In addition to documentation of notice under subsections (b) and (c) of this section, an automotive dismantler and recycler or scrap processor shall obtain from a person who provides the vehicle:

(1) An affidavit in a form approved by the Administration signed under penalty of perjury by the person providing the vehicle;

(2) A copy of the driver's license of the person who provides the vehicle;

(3) Any proof of ownership documents acceptable to the Administration, if available; and

(4) If the vehicle is transported by a tow vehicle, a copy of the registration of the tow vehicle.

(e) An affidavit under subsection (d) of this section shall include:

(1) A statement that the person providing the vehicle has the lawful right to possess the vehicle and the basis of that right;

(2) A statement that, except as provided in § 25–209 of this article, the vehicle may not be retitled and may only be dismantled, destroyed, or scrapped;

(3) A description of the vehicle, including year, make, model, color, and vehicle identification number;

(4) The name, address, driver's license number, and signature of the person providing the vehicle;

(5) An acknowledgement that:

(i) The form is being signed under penalty of perjury; and

(ii) The penalties established under § 27–101.2 of this article apply;

(6) The date the vehicle is provided to the automotive dismantler and recycler or scrap processor;

(7) The name, address, and State–issued license number of the automotive dismantler and recycler or scrap processor acquiring the vehicle; and

(8) The printed name, title, and signature of the person accepting the vehicle.

(f) The automotive dismantler and recycler or scrap processor shall keep and make available for inspection by a law enforcement agency for 3 years under procedures adopted by the Administration by regulation:

(1) All documentation of notice provided under subsection (b) or (c) of this section; and

(2) All additional documentation required to be obtained or kept on file under subsection (d) of this section.

(g) An automotive dismantler and recycler or scrap processor may not accept a vehicle that is transported by a tow truck unless the tow truck is registered under § 13–920 of this article.

(h) On receipt of a vehicle, an automotive dismantler and recycler or scrap processor shall comply with procedures for notification, reporting, and document retention as established by the Administration by regulation.

(i) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle for the purpose of dismantling, recycling, or scrap processing, without having to obtain a certificate of title for it in his own name, if:

(1) The automotive dismantler and recycler or scrap processor has complied with this section; and

(2) The vehicle has not been recovered or reclaimed, before the end of the 11–working day period specified in the notice, by the owner, secured party, or other

person entitled to its possession.

§15–511.

(a) Each automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in his business.

(b) The records shall contain, for each vehicle acquired:

(1) The name and address of the person from whom the vehicle was acquired;

(2) The date on which it was acquired;

(3) Documentary evidence acceptable to the Administration of ownership of the vehicle; and

(4) Any other information that the Administration requires.

(c) (1) Except as provided in paragraph (3) of this subsection, within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the automotive dismantler and recycler or scrap processor shall, electronically and in a form prescribed by the Administration, notify the Administration or the Administration's designee of the acquisition.

(2) Immediately after giving the notice required under paragraph (1) of this subsection, the automotive dismantler and recycler or scrap processor may dispose of the vehicle for dismantling or scrapping.

(3) Paragraph (1) of this subsection does not apply to a vehicle acquired through a salvage certificate issued by the Administration or by the appropriate government agency of another state.

§15–513.

(a) An automotive dismantler and recycler may not store vehicles at his place of business at a density of more than 250 vehicles for any 1 acre if the vehicles are not crushed.

(b) (1) An automotive dismantler and recycler may not store vehicles at the automotive dismantler and recycler's place of business at a density of more than 500 vehicles per acre if the vehicles are crushed.

(2) Crushed vehicles may not be stored on more than 1 acre per place of business.

§15–514.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal,

suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has violated any applicable rule or regulation of the Department of Health and Mental Hygiene.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding $1,000 for each violation of this subtitle.

§15–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "License" means a title service agent's license issued by the Administration under this subtitle.

(c) (1) "Title service agent" means any person in the business of transporting to and from the Administration certificates of title, registrations, drivers' licenses, certified copies of records, and other related documents.

(2) "Title service agent" does not include a licensed dealer or employee of a licensed dealer who conducts the activities described in paragraph (1) of this subsection only on behalf of the business of that dealer.

§15–602.

A person may not conduct the business of a title service agent unless the person is licensed by the Administration under this subtitle.

§15–603.

(a) Each licensee shall pay an annual fee to the Administration for each license year or part of a license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

§15–604.

(a) This section does not apply to:

(1) A licensed dealer who is in compliance with the surety bond requirement of Subtitle 3 of this title; or

(2) A motor club that is in compliance with the surety bond requirement of § 26-204 of the Insurance Article.

(b) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file

with the Administration a surety bond in the form and with the surety that the Administration approves.

(c) The amount of the surety bond shall be $25,000.

§15–605.

A license issued under this subtitle authorizes the licensee to conduct the business of a title service agent during the license year for which it is issued.

§15–606.

(a) A title service agent or an agent or employee of a title service agent may not make any material misrepresentation on any form of the Administration.

(b) A title service agent or an agent or employee of a title service agent may not misrepresent any material fact in obtaining a license.

(c) A title service agent or an agent or employee of a title service agent may not willfully fail to notify the Administration of any change in the ownership, management, name, or location of the business conducted under the license.

(d) A title service agent or an agent or employee of a title service agent may not fail to account for and remit to the Administration any fees received by him for any certificates of title, registrations, drivers' licenses, certified copies of records, or other related documents.

(e) A title service agent or an agent or employee of a title service agent may not conduct any title service agency business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(f) A title service agent or an agent or employee of a title service agent may not willfully violate any provision of the Maryland Vehicle Law that relates to the business of a title service agent.

(g) A title service agent or an agent or employee of a title service agent may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

§15–607.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that:

(1) The person, his management personnel, or any other person who has a direct or indirect financial interest in the title service agency is untrustworthy, lacks

competence, or has been convicted by final judgment in any court of a crime of moral turpitude; or

(2) The title service agency transactions of the person with the Administration have been marked by fraud or bad faith.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding $1,000 for each violation of this subtitle.

§15–701.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Drivers' school" means, except as provided in paragraph (2) of this subsection, any person in the business of giving instruction in the driving of motor vehicles.

(2) "Drivers' school" does not include:

(i) Any public school or other noncollegiate educational institution giving instruction in the driving of motor vehicles during its normal school hours and not charging a fee for this instruction; or

(ii) Any college, university, or other institution of postsecondary education approved by the Maryland Higher Education Commission.

(c) "License" means a drivers' school license issued by the Administration under this subtitle.

§15–702.

A person may not conduct a drivers' school unless the person is licensed by the Administration under this subtitle.

§15–703.

Each application for a license shall be accompanied by a nonrefundable application fee established by the Administration.

§15–704.

(a) Each licensee shall pay an annual license fee to the Administration for each license year for which the license is issued.

(b) The annual license fee shall be established by the Administration.

§15–705.

(a) After the Administration notifies an applicant of the approval of an application and before the Administration issues a license, the applicant shall file with the Administration a surety bond in the form and with the surety that the Administration approves.

(b) The amount of the surety bond shall be $40,000.

§15–706.

Each applicant for a license shall furnish and maintain with the Administration, as to each of its vehicles used for instruction, proof of financial responsibility in the form and amount that the Administration requires.

§15–707.

(a) A license issued under this subtitle authorizes the licensee to conduct a drivers' school during the license year for which the license is issued.

(b) The license shall be displayed conspicuously at the location from which the business of the licensee is conducted.

§15–708.

Each licensee shall maintain all vehicles used for instruction in the condition that the Administration requires.

§15–709.

A drivers' school may not:

(1) Provide or offer to provide any instruction in driving unless the individual who gives the instruction is a driving instructor employed by it; or

(2) Employ any individual as a driving instructor unless that individual:

(i) Is licensed to drive under Title 16 of this article;

(ii) Has completed the instructor certification program approved by the Administration; and

(iii) Is licensed as a driving instructor under Subtitle 8 of this title.

§15–710.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the

license of any person if it finds that:

(1) The person has made a material misrepresentation or concealed a material fact in obtaining a license;

(2) The person is not the true owner of the drivers' school;

(3) The person or any partner, officer, director, or stockholder of the person, or any other person who has a direct or indirect interest in the drivers' school:

(i) Was the holder of a drivers' school license that was suspended or revoked by the Administration; or

(ii) Was an officer, director, stockholder, or partner in a drivers' school the license of which was suspended or revoked by the Administration;

(4) The person or any partner, officer, agent, or employee of the person has committed any fraud in connection with the business conducted under the license, including:

(i) Inducing any individual to obtain a driver's license by illegal or improper means;

(ii) Representing or implying to any individual by word or deed that a driver's license or any other license, registration, or other document or service granted by the Administration may be obtained by any means other than those specified by law; or

(iii) Furnishing or obtaining by illegal or improper means any license, registration, or other document or service granted by the Administration, or requesting or accepting money for that purpose; or

(5) As to any drivers' school that is a participant in the Maryland driver education program, the person has failed to comply with any of the provisions of or any of the rules and regulations adopted under the Maryland Driver Education Program Act.

(b) Notwithstanding the renewal of any license, the Administration may revoke or suspend that license for any violation or other cause, as permitted by this title, that occurred during the 2 license years immediately preceding the renewal.

(c) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding $1,000 for each violation of this subtitle.

§15–801.

(a) In this subtitle the following words have the meanings indicated.

(b) "Driving instructor" means any individual who:

(1) For compensation, under any form of agreement or arrangement with a drivers' school, gives or offers to give instruction in the driving of motor vehicles; or

(2) Otherwise gives or offers to give any other individual instruction in the driving of motor vehicles and receives or expects to receive compensation for that instruction.

(c) "License" means a driving instructor's license issued by the Administration under this subtitle.

§15–802.

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

§15–803.

(a) A person may not be licensed under this subtitle unless the person:

(1) Is an individual of good reputation and moral character;

(2) Is licensed to drive under Title 16 of this article;

(3) Has completed the instructor certification program approved by the Administration; and

(4) Is either:

(i) Licensed under Subtitle 7 of this title to conduct a drivers' school; or

(ii) Employed as a driving instructor by a licensed drivers' school.

(b) Unless the applicant himself is licensed to conduct a drivers' school, each application for a license shall contain or be accompanied by the written statement of the licensed drivers' school by whom the applicant is or will be employed, certifying that the applicant has been accepted as a driving instructor. The written statement shall be signed on behalf of the licensed drivers' school by a person authorized under this title to sign an application for a drivers' school license.

(c) If a drivers' school makes a certified statement under this section, the drivers' school immediately shall notify the Administration of any termination of employment of the driving instructor.

(d) The notification required under subsection (c) of this section shall be made on the form that the Administration requires.

§15–804.

(a) In addition to the information required under § 15–102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(b) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The Administration shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(3) As part of the application for a criminal history records check, the Administration shall submit to the Central Repository:

(i) Two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Administration the applicant's criminal history records information.

(5) Information obtained from the Central Repository under this subsection:

(i) Is confidential and may not be redisseminated; and

(ii) Shall be used only for the licensing purpose authorized by this subsection.

(6) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as

provided in § 10–223 of the Criminal Procedure Article.

§15–805.

(a) Each licensee shall pay an annual fee to the Administration for each year for which the license is issued.

(b) The annual fee shall be established by the Administration.

§15–806.

The license authorizes the licensee to be a driving instructor for a licensed drivers' school during the license year for which it is issued.

§15–807.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person:

(1) Has been convicted of a crime of moral turpitude; or

(2) As to any driving instructor that is a participant in the Maryland driver education program, the person has failed to comply with any of the provisions of or any of the rules and regulations adopted under the Maryland Driver Education Program Act.

(b) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding $1,000 for each violation of this subtitle.

§16–101.

(a) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

(1) The individual holds a driver's license issued under this title;

(2) The individual is expressly exempt from the licensing requirements of this title; or

(3) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

(b) Each individual operating on any highway in this State a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article, shall have with the individual:

(1) A driver's license issued to the individual under this title, which license may be of any class issued by the Administration;

(2) If the individual is a nonresident of this State, a license to drive issued to the individual by the state or country of the individual's residence, which license may be for any class of vehicle; or

(3) A moped operator's permit issued to the individual under this subtitle.

§16–102.

(a) The licensing requirements of this title do not apply to:

(1) An officer or employee of the United States while driving on official business a motor vehicle other than a commercial motor vehicle owned or operated by the United States;

(2) Except for members elected from this State, a member of the United States Congress who resides in this State during his term of office in the Congress;

(3) An individual while driving any road machine, farm tractor, or farm equipment temporarily driven on a highway in this State, or dock equipment at Dundalk or Locust Point marine terminals which does not require registration under the provisions of this article;

(4) An individual who, while driving a mobile crane on a highway to or from a construction site in this State, has with him a valid Class A, B, or C license issued to him under § 16-104.1 of this subtitle or a Class A or B commercial driver's license issued to him under this title;

(5) A nonresident student enrolled in an accredited school, college, or university of this State or of a bordering state or serving a medical internship in this State, if:

(i) The state of which the student is a resident extends the same privileges to the residents of this State;

(ii) The student has with him a license to drive issued to him by the state of which he is a resident; and

(iii) The license authorizes the student to drive in the state of which he is a resident vehicles of the class he is driving in this State;

(6) A new resident of this State during the first 60 days of residency, if:

(i) The individual has a valid license issued by the state of which the individual formerly was a resident;

(ii) The license authorizes the individual to drive in the state of former residence vehicles of the class the individual is driving in this State; and

(iii) The individual is at least the same age as that required for a resident to drive a vehicle of the same class the individual is driving in this State;

(7) A member of the armed forces of the United States or of the United States Public Health Service who is serving on active duty and any dependent of the member, if:

(i) The driver has with him a license to drive issued to him by his state of domicile; and

(ii) The license authorizes the driver to drive in his state of domicile vehicles of the class he is driving in this State;

(8) For not more than 30 days after he returns to the United States, a member of the armed forces of the United States who is returning from active duty outside the United States and any dependent of the member who is returning from residence with the member outside the United States; if:

(i) The driver has with him a license to drive issued to him by the armed forces of the United States in a place outside the United States; and

(ii) The license authorizes the driver to drive vehicles of the class he is driving in this State;

(9) A nonresident of this State if:

(i) He has with him a license to drive issued to him by the state of his residence;

(ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and

(iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;

(10) A nonresident of the United States if:

(i) The individual has a valid license to drive issued to the individual by the country of residence;

(ii) The individual's license authorizes him to drive in that country vehicles of the class he is driving in this State;

(iii) The individual is at least the same age as that required of a resident for the vehicle he is driving in this State; and

(iv) Except as provided for in Subtitle 8 of this title, the vehicle is not a commercial motor vehicle;

(11) A member of the Maryland National Guard or a National Guard military technician if:

(i) The driver is driving a military vehicle in the performance of duty; and

(ii) The driver has with him an operator's identification card issued by the Maryland National Guard for the type of military vehicle being driven; and

(12) A member or employee of a fire department, rescue squad, emergency medical services unit, or volunteer fire company while driving an emergency vehicle if the driver:

(i) Holds a valid Class C license issued to the driver under § 16-104.1 of this subtitle;

(ii) Has been authorized by the political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department to operate the type of emergency vehicle being driven; and

(iii) Is driving the emergency vehicle in the performance of the official duties of the driver in or out of this State.

(b) (1) The Administration shall adopt regulations that establish mandatory training and testing requirements that a political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department must implement before the political subdivision may authorize an individual to operate an emergency vehicle in accordance with subsection (a)(12) of this section.

(2) The Administration shall adopt the regulations required under this subsection in consultation with:

(i) The Maryland Firemen's Association;

(ii) The Maryland Fire Chief's Association;

(iii) The Professional Firefighters Association of Maryland;

(iv) The Metropolitan Fire Chief's Council; and

(v) The Maryland Fire and Rescue Institute of the University of Maryland.

(c) An individual who is subject to the provisions of this section and who fails

to comply with the provisions of this section is guilty of a misdemeanor.

§16–103.

(a) Except as provided in subsection (b) of this section, the Administration may not issue a driver's license to any individual who is not at least 18 years old.

(b) (1) Except as provided under paragraph (2) of this subsection, the Administration may issue a noncommercial Class B, C, or M license to an individual under the age of 18 if the individual otherwise qualifies for a driver's license under this subtitle.

(2) The Administration may not issue a Class M license to an individual under the age of 18 years unless the individual has also completed satisfactorily a motorcycle safety course approved under Subtitle 6 of this title.

(c) The Administration may not issue:

(1) A learner's instructional permit to any individual who has not reached the age of 15 years, 9 months;

(2) A provisional license to any individual who has not reached the age of 16 years, 6 months; or

(3) A license to any individual who has not reached the age of 18 years.

§16–103.1.

The Administration may not issue a driver's license to an individual:

(1) During any period for which the individual's license to drive is revoked, suspended, refused, or canceled in this or any other state, unless the individual is eligible for a restricted license under § 16–113(e) of this subtitle;

(2) Who is an habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug to a degree that renders the individual incapable of safely driving a motor vehicle;

(3) Who previously has been adjudged to be suffering from any mental disability or mental disease and who, at the time of application, has not been adjudged competent;

(4) Who is required by this title to take an examination, unless the individual has passed the examination;

(5) Whose driving of a motor vehicle on the highways the Administration has good cause to believe would be inimical to public safety or welfare;

(6) Who is unable to exercise reasonable control over a motor vehicle due

to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the Administration may issue the individual a restricted license requiring the individual to wear a workable artificial limb or other similar body attachment;

(7) Who is unable to understand highway warning or direction signs written in the English language;

(8) Who is unable to sign the individual's name for identification purposes;

(9) Who is 70 years old or older and applying for a new license, unless the applicant presents to the Administration:

(i) Proof of the individual's previous satisfactory operation of a motor vehicle; or

(ii) A written certification acceptable to the Administration from a licensed physician attesting to the general physical and mental qualifications of the applicant;

(10) Who does not provide satisfactory documentary evidence of lawful status;

(11) Who does not provide:

(i) Satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

1. A current W–2 form;

2. A current SSA–1099 form;

3. A current non–SSA–1099 form; or

4. A current pay stub with the applicant's name and Social Security number on it; or

(ii) Satisfactory documentary evidence that the applicant is not eligible for a Social Security number; or

(12) Who otherwise does not qualify for a license under this title.

§16–104.1.

(a) (1) A noncommercial Class A driver's license authorizes the licensee to drive combinations of Class F (tractor) and Class G (trailer) vehicles and any vehicle that a noncommercial Class B driver's license authorizes its holder to drive, except:

(i) Commercial motor vehicles; and

(ii) Motorcycles.

(2) An individual who is issued a noncommercial Class A driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a noncommercial Class A driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) (1) A noncommercial Class B driver's license authorizes the licensee to drive any single vehicle or combinations of vehicles with a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), as defined in § 16-803 of this title, of 26,001 pounds and more and any vehicle that a noncommercial Class C driver's license authorizes its holder to drive, except:

(i) Commercial motor vehicles;

(ii) Motorcycles; and

(iii) Combinations of Class F (tractor) and Class G (trailer) vehicles.

(2) An individual who is issued a noncommercial Class B driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a noncommercial Class B driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) (1) A noncommercial Class C driver's license authorizes the licensee to drive any vehicle or combination of vehicles with a gross vehicle weight rating (GVWR), as defined in § 16-803 of this title, of less than 26,001 pounds, except:

(i) Commercial motor vehicles; and

(ii) Motorcycles.

(2) An individual who is issued a noncommercial Class C driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a noncommercial Class C driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(d) (1) A Class M driver's license authorizes the licensee to drive motorcycles.

(2) An individual who is issued a Class M driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class M driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(e) Except when the towing vehicle is a commercial motor vehicle and subject to the provisions of this section, a noncommercial Class A, B, or C license holder may:

(1) Tow any travel trailer as defined in § 11-170 of this article;

(2) Tow any camping trailer as defined in § 11-106 of this article; or

(3) Tow any boat trailer as defined in § 11-104.1 of this article.

(f) This section applies to any license issued or renewed on or after January 1, 1990.

§16–104.2.

(a) On application, the Administration shall issue a moped operator's permit to an applicant who:

(1) Is 16 years of age or older;

(2) Does not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled;

(3) Provides satisfactory documentary evidence that the applicant has lawful status; and

(4) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

1. A current W–2 form;

2. A current SSA–1099 form;

3. A current non–SSA–1099 form; or

4. A current pay stub with the applicant's name and Social Security number on it; or

(ii) Provides satisfactory documentary evidence that the applicant is not eligible for a Social Security number.

(b) An applicant is entitled to receive a moped operator's permit if the applicant:

(1) Passes the examination provided for in § 16–110(c)(1) of this subtitle;

(2) Pays the fee provided for in this section; and

(3) Provides the documentary evidence described in subsection (a) of this section.

(c) Each application for a moped operator's permit shall be on a form and contain the information that the Administration requires and each permit issued shall be of a size, design, and content that the Administration specifies.

(d) (1) A permit is not valid unless the applicant signs the applicant's name on it in the applicant's usual signature.

(2) When issued and signed, a moped operator's permit only authorizes its holder to operate a moped, as defined in § 11–134.1 of this article or a motor scooter, as defined in § 11–134.5 of this article.

(e) (1) Subject to paragraph (2) of this subsection, a moped operator's permit expires at the end of a period of not more than 5 years determined in regulations adopted by the Administration.

(2) (i) If an applicant has temporary lawful status, the Administration may not issue a moped operator's permit to the applicant for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of a moped operator's permit for a period longer than the period described in paragraph (1) of this subsection.

(iii) The Administration shall indicate on the face and in the machine–readable zone of a temporary moped operator's permit issued under this paragraph that the permit is a temporary moped operator's permit.

(3) It may be renewed on application and payment of the fee required by subsection (f) of this section.

(f) (1) For issuance or renewal of a moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

(2) For issuance of a duplicate moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

§16–105.

(a) (1) Any individual who desires to obtain an original driver's license under this subtitle or to be licensed in a class for which the individual is not already licensed under this subtitle shall apply to the Administration for the desired driver's license.

(2) Except as provided in subsection (f) of this section, before issuing a driver's license, the Administration shall issue to each applicant a learner's instructional permit. The learner's instructional permit shall identify clearly the class of license for which the applicant has applied.

(3) (i) Each applicant for a learner's instructional permit who is under the age of 16 years shall present to the Administration a certified copy of the applicant's school attendance record.

(ii) The Administration may not issue a learner's instructional permit to an applicant under the age of 16 years if the applicant's school attendance record indicates more than 10 unexcused absences during the prior school semester.

(b) (1) The holder of a learner's instructional permit may drive the same vehicle and combinations of vehicles as may a holder of the class of driver's license for which the permit holder has applied, but only while accompanied by and under the immediate supervision of an individual who:

(i) Is at least 21 years old;

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven by the holder of the learner's instructional permit; and

(iii) Unless the vehicle is a motorcycle, is seated beside the holder of the learner's instructional permit.

(2) The individual supervising the holder of the learner's instructional permit under paragraph (1) of this subsection is the only individual allowed in the front seat of a motor vehicle with the permit holder while the permit holder is driving.

(c) The holder of a learner's instructional permit for a motorcycle may drive the motorcycle with another individual on it only if the other individual is one described in subsection (b)(1)(i) and (ii) of this section.

(d) (1) This subsection applies to an individual who:

(i) Seeks to obtain an original driver's license under this subtitle; and

(ii) Does not qualify for a learner's instructional permit under subsection (e) of this section.

(2) An individual under the age of 25 years who holds a learner's instructional permit may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the later of:

1. The date that the individual first obtains the learner's instructional permit; or

2. The date the individual was convicted of, or granted

probation before judgment under § 6–220 of the Criminal Procedure Article for, a moving violation;

(ii) Until after successful completion of:

1. The driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 60 hours, 10 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by:

1. Each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements of item (ii)2 of this paragraph; and

2. If a signature of a parent, guardian, or other person is required under § 16–107 of this subtitle, the parent, guardian, or other person who signs the individual's application under that section.

(3) An individual at least 25 years old who holds a learner's instructional permit and has not been convicted of, or granted probation before judgment for, a moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 45 days following the date that the individual first obtains the learner's instructional permit;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

(4) An individual at least 25 years old who holds a learner's instructional permit and has been convicted of, or granted probation before judgment for, at least one moving violation may not take a driver skills examination or driver road examination for a provisional license:

(i) Sooner than 9 months following the most recent date the individual was convicted of, or granted probation before judgment for, a moving violation;

(ii) Until after successful completion of:

1. A standard driver education program approved under Subtitle 5 of this title, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction; and

2. At least 14 hours, 3 hours of which must occur during the period beginning 30 minutes before sunset and ending 30 minutes after sunrise, of behind–the–wheel driving practice supervised by an individual who:

A. Holds a valid driver's license;

B. Is at least 21 years old; and

C. Has been licensed to drive for at least 3 years; and

(iii) Unless the individual submits, in accordance with the Administration's regulations, a completed skills log book signed by each supervising driver who certifies that the individual has satisfactorily demonstrated a required skill and has completed the driving practice requirements under this paragraph.

(5) A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 2 years after the date of issuance.

(e) (1) This subsection only applies to an individual who holds a license and who seeks a different class license to drive a motor vehicle that, under the individual's current license, the individual is not authorized to drive.

(2) The holder of a learner's instructional permit may not take the driver's license examination sooner than 14 days after the permit is issued.

(3) The 14 days' requirement may be waived if a subsequent learner's instructional permit is issued or applied for.

(4) A learner's instructional permit issued to an individual described in paragraph (1) of this subsection expires 180 days after date of issuance.

(f) (1) Subject to paragraph (3) of this subsection, the Administration may issue a driver's license, without first issuing a learner's instructional permit and without a waiting period, to any individual who:

(i) Has been licensed regularly to drive in this State, in another state or country, or by the armed forces of the United States, if the Administration is satisfied that the applicant's experience in driving vehicles of the type that would be authorized by the license class applied for is sufficient to justify issuance of the license without further training; or

(ii) Has successfully completed the Administration approved basic motorcycle safety course.

(2) The Administration may:

(i) Examine the applicant's driving as provided in § 16-110 of this subtitle; or

(ii) Issue a provisional license, if appropriate, under § 16-111(e) of this subtitle.

(3) An individual who never held a driver's license issued by the Administration or by another state, but who otherwise may obtain a license under paragraph (1)(i) of this subsection without first obtaining a learner's instructional permit, shall successfully complete a 3-hour alcohol and drug education program established by the Administration under § 16-212.1 of this title before qualifying for a driver's license.

(g) An individual holding a learner's instructional permit issued under this section may not drive or attempt to drive a motor vehicle on any highway in this State in violation of any of the provisions of this section.

§16–106.

(a) Each application for a driver's license shall be made on the form that the Administration requires.

(b) The application shall state:

(1) The full name, Maryland residence address, race, sex, height, weight, general physical condition, and date of birth of the applicant;

(2) Whether the applicant previously has been refused a license to drive and, if so:

(i) By what state or country; and

(ii) The date of and reason for the refusal;

(3) Whether the applicant previously has been licensed to drive and, if so:

(i) When and by what state or country; and

(ii) Whether the license ever has been suspended, revoked, or canceled and, if so, the date of and reason for the suspension, revocation, or cancellation;

(4) Subject to the provisions of subsection (c) of this section, the applicant's Social Security number; and

(5) Any other pertinent information that the Administration requires.

(c) An applicant shall provide:

(1) Satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

(i) A current W–2 form;

(ii) A current SSA–1099 form;

(iii) A current non–SSA–1099 form; or

(iv) A current pay stub with the applicant's name and Social Security number on it; or

(2) Satisfactory documentary evidence that the applicant is not eligible for a Social Security number.

(d) The applicant shall sign the application and certify that the statements made in it are true.

(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.

(2) An individual party to an absolute divorce may elect to use a prior legal or true name upon filing an affidavit or other proof, satisfactory to the Administration, of:

(i) The prior name; and

(ii) The absolute divorce.

(3) An applicant who claims a name change by or under the common law of this State or any other state shall submit with the applicant's application the following:

(i) An affidavit of the name by which the applicant is known and transacts business, as demonstrated by a Social Security card or record together with documents from at least 2 of the following categories:

1. Tax records;

2. Selective Service card or records;

3. Voter registration card or records;

4. Passport;

5. A form of identification issued by a government unit that contains a photograph of the applicant;

6. Baptismal certificate;

7. Banking records; and

8. Other proof of age and identity that is satisfactory to the Administration;

(ii) Any document required under subparagraph (i) of this paragraph reflecting the legal name previously given to, or used by, the applicant prior to assuming the common law name;

(iii) Any driver's license issued to the applicant in the name previously used by the applicant prior to assuming the common law name; and

(iv) A copy of the applicant's birth certificate or other proof of age and identity that is satisfactory to the Administration.

(4) An applicant shall provide satisfactory documentary evidence that the applicant has lawful status.

(f) If an individual previously licensed to drive in another jurisdiction applies for a license, the Administration may request a copy of his driving record from the other jurisdiction.

(g) If another licensing jurisdiction requests a driving record from the Administration, the Administration may send the record to it without charge.

§16–107.

(a) The application of a minor for a license shall be cosigned by:

(1) A parent or guardian of the applicant;

(2) If the applicant has no parent or guardian or is married, an adult employer of the applicant or any other responsible adult; or

(3) If the applicant is committed to the custody or guardianship of a local department of social services, the director of the department or the director's designee.

(b) The individual cosigning the application of a minor shall:

(1) (i) Provide the cosigner's mailing address to the Administration; and

(ii) Within 30 days of any change in the mailing address occurring while the applicant or licensee is a minor, notify the Administration of the change; and

(2) Certify that the statements made in the application are true to the best of the cosigner's knowledge, information, and belief.

§16–108.

If, while the licensee is still a minor, the Administration receives from the individual who cosigned the license application of the minor a written request that the license of the minor be canceled, the Administration:

(1) Shall cancel the license; and

(2) May not reissue the license until:

(i) Another qualified adult cosigns and certifies an application as required by § 16–107 of this subtitle; or

(ii) The minor becomes an adult.

§16–109.

If, while the licensee is still a minor, the Administration receives satisfactory evidence of the death of the individual who cosigned the license application of the minor, the Administration:

(1) Shall suspend the license; and

(2) May not reinstate the license until:

(i) Another qualified adult cosigns and certifies an application as required by § 16-107 of this subtitle; or

(ii) The minor becomes an adult.

§16–110.

(a) The Administration shall:

(1) Establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles; and

(2) Examine each applicant to determine the applicant's qualifications for the license class applied for.

(b) Except as otherwise provided in this title, the Administration shall examine each applicant for an original driver's license or for a class of driver's license higher than that which the applicant currently holds.

(c) The examination shall include:

(1) A test of the applicant's:

(i) Vision;

(ii) Ability to read and understand highway signs regulating, warning, and directing traffic; and

(iii) Knowledge of the traffic laws of this State and safe driving practices;

(2) A demonstration of the applicant's ability to exercise reasonable control in driving a motor vehicle; and

(3) Any other additional physical or mental examination that the Administration considers necessary to determine an applicant's fitness to drive a motor vehicle safely.

(d) If an applicant is qualified to take the required examinations for the license applied for, the applicant shall appear in person for examination at any one of the places in this State that the Administration has designated for this purpose.

(e) (1) For a required driver skills examination or driver road examination, each applicant shall provide a motor vehicle of a type appropriate to test the applicant's ability to drive all vehicles that may be driven under the license class applied for.

(2) Except as provided in paragraphs (3) and (4) of this subsection, when the holder of a learner's instructional permit appears for the driving test, the permit holder shall be accompanied by an individual qualified under § 16-105 of this subtitle to

accompany the holder of a learner's permit while driving on a highway. That individual shall have his driver's license with him.

(3) The holder of a Class M (motorcycle) learner's instructional permit may:

(i) Transport a motorcycle to the driving test by truck or other vehicle unaccompanied by another individual, if the permit holder is licensed to drive the truck or other vehicle; or

(ii) Be accompanied by a person transporting a motorcycle to the test by truck or other vehicle, if that person is licensed to drive the truck or other vehicle.

(4) The holder of a learner's instructional permit may be driven to the examination station and to the starting point where the examiner begins the test by any individual authorized to drive the class of vehicle in which the test is being given. That individual shall have a valid driver's license in the individual's possession.

(f) If the applicant does not pass the examination for the license class applied for, the Administration may issue the applicant any license of a lower class for which the applicant qualifies.

(g) Except as provided in subsection (h) of this section, the Administration may waive any driver's license examination provided for under this title if the applicant:

(1) Holds a valid driver's license issued under this subtitle;

(2) Is applying for a Class M license and has successfully completed the Administration approved basic motorcycle safety course; or

(3) Holds a valid license from:

(i) Another state;

(ii) A territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico; or

(iii) A province or territory of Canada.

(h) The Administration may not waive a vision examination required under this section unless the applicant:

(1) Is applying for a corrected driver's license under § 16–114.1 of this subtitle; and

(2) Has passed a vision examination acceptable to the Administration within the last 12 months.

§16–110.1.

(a) For an unrestricted license, each applicant is required to have:

(1) Simultaneously:

(i) A minimum visual acuity of 20/40 in each eye; and

(ii) A continuous field of vision of at least 140 degrees; and

(2) Binocular vision.

(b) If the applicant's vision can be corrected by glasses or contact lenses to meet the standards of this section, the Administration may issue the applicant a restricted license, endorsed "corrective lenses".

(c) (1) The Administration may issue a restricted license to an applicant who has simultaneously:

(i) A visual acuity of at least 20/40 in one or both eyes; and

(ii) A continuous field of vision of at least 110 degrees and with at least 35 degrees lateral to the midline of each side.

(2) To qualify for a restricted license under this subsection, the Administration may require an applicant to submit a report of examination by a licensed ophthalmologist or optometrist for evaluation by the Administration or its Medical Advisory Board.

(3) A license issued under this subsection:

(i) Shall be endorsed "outside mirrors each side"; and

(ii) May be subject to additional restrictions imposed by the Administration, based on recommendations of the applicant's ophthalmologist or optometrist, or any other evaluation that the Administration determines appropriate.

(d) (1) The Administration may only issue a restricted noncommercial driver's license to an applicant who does not otherwise meet the vision standards under this section but who has simultaneously:

(i) A visual acuity of at least 20/70 in one or both eyes; and

(ii) A continuous field of vision of at least 110 degrees and with at least 35 degrees lateral to the midline of each side.

(2) To qualify for a restricted license under this subsection, the Administration may require an applicant to submit a report of examination by a licensed ophthalmologist or optometrist for evaluation by the Administration or its

Medical Advisory Board.

(3) A license issued under this subsection:

(i) Shall be endorsed "outside mirrors each side"; and

(ii) May be subject to additional restrictions imposed by the Administration, based on recommendations of the applicant's ophthalmologist or optometrist, or any other evaluation that the Administration determines appropriate.

(e) If an applicant does not meet the vision standards under this subtitle, the Administration may issue a restricted license to the applicant subject to any restrictions the Administration determines appropriate for public safety, including any restriction described in § 16-110.3 of this subtitle, if:

(1) The applicant is evaluated and recommended for approval by the Medical Advisory Board; and

(2) The applicant successfully completes a driver's training course required by the Administration.

(f) An individual issued a restricted driver's license under this section who has had vision correction surgery resulting in the individual's meeting the requirements for an unrestricted license may:

(1) Apply to the Administration for a corrected license without the vision restriction; or

(2) Until the time of a license renewal or issuance of a corrected license, carry written certification from a licensed ophthalmologist or optometrist that the individual meets the vision requirements for an unrestricted license under this section.

§16–110.2.

(a) In this section, "bioptic telescopic lens" means a spectacle mounted telescopic/telescopics telescope placed at the top of a corrective vision lens and designed to increase visual acuity and aid in spotting distant objects at a glance.

(b) Notwithstanding any other requirements under this subtitle, an applicant using bioptic telescopic lenses shall be eligible for a noncommercial Class C driver's license under this subtitle if the applicant:

(1) (i) Demonstrates a visual acuity of at least 20/100 in one or both eyes and a field of 150 degrees horizontal vision with or without corrective lenses; or

(ii) If the applicant has vision in one eye only, demonstrates a field of at least 100 degrees horizontal vision;

(2) Demonstrates a visual acuity of at least 20/70 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

(3) Submits a report of examination by a licensed ophthalmologist or optometrist for evaluation by the Medical Advisory Board under § 16–118 of this subtitle; and

(4) Meets all the other requirements for licensure under this title.

(c) An applicant using bioptic telescopic lenses shall be eligible for a learner's instructional permit under § 16–103 of this subtitle if the applicant meets the requirements of subsection (b) of this section.

(d) (1) Except as provided in subsection (e) of this section, a license issued in compliance with this section authorizes the licensee to operate a motor vehicle only during the period beginning one–half hour after sunrise and ending one–half hour before sunset.

(2) If the applicant is eligible for a license under paragraph (1) of this subsection, the Administration shall issue to the applicant a restricted license endorsed "daylight driving only".

(e) A licensee under this section may operate a motor vehicle without any restriction regarding hours of operation if the licensee:

(1) Demonstrates a visual acuity of at least 20/40 in one or both eyes with the bioptic telescopic lenses and without the use of field expanders;

(2) Has been licensed under this section for at least one year; and

(3) Passes a skills test taken at night.

(f) This section only applies to an applicant who:

(1) Is granted a license under this section on or before September 30, 1997; and

(2) Continues to qualify for a license under this section.

§16–110.3.

(a) The Administration may only issue a restricted Class C noncommercial driver's license to an applicant who does not otherwise meet the vision standards under § 16–110.1 of this subtitle but:

(1) Has simultaneously:

(i) A visual acuity of worse than 20/70, but no worse than 20/100, in one or both eyes as determined by the Administration in consultation with the Medical

Advisory Board; and

(ii) A continuous field of vision of at least 110 degrees and with at least 35 degrees lateral to the midline of each side; and

(2) Is recommended for consideration for licensure by the applicant's licensed ophthalmologist or optometrist in accordance with subsection (b) of this section and regulations of the Administration concerning limited vision licenses.

(b) The ophthalmologist's or optometrist's recommendation for an applicant seeking a license under this section shall be based on the best standard spectacle or contact lens correction in the applicant's better eye.

(c) (1) The Administration shall refer any application for a license under this section to the Medical Advisory Board appointed under § 16–118 of this subtitle for review.

(2) Unless the Medical Advisory Board determines that it can make a favorable recommendation to the Administration based on the record before it, the Board shall offer the applicant an opportunity to appear before the Board to present medical information pertinent to the Board's review.

(3) An applicant who chooses to appear before the Medical Advisory Board may be accompanied by the applicant's ophthalmologist or optometrist or by any other individual to assist the applicant in presenting pertinent medical information to the Board.

(4) An appearance before the Medical Advisory Board is not a matter subject to the contested case provisions under Title 10, Subtitle 2 of the State Government Article.

(d) (1) An applicant seeking a license under this section shall successfully complete a driver's training course in accordance with regulations of the Administration.

(2) The required driver's training course:

(i) Shall consist of at least 20 hours; and

(ii) May vary based on an applicant's previous driving experience or the driver trainer's recommendation.

(3) If the ophthalmologist or optometrist recommends that the applicant use a bioptic telescopic lens while driving, the Administration may require additional driver's training using the bioptic telescopic lens.

(e) (1) A license granted under this section:

(i) Shall be endorsed "outside mirrors each side";

(ii) Subject to subsection (f) of this section, shall be endorsed "daylight driving only"; and

(iii) May be subject to additional restrictions imposed by the Administration, based on recommendations of the applicant's ophthalmologist or optometrist, or any other evaluation that the Administration determines appropriate.

(2) Restrictions that may be imposed under paragraph (1)(iii) of this subsection include:

(i) Type of highways where the licensee may drive;

(ii) Maximum speed limits under which driving is allowed;

(iii) Maximum driving distances; and

(iv) Other factors that the Administration determines appropriate.

(3) A license endorsed "daylight driving only" authorizes the licensee to operate a motor vehicle only during the period beginning one–half hour after sunrise and ending one–half hour before sunset.

(f) (1) An individual licensed under this section may apply to eliminate the daylight only restriction if the individual:

(i) Has been licensed under this section for at least 1 year;

(ii) During the previous year, has not committed a traffic infraction or been involved in a traffic accident where the licensee was at fault;

(iii) Has passed a nighttime vision test prescribed by the Administration; and

(iv) Has received a driver's training certificate based on nighttime driving skills, from an entity that the Administration has determined is qualified to evaluate drivers under this section.

(2) Before the elimination of the daytime only restriction, an applicant who meets the requirements of paragraph (1) of this subsection shall pass a nighttime driving test administered by at least two Administration examiners.

§16–111.

(a) This section applies to an applicant who:

(1) Holds a learner's instructional permit under § 16–105(d) of this subtitle; or

(2) Qualifies for a provisional license under subsection (e) of this section.

(b) An applicant is entitled to receive a provisional license if the applicant:

(1) Meets the minimum age required under § 16–103(c)(2) of this subtitle;

(2) Satisfies the learner's instructional permit requirements under § 16–105(d)(2), (3), or (4) of this subtitle;

(3) Passes a driver skills or driver road examination administered under this subtitle;

(4) Surrenders any learner's instructional permit issued to the applicant; and

(5) Pays the fee established under this subtitle.

(c) A provisional license shall be clearly identifiable as a provisional license.

(d) (1) An individual who holds a provisional license may not receive a license sooner than 18 months following the later of:

(i) The date the individual first obtains the provisional license;

(ii) The date the individual is convicted of, or granted probation before judgment under § 6–220 of the Criminal Procedure Article for:

1. A moving violation; or

2. A violation of a provisional driver's license restriction under § 16–113(i) of this subtitle; or

(iii) The date of restoration of an individual's provisional driver's license or driving privilege that has been suspended, revoked, or canceled for any reason.

(2) Notwithstanding any other provision of this subtitle, the Administration may issue a license to an individual who was otherwise eligible to receive a license at the time a moving violation was committed.

(e) (1) Notwithstanding subsection (d) of this section or any other provision of this subtitle, the Administration may issue a provisional license to an individual who has been licensed to drive in another state or country, or by the armed forces of the United States for less than 18 months.

(2) If an individual has been licensed for:

(i) Less than 6 months, the individual shall hold the provisional license for at least 18 months before being eligible for a license under § 16–111.1 of

this subtitle;

(ii) 6 months, but less than 12 months, the individual shall hold the provisional license for at least 12 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period; or

(iii) 12 months, but less than 18 months, the individual shall hold the provisional license for at least 6 months before being eligible for a license under § 16–111.1 of this subtitle as long as the individual has not committed an offense as defined in § 16–213(a) of this title during that period.

(3) An individual who commits an offense as defined in § 16–213(a) of this title while holding a provisional license issued under this subsection is subject to:

(i) The waiting periods under subsection (d)(1)(ii) of this section before qualifying for a license under § 16–111.1 of this subtitle; and

(ii) Other sanctions applicable to a holder of a provisional license under this article.

(4) Notwithstanding § 16–103(c)(3) of this subtitle, the Administration may issue a license under § 16–111.1 of this subtitle without issuing a learner's instructional permit or a provisional license if the individual has been licensed to drive in another state or country, or by the armed forces of the United States, for at least 18 months.

(f) A provisional license is subject to the expiration and renewal requirements of § 16-115 of this subtitle.

§16–111.1.

(a) An applicant is entitled to receive the driver's license applied for if the applicant:

(1) Passes the examination provided for in this subtitle;

(2) Surrenders the last learner's instructional permit issued to him, if any; and

(3) Pays the fees provided for by this subtitle.

(b) (1) This subsection applies to an applicant who holds a provisional license under § 16-111 of this subtitle.

(2) An applicant is entitled to receive a license if the applicant:

(i) Meets the minimum age required under § 16-103(c)(3) of this

subtitle;

(ii) Satisfies the provisional license requirements under § 16-111(d) or (e) of this subtitle;

(iii) Surrenders any provisional license issued to the applicant; and

(iv) Pays the fee established under this subtitle.

(c) (1) Each license issued by the Administration shall be identified clearly as to its specific class. A Class M license may be issued in combination with any one of the other classes.

(2) The Administration shall assign an identifying number to each license it issues.

(3) The Administration may not use, include, or encode, in any form, an individual's Social Security number on the individual's driver's license.

(d) (1) Subject to paragraph (2) of this subsection, each noncommercial Class A, B, C, or M license issued by the Administration shall be of the size, design, and content that the Administration specifies.

(2) A noncommercial Class A, B, C, or M license shall include:

(i) The name and residence address of the licensee;

(ii) The date of birth of the licensee;

(iii) A description of the licensee, which shall include the height, weight, and sex of the licensee;

(iv) A color photograph of the applicant that is taken in accordance with a procedure that the Administration requires;

(v) The type or class of vehicles that the license authorizes the licensee to drive;

(vi) The signature and seal of the issuing agent; and

(vii) A space for the signature of the licensee.

(e) (1) A license is not valid unless the licensee signs the license in the licensee's usual signature.

(2) When issued and signed, a driver's license authorizes the licensee to drive any vehicle of the type or class specified on it, subject to any restrictions endorsed on the license.

(f) (1) Only one current driver's license may be issued by the Administration to and held by any individual at any one time.

(2) Before issuing a license, the Administration shall require the applicant to surrender any license issued to the applicant by any other jurisdiction.

§16–111.2.

(a) (1) When an applicant applies for an initial driver's license or for a class of driver's license other than that which the applicant currently holds, the applicant shall pay the Administration a license fee established by the Administration. This fee covers issuance of a learner's instructional permit and, if the applicant qualifies before the learner's instructional permit expires, issuance of a driver's license or provisional license.

(2) If a learner's instructional permit is not required, the applicant shall pay the Administration, when the driver's license is issued, a license fee established by the Administration.

(3) If an appointment to take a driver's license examination made by the applicant is not kept, the Administration may charge the applicant a missed appointment fee established by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, for the renewal of a noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall pay the Administration a renewal fee established by the Administration.

(2) The Administration may not charge a licensee who is a recipient of the Medal of Honor a fee for the renewal of the licensee's noncommercial Class A, B, C, D, E, or M driver's license.

(c) For issuance of a duplicate or corrected noncommercial Class A, B, C, D, E, or M driver's license, a licensee shall pay the Administration a duplicate or corrected driver's license fee established by the Administration.

(d) For conversion of a provisional license to a driver's license issued under § 16-111.1 of this subtitle, a licensee shall pay the Administration a fee established by the Administration.

(e) A licensee shall pay a fee established by the Administration if the license is issued or renewed under § 16–104.1 of this subtitle.

(f) (1) Whenever an applicant or licensee pays a fee required under subsection (a)(1) or (2) or (b) of this section, the Administration shall offer the individual the option to make a voluntary contribution of $1 to the Organ and Tissue Donation Awareness Fund established under Title 13, Subtitle 9 of the Health - General Article.

(2) All moneys collected under this subsection shall be paid to the

Comptroller of the State and deposited into the Organ and Tissue Donation Awareness Fund established under Title 13, Subtitle 9 of the Health - General Article.

§16–112.

(a) In this section, "display" means the manual surrender of the licensee's license into the hands of the demanding officer for inspection.

(b) Each individual driving a motor vehicle on any highway in this State shall have his license with him.

(c) Each individual driving a motor vehicle on any highway in this State shall display the license to any uniformed police officer who demands it.

(d) Each individual driving a motor vehicle on any highway in this State shall, if requested by the officer, sign his usual signature in the presence of the officer so that the officer may determine whether he is the licensee.

(e) A person may not give the name of another person or give a false or fictitious name to any uniformed police officer who is attempting to determine the identity of a driver of a motor vehicle.

§16–113.

(a) (1) In addition to the vision and other restrictions provided for in this subtitle, when it issues a driver's license, the Administration for good cause may impose on the licensee:

(i) Any restrictions suitable to the licensee's driving ability with respect to the type of special mechanical control devices required on motor vehicles that the licensee may drive;

(ii) An alcohol restriction which prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

(iii) Any other restrictions applicable to the licensee that the Administration determines appropriate to assure the safe driving of a motor vehicle by the licensee.

(2) An alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood may, as described in subsections (b) and (g) of this section, include a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16-404.1 of this title.

(b) (1) Notwithstanding the licensee's driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that

prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood.

(2) An alcohol restriction imposed under this subsection expires when the licensee reaches the age of 21 years.

(3) This subsection may not be construed or applied to limit:

(i) The authority of the Administration to impose on a licensee an alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits consumption of an alcoholic beverage by an individual under the age of 21 years.

(4) An individual under the age of 21 years who is convicted of a violation of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual's driver's license.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the Administration may:

(i) Issue a special restricted license; or

(ii) Set forth the restrictions on the usual license form.

(2) The Administration shall indicate on the license of a licensee under the age of 21 years that an alcohol restriction has been imposed on the licensee under subsection (b) of this section.

(d) (1) Notwithstanding the licensee's driving record, the Administration shall impose an hour restriction on a provisional driver's license issued to an applicant under the age of 18.

(2) The restriction under this subsection shall limit the holder of a provisional license to driving unsupervised only between the hours of 5 a.m. and 12 midnight.

(3) This subsection does not preclude the holder of a provisional license from driving between the hours of 12 midnight and 5 a.m. the following day if the licensee is:

(i) Accompanied and supervised by a licensed driver who is at least 21 years old;

(ii) Driving to or from or in the course of the licensee's employment;

(iii) Driving to or from a school class or official school activity;

(iv) Driving to or from an organized volunteer program; or

(v) Driving to or from an opportunity to participate in an athletic event or related training session.

(4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age.

(d–1) (1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from operating a motor vehicle if the driver and each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat.

(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this article is not restrained.

(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional license turns 18 years of age.

(e) (1) In addition to the other restrictions provided under this subtitle, the Administration may issue:

(i) A driver's license that is valid only in the State of Maryland to an applicant who has been suspended in another jurisdiction as a result of failing to comply with the financial responsibility requirements of that jurisdiction; or

(ii) A temporary driver's license that is valid only in the State of Maryland to an applicant for reinstatement of a suspended or revoked driver's license, renewal of a driver's license, or a duplicate or corrected driver's license if, at the time of application:

1. The applicant's privilege to drive in another jurisdiction is revoked or suspended as a result of failing to comply with the licensing requirements of that jurisdiction for which a comparable violation in this State would not have resulted in revocation or suspension;

2. The initial violation that led to the revocation or suspension did not occur within the preceding 5 years;

3. The applicant is otherwise qualified to be licensed in this State; and

4. The Administration determines that the applicant will be able to take any actions required by the other jurisdiction for reinstatement of the privilege to drive in that jurisdiction.

(2) A temporary license issued under paragraph (1) of this subsection shall be valid for 90 days.

(3) The Administration shall adopt regulations for the issuance of temporary licenses under paragraph (1) of this subsection.

(f) After receiving satisfactory evidence of any violation of a restricted or provisional driver's license, the Administration may suspend or revoke the license. However, the licensee may request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

(g) (1) The Administration shall impose an alcohol restriction under subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years from driving or attempting to drive with alcohol in the individual's blood on any licensee who is convicted within 5 years of any combination of two or more violations under § 21-902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under § 27-107 of this article, the licensee to participate in the Ignition Interlock System Program established under § 16-404.1 of this title, the Administration shall have the licensee's driving record and driver's license reflect that the court ordered restriction was imposed, and shall keep records of the order.

(h) An individual may not drive a vehicle in any manner that violates any restriction imposed by the Administration in a restricted license issued to the individual.

(i) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual's blood in violation of a restriction.

(k) A participant in the Ignition Interlock System Program under § 16–404.1 of this title may not drive or attempt to drive a vehicle that is not equipped with an ignition interlock system in violation of an ignition interlock system restriction on a license issued to the participant.

§16–114.

(a) In this section, "mutilated" includes any imperfection of or in a driver's license, after its issuance, that renders it unsuitable for identification purposes or for verifying its authenticity and validity.

(b) If a driver's license is lost, stolen, mutilated, or destroyed, the licensee immediately shall apply for and, after furnishing information satisfactory to the Administration and payment of the required fee, is entitled to obtain a duplicate

license. If the duplicate license being applied for is of a type requiring a photo and the licensee is temporarily absent from this State, the Administration may issue a regular license bearing the notation that it is valid without a photo until 15 days after the licensee first returns to this State.

(c) A licensee who is at least 21 years may apply for a duplicate license that includes a frontal photograph of the licensee.

(d) If a person recovers an original license for which a duplicate has been issued, the person promptly shall surrender the original license to the Administration.

§16–114.1.

(a) To obtain a corrected photo commercial driver's license, an individual shall:

(1) Apply for a corrected commercial driver's license on the form required by the Administration;

(2) Surrender the individual's original license; and

(3) Pay the required fee.

(b) A corrected photo commercial driver's license shall expire on the date that the individual's original license expired.

(c) If an individual other than one who holds a commercial driver's license desires a corrected photo license in lieu of a correction card for a desired or required correction, the individual shall:

(1) Apply for a corrected photo license on the form required by the Administration;

(2) Surrender the individual's original license; and

(3) Pay the required fee.

(d) (1) A corrected photo license issued under subsection (c) of this section to a driver at least 21 years old shall expire on the birth date of the licensee in the fifth year following the issuance of the license.

(2) A corrected photo license issued under subsection (c) of this section to a driver under age 21 years shall expire 60 days after the driver's 21st birthday.

(e) If a licensee applies for a photo license to correct an error made by the Administration, the Administration shall issue the corrected license without charging the licensee a fee.

(f) (1) If an individual, other than one who holds a commercial driver's license, is temporarily absent from the State and desires a corrected license, the

Administration may issue a nonphoto corrected license bearing the notation that it is valid without a photo until 15 days after the licensee first returns to this State.

(2) The licensee shall:

(i) Apply for the corrected license on the form required by the Administration; and

(ii) Pay the required fee.

§16–115.

(a) (1) Subject to paragraph (5) of this subsection, a license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee at the end of a period of not more than 8 years determined in regulations adopted by the Administration following the issuance of the license.

(2) Subject to paragraph (5) of this subsection, a license issued under this title to a driver under the age of 21 years shall expire not later than 60 days after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (i) of this section:

(i) Within 6 months before its expiration; or

(ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

(4) Except as provided in subsection (f) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.

(5) (i) If an applicant has temporary lawful status, the Administration may not issue to the applicant a license to drive for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of a temporary license to drive for a period longer than the period described in this subsection.

(iii) The Administration shall indicate on the face and in the machine–readable zone of a temporary license to drive that the license is a temporary license to drive.

(6) A holder of a temporary license to drive who had temporary lawful

status at the time of the issuance of the temporary license to drive shall present satisfactory documentary evidence of lawful status if the holder applies for issuance or renewal of any license to drive under this subtitle.

(b) At least 60 days before a license expires, the Administration shall mail to each licensee, at the last address of the licensee shown in the records of the Administration, notice of the date on which the license will expire.

(c) The Administration may renew a license within 1 year after the expiration date without requiring a driving test.

(d) (1) A license held by a member of the armed forces of the United States who is absent from this State on active service in the armed forces of the United States, or a dependent of the member who is residing with the member outside the State, shall remain in full force and effect during such absence.

(2) The license also shall remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the licensee's return to this State, or the member's discharge or separation from active service:

(i) If the licensee has in the licensee's immediate possession, together with the licensee's driver's license, papers indicating the member's active service outside this State or the member's discharge or separation; and

(ii) If the license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.

(e) (1) A license held by an individual who is a member of the Foreign Service of the United States and is absent from the State due to employment in the Foreign Service, or a license held by the spouse or a dependent of the individual who is residing with the individual outside the State, shall remain in full force and effect during the absence.

(2) A license held by an individual described in paragraph (1) of this subsection shall also remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the individual's return to the State, or the individual's separation from employment in the Foreign Service of the United States if:

(i) The individual has in the individual's immediate possession, together with the individual's driver's license, documentation acceptable to the Administration indicating that:

1. The individual is a member of the Foreign Service of the United States, or the spouse or a dependent of a member of the Foreign Service of the United States and resides outside the State; or

2. The individual was formerly a member of the Foreign

Service of the United States, or the spouse or a dependent of a former member of the Foreign Service, and has returned to the State on separation of the member from employment with the Foreign Service; and

(ii) The license is not otherwise suspended, revoked, or canceled under this title during the 30–day period.

(f) If a licensee is absent from this State for cause, other than as provided in subsection (d) of this section, and is unable to renew the licensee's license in the manner required by this section, the licensee may renew by mail to the Administration. The renewal application shall be accompanied by the prescribed fee and a statement giving the reason for and the expected length of the absence. On receipt of the application, the Administration may issue a regular license which bears a photo or a notation that it is valid without a photo until 15 days after the licensee first returns to this State.

(g) An individual may not drive a motor vehicle on any highway in this State if the license issued to him under this title has expired.

(h) An individual may not attempt to drive a motor vehicle on any highway in this State if the license issued to the individual under this title has expired.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Administration shall require every individual applying for renewal of a driver's license to pass a vision test as prescribed by the Administration.

(2) (i) The Administration shall accept a certification of acceptable visual acuity from a licensed physician or optometrist instead of requiring the actual test provided for in this subsection.

(ii) The examination for which certification is made shall take place within 12 months of the date of application for renewal.

(3) An individual at least 21 years of age but under the age of 40 years may apply for renewal of a driver's license electronically or by mail or other means authorized by the Administration without taking a vision test if the applicant has passed a vision test authorized by the Administration within the previous 6 years.

(4) (i) If the Administration has reason to believe that an individual is a safety hazard by reason of a vision deficiency, the Administration may require the vision test provided for in this subsection at a time other than renewal of a driver's license.

(ii) The Administration may adopt regulations to implement the provisions of this subsection.

(j) Before the expiration of a driver's license, if the Administration has reason to believe that an individual is not a safety hazard, but the individual is unable to pass a required knowledge test or vision test, the Administration may extend the individual's

privilege to drive for a period not to exceed 90 days.

(k) (1) The Administration may not renew the driver's license of an applicant who has not paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or provided for payment in a manner satisfactory to the unit responsible for collection.

(2) The Administration shall cooperate with the Comptroller and the Department of Labor, Licensing, and Regulation to develop procedures and adopt regulations in accordance with this section.

(3) Regulations adopted under this subsection shall require:

(i) The Comptroller to notify the Administration that an individual has not paid all undisputed taxes; and

(ii) The Department of Labor, Licensing, and Regulation to notify the Administration that an individual has not paid all undisputed unemployment insurance contributions.

§16–116.

(a) If any individual who has applied for or obtained a driver's license under this subtitle moves from the address given in the application or shown on the license, the individual shall, within 30 days of the change, notify the Administration in writing of the former address and new address and the identifying number of any license issued to the individual.

(b) If any individual who has applied for or obtained a driver's license under this subtitle has the individual's name changed under the common law of this State, by marriage, or by court order, the individual shall, within 30 days of the change, notify the Administration in writing of the former name and new name, and the identifying number of any license issued to the individual.

(c) On request of the Administration, if the name of a licensee has been changed, the licensee shall surrender his driver's license to the Administration. After it receives the license, the Administration shall issue a corrected license in the new name.

(d) If a licensee is required to surrender his license to the Administration to record a change, the Administration shall issue him, without charge, a temporary license valid for not more than 20 days from the date it is issued.

(e) This section does not apply to an expired license.

§16–117.

(a) The Administration shall keep a record of:

(1) Each driver's license application that it receives;

(2) Each driver's license that it issues; and

(3) Each licensee whose license to drive the Administration has suspended or revoked, and the reasons for the action.

(b) (1) The Administration shall file each accident report and abstract of court disposition records that it receives under the laws of this State.

(2) (i) The Administration shall keep convenient records or make suitable notations showing the convictions or traffic accidents in which each licensee has been involved and every probation before judgment disposition of any violation of the Maryland Vehicle Law. A record or notation of a probation before judgment disposition, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, shall be segregated by the Administration and shall be available only to:

1. The Administration;

2. Other driver licensing authorities;

3. The United States Secretary of Transportation;

4. Current and prospective employers, as defined in § 16-803(e) of this title, of drivers required to hold commercial drivers' licenses;

5. The courts;

6. Criminal justice agencies; and

7. The defendant or the defendant's attorney.

(ii) However, a record or notation of a probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title, may not be received or considered by the courts until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty is made by the court.

(3) These records or notations shall be made so that they are readily available for consideration by the Administration of any license renewal application and at any other suitable time.

(4) Accident reports and abstracts of court convictions pertaining to driving an emergency vehicle, if received by a person who was driving an emergency vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by the Administration and shall be available only to the Administration.

(5) Except as provided in this section, an employee of the Administration

may not disclose any records or information regarding probation before judgment, or a first offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of this title.

(c) If a charge of a Maryland Vehicle Law violation against any individual is dismissed by a court of competent jurisdiction, a record of the charge and dismissal may not be included in the individual's driving record.

§16–117.1.

(a) In this section, "criminal offense" does not include any violation of the Maryland Vehicle Law.

(b) Except as provided in subsections (c) and (e) of this section and in Subtitle 8 of this title, if a licensee applies for the expungement of the licensee's public driving record, the Administration shall expunge the record if, at the time of application:

(1) The licensee does not have charges pending for allegedly committing a moving violation or a criminal offense involving a motor vehicle; and

(2) (i) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's license never has been suspended or revoked;

(ii) The licensee has not been convicted of a moving violation or a criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's record shows not more than one suspension and no revocations; or

(iii) Within the preceding 10 years:

1. The licensee has not been convicted of nor been granted probation before judgment for a violation of § 20–102 or § 21–902 of this article;

2. The licensee's driving record shows no convictions from another jurisdiction of a moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

3. The licensee has not been convicted of any other moving violation or criminal offense involving a motor vehicle, regardless of the number of suspensions or revocations.

(c) The Administration may refuse to expunge a driving record if it determines that the individual requesting the expungement has not driven a motor vehicle on the highways during the particular conviction–free period on which the request is based.

(d) The Administration shall expunge from its driver record data base the driving record of an individual or a probation before judgment disposition of an individual:

(1) Who has not been convicted of a moving violation or criminal offense involving a motor vehicle for the preceding 3 years;

(2) Who has not been convicted of, or been granted probation before judgment for:

(i) A violation of § 20–102 of this article;

(ii) A violation of § 21–902 of this article; or

(iii) A moving violation identical or substantially similar to § 20–102 or § 21–902 of this article; and

(3) Whose license or privilege to drive never has been suspended or revoked.

(e) Notwithstanding any other provision of this section, the Administration may not expunge any driving records before the expiration of the time they are required to be retained under § 16–819 of this title.

§16–118.

(a) (1) The Administrator may appoint a Medical Advisory Board of qualified physicians and optometrists to enable the Administration to comply properly with the provisions of this title regarding the physical and mental condition of individuals who seek to drive on highways in this State.

(2) The Administrator also may appoint a medical secretary to serve the Board.

(b) Each member of the Medical Advisory Board is entitled to compensation for each meeting that the member attends. The compensation shall be paid out of funds appropriated to the Administration.

(c) (1) The Administrator may refer to the Medical Advisory Board, for an advisory opinion, the case of any licensee or applicant for a license, if the Administrator has good cause to believe that the driving of a vehicle by him would be contrary to public safety and welfare because of an existing or suspected mental or physical disability.

(2) The Board shall meet at the pleasure of the Administrator.

(d) (1) Except as provided in paragraph (2) of this subsection, the records of the Medical Advisory Board:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual

to drive.

(2) The Administration may use information in its records for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these records for any other purpose.

§16–119.

(a) The Department of Health and Mental Hygiene, together with the Medical and Chirurgical Faculty and the State Board of Examiners in Optometry, shall define:

(1) Disorders characterized by lapses of consciousness; and

(2) Disorders that result in a corrected visual acuity that fails to comply with the vision requirements of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, any physician and any other person authorized to diagnose, detect, or treat disorders defined under subsection (a) of this section may report to the Medical Advisory Board and to the subject of the report, in writing, the full name, date of birth, and address of each individual 15 years old or older who has any such disorder.

(2) Unless authorized by the individual in writing, a report may not be made from information derived from the diagnosis or treatment of any individual on whom a confidential or privileged relationship is conferred by law.

(c) On receipt of a report under this section, the Administration shall:

(1) As soon as practicable, arrange for an examination of each reported individual who holds a driver's license; and

(2) If the individual fails to meet the requirements of this subtitle, cancel his license.

(d) (1) Except as provided in paragraph (2) of this subsection, the reports made to the Administration under this section:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in the reports it receives for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these reports for any other purpose.

(e) A civil or criminal action may not be brought against any person who makes a report under this section and who does not violate any confidential or privileged relationship conferred by law.

(f) A report made under this section may not be used as evidence in any civil or criminal trial, except in a legal action involving an alleged violation of a confidential or privileged relationship conferred by law.

§16–120.

(a) At regular intervals, the Administration shall request of the Social Services Administration the name of each individual receiving public assistance for blindness. The Social Services Administration promptly shall furnish the requested information.

(b) On receipt of the requested information, the Administration shall:

(1) As soon as practicable, arrange for an examination of the vision of each named individual who holds a driver's license; and

(2) If the individual fails to meet the vision requirements of this subtitle, cancel his license.

(c) (1) The information obtained by the Administration under this section:

(i) Is confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) A person may not use this information for any other purpose.

§16–121.

(a) This section applies only to a non–match, described under regulations adopted by the Secretary of the United States Department of Homeland Security, that:

(1) Occurs during verification by the Administration of the documentary evidence provided by an applicant for issuance or renewal of an identification card

under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive under this subtitle; and

(2) Is not resolved by the Administration's verification of the documentary evidence.

(b) In the event of a non–match, the Administration may not issue to the applicant an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive under this subtitle.

(c) Nothing in this section prohibits the Administration from issuing or renewing an identification card, a moped operator's permit, or a license to drive under § 16–122 of this subtitle to allow the applicant to resolve a non–match.

§16–122.

(a) (1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:

(i) 1. Has an unresolved non–match described under § 16–121 of this subtitle;

2. Meets the requirements concerning the non–match contained in regulations adopted by the Administration that are consistent with regulations adopted by the Secretary of the United States Department of Homeland Security; and

3. Would be otherwise eligible under this article for the issuance or renewal of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive under this subtitle, but for the unresolved non–match; or

(ii) 1. Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;

2. Certifies that the applicant does not have a Social Security number;

3. In the case of an applicant who is not a current holder of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, provides documentary evidence that the applicant, for each of the preceding 2 years, has:

A. Filed a Maryland income tax return; or

B. Resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return; and

4. Would be otherwise eligible for issuance or renewal of an identification card under § 12–301 of this article, a moped operator's permit under § 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the absence of documentary evidence described in item 1 of this item.

(2) This subsection does not apply to any provision of law applicable to the issuance or renewal of a commercial driver's license under this title.

(3) An identification card, a moped operator's permit, or a license to drive that is issued under this subsection shall include a statement that the document may not be used to purchase a firearm.

(b) The Administration may require that an application for issuance or renewal of an identification card, a moped operator's permit, or a license to drive under this section be made in person.

(c) A person may not be a holder of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section if the person is the holder of any other identification card, moped operator's permit, or license to drive issued or renewed under this section or any other section of this article.

(d) Each identification card, moped operator's permit, and license to drive issued or renewed in accordance with this section shall:

(1) Clearly state on its face and in its machine–readable zone that it is not acceptable by federal agencies for official purposes;

(2) Have a unique design or color indicator that clearly distinguishes it from the design or color of an identification card under § 12–301 of this article, a moped operator's permit under § 16–115 of this subtitle, or any license to drive under any other section of this subtitle; and

(3) Be of the size and design that the Administration requires, tamperproof, to the extent possible, and contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The gender of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires;

(vi) The expiration date of the identification card, moped operator's permit, or license to drive;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(e) An identification card, a moped operator's permit, or a license to drive issued or renewed under this section shall expire at the end of a period that is equivalent to the expiration period applicable for an identification card under § 12–301 of this article, a moped operator's permit under § 16–115 of this subtitle, or a license to drive under this subtitle.

(f) Except as otherwise expressly provided by law, an identification card, a moped operator's permit, or a license to drive issued under this section may be used for any purpose as legal identification of the holder to whom the identification card, moped operator's permit, or license to drive is issued.

(g) The Administration may establish a fee for the issuance or renewal of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section.

(h) Except as expressly provided in this section, this section does not limit the application of any other provision of this article to an identification card, a moped operator's permit, or a license to drive issued under this section.

§16–123.

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

(2) "Covered employee" means an employee of the Administration or a contractor for the Administration who is involved in the manufacture or production of identification cards, moped operators' permits, or licenses to drive or who has the ability to affect the identity information that appears on an identification card, a moped operator's permit, or a license to drive.

(3) "Personally identifiable information" means any information that can be used to distinguish or trace an individual's identity as specified in regulations adopted by the Secretary of the United States Department of Homeland Security, whether the information is stored in a database, on an identification card, a moped operator's permit, or a license to drive, or in the machine–readable zone on an identification card, a moped operator's permit, or a license to drive.

(b) The Administration shall have a security plan for identification cards, moped operators' permits and licenses to drive issued or renewed for the purposes of complying with the provisions of this article.

(c) At a minimum, the security plan shall address:

(1) Physical security of the facilities used and storage areas for card stock and other materials used in production; and

(2) Security of personally identifiable information maintained at locations of the Administration involved in the enrollment, issuance, manufacture, or production, including the following protections:

(i) Reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the personally identifiable information collected, stored, and maintained in Administration records and information systems, including procedures to prevent unauthorized access, use, or dissemination of applicant information and images of source documents retained and standards and procedures for document retention and destruction;

(ii) A privacy policy regarding the personally identifiable information collected and maintained by the Administration;

(iii) Requiring that release or use of personal information collected and maintained by the Administration comply with the requirements of the federal Driver's Privacy Protection Act;

(iv) Document and physical security features for identification cards, moped operators' permits, and licenses to drive issued by the Administration;

(v) Access control, including:

1. Employee identification and credentialing, including access badges;

2. Employee background checks, including a name–based and fingerprint–based criminal history records check, for each covered employee and current employee who will be assigned to the position of a covered employee; and

3. Controlled access systems;

(vi) Periodic training requirements in:

1. Fraudulent document recognition training for all covered employees handling source documents or engaged in the issuance of identification cards, moped operators' permits, or licenses to drive; and

2. Security awareness training, including threat identification and handling of sensitive security information as necessary;

(vii) Emergency and incident response plan;

(viii) Internal audit controls; and

(ix) An affirmation that the Administration possesses the authority and means to produce, revise, expunge, and protect the confidentiality of identification cards, moped operators' permits, and licenses to drive issued in support of federal, State, or local criminal justice agencies or similar programs that require special licensing or identification to safeguard persons or support their official duties.

(d) The security plan required by this section contains sensitive security information and shall be handled and protected in accordance with 49 Code of Federal Regulations Part 1520.

§16–124.

(a) The Administration shall require each fee for issuance or renewal of an original or duplicate identification card, moped operator's permit, or license to drive under this article to be paid by the applicant at the time of application.

(b) An application fee under this section is nonrefundable, regardless whether the Administration issues or renews, refuses to issue or renew, cancels, or requires to be surrendered an identification card, a moped operator's permit, or a license to drive under this article.

§16–201.

(a) The Administration may cancel a driver's license issued under this title if it determines that the licensee:

(1) Was not entitled to be issued the license;

(2) Failed to give the required or correct information in his application; or

(3) Committed fraud in making the application or in obtaining the license.

(b) On cancellation, the licensee immediately shall surrender the canceled license to the Administration.

§16–202.

(a) The privilege given to a nonresident to drive a motor vehicle on highways in this State may be suspended or revoked by the Administration in the same way and for the same reasons that a driver's license issued under this title may be refused, suspended, or revoked.

(b) If the Administration receives a record of the conviction in this State of a nonresident driver of any offense under the motor vehicle laws of this State, the Administration may send a certified copy of the record to the motor vehicle administrator in the state in which the convicted person resides or is licensed to drive.

(c) If, after an appeal is taken or on failure to take an appeal, a nonresident's

privilege to drive is suspended, the Administration shall send written information of the suspension to the motor vehicle administrator of the state in which the person resides and of any other state in which he is licensed to drive.

§16–203.

(a) In this section, "Child Support Enforcement Administration" means the Child Support Enforcement Administration of the Department of Human Resources.

(b) On notification by the Child Support Enforcement Administration in accordance with § 10-119 of the Family Law Article that an obligor is 60 days or more out of compliance with the most recent order of the court in making child support payments, the Administration:

(1) Shall suspend an obligor's license or privilege to drive in the State; and

(2) May issue a work-restricted license or work-restricted privilege to drive.

(c) (1) Prior to the suspension of a license or the privilege to drive in the State and the issuance of a work-restricted license or work-restricted privilege to drive under subsection (b) of this section, the Administration shall send written notice of the proposed action to the obligor, including notice of the obligor's right to contest the accuracy of the information.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(d) (1) An obligor may appeal a decision of the Administration to suspend the obligor's license or privilege to drive.

(2) At a hearing under this subsection, the issue shall be limited to whether the Administration has mistaken the identity of the obligor or the individual whose license or privilege to drive has been suspended.

(e) The Administration shall reinstate an obligor's license or privilege to drive in the State if:

(1) The Administration receives a court order to reinstate the license or privilege to drive; or

(2) The Child Support Enforcement Administration notifies the Administration that:

(i) The individual whose license or privilege to drive was suspended is not in arrears in making child support payments;

(ii) The obligor has paid the support arrearage in full; or

(iii) The obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months.

(f) The Secretary of Transportation, in cooperation with the Secretary of Human Resources and the Office of Administrative Hearings, shall adopt regulations to implement this section.

§16–204.

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

(2) "Law enforcement agency" has the meaning stated in § 13-406.1(a)(2) of this article.

(3) "Outstanding warrant" has the meaning stated in § 13-406.1(a)(3) of this article.

(4) "Primary law enforcement officer" has the meaning stated in § 13-406.1(a)(4) of this article.

(b) Subject to subsection (h) of this section, on notification by a law enforcement agency that an individual is named in an outstanding warrant, the Administration shall suspend the individual's license or privilege to drive in the State.

(c) (1) Before suspending a license or privilege to drive under subsection (b) of this section, the Administration shall send written notice of the proposed action to the individual named in the outstanding warrant, including notice of the individual's right to contest the accuracy of the information on which the suspension is based.

(2) Any contest under this subsection shall be limited to whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose license or privilege to drive has been suspended.

(d) (1) An individual named in an outstanding warrant may appeal a decision of the Administration under this section to suspend the individual' s license or privilege to drive.

(2) At a hearing under this subsection, the only issue shall be whether the Administration has mistaken the identity of the individual named in the outstanding warrant or the individual whose license or privilege to drive has been suspended.

(e) An individual shall be referred to the law enforcement agency that notified the Administration of the outstanding warrant to resolve any question of whether the warrant has been satisfied.

(f) (1) The Administration shall continue the suspension of a license or

privilege to drive that was suspended under this section until:

(i) The Administration is ordered by a court to reinstate the license or privilege to drive; or

(ii) A law enforcement agency notifies the Administration that:

1. The individual named in the outstanding warrant has been arrested; or

2. The outstanding warrant has been otherwise satisfied.

(2) On receipt of an order or notice under paragraph (1) of this subsection, the Administration shall reinstate a license or privilege to drive unless the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law.

(g) (1) The Administration, in consultation with the primary law enforcement officers of the State, shall adopt regulations to implement this section.

(2) The regulations shall include:

(i) Criteria that a law enforcement agency must meet prior to notifying the Administration that an individual is named in an outstanding warrant;

(ii) A procedure for informing an individual named in an outstanding warrant:

1. That the individual's license or privilege to drive has been suspended; and

2. Of the manner in which the individual may contest or resolve the suspension;

(iii) A procedure which must be followed by the law enforcement agency to notify the Administration of changes in the status of an outstanding warrant; and

(iv) A procedure for the Administration to carry out the suspension of a license or privilege to drive as authorized under this section.

(h) If a law enforcement agency meets the criteria established under subsection (g) of this section, the Administration shall enter into an agreement with the appropriate primary law enforcement officer that provides for the notification to the Administration of individuals named in outstanding warrants.

(i) The procedures specified in this section are in addition to any other penalty provided by law for the failure to meet the demands specified in a warrant.

(j) This section may not be construed to require the Administration to arrest an individual named in an outstanding warrant.

§16–205.

(a) The Administration may revoke the license of any person who:

(1) Is convicted under § 21–902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or

(2) Within a 3–year period, is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

(i) § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(ii) § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(iii) § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

(iv) § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) Subject to subsection (d–1) of this section, the Administration may suspend for not more than 60 days the license of any person who is convicted under § 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination

of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(d) (1) Subject to subsection (d–1) and subsection (e) of this section, the Administration may suspend for not more than 1 year the license of any person who, within a 5–year period, is convicted of any violation of § 21–902 of this article after the person was previously convicted of any violation under § 21–902 of this article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16–404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21–902 of this article described in this subsection.

(d–1) (1) Notwithstanding subsections (c) and (d) of this section, for a person who is under the age of 21 years on the date of a violation of § 21–902 of this article, and who is subsequently convicted of the violation under § 21–902 of this article, the Administration shall suspend the person's license to drive for:

(i) 1 year for a first conviction of § 21–902 of this article; and

(ii) 2 years for a second or subsequent conviction of § 21–902 of this article.

(2) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection.

(3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16–206(c)(3) or § 16–213 of this subtitle, or § 16–404 of this title that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(e) (1) In this subsection, "motor vehicle" does not include a commercial motor vehicle.

(2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of:

(i) A violation of § 21–902(a) of this article more than once within a 5–year period;

(ii) A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

(iii) A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.

(3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for 1 year;

(ii) States that a restricted license may be issued during the 1–year period of suspension if:

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for 1 year;

2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;

3. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21–902(a) of this article more than once within a 5–year period; and

4. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21–902(a) of this article within a 5–year

period after the person was previously convicted of a violation of § 21–902(d) of this article; or

B. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article;

(iii) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1–year period of suspension;

(iv) Advises the person of the right to request a hearing on a suspension under this paragraph; and

(v) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1–year period of suspension, during which, the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The violation did not arise out of circumstances that involved a death of, or serious physical injury to, another person;

3. The person surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

4. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. More than one violation of § 21–902(a) of this article within a 5–year period;

2. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

3. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article; or

(iii) The person fails to appear for a hearing requested by the person.

(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Order the person to maintain for 1 year an ignition interlock system on a motor vehicle owned or operated by the person; and

(ii) Impose a restriction on the person's license for 1 year that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system and permits the person to drive only to and from:

1. Work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21–902(a) of this article more than once within a 5–year period;

2. Work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

B. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.

(6) A person who participates in the Ignition Interlock System Program for at least 1 year under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1–year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension;

and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co–owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1–year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

(12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

(13) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902(a) or (d) of this article described in this subsection.

(15) Notwithstanding any other provision of this subsection, a person who is subject to suspension under paragraph (2) of this subsection may not operate a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock device, as set forth in § 27–107(g) of this article.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16–205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16–404.1 of this title.

(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (e) of this section.

(g) When a suspension imposed under subsection (c), (d), (d–1), or (e) of this section or § 16–206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

§16–205.1.

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

(ii) "Specimen of blood" and "1 specimen of blood" means 1 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more separate vials.

(iii) "Test" means, unless the context requires otherwise:

1. A test of a person's breath or of 1 specimen of a person's blood to determine alcohol concentration;

2. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood; or

3. Both:

A. A test of a person's breath or a test of 1 specimen of a person's blood, to determine alcohol concentration; and

B. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood.

(iv) "Under the influence of alcohol" includes under the influence of alcohol per se as defined by § 11–174.1 of this article.

(2) Any person who drives or attempts to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State is deemed to have consented, subject to the provisions of §§ 10–302 through 10–309, inclusive, of the Courts and Judicial Proceedings Article, to take a test if the person should be detained on suspicion of driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for 45 days; or

B. For a second or subsequent offense, suspend the driver's license for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the driver's license for 90 days; or

B. For a second or subsequent offense, suspend the driver's

license for 180 days; or

3. For a test refusal:

A. For a first offense, suspend the driver's license for 120 days; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

(ii) In the case of a nonresident or unlicensed person:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for 45 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for 90 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 180 days; or

3. For a test refusal:

A. For a first offense, suspend the person's driving privilege for 120 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 1 year; and

(iii) In addition to any applicable driver's license suspensions authorized under this section, in the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test:

1. Disqualify the person's commercial instructional permit or commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life if the person's commercial instructional permit or commercial driver's license has been previously disqualified for at least 1 year under:

A. § 16–812(a) or (b) of this title;

B. A federal law; or

C. Any other state's law; or

2. If the person holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(i) Detain the person;

(ii) Request that the person permit a test to be taken;

(iii) Advise the person of the administrative sanctions that shall be imposed for test results indicating an alcohol concentration of at least 0.08 but less than 0.15 at the time of testing;

(iv) Advise the person of the administrative sanctions, including ineligibility for modification of a suspension or issuance of a restrictive license unless the person participates in the Ignition Interlock System Program under § 16–404.1 of this title, that shall be imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.15 or more at the time of testing; and

(v) Advise the person of the additional criminal penalties that may be imposed under § 27–101(x) of this article on conviction of a violation of § 21–902 of this article if the person knowingly refused to take a test arising out of the same circumstances as the violation.

(3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(i) Confiscate the person's driver's license issued by this State;

(ii) Acting on behalf of the Administration, personally serve an order of suspension on the person;

(iii) Issue a temporary license to drive;

(iv) Inform the person that the temporary license allows the person to continue driving for 45 days if the person is licensed under this title;

(v) Inform the person that:

1. The person has a right to request, at that time or within 10 days, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing, and the hearing will be scheduled within 45 days; and

2. If a hearing request is not made at that time or within 10 days, but within 30 days the person requests a hearing, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing will be scheduled, but a request made after 10 days does not extend a temporary license issued by the police officer that allows the person to continue driving for 45 days;

(vi) Advise the person of the administrative sanctions that shall be imposed in the event of failure to request a hearing, failure to attend a requested hearing, or upon an adverse finding by the hearing officer;

(vii) Inform the person that, if the person refuses a test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing, the person may participate in the Ignition Interlock System Program under § 16–404.1 of this title instead of requesting a hearing under this paragraph, if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The person was not charged with a moving violation arising out of the same circumstances as an administrative offense under this section that involved a death of, or serious physical injury to, another person; and

3. Within the same time limits set forth in item (v) of this paragraph, the person:

A. Surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

B. Elects in writing to participate in the Ignition Interlock System Program for 1 year; and

(viii) Within 72 hours after the issuance of the order of suspension,

send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:

1. The officer had reasonable grounds to believe that the person had been driving or attempting to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. The person refused to take a test when requested by the police officer, the person submitted to the test which indicated an alcohol concentration of 0.08 or more at the time of testing, or the person submitted to the test which indicated an alcohol concentration of 0.15 or more at the time of testing; and

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection (n) of this section.

(c) (1) If a person is involved in a motor vehicle accident that results in the death of, or a life threatening injury to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, the person shall be required to submit, as directed by the officer, to a test of:

(i) The person's breath to determine alcohol concentration;

(ii) One specimen of the person's blood, to determine alcohol concentration or to determine the drug or controlled dangerous substance content of the person's blood; or

(iii) Both the person's breath under item (i) of this paragraph and one specimen of the person's blood under item (ii) of this paragraph.

(2) If a police officer directs that a person be tested, then the provisions of § 10–304 of the Courts and Judicial Proceedings Article shall apply.

(3) Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test, not amounting to gross negligence.

(d) (1) If a police officer has reasonable grounds to believe that a person has

been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, and if the police officer determines that the person is unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(i) Obtain prompt medical attention for the person;

(ii) If necessary, arrange for removal of the person to a nearby medical facility; and

(iii) If a test would not jeopardize the health or well–being of the person, direct a qualified medical person to withdraw blood for a test.

(2) If a person regains consciousness or otherwise becomes capable of refusing before the taking of a test, the police officer shall follow the procedure set forth in subsection (b) or (c) of this section.

(e) (1) The tests to determine alcohol concentration may be administered by an individual who has been examined and is certified by the Department of State Police as sufficiently equipped and trained to administer the tests.

(2) The Department of State Police may adopt regulations for the examination and certification of individuals trained to administer tests to determine alcohol concentration.

(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title; and

(ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or

2. The person refused to take a test.

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension, the Administration shall:

(i) Make the suspension order effective suspending the license:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, for 45 days; or

B. For a second or subsequent offense, for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, for 90 days; or

B. For a second or subsequent offense, for 180 days; or

3. For a test refusal:

A. For a first offense, for 120 days; or

B. For a second offense or subsequent offense, for 1 year; and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing at the time of or within 10 days after the issuance of the order of suspension and surrenders the driver's license or, if applicable, the person's commercial instructional permit or commercial driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this paragraph does not extend the period for which the person is authorized to drive and the suspension and, if applicable, the disqualification shall

become effective on the expiration of the 45–day period after the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for the issuance of a subpoena under § 12–108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing described under this paragraph, fails to comply with the subpoena at an initial or subsequent hearing described under this paragraph held within the 45–day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing described under this paragraph held within the 45–day period after the issuance of the order of suspension.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45–day period after the issuance of the order of suspension under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing described under this paragraph.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(6) (i) If a hearing request is not made at the time of, or within 10 days from the date of the issuance of an order of suspension, but within 30 days of the date of the issuance of an order of suspension, the person requests a hearing and surrenders the driver's license or, if applicable, the person's commercial instructional permit or commercial driver's license, the Administration shall:

1. A. Make a suspension order effective suspending the license for the applicable period of time described under paragraph (4)(i) of this subsection; and

B. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test, disqualify the person's commercial instructional permit or commercial driver's license, or privilege to operate a commercial motor vehicle in this State, for the applicable period of time described under paragraph (4)(ii) of this subsection; and

2. Set a hearing for a date within 45 days of the receipt of a request for a hearing under this paragraph.

(ii) A request for a hearing scheduled under this paragraph does not extend the period for which the person is authorized to drive, and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45–day period that begins on the date of the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall stay the suspension only if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing under this paragraph within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the person requested a hearing under this paragraph, for the issuance of a subpoena under § 12–108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing under this paragraph held within the 45–day period that begins on the date of the request for a hearing under this paragraph; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing under this paragraph held within the 45–day period that begins on the date of the request for a hearing under this paragraph.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date

that the subpoena is served.

(v) If a hearing is postponed beyond the 45–day period that begins on the date of the request for a hearing under this paragraph under circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(7) (i) At a hearing under this section, the person has the rights described in § 12–206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing; or

7. If the hearing involves disqualification of a commercial instructional permit or a commercial driver's license, whether the person was operating a commercial motor vehicle or held a commercial instructional permit or a commercial driver's license.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed; and

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing.

(ii) After a hearing, the Administration shall disqualify the person from driving a commercial motor vehicle if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer who stopped or detained the person had reasonable grounds to believe that the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

3. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

4. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle

or holds a commercial instructional permit, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16–813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while under the influence of alcohol, driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; and

4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall:

1. Suspend the driver's license or privilege to drive; and

2. If the driver is detained in a commercial motor vehicle or holds a commercial instructional permit or a commercial driver's license, disqualify the person from operating a commercial motor vehicle.

(v) The suspension imposed shall be:

1. Except as provided in item 2 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, a suspension for 45 days; or

B. For a second or subsequent offense, a suspension for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, a suspension of 90 days; or

B. For a second or subsequent offense, a suspension of 180 days; or

3. For a test refusal:

A. For a first offense, a suspension for 120 days; or

B. For a second or subsequent offense, a suspension for 1 year.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating or attempting to operate any commercial motor vehicle.

(vii) A disqualification of a commercial instructional permit or a commercial driver's license is not subject to any modifications, nor may a restricted commercial instructional permit or commercial driver's license be issued in lieu of a disqualification.

(viii) A disqualification for life may be reduced if permitted by § 16–812(d) of this title.

(g) (1) An initial refusal to take a test that is withdrawn as provided in this subsection is not a refusal to take a test.

(2) A person who initially refuses to take a test may withdraw the initial refusal and subsequently consent to take the test if the subsequent consent:

(i) Is unequivocal;

(ii) Does not substantially interfere with the timely and efficacious administration of the test; and

(iii) Is given by the person:

1. Before the delay in testing would materially affect the outcome of the test; and

2. A. For the purpose of a test for determining alcohol concentration, within 2 hours of the person's apprehension; or

B. For the purpose of a test for determining the drug or controlled dangerous substance content of the person's blood, within 4 hours of the person's apprehension.

(3) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, among the factors that the Administration shall consider are the following:

(i) Whether the test would have been administered properly:

1. For the purpose of a test for determining alcohol concentration, within 2 hours of the person's apprehension; or

2. For the purpose of a test for determining the drug or controlled dangerous substance content of the person's blood, within 4 hours of the person's apprehension;

(ii) Whether a qualified person, as defined in § 10–304 of the Courts Article, to administer the test and testing equipment were readily available;

(iii) Whether the delay in testing would have interfered with the administration of a test to another person;

(iv) Whether the delay in testing would have interfered with the attention to other duties of the arresting officer or a qualified person, as defined in § 10–304 of the Courts Article;

(v) Whether the person's subsequent consent to take the test was made in good faith; and

(vi) Whether the consent after the initial refusal was while the person was still in police custody.

(4) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, the burden of proof rests with the person to establish by a preponderance of the evidence the requirements of paragraph (2) of this subsection.

(h) Notwithstanding any other provision of this section, if a driver's license is suspended based on multiple administrative offenses of refusal to take a test, or a test to determine alcohol concentration taken that indicated an alcohol concentration of 0.08 or more at the time of testing, or any combination of these administrative offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall suspend the driver's license for the administrative offense that results in the lengthiest period of suspension; and

(2) May not impose any additional periods of suspension for the remainder of the administrative offenses.

(i) Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(1) May not be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer unless the law enforcement agency of which the officer is a member has the capacity to have such tests conducted;

(2) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer who is a trainee, has been trained, or is participating directly or indirectly in a program of training that is:

(i) Designed to train and certify police officers as drug recognition experts; and

(ii) Conducted by a law enforcement agency of the State, or any county, municipal, or other law enforcement agency in the State described in items (3)(i)1 through 12 of this subsection:

1. In conjunction with the National Highway Traffic Safety Administration; or

2. As a program of training of police officers as drug recognition experts that contains requirements for successful completion of the training program that are the substantial equivalent of the requirements of the Drug Recognition Training Program developed by the National Highway Traffic Safety Administration; and

(3) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section:

(i) In the case of a police officer who is a trainee, or who is participating directly or indirectly in a program of training described in paragraph (2) of this subsection, if the police officer is a member of, and is designated as a trainee or a participant by the head of:

1. The Department of State Police;

2. The Baltimore City Police Department;

3. A police department, bureau, or force of a county;

4. A police department, bureau, or force of an incorporated city or town;

5. The Maryland Transit Administration Police Force;

6. The Maryland Port Administration Police Force of the Department of Transportation;

7. The Maryland Transportation Authority Police Force;

8. The Police Force of the University of Maryland or Morgan State University;

9. The police force for a State university or college under the direction and control of the University System of Maryland;

10. A sheriff's department of any county or Baltimore City;

11. The Natural Resources Police Force or the Forest and Park Service Police Force of the Department of Natural Resources; or

12. The security force of the Department of General Services; or

(ii) In the case of a police officer who has been trained as a drug recognition expert, if the police officer is a member of, and certified as a drug recognition expert by the head of one of the law enforcement agencies described in items (3)(i)1 through 12 of this subsection.

(j) If the Administration imposes a suspension or disqualification after a hearing, the person whose license or privilege to drive has been suspended or disqualified may appeal the final order of suspension as provided in Title 12, Subtitle 2 of this article.

(k) Subject to § 16–812(p) of this title, this section does not prohibit the imposition of further administrative sanctions if the person is convicted for any violation of the Maryland Vehicle Law arising out of the same occurrence.

(l) (1) The determination of any facts by the Administration is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence.

(2) The disposition of those criminal charges may not affect any suspension imposed under this section.

(m) (1) Except as otherwise provided in this subsection, a suspension imposed under this section may not be stayed by the Administration pending appeal.

(2) If the person files an appeal and requests in writing a stay of a suspension imposed under this section, the Director of the Division of Administrative Adjudication of the Administration may stay a suspension imposed under this section.

(n) (1) This subsection applies only to a licensee:

(i) Who takes a test that indicates an alcohol concentration of at least 0.08 but less than 0.15;

(ii) Whose license has not been suspended under this section during the past 5 years; and

(iii) Who has not been convicted under § 21–902 of this article during

the past 5 years.

(2) The Administration may modify a suspension under this section or issue a restrictive license if the Administration finds that:

(i) The licensee is required to drive a motor vehicle in the course of employment;

(ii) The license is required for the purpose of attending an alcohol prevention or treatment program;

(iii) The licensee has no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired;

(iv) The license is required for the purpose of obtaining health care treatment, including a prescription, that is necessary for the licensee or a member of the licensee's immediate family and the licensee and the licensee's immediate family have no alternative means of transportation available to obtain the health care treatment; or

(v) The license is required for the purpose of attending a noncollegiate educational institution as defined in § 2–206(a) of the Education Article or a regular program at an institution of postsecondary education.

(o) (1) This subsection applies only to a licensee who:

(i) Refused to take a test;

(ii) Took a test that indicated an alcohol concentration of 0.15 or more at the time of testing; or

(iii) Took a test that indicated an alcohol concentration of at least 0.08 but less than 0.15 at the time of testing and who is ineligible for a modification of a suspension or issuance of a restrictive license under subsection (n) of this section.

(2) The Administration may modify a suspension under this section or issue a restrictive license only if the licensee participates in the Ignition Interlock System Program for 1 year.

(p) (1) If the Administration modifies a suspension under this section or issues a restrictive license on condition that the licensee participate in the Ignition Interlock System Program and the licensee does not successfully complete the Program, the Administration shall suspend the licensee's driver's license or driving privilege for the full period of suspension specified in this section for the applicable violation.

(2) The Administration shall notify a licensee of a suspension under this

subsection.

(3) A licensee may request an administrative hearing on a suspension imposed under this subsection.

(4) If a licensee requests a hearing under this subsection, the suspension shall be stayed pending the decision at the administrative hearing.

(q) The provisions of this section relating to disqualification do not apply to offenses committed by an individual in a noncommercial motor vehicle before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

§16–205.2.

(a) A police officer who has reasonable grounds to believe that an individual is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol or while impaired by alcohol may, without making an arrest and prior to the issuance of a citation, request the individual to submit to a preliminary breath test to be administered by the officer using a device approved by the State Toxicologist.

(b) The police officer requesting the preliminary breath test shall advise the person to be tested that neither a refusal to take the test nor the taking of the test shall prevent or require a subsequent chemical test pursuant to § 16-205.1 of this subtitle.

(c) The results of the preliminary breath test shall be used as a guide for the police officer in deciding whether an arrest should be made and may not be used as evidence by the State in any court action. The results of the preliminary breath test may be used as evidence by a defendant in a court action. The taking of or refusal to submit to a preliminary breath test is not admissible in evidence in any court action. Any evidence pertaining to a preliminary breath test may not be used in a civil action.

(d) Refusal to submit to a preliminary breath test shall not constitute a violation of § 16-205.1 of this subtitle and the taking of a preliminary breath test shall not relieve the individual of the obligation to take the test required under § 16-205.1 of this subtitle if requested to do so by the police officer.

§16–206.

(a) (1) The Administration may suspend, revoke, or refuse to issue or renew the license of any resident or the privilege to drive of any nonresident on a showing by its records or other sufficient evidence that the applicant or licensee:

(i) Has been convicted of moving violations so often as to indicate an intent to disregard the traffic laws and the safety of other persons on the highways;

(ii) Is an unfit, unsafe, or habitually reckless or negligent driver of a motor vehicle;

(iii) Has permitted an unlawful or fraudulent use of a license, identification card, or a facsimile of a license or identification card;

(iv) Has used a license, identification card, or a facsimile of a license or identification card in an unlawful or fraudulent manner, unless the applicant or licensee is subject to the provisions of subsection (c) of this section;

(v) Has committed an offense in another state that, if committed in this State, would be grounds for suspension or revocation; or

(vi) Has knowingly made a false certification of required security in any application for a certificate of title or for the registration of a vehicle.

(2) The Administration may suspend a license to drive of an individual who fails to attend:

(i) A driver improvement program or an alcohol education program required under § 16–212 of this subtitle; or

(ii) A private alternative program or an alternative program that is provided by a political subdivision of this State under § 16–212 of this subtitle.

(3) The Administration may suspend or revoke a provisional license under § 16–213 of this subtitle.

(4) (i) Pursuant to a court order under § 4–503, § 9–504, or § 9–505 of the Criminal Law Article, the Administration:

1. Shall initiate an action to suspend the driver's license or driving privilege of an individual for a time specified by the court; and

2. May issue a restricted license that is limited to driving a motor vehicle:

A. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

B. That is required in the course of employment;

C. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

D. For the purposes of driving to or from school or any other

place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(ii) If an individual subject to a suspension under subparagraph (i) of this paragraph does not possess the privilege to drive on the date of the disposition, the suspension shall commence:

1. If the individual is at an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date of the disposition; or

2. If the individual is younger than an age that is eligible to obtain the privilege to drive on the date of the disposition, on the date the individual is eligible to obtain driving privileges.

(5) (i) The Administration may suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of another person.

(ii) A suspension under this paragraph may not exceed 6 months.

(iii) This paragraph does not limit the authority of the Administration to suspend, revoke, or refuse to issue or renew a license under any other provision of law.

(b) (1) Upon notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 21–902 of this article, or that a finding has been made that a child violated § 21–902 of this article, the Administration shall suspend the license to drive of the child in accordance with § 3–8A–23(a)(4)(i) of the Courts Article.

(2) On notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of this article, or that a finding has been made that a child violated § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of this article, the Administration shall suspend the child's license to drive in accordance with § 3–8A–23(a)(5) of the Courts Article.

(3) If a child subject to a suspension under this subsection does not hold a license to operate a motor vehicle on the date of the disposition, the suspension shall commence:

(i) If the child is at least 16 years old on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(4) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the adjudication of delinquency or finding that the child is in violation of § 13–401(b)(2), § 20–102, § 20–103, § 21–902, or § 21–904 of this article as described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the violation of § 21–902 of this article described in this subsection.

(5) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under subsection (c) of this section, § 16–213 of this subtitle, or § 16–404 of this title that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(c) (1) Pursuant to a court order under § 3–8A–19(e) of the Courts Article, the Administration shall initiate an action to suspend the driving privilege of a child for the time specified by the court.

(2) If a child subject to a suspension under § 3–8A–19(e) of the Courts Article does not hold a license to operate a motor vehicle on the date of the court order, the suspension shall commence:

(i) If the child is at least 16 years of age on the date of the disposition, on the date of the disposition; or

(ii) If the child is younger than 16 years of age on the date of the disposition, on the date the child reaches the child's 16th birthday.

(3) (i) On receipt of a notice described under § 10–119(k) of the Criminal Law Article, the Administration shall suspend the license of an individual described

under § 10–119(k) of the Criminal Law Article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, until the individual is 21 years old or for a period of 1 year, whichever is longer.

(ii) On receipt of a notice described under § 13–401(b)(2) of this article, the Administration shall suspend the license of an individual described under § 13–401(b)(2) of this article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, for 1 year.

(4) If an individual subject to a suspension under paragraph (3) of this subsection does not hold a license to operate a motor vehicle on the date that the individual is found guilty of the violation, the suspension shall begin on the date that the license is issued, or after the individual applies and becomes qualified to receive a license, or on the individual's twenty–first birthday, whichever occurs first.

(5) The Administration may modify a suspension under this subsection or subsection (b) of this section or issue a restricted license if:

(i) The license is required for the purpose of attending an alcohol education or alcoholic prevention or treatment program;

(ii) The child or individual is required to drive a motor vehicle in the course of employment;

(iii) It finds that the individual's or child's employment would be adversely affected because the individual or child has no reasonable alternative means of transportation to or from a place of employment; or

(iv) It finds that the individual's or child's education would be adversely affected because the individual or child has no reasonable alternative means of transportation for educational purposes.

(d) (1) After the Administration refuses to issue a license under this section, determines that a suspension should be imposed under subsection (a)(2) of this section, or determines that a suspension or revocation should be imposed under subsection (a)(3) of this section, the Administration immediately shall give written notice to the applicant or licensee, and the applicant or licensee may request a hearing as provided in Title 12, Subtitle 2 of this article.

(2) After the Administration suspends the driver's license or driving privilege of an individual under subsection (a)(4) of this section, the Administration shall send written notice to the individual, including notice of the individual's right

to contest the accuracy of the information.

(3) Any contest under this subsection shall be limited to:

(i) Whether the Administration has mistaken the identity of the individual whose license or privilege to drive has been suspended; and

(ii) Whether the individual may be issued a restricted license that is limited to driving a motor vehicle:

1. For the purpose of attending an alcohol education or alcoholic prevention or treatment program;

2. That is required in the course of employment;

3. For the purposes of driving to or from a place of employment if the individual's employment would be adversely affected because the individual has no reasonable alternative means of transportation to or from the place of employment; or

4. For the purposes of driving to or from school or any other place of educational instruction if the individual's education would be adversely affected because the individual has no reasonable alternative means of transportation for educational purposes.

(4) Except as otherwise provided in this section, the Administration may suspend or revoke a license under this section only after a hearing under Title 12, Subtitle 2 of this article.

(5) If the Administration determines that there is a likelihood of substantial and immediate danger and harm to the licensee or others if the license is continued pending a hearing, the Administration:

(i) Immediately may suspend the license;

(ii) Within 7 days of a request for a hearing, shall grant the licensee a hearing as provided in Title 12, Subtitle 2 of this article; and

(iii) After the hearing, render an immediate decision as to whether or not it should continue the suspension or revoke the license.

(e) (1) If a licensee fails to appear for a hearing after receiving the written notice under subsection (d)(1) of this section, the Administration may suspend the license until the licensee appears for a hearing.

(2) A rescheduled hearing shall be held within 30 days of the date of the request.

(f) In accordance with Title 12, Subtitle 2 of this article, the Administration shall provide notice of a suspension under subsection (a)(5) of this section and the licensee may request a hearing.

§16–206.1.

(a) Subject to the provisions of subsection (b) of this section, on receipt of notice described under § 7-104(h) of the Criminal Law Article that an individual licensed in the State has been convicted of a violation under § 7-104 of the Criminal Law Article for a failure to pay for motor fuel after the motor fuel was dispensed into a vehicle, the Administration:

(1) For a first violation, may suspend the individual's license for up to 30 days; and

(2) For a second or subsequent violation, shall suspend the individual's license for 30 days.

(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a suspension under this section.

§16–207.

(a) (1) The Administration may require a licensee to submit to reexamination, on at least 7 days' written notice, if:

(i) The licensee is involved in an accident resulting in the death of another; or

(ii) Except as provided in paragraph (2) of this subsection, the Administration has good cause to believe that the licensee is unfit, unsafe, or otherwise not qualified to be licensed.

(2) The Administration may not use the age of the licensee as grounds for reexamination.

(b) After reexamination, the Administration, as appropriate, may:

(1) Suspend or revoke the licensee's driver's license under § 16-206 of this subtitle; however, the Administration may not suspend or revoke a licensee's driver's license if the suspension or revocation is based on any records or evidence by a person alleging that the licensee is an unsafe or unfit driver, unless the person has been identified to the licensee and the licensee is given an opportunity to cross-examine that person at a hearing;

(2) Permit the licensee to retain the license; or

(3) Issue a new license subject to any restrictions permitted by this title.

(c) The Administration may suspend or revoke the driver's license of any licensee who refuses or neglects to submit to a reexamination under this section.

§16–208.

(a) (1) Except as provided in paragraph (2) of this subsection, §§ 16–205(d–1) and 16–206(a)(4), (b), and (c) of this subtitle, § 16–404(c)(2) and (3) of this title, and § 3–8A–23 of the Courts and Judicial Proceedings Article, the Administration may not suspend a license or privilege to drive for a period of more than 1 year.

(2) After notice and hearing, the Administration may suspend for an indefinite period the license or privilege of any individual who cannot drive safely because of his physical or mental condition.

(3) This subsection does not apply to or affect the suspension of any license:

(i) For failure to comply with the required security provisions of Title 17 of this article;

(ii) For failure to appear at a hearing as provided in Title 12, Subtitle 2 of this article;

(iii) For failure to obey a citation, as provided in Title 26 of this article;

(iv) For failure to pay a fine in accordance with the court's directive as provided in Title 27 of this article; or

(v) For failure to pay child support, as provided in § 16–203 of this subtitle.

(b) (1) Any individual whose license or privilege to drive has been revoked may apply for reinstatement of the individual's license or privilege as provided in this subsection.

(2) (i) If it is the individual's first revocation, the individual may file a reinstatement application at any time after the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after the effective date of the revocation.

(ii) Except as provided in paragraph (6) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege 6 months after the revoked license is received by the Administration or, in the case of an individual who does not have a license issued under this title, 6 months after the effective date of revocation.

(3) (i) If it is the individual's second revocation, the individual may file a reinstatement application at any time after 1 year from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual

who does not have a license issued under this title, after 1 year from the effective date of revocation.

(ii) Except as provided in paragraph (6) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(4) (i) If it is the individual's third revocation, the individual may file a reinstatement application at any time after 18 months from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 18 months from the effective date of revocation.

(ii) Except as provided in paragraph (6) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(5) (i) If it is the individual's fourth or subsequent revocation, the individual may file a reinstatement application at any time after 2 years from the day the revoked license is surrendered to and received by the Administration or, in the case of an individual who does not have a license issued under this title, after 2 years from the effective date of revocation.

(ii) Except as provided in paragraph (6) of this subsection, on receipt of the application, the Administration may reinstate the license or privilege.

(6) (i) The Administration may not reinstate a license or privilege to drive under this subsection if the license or privilege has been refused, revoked, suspended, or canceled under any other provision of the Maryland Vehicle Law.

(ii) 1. In this subparagraph, "alcohol–related or drug–related driving incident" means a:

A. Conviction or probation before judgment for a violation of § 21–902(a), (b), (c), or (d) of this article or a substantially similar law of another jurisdiction;

B. Refusal to submit to a test under § 16–205.1 of this subtitle or a substantially similar law of another jurisdiction; or

C. Test result that indicates an alcohol concentration of 0.10 or more at the time of testing under § 16–205.1 of this subtitle or a substantially similar law of another jurisdiction.

2. Alcohol–related or drug–related driving incidents committed at the same time or arising out of the same circumstances may not be considered separate alcohol–related or drug–related driving incidents for the purpose of this subparagraph.

3. Notwithstanding paragraphs (1) through (5) of this

subsection, the Administration may reinstate a license or privilege to drive only if, after an investigation of an individual's habits and driving ability, the Administration is satisfied it will be safe to reinstate the license or privilege of an individual who has been:

A. Involved in any combination of three or more separate alcohol–related or drug–related driving incidents;

B. Involved in a vehicular accident resulting in the death of another person; or

C. Convicted of a violation for failing to stop after a vehicular accident resulting in bodily injury or death.

(7) Except as otherwise provided in this title, before issuing a new license, the Administration shall require the applicant to submit to the examinations that it considers appropriate.

§16–208.1.

(a) In addition to any suspensions or revocations of an individual's license or privilege to drive provided for in this title, if the individual holds a Class A, B, or C license issued under § 16–815 of this title or is operating a commercial motor vehicle, the Administration shall disqualify the individual from operating a commercial motor vehicle if the convictions resulted from an offense or offenses that occurred in this State or any other state that would subject the individual to disqualification under § 16–812 of this title.

(b) Any disqualification imposed under subsection (a) of this section shall be for the period of time provided in § 16–812 of this title.

(c) If an individual has been disqualified from operating a commercial motor vehicle pursuant to subsection (a) of this section, but that individual is otherwise eligible for a license or privilege to operate vehicles other than commercial motor vehicles, the Administration may issue a noncommercial driver's license to that individual.

(d) The Administration may not issue a commercial driver's license to an individual until the disqualification imposed under subsection (a) of this section has expired.

(e) Notwithstanding any law to the contrary, if an individual has been disqualified from driving a commercial motor vehicle under the provisions of § 16–812(i) of this title, that individual may not drive a commercial motor vehicle as defined in § 16–812(i) until the period of disqualification is completed and the individual is issued a commercial driver's license by the Administration.

§16–209.

(a) On filing an application for a new license or for reinstatement of the privilege to drive, any individual whose license or privilege to drive has been revoked shall pay to the Administration a fee established by the Administration.

(b) If the applicant's license was revoked as a result of a conviction under § 21–902 of this article or a violation of an alcohol restriction, the applicant shall pay a fee established by the Administration in addition to the amount charged under subsection (a) of this section.

§16–210.

(a) On canceling, suspending, or revoking a driver's license, the Administration shall require that the license be surrendered to the Administration.

(b) At the end of a suspension period, the Administration shall issue a driver's license to the licensee.

(c) When the Administration suspends or revokes a Maryland driver's license or issues a restricted license, the suspension, revocation, or restriction is effective at the time the decision is rendered, unless otherwise ordered by the Administration.

(d) Credit for the term of the suspension, revocation, or period of restriction shall begin only after the Administration has received:

(1) The driver's license issued to the licensee immediately prior to the decision to suspend, revoke, or restrict the license; or

(2) A certification that:

(i) A Maryland driver's license is not in the possession of the licensee; and

(ii) If the Maryland driver's license comes into the licensee's possession, the licensee shall immediately surrender the license to the Administration.

§16–211.

(a) An individual whose license or privilege to drive has been refused under this title may not drive a motor vehicle in this State after the refusal under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

(b) An individual whose license or privilege to drive has been suspended under this title may not drive a motor vehicle in this State during the suspension under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

(c) An individual whose license or privilege to drive has been revoked under this title may not drive a motor vehicle in this State after the revocation under any license or permit issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

(d) An individual whose license or privilege to drive has been refused under this title may not drive a motor vehicle in this State after the refusal under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

(e) An individual whose license or privilege to drive has been suspended under this title may not drive a motor vehicle in this State during the suspension under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

(f) An individual whose license or privilege to drive has been revoked under this title may not drive a motor vehicle in this State after the revocation under any registration certificate issued by any other jurisdiction or otherwise, until a new license or privilege is obtained under this title.

§16–212.

(a) The Administration may conduct:

(1) A driver improvement program, including a driver improvement program designed specifically for young drivers; and

(2) An alcohol education program.

(b) (1) The purpose of the programs authorized under this section is to provide driver rehabilitation.

(2) The Administration shall determine the content of the programs.

(c) If an individual is convicted of one or more moving violations:

(1) Notwithstanding item (2) of this subsection, after a hearing as provided in Title 12, Subtitle 2 of this article, as a condition of reinstatement of a driver's license, the Administration may require an individual to attend a driver improvement program or alcohol education program; or

(2) A court may require an individual to attend a driver improvement program or alcohol education program.

(d) In carrying out an order of the court, a probation officer or health department officer may assign an individual to attend a driver improvement program or alcohol education program.

(e) (1) An individual who attends a program under this section shall pay, in advance, a fee as provided in this subsection.

(2) The Administration shall set a reasonable fee based on the costs of operating the programs authorized by this section.

(3) The funds collected by the Administration under this subsection may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

(f) (1) The Administration may waive attendance at an alcohol education program conducted by the Administration if an individual attends a private alcohol education program or an alcohol education program provided by a political subdivision of the State that is approved by the Behavioral Health Administration and the Administration.

(2) The Administration may waive attendance at a driver improvement program conducted by the Administration if an individual attends a private driver improvement program or a driver improvement program provided by a political subdivision of the State that is approved by the Administration.

(3) The Administration shall establish criteria for approving private providers of alcohol education or driver improvement programs provided by a political subdivision of the State.

(4) Upon application for approval to provide the programs allowed under this section, a private provider shall pay an application fee established by the Administration.

§16–212.1.

(a) The Administration, in cooperation with the Behavioral Health Administration, shall establish an alcohol and drug education program to educate driver's license applicants who are subject to the provisions of § 16–105(f)(3) of this title. This program also shall be included as part of the driver education course established under Subtitle 5 of this title.

(b) The program shall provide 3 hours of instruction in:

(1) The hazards of driving while impaired or intoxicated;

(2) The criminal penalties and administrative sanctions for alcohol and drug related motor vehicle violations;

(3) The medical, biological, and psychological effects of the consumption of alcohol and drugs and their impact on the operation of a motor vehicle; and

(4) Any other drug and alcohol related information that the

Administration determines would be beneficial to applicants for a driver's license.

(c) The Administration shall adopt regulations establishing criteria for certifying a private entity to offer the alcohol and drug education program established under this section.

§16–213.

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

(2) "Education and employment only restriction" means a restriction that allows a licensed driver to drive only:

(i) To or from a school class or an official school activity; or

(ii) To or from, or in the course of, the licensee's employment.

(3) "Offense" means a moving violation committed by an individual who:

(i) Held a provisional license under § 16–111 of this title on the date the violation was committed;

(ii) Was convicted of, or granted a probation before judgment under § 6–220 of the Criminal Procedure Article for, the violation; and

(iii) Was not eligible for a license under § 16–111.1 of this title at the time of the violation.

(b) Except as provided in § 16–205(d–1) or § 16–206(b) of this subtitle, the sanctions under this section are in addition to any other penalty or sanctions that might apply as a result of a moving violation.

(c) The Administration:

(1) For a first offense, shall require the offender to attend a driver improvement program under § 16–212 of this subtitle;

(2) For a second offense:

(i) For an adult, may suspend the offender's license for up to 30 days; and

(ii) For an individual under the age of 18 years, may:

1. Suspend the offender's license for up to 30 days; and

2. Impose, on completion of the suspension, an education and employment only restriction on the offender's license effective for 90 days;

(3) For a third offense:

(i) For an adult, may suspend the offender's license for up to 180 days; and

(ii) For an individual under the age of 18 years, may:

1. Suspend the offender's license for up to 180 days;

2. Require the offender to attend a driver improvement program designed for young drivers under § 16–212 of this subtitle; and

3. Impose, on completion of the suspension, an education and employment only restriction on the offender's license effective for 180 days; and

(4) For a fourth or subsequent offense:

(i) For an adult, may suspend or revoke the offender's license for up to 180 days; and

(ii) For an individual under the age of 18 years, may:

1. Revoke the offender's license for not less than 180 days; and

2. Require the offender, in addition to applying for reinstatement as required under § 16–208(b) of this subtitle, to pass the examinations required under § 16–110 of this title.

§16–301.

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a license to drive or a moped operator's permit by misrepresentation.

(b) A person may not in any application for a license to drive or a moped operator's permit:

(1) Use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact;

(4) Use a false, fictitious, or fraudulently altered document; or

(5) Otherwise commit a fraud.

(c) A person may not display or cause or permit to be displayed any canceled license.

(d) A person may not display or cause or permit to be displayed any revoked license.

(e) A person may not display or cause or permit to be displayed any suspended license.

(f) A person may not display or cause or permit to be displayed any fictitious license.

(g) A person may not display or cause or permit to be displayed any fraudulently altered license.

(h) A person may not possess any canceled license.

(i) A person may not possess any revoked license.

(j) A person may not possess any suspended license.

(k) A person may not possess any fictitious license.

(l) A person may not possess any fraudulently altered license.

(m) A person may not lend his license to any other person or knowingly permit the use of his license by another.

(n) A person may not display or represent as his own any license not issued to him.

(o) A person may not fail or refuse to surrender to the Administration on its lawful demand any license that has been suspended, revoked, or canceled.

(p) A person may not permit any unlawful use of a license issued to him.

(q) A person may not do any act forbidden or fail to perform any act required by this title.

§16–302.

(a) A person may not duplicate or reproduce the following:

(1) Any identification card issued under this title by the Administration; or

(2) A driver's license issued under this title.

(b) A person may not produce a facsimile of an identification card issued by the Administration or a driver's license unless the facsimile is:

(1) In black and white; or

(2) Less than one-half or more than twice the size of the identification card issued by the Administration or driver's license.

(c) The Administration may apply to a circuit court of this State for an injunction, as provided by the Maryland Rules, to restrain a person from violating or continuing to violate any provision of this section.

§16–303.

(a) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is refused in this State or any other state.

(b) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is canceled in this State.

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended in this State.

(d) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is revoked in this State.

(e) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is canceled.

(f) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is suspended.

(g) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license issued by any other state is revoked.

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

(i) (1) This subsection applies only to a person whose license or privilege to drive is suspended under the traffic laws or regulations of another state for:

(i) Failure to comply with a notice to appear in a court of that state contained in a traffic citation issued to the person; or

(ii) Failure to pay a fine for a violation of any traffic laws or

regulations of that state.

(2) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person's license or privilege to drive is suspended under the traffic laws or regulations of any other state as described in paragraph (1) of this subsection.

(j) (1) Except as provided in paragraph (2) of this subsection, any individual who violates a provision of this section shall be assessed the points as provided for in § 16–402(a)(34) of this title.

(2) Any individual who violates a provision of subsection (h) or subsection (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

§16–304.

(a) A person may not cause his child or ward under the age of 15 to drive a motor vehicle on any highway:

(1) If the minor is not authorized by this title to drive; or

(2) Otherwise in violation of any of the provisions of this title.

(b) A person may not knowingly permit the person's child or ward under the age of 15 to drive a motor vehicle on any highway:

(1) If the minor is not authorized by this title to drive; or

(2) Otherwise in violation of any of the provisions of this title.

§16–305.

(a) A person may not knowingly permit a motor vehicle owned by him to be driven on any highway by any person:

(1) If the person is not authorized by this title to drive; or

(2) Otherwise in violation of any of the provisions of this title.

(b) A person may not knowingly permit a motor vehicle under the person's control to be driven on any highway by any person:

(1) If the person is not authorized by this title to drive; or

(2) Otherwise in violation of any of the provisions of this title.

§16–401.

In addition to any other provisions of the Maryland Vehicle Law, the Administration shall maintain a point system for the refusal, suspension, or revocation of drivers' licenses issued under this title.

§16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(1) Any moving violation not listed below and not contributing to an accident...1 point

(2) Following another vehicle too closely..... 2 points

(3) Speeding in excess of the posted speed limit by 10 miles an hour or more..2 points

(4) Driving with an improper class of license ..... 2 points

(5) Failing to stop for a school vehicle with activated alternately flashing red lights...3 points

(6) Any violation of § 21–1111 of this article ..... 2 points

(7) Passing an emergency or police vehicle under the provisions of § 21–405(d) of this article ..... 2 points

(8) A violation of § 21–511(a) of this article ..... 2 points

(9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21–202 of this article or a nonfunctioning traffic control signal in violation of § 21–209 of this article ..... 2 points

(10) Operating a limousine in violation of § 21–1127(a) of this article.2 points

(11) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10–110(f)(2)(i) of the Criminal Law Article..... 2 points

(12) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10–110(f)(2)(ii) of the Criminal Law Article..... 3 points

(13) Any moving violation contributing to an accident ..... 3 points

(14) Any violation of § 16–303(h) or (i) of this title..... 3 points

(15) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21–1411 of this article..... 3 points

(16) Speeding in excess of the posted speed limit by 30 miles an hour or more.....5 points

(17) Driving while not licensed..... 5 points

(18) Failure to report an accident..... 5 points

(19) Driving on a learner's permit unaccompanied ..... 5 points

(20) Any violation of § 17–107 of this article ..... 5 points

(21) Participating in a race or speed contest on a highway ..... 5 points

(22) Any violation of § 16–304 or § 16–305 of this title ..... 5 points

(23) Any violation of § 22–404.5 of this article ..... 5 points

(24) Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more..... 5 points

(25) Aggressive driving in violation of § 21–901.2 of this article.5 points

(26) Use of a motor vehicle in violation of the Illegal Dumping and Litter Control Law under § 10–110(f)(2)(iii) of the Criminal Law Article..... 5 points

(27) Reckless driving ..... 6 points

(28) Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or driving within 12 hours after arrest under § 21–902.1 of this article ..... 8 points

(29) Turning off lights of a vehicle to avoid identification8 points

(30) Failing to stop after accident resulting in damage to attended vehicle or property..8 points

(31) Failing to stop after accident resulting in damage to unattended vehicle or property..8 points

(32) Any violation of § 16–815 or § 16–816 of this title ..... 8 points

(33) Failing to stop after an accident resulting in bodily injury or death12 points

(34) Any violation of § 16–303 of this title, excluding § 16–303(h) or (i)..12 points

(35) Any violation of § 16–301, § 16–302, § 16–804, or § 16–808(a)(1) through (9) or (b) of this title..... 12 points

(36) Homicide, life threatening injury under § 3–211 of the Criminal Law Article, or assault committed by means of a vehicle..... 12 points

(37) Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an illegally used controlled dangerous substance12 points

(38) Any felony involving use of a vehicle ..... 12 points

(39) Fleeing or attempting to elude a police officer ..... 12 points

(40) The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles12 points

(41) Any violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article, or § 14–102 of this article..12 points

(42) A violation of § 21–1124.3 of this article..... 12 points

(b) If a conviction occurs on multiple charges based on offenses alleged to have been committed at the same time or arising out of circumstances simultaneous in time and place, the Administration:

(1) Shall assess points against the individual convicted only on the charge that has the highest point assessment; and

(2) May not assess points on the remainder of the multiple charges.

(c) (1) On receiving a record of conviction of any moving violation by an individual whose license is currently revoked, the Administration may extend the date before which the individual is eligible for reinstatement and, if the date is extended, shall issue to the individual a notice that:

(i) States the duration of the extension of the license revocation, dating from the date of the violation, during which the individual's license may not be reinstated; and

(ii) Advises the individual of the right to request a hearing.

(2) A notice issued under this subsection, and a hearing requested by the individual, shall meet the requirements of Title 12, Subtitle 2 of this article.

(3) The Administration may extend the period of a license revocation under this subsection for not more than the period of time specified in paragraph (4) of this subsection:

(i) If the individual does not request a hearing as provided by Title 12, Subtitle 2 of this article;

(ii) After a hearing, if the individual is determined to have been convicted of a violation described in this subsection while the individual's license to drive was revoked; or

(iii) If the individual fails to appear for a hearing requested by the individual under this subsection.

(4) The Administration may extend the period of license revocation for not more than:

(i) 1 year if it is the individual's first violation;

(ii) 18 months if it is the individual's second violation; or

(iii) 2 years if it is the individual's third or subsequent violation.

(d) Notwithstanding any other provision of this title, the Administration may not revoke a license that is currently revoked.

§16–402.1.

(a) When the Administration receives a notice of conviction from a party state to the Driver License Compact under Subtitle 7 of this title, the Administration may not assess points against an individual, except upon receipt of reports of the following convictions:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, while intoxicated per se, or while under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used; or

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) Points assessed pursuant to subsection (a) of this section shall be assessed as if the licensee were convicted of the offense under the Maryland Vehicle Law.

§16–403.

On the arrest of any individual in military service for a violation, if the case is turned over to military authorities, the Administration shall assess points immediately after it has been notified that the military authorities have taken disciplinary action as a result of the arrest.

§16–404.

(a) The Administration shall take the following actions for points accumulated within any 2–year period:

(1) Send a warning letter to each individual who accumulates 3 points;

(2) Require attendance at a driver improvement program conducted under § 16–212 of this title by each individual who accumulates 5 points, except that a Class A, B, or C licensee who submits evidence acceptable to the Administration that he is a professional driver may not be called in until he accumulates 8 points; and

(3) Except as provided in § 16–405 of this subtitle:

(i) Suspend the license of each individual who accumulates 8 points; and

(ii) Revoke the license of each individual who accumulates 12 points.

(b) (1) Except as provided in § 16–405 of this subtitle:

(i) If an individual accumulates 8 points, the Administration shall issue a notice of suspension; and

(ii) If an individual accumulates 12 points, the Administration shall issue a notice of revocation.

(2) Each notice shall:

(i) Be personally served or sent by certified mail, bearing a postmark from the United States Postal Service;

(ii) State the duration of the suspension or revocation; and

(iii) Advise the individual of his right, within 10 days after the notice is sent (Saturdays, Sundays, and legal holidays excepted), to file a written request for a hearing before the Administrator.

(3) Unless a hearing is requested, each notice of suspension or revocation is effective at the end of the 10–day period after the notice is sent.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection:

(i) An initial suspension may not be for less than 2 days nor more than 30 days; and

(ii) Any subsequent suspension may not be for less than 15 days nor more than 90 days.

(2) Subject to the provisions of paragraph (3) of this subsection, the following suspension periods may apply to a suspension for an accumulation of points under § 16–402(a)(28) of this subtitle for a violation of § 21–902(b) or (c) of this article or a suspension imposed under § 16–404.1(f)(1)(iii) of this subtitle:

(i) For a first conviction, not more than 6 months;

(ii) For a second conviction at least 5 years after the date of the first conviction, not more than 9 months;

(iii) For a second conviction less than 5 years after the date of the first conviction or for a third conviction, not more than 12 months; and

(iv) For a fourth or subsequent conviction, not more than 24 months.

(3) The Administration may issue a restrictive license for the period of the suspension to an individual who participates in the Administration's Ignition Interlock System Program under § 16–404.1 of this subtitle.

(4) This subsection does not limit the authority of the Administration to issue a restrictive license or modify a suspension imposed under this subsection.

(d) (1) If the holder of a provisional driver's license who is under the age of 18 years accumulates 5 or more points in a 12–month period, the Administration shall suspend the individual's driver's license:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, for 1 year.

(2) An individual subject to a license suspension under this subsection may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

§16–404.1.

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

(2) "Approved service provider" means a person who is certified by:

(i) The Administration to service, install, monitor, calibrate, and provide information on ignition interlock systems; and

(ii) A manufacturer to be qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(3) "Manufacturer" means a person who manufactures ignition interlock systems and who certifies that approved service providers are qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(4) "Participant" means a participant in the Ignition Interlock System Program.

(5) "Program" means the Ignition Interlock System Program.

(b) (1) The Administration shall establish an Ignition Interlock System Program in accordance with this section.

(2) The Administration shall establish a protocol for the Program by regulations that require certain minimum standards for all service providers who service, install, monitor, calibrate, and provide information on ignition interlock systems and include requirements that:

(i) A service provider who applies to the Administration for certification as an approved service provider shall demonstrate that the service provider is able to competently service, install, monitor, calibrate, and provide information to the Administration at least every 30 days on individuals required to use ignition interlock systems;

(ii) A service provider who applies to the Administration for certification as an approved service provider shall be certified by a signed affidavit from the manufacturer that the service provider has been trained by an authorized manufacturer and that the service provider is competent to service, install, monitor, calibrate, and provide information on ignition interlock systems;

(iii) Approved service providers be deemed to be authorized representatives of a manufacturer; and

(iv) Any service of notice upon an approved service provider, who has violated any laws or regulations or whose ignition interlock system has violated any laws or regulations, be deemed as service upon the manufacturer who certified the approved service provider.

(c) An individual may be a participant if:

(1) The individual's license is suspended or revoked under § 16–205 of this title for a violation of § 21–902(a), (b), or (c) of this article or § 16–404 of this subtitle for an accumulation of points under § 16–402(a)(28) or (37) of this subtitle;

(2) The individual's license has an alcohol restriction imposed under § 16–113(g)(1) of this title; or

(3) The Administration modifies a suspension or issues a restrictive license to the individual under § 16–205.1 of this title.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if the individual is convicted of a violation of:

1. § 21–902(a)(1) or (2) of this article and had an alcohol concentration at the time of testing of 0.15 or more; or

2. § 21–902(a)(3) or (b)(2) of this article and the minor who was transported was under the age of 16 years.

(ii) If an individual is subject to this paragraph and fails to participate in the Program or successfully complete the Program, the Administration shall suspend, notwithstanding § 16–208 of this title, the individual's license until the individual successfully completes the Program.

(iii) Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or (o) of this section.

(2) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant as a condition of modification of a suspension or revocation of a license or issuance of a restrictive license if the individual:

1. Is required to be a participant by a court order under § 27–107 of this article;

2. Is convicted of a violation of § 21–902(a) or (b) of this article and within the preceding 5 years the individual has been convicted of any violation of § 21–902 of this article; or

3. Was under the age of 21 years on the date of a violation by the individual of:

A. An alcohol restriction imposed under § 16–113(b)(1) of this title; or

B. § 21–902(a), (b), or (c) of this article.

(ii) If an individual is subject to this paragraph and the individual fails to participate in the Program or does not successfully complete the Program, the Administration shall suspend the individual's license for 1 year.

(iii) Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or (o) of this section.

(3) An individual who is subject to this subsection shall participate in the Program for:

(i) 6 months the first time the individual is required under this subsection to participate in the Program;

(ii) 1 year the second time the individual is required under this subsection to participate in the Program; and

(iii) 3 years the third or any subsequent time the individual is required under this subsection to participate in the Program.

(4) Paragraph (3) of this subsection does not limit a longer period of Program participation that is required by:

(i) A court order under § 27–107 of this article; or

(ii) The Administration in accordance with another provision of this title.

(e) If an individual subject to subsection (c) or (d) of this section does not initially become a participant:

(1) The individual may apply later to the Administration to be a participant; and

(2) The Administration may reconsider any suspension or revocation of the driver's license of the individual arising out of the same circumstances and allow the individual to participate in the Program.

(f) (1) The Administration may:

(i) Issue a restrictive license to an individual who is a participant in the Program during the suspension period as provided under § 16–205 or § 16–205.1 of this title or § 16–404 of this subtitle;

(ii) Reinstate the driver's license of a participant whose license has been revoked for a violation of § 21–902(a), (b), or (c) of this article or revoked for an accumulation of points under § 16–402(a)(37) of this subtitle for a violation of § 21–902(a) of this article; and

(iii) Notwithstanding any other provision of law, impose on a participant a period of suspension in accordance with § 16–404(c)(2) and (3) of this subtitle in lieu of a license revocation for:

1. A violation of § 21–902(a), (b), or (c) of this article; or

2. An accumulation of points under § 16–402(a)(37) of this

subtitle for a violation of § 21–902(a) of this article.

(2) A notice of suspension or revocation sent to an individual under this title shall include information about the Program and how individuals participate in the Program.

(3) The Administration shall establish a fee for the Program that is sufficient to cover the costs of the Program.

(g) Subject to § 27–107(g)(2) of this article, the Administration shall impose a restriction on the individual's license that prohibits the individual from driving a motor vehicle that is not equipped with an ignition interlock system for the period of time that the individual is required to participate in the Program under this section.

(h) A participant is considered to begin participation in the Program when the participant provides evidence of the installation of an ignition interlock system by an approved service provider in a manner required by the Administration.

(i) An individual whose license is suspended under § 16–404(c)(2)(iv) of this subtitle is a habitual offender whose license may not be reinstated unless the individual participates in the Program for at least 24 months.

(j) (1) For purposes of an ignition interlock system used under § 16–205(f) of this title, this section, or a court order under § 27–107 of this article, the Administration shall permit only the use of an ignition interlock system that meets or exceeds the technical standards for breath alcohol ignition interlock devices published in the Federal Register from time to time.

(2) For purposes of an ignition interlock system used under this section, the Administration shall require the Program protocol adopted by the Administration.

(k) (1) An individual required to use an ignition interlock system under a court order or this section:

(i) Shall be monitored by the Administration; and

(ii) Except as provided in paragraph (2) of this subsection, shall pay the fee required by the Administration under subsection (f)(3) of this section.

(2) The Administration shall waive the fee required under this subsection for an individual who is indigent.

(l) A court order that requires the use of an ignition interlock system is not affected by § 16–404(c)(3) of this subtitle.

(m) If an individual participates in the Program under this section and participates in the Program in accordance with any other provision of law arising out of the same incident, the periods of participation in the Program shall be concurrent.

(n) If an individual successfully completes the Program and the individual's license is not refused, revoked, suspended, or canceled under another provision of this article, the Administration shall immediately issue a license to the licensee.

(o) (1) Notwithstanding § 16–208 of this title, if the Administration removes an individual from the Program because the individual violated requirements of the Program, the Administration may allow the individual to reenter the Program after a period of 30 days from the date of removal.

(2) If an individual reenters the Program under this subsection, the individual shall participate in the Program for the entire period of time that was initially necessary for successful completion of the Program without any credit for the period of participation before the individual was removed from the Program.

(3) Nothing contained in paragraph (2) of this subsection limits a period of participation in the Program required under any other provision of this title or § 27–107 of this article.

(p) A suspension or revocation of a license of an individual subject to subsection (c) or (d) of this section that is imposed as a result of the failure of the individual to participate in the Program or successfully complete the Program shall be concurrent with any other suspension or revocation arising out of the same incident for which the individual is subject to subsection (c) or (d) of this section.

(q) (1) If a person is convicted of any violation of § 21–902 of this article, the Administration shall include in the notice of proposed suspension or revocation a warning in bold conspicuous type that the person shall participate in the Program if the person is subsequently convicted of a violation of § 21–902(a) or (b) of this article as described in this section.

(2) At the time that the Administration issues a license to a person who is under the age of 21 years, the Administration shall provide to the person a written warning in bold conspicuous type that the person shall participate in the Program if the Administration finds the person violated the alcohol restriction on a driver under the age of 21 years or the person violated any provision of § 21–902 of this article.

(3) A person may not raise the absence of the warning described under this subsection or the failure to receive that warning as a basis for limiting the authority of the Administration to require that the person participate in the Program in accordance with this section.

§16–405.

Except as provided in §§ 16–205(e) and 16–205.1 of this title, if the suspension or revocation of a license would affect adversely the employment or opportunity for employment of a licensee, the hearing officer may:

(1) Decline to order the suspension or revocation; or

(2) Modify the suspension or revocation.

§16–406.

If the driver of a motor vehicle is an employee of the vehicle's owner, a violation may not be recorded, except for the Administration's own use, against the driver for a violation of the vehicle laws on improper or faulty equipment or improper size, weight, or load.

§16–407.

A point assessed under this subtitle shall be retained for a period of 2 years from the date of violation.

§16–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Driver education course" means a standardized course of instruction under a driver education program, adopted or approved by the Administration in consultation with the State Department of Education, intended to teach individuals to safely drive a noncommercial motor vehicle.

(c) "Driver education instructor" means an individual who has completed required certification courses and is certified by the Administration to teach a driver education course, whether or not the individual is required to be licensed under Title 15, Subtitle 8 of this article.

(d) "Driver education program" means the courses and learning activities designated by the Administration in consultation with the State Department of Education that an individual may be required to complete before obtaining a noncommercial driver's license under this title.

(e) "Driver education school" means a school approved by the Administration to conduct driver education courses in accordance with this subtitle.

§16–502.

(a) There is a driver education program, established as part of the highway safety program of this State.

(b) The purpose of the driver education program is to provide a complete program of driver education to eligible individuals.

§16–503.

(a) Subject to the regulations adopted under § 16-505(b) of this subtitle on the required offering of the program:

(1) The complete program shall be offered to all eligible individuals before they may obtain a provisional license under § 16-111 of this title; and

(2) Any individual to whom the program initially is offered remains eligible to enroll in the program until the individual becomes eligible to qualify for a provisional license.

(b) Once enrolled in the program, an individual is considered eligible until the individual completes the course.

§16–504.

To qualify as a certified driver education instructor, an individual shall:

(1) Meet the qualifications established by the Administration in consultation with the State Department of Education;

(2) Successfully complete the Administration approved certification courses; and

(3) Demonstrate a proficiency in teaching the adopted or approved driver education course.

§16–505.

(a) The Administration shall, in consultation with the State Department of Education, adopt and enforce regulations not inconsistent with this subtitle to implement a standardized driver education program conducted by driver education schools under its jurisdiction.

(b) Regulations adopted under this section shall be administered by the Administration and shall include:

(1) Curriculum, equipment, and facility standards for classroom, laboratory, and on-road instruction phases;

(2) Minimum student performance standards for an approved driver education program based upon the standardized curriculum approved by the Administration, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction;

(3) Standards for the certification of schools and instructors;

(4) A system to evaluate the effectiveness of the driver education program;

(5) Standards governing the required offering of the driver education program, based on the capacity, enrollment, staff, and facilities of the schools; and

(6) Standards for the eligibility of individuals to enroll in the program.

§16–506.

(a) The Administration may suspend, revoke, or refuse to grant or renew certification under the driver education program of any drivers' school or of any classroom or laboratory instructor of a drivers' school, if it finds that the school or instructor has:

(1) Failed to comply with any of the provisions of or any rule or regulation adopted under:

(i) This subtitle;

(ii) Title 15, Subtitle 7 of this article, as to drivers' schools; or

(iii) Title 15, Subtitle 8 of this article, as to driving instructors; or

(2) Been convicted of a crime of moral turpitude.

(b) (1) If the Administration refuses to grant or renew a certification under this subtitle, the applicant may request a hearing under Title 12, Subtitle 2 of this article.

(2) Except as provided in subsection (c) of this section, the Administration may suspend or revoke a certification under this subtitle only after a hearing under Title 12, Subtitle 2 of this article.

(c) If the Administration determines that there is a danger of immediate, substantial, and continuing harm to the public if the certification is continued pending a hearing, the Administration shall:

(1) Immediately suspend the certification;

(2) Within 7 days of a request for a hearing, grant a hearing as provided in Title 12, Subtitle 2 of this article; and

(3) After a hearing, render an immediate decision as to whether the Administration shall continue the suspension or revoke or reinstate the certification.

§16–507.

This subtitle may be cited as the Maryland Driver Education Program Act.

§16–601.

(a) In this subtitle the following words have the meanings indicated.

(b) "Mobile training center" means a mobile unit equipped and managed by the Administration that may be available for the offering of motorcycle safety courses and for conducting public awareness activities at various locations in the State.

(c) "Motorcycle safety courses" and "courses" mean courses of instruction, designated and approved by the Administration and offered by a training center, in the safe use and operation of motorcycles, including instruction in the safe on-road operation of motorcycles, the rules of the road, and the laws of this State relating to motor vehicles.

(d) "Motorcycle safety training center" and "training center" mean places designated and approved by the Administration where approved motorcycle safety courses are offered.

§16–601.1.

It is the intent of the General Assembly that the Administration:

(1) Promote motorcycle safety;

(2) Provide access to motorcycle safety courses; and

(3) Maintain a staff that is sufficient for the implementation and administration of the Motorcycle Safety Program established under this subtitle.

§16–602.

(a) There is a Motorcycle Safety Program as a part of the Highway Safety Program of this State.

(b) The purpose of the Motorcycle Safety Program is to improve the safety of motorcyclists through programs of cyclist training to improve rider skills and to generally provide for a public awareness effort that will benefit all highway users.

(c) The Program shall be funded as provided in the State budget.

§16–603.

(a) The Department and the Administration shall administer the Motorcycle Safety Program.

(b) The Administration, a State or community college, a State university, an agency of a political subdivision, or any other person approved and designated by the Administration may organize and manage a motorcycle safety training center and may offer motorcycle safety courses at those centers that it operates.

(c) The Administration may operate a mobile training center to provide courses at various locations in the State.

(d) (1) Subject to the regulations adopted under this subtitle, any resident of this State who possesses a valid Class E or Class M driver's license, a Class E or Class M learner's instructional permit, or is eligible for a Class M learner's instructional permit,

may enroll in a course.

(2) A nonresident may apply for and be accepted for enrollment in courses authorized under this subtitle; however, the reimbursement provided under § 16–605(b) of this subtitle may not be made for a nonresident trainee.

(3) An eligible individual may take a course more than one time, but the reimbursement provided in § 16–605(b) of this subtitle may only be paid one time for any individual.

(4) For a course that is to be reimbursed under this subtitle, a training center may charge a trainee a reasonable course registration fee.

(5) For a course offered at a training center operated by the Administration, the Administration may collect a reasonable course registration fee established by the Administration.

(e) The courses may be offered throughout the calendar year.

(f) The successful completion of the Administration approved basic motorcycle safety course shall be considered the equivalent of passing the skills and knowledge test required under §§ 16–105 and 16–110 of this title for obtaining a Class M driver's license.

(g) (1) The Department shall provide a program coordinator to organize and administer all tasks related to the achievement of the purpose of the Motorcycle Safety Program as provided under this subtitle.

(2) The program coordinator shall be experienced in the motorcycle safety field and shall possess those qualifications as may be specified by the Secretary.

§16–604.

(a) The Administration shall adopt and enforce regulations consistent with this subtitle to implement the motorcycle safety courses in training centers throughout the State.

(b) Regulations adopted under this section shall include, but not be limited to:

(1) Curriculum, equipment, and facility standards for both classroom and laboratory phases;

(2) Minimum student performance standards for successful completion of the courses;

(3) Standards for the certification of training centers, classroom instructors, and laboratory instructors;

(4) Guidelines for payment of the State reimbursement to training centers;

(5) Standards for determining the eligibility of individuals to enroll in the courses; and

(6) Guidelines for the provision of funds, equipment, and materials by the Administration to the training centers.

§16–605.

(a) (1) The Administration may award contracts out of the appropriation to the Department for the Motorcycle Safety Program to qualifying motorcycle safety training centers for the conduct of approved motorcycle safety courses. These contracts may provide funding, equipment, and materials to establish and maintain the training centers.

(2) The Administration may award contracts in accordance with Division II of the State Finance and Procurement Article out of the appropriation to the Department for the Motorcycle Safety Program for the procurement of services and products to be used to achieve the purpose of the Motorcycle Safety Program.

(b) (1) From the funds appropriated for the Motorcycle Safety Program, the Department shall fund the costs incurred in the implementation and operation of activities under this subtitle, including administrative costs. The Administration may reimburse a motorcycle safety training center at a rate established by the Administration for each eligible person completing the course. The reimbursement rate may be in addition to the assistance provided under subsection (a) of this section.

(2) The funds provided under this section shall be in addition to any other State aid.

(3) The Administration may not contract for the provision of any services under this program the aggregate costs of which exceed the funds appropriated for the Motorcycle Safety Program.

(4) The Administration shall recover the full costs of operating the Program from any miscellaneous fees as defined in § 12-120(a) of this article.

§16–606.

This subtitle may be cited as the Motorcycle Safety Program Act.

§16–701.

(a) In this subtitle the following words have the meanings indicated.

(b) "Article" means an article of the Driver License Compact.

(c) "Compact" means the Driver License Compact.

(d) "Executive head", with reference to this State, means the Governor.

(e) "Licensing authority", with reference to this State, means the Administration.

§16–702.

The Driver License Compact is enacted into law and entered into with other jurisdictions that join in the Compact in the form substantially as the Compact appears in § 16-703 of this subtitle.

§16–703.

Article I
Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II
Definitions

As used in this Compact:

(a) "State" means a state, territory or possession of the United States, the

District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

Article III
Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

Article IV
Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this Compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to any other convictions, reported pursuant to Article III, the licensing authority in the home state shall record the conviction on the individual's driving record, but may not assess points for the conviction.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing

in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

Article V
Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of 1 year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

Article VI
Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII
Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this Compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this Compact.

(b) The Administrator of each party state shall furnish to the Administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this Compact.

Article VIII
Entry into Force and Withdrawal

(a) This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the Compact of any report of conviction occurring prior to the withdrawal.

Article IX

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§16–704.

(a) The Motor Vehicle Administrator is the Compact Administrator in this State.

(b) (1) The Motor Vehicle Administrator may designate an alternate from among the officers and employees of the Administration to serve in the Motor Vehicle Administrator's place as the Compact Administrator.

(2) Subject to the provisions of the Compact, the Motor Vehicle Administrator shall determine the authority and responsibilities of the alternate.

§16–705.

The Administration shall furnish to the appropriate authorities of other party states information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the Compact.

§16–706.

The Compact Administrator described in Article VII of the Compact may not be entitled to additional compensation for service as the Administrator, but shall be entitled to reimbursement for expenses incurred in connection with the Administrator's duties and responsibilities as Administrator, in the same manner as for expenses incurred in connection with other duties or responsibilities of the Administrator's office or employment.

§16–707.

(a) For the purposes of Article IV(a) and (c) of the Compact, the Administration shall:

(1) Give the same effect to a conviction described in Article IV(a)(1) of the Compact as the Administration would for a conviction under Title 2, Subtitle 5 or § 2-209 of the Criminal Law Article;

(2) Give the same effect to a conviction described in Article IV(a)(2) of the Compact as the Administration would for a conviction under § 21-902(a), § 21-902(b), § 21-902(c), or § 21-902(d) of this article;

(3) Give the same effect of a conviction described in Article IV(a)(3) of the Compact as the Administration would for a conviction for a felony involving use of a vehicle in this State; and

(4) Give the same effect to a conviction described in Article IV(a)(4) of the Compact as the Administration would for a conviction under § 20-102 or § 20-104 of this article.

(b) For the purposes of Article IV(b) of the Compact, the Administration shall give the same effect to a conviction in another state reported under Article III of the Compact, other than a conviction described under Article IV(a) of the Compact, as the Administration would for an identical or substantially similar conviction under the Maryland Vehicle Law.

§16–708.

(a) Subject to the provisions of subsection (b) of this section, an act or omission of an official or employee of this State done or omitted under, or in enforcement of, the provisions of the Compact shall be subject to judicial review under the provisions of Title 10, Subtitle 2 (Administrative Procedure Act) of the State Government Article.

(b) Judicial review of the validity of a conviction in another state reported under Article III of the Compact shall be limited to establishing the identity of the individual who was convicted in another state.

§16–801.

This subtitle may be cited as the Maryland Commercial Driver's License Act.

§16–802.

(a) The purpose of this subtitle is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent heavy and commercial motor vehicle accidents, fatalities, and injuries by:

(1) Disqualifying drivers for certain criminal offenses and serious traffic violations; and

(2) Strengthening licensing and testing standards.

(b) This subtitle is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

(c) To the extent that this subtitle conflicts with other subtitles of this title, this subtitle prevails.

(d) Where this subtitle is silent, the provisions of the Maryland Vehicle Law apply.

§16–803.

(a) In this subtitle the following words have the meanings indicated.

(b) "Commerce" means:

(1) Trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States.

(c) (1) "Commercial motor vehicle (CMV)" means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

(i) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) Has a gross vehicle weight rating of 26,001 or more pounds;

(iii) Is designed to transport 16 or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under hazardous materials regulations (49 C.F.R. Part 172, Subpart F).

(2) "Commercial motor vehicle (CMV)" does not include a vehicle that is:

(i) 1. Controlled and operated by a farmer;

2. Used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

3. Not used in the operations of a common or contract motor carrier; and

4. Used within 150 miles of the person's farm;

(ii) An emergency vehicle:

1. Equipped with audible and visual signals; and

2. Operated by a member of or a person in the employ of a volunteer or paid fire or rescue organization;

(iii) A vehicle owned or operated by the United States Department of Defense if it is controlled and operated by:

1. Any active duty military personnel;

2. Any member of the military reserves or National Guard on active duty, including personnel on full–time National Guard duty and personnel on part–time training; or

3. Any National Guard military technician; or

(iv) A motor vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use.

(d) "Conviction" means a final unvacated adjudication of guilt, or a determination that an individual has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, a probation before judgment finding, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(e) "Employer" means any individual, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns drivers to operate such a vehicle. An individual who employs himself as a commercial motor vehicle driver is considered to be both an employer and a driver for the purposes of this subtitle.

(f) "Endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles.

(g) "Gross combination weight rating (GCWR)" means:

(1) The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; or

(2) In the absence of a value specified by the manufacturer, GCWR shall be determined by adding the gross vehicle weight rating (GVWR) of the power unit and the total weight of the towed unit and its load.

(h) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(i) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(j) (1) "Serious traffic violation" means:

(i) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;

(ii) Reckless driving;

(iii) A violation of any state or local law relating to operating a motor vehicle, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual;

(iv) Driving a commercial motor vehicle without obtaining a commercial instructional permit or a commercial driver's license;

(v) Driving a commercial motor vehicle without a commercial instructional permit or a commercial driver's license in the driver's possession;

(vi) Driving a commercial motor vehicle without the proper class of commercial instructional permit or commercial driver's license;

(vii) Driving a commercial motor vehicle without the proper endorsements for the commercial instructional permit or commercial driver's license; or

(viii) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be serious.

(2) Serious traffic violation does not include vehicle weight and vehicle defect violations.

(k) (1) "Tank vehicle" means any commercial motor vehicle that is designed

to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or chassis.

(2) Tank vehicles include cargo tanks and portable tanks.

(3) Tank vehicle does not include portable tanks having a rated capacity under 1,000 gallons.

(l) "United States" means the 50 states and the District of Columbia.

§16–804.

An individual who drives a commercial motor vehicle may not have more than 1 driver's license.

§16–805.

(a) (1) Any driver of a commercial motor vehicle holding a driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in any other state, other than parking violations, shall notify the Administration in the manner specified by the Administration within 30 days of the date of conviction.

(2) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in this or any other state, other than parking violations, shall notify the driver's employer in writing of the conviction within 30 days of the date of conviction.

(b) Any driver of a commercial motor vehicle whose driver's license is suspended, revoked, or canceled by any state, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the driver's employer of the suspension, revocation, cancellation, or disqualification before the end of the business day following the day that the driver received notice of that fact.

(c) Any individual who applies for employment as a driver of a commercial motor vehicle shall provide the employer, at the time of the application, with the following information for the 10 years preceding the date of application:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates the applicant was employed by each employer; and

(3) The reason for leaving that employment.

(d) An applicant for employment as a driver of a commercial motor vehicle shall certify that all information furnished on the application is true and complete.

(e) Unless otherwise prohibited by law, an employer may require an applicant to provide information in addition to that required by subsection (c) of this section.

§16–806.

(a) Each employer shall require the information specified in § 16-805(c) of this subtitle to be provided by the applicant.

(b) An employer may not knowingly allow, require, permit, or authorize a driver to drive a commercial motor vehicle in the United States:

(1) During any period in which the driver has a driver's license suspended, revoked, or canceled by a state or has lost the privilege to operate a commercial motor vehicle in a state;

(2) During any period in which the driver has been disqualified from driving a commercial motor vehicle;

(3) During any period in which the driver has more than 1 driver's license;

(4) During any period in which the driver, the motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(5) In violation of any of the provisions of §§ 21-701 through 21-704 of this article pertaining to railroad crossings or any other federal, state, or local law or regulation substantially similar to a provision of §§ 21-701 through 21-704 of this article, pertaining to railroad grade crossings.

§16–807.

(a) (1) Except when driving under a commercial driver's instructional permit and accompanied by the holder of a driver's license valid for the class of vehicle being driven, an individual may not drive a commercial motor vehicle unless the individual:

(i) Has been issued a commercial driver's license that:

1. Is valid for the class of vehicle being operated; and

2. Has the proper endorsements for the specific vehicle or vehicle combination being operated or for the passengers or type of cargo being transported; and

(ii) Is in immediate possession of a driver's license valid for the class of vehicle being driven.

(2) It shall be a valid defense to a charge of violating paragraph (1)(ii) of this subsection for the driver to provide a certified record either from the Administration or from the licensing authority of the driver's home state showing that

the driver held a valid commercial driver's license on the date of the violation.

(b) (1) An individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99–570), and has satisfied all other requirements of that act as well as any other requirements of this title.

(2) The tests shall be prescribed and conducted at the direction of the Administration.

(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.

(c) A commercial driver's license may be issued only to:

(1) An individual who drives or will drive a commercial motor vehicle and who is a resident of this State; and

(2) Those nonresidents who may qualify under § 16-817 of this subtitle.

(d) A commercial driver's license may not be issued to an individual:

(1) While the individual is disqualified from driving a commercial motor vehicle;

(2) While the individual's driver's license is suspended, revoked, or canceled in this State or any other state; or

(3) While the individual holds a commercial driver's license or driver's license issued by any other jurisdiction, unless the individual surrenders that license for return to the issuing jurisdiction for cancellation.

(e) (1) A commercial driver's instructional permit may be issued for the class of commercial driver's license applied for only to an individual who has passed the appropriate knowledge and vision screening tests.

(2) The holder of a commercial driver's instructional permit may drive a commercial motor vehicle on a highway only when the individual is accompanied by and under the immediate supervision of the holder of a driver's license valid for the type of vehicle driven, if the accompanying driver:

(i) Is at least 21 years old; and

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven.

§16–808.

(a) A person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

(1) Unless authorized to do so under this title;

(2) While the person's driver's license or privilege to drive is refused in this State or any other state;

(3) While the person's driver's license or privilege to drive is canceled in this State;

(4) While the person's driver's license or privilege to drive is canceled by any other state;

(5) While the person's driver's license or privilege to drive is suspended in this State;

(6) While the person's driver's license or privilege to drive is suspended by any other state;

(7) While the person's driver's license or privilege to drive is revoked in this State;

(8) While the person's driver's license or privilege to drive is revoked by any other state; or

(9) While the person is:

(i) Disqualified from driving a commercial motor vehicle in this State or any other state; or

(ii) Disqualified from driving a commercial motor vehicle by the United States Department of Transportation.

(b) While a person is subject to a driver or vehicle out–of–service order, as defined in § 16–812(i)(1)(ii) of this subtitle, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

(1) While transporting nonhazardous materials;

(2) While transporting hazardous materials required to be placarded; or

(3) While operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) If a person has been issued a valid commercial driver's license, the person may not drive a commercial motor vehicle on any highway or any property specified in

§ 21–101.1 of this article without the valid commercial driver's license in the person's possession.

§16–809.

A person may drive a commercial motor vehicle if:

(1) The person holds a valid commercial driver's license issued by any:

(i) State in accordance with the minimum federal standards for the issuance of a commercial driver's license; or

(ii) Foreign jurisdiction that the United States Department of Transportation has determined issues commercial drivers' licenses in accordance with the minimum federal standards;

(2) The person's driver's license is not refused, suspended, revoked, or canceled;

(3) The person is not disqualified from driving a commercial motor vehicle in any state;

(4) The person is not disqualified from driving a commercial vehicle by the United States Department of Transportation;

(5) The person is not subject to an out-of-service order as defined in § 16-812(i)(1)(ii) of this subtitle;

(6) The person has the commercial driver's license in the person's possession; and

(7) The person's commercial driver's license is valid for the type of vehicle being driven, as determined by regulation established by the United States Department of Transportation.

§16–810.

(a) Each application for a commercial driver's license or commercial driver's instructional permit shall be made on the form the Administration requires.

(b) In addition to the information specified by § 16-106 of this title, each application shall contain:

(1) The applicant's Social Security number;

(2) A consent to release a complete driving record to any employer or prospective employer;

(3) Certifications and information required by federal regulation; and

(4) Any other pertinent information that the Administration requires.

(c) Under penalty of perjury, the applicant shall sign the application and certify that the statements made are true and correct to the best of his knowledge, information, and belief.

(d) When a licensee changes the licensee's name, mailing address, or residence, an application for a corrected license shall be submitted to the Administration within 30 days.

(e) Within 30 days after establishing a residence in this State, the holder of a commercial driver's license shall apply for a commercial driver's license in this State.

§16–811.

(a) An applicant is entitled to receive the commercial driver's license applied for if the applicant:

(1) Passes the examination required by this subtitle;

(2) Is eligible to drive pursuant to the Commercial Driver's License Information System and the National Driver Register;

(3) Surrenders any previously issued commercial driver's instructional permit or license; and

(4) Pays the fees prescribed by this subtitle.

(b) (1) Each commercial driver's license issued by the Administration shall be identified clearly as to its specific class. A Class M license may be issued in combination with any other class of license.

(2) The Administration shall assign an identifying number to each license it issues.

(c) Each commercial driver's license issued by the Administration shall:

(1) Be marked "commercial driver's license" or "CDL"; and

(2) Include the following information:

(i) The licensee's:

1. Full name and current mailing address;

2. Physical description including sex, height, and weight;

3. Color photograph or photo-image;

(ii) The date of issuance;

(iii) The date of expiration; and

(iv) Any other information required by the Code of Federal Regulations or the Administration.

(d) Before issuing a commercial driver's license, the Administration shall obtain driving record information from the National Driver Register and any state in which the individual has been licensed.

(e) Within 10 days after issuing a commercial driver's license, the Administration shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure the identification of the licensee.

§16–812.

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

(i) A violation of § 21–902 of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21–902 of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(v) A violation of § 25–112 of this article; or

(vi) A violation of § 2–209, § 2–503, § 2–504, § 2–505, or § 2–506 of the Criminal Law Article;

(2) The individual holds a commercial instructional permit or commercial driver's license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

(i) A violation of § 21–902(a), (c), or (d) of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this article;

(iii) Leaving the scene of an accident which requires disqualification

as provided by the United States Secretary of Transportation; or

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a commercial instructional permit or commercial driver's license, refuses to undergo testing as provided in § 16–205.1 of this title or as is required by any other state's law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. § 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater; or

(5) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver's commercial instructional permit or commercial driver's license is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) "Commercial motor vehicle" means:

1. A "commercial motor vehicle" as defined in § 16–803 of this subtitle; and

2. Except as provided in § 16–803(c)(2) of this subtitle, any self–propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) "Out–of–service order" means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out–of–Service Criteria.

(2) A driver who is convicted of violating an out–of–service order while driving a commercial motor vehicle is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(j) A driver who is convicted of a violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21–701 through 21–704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a commercial instructional permit or commercial driver's license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant's license status and record prior to issuing a commercial instructional permit or commercial driver's license, or at any time after the commercial instructional permit or commercial driver's license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a commercial instructional permit or commercial driver's license, the Administration shall suspend, cancel, or revoke the commercial instructional permit or commercial driver's license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(l) After suspending, revoking, or canceling a commercial instructional permit or commercial driver's license, or after disqualifying a person who holds a commercial instructional permit or commercial driver's license from operating a commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the commercial instructional permit or commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified under this section if:

(1) The individual surrenders the commercial instructional permit or commercial driver's license; and

(2) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's commercial instructional permit or commercial driver's license.

(ii) The Administration shall reissue a commercial instructional permit or commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new commercial instructional permit or commercial driver's license.

(3) The Administration shall issue a commercial instructional permit or commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16–818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16–205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

§16–813.

(a) (1) An individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has any alcohol concentration in the individual's blood or breath.

(2) Notwithstanding the provisions of paragraph (1) of this subsection and for the purpose of disqualifying an individual's commercial instructional permit or commercial driver's license for a violation of § 16–812(a) of this subtitle, an individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has an alcohol concentration of 0.04 or greater in the individual's blood or breath.

(b) A person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in the person's system or who, subject to § 16–205.1 of this title, refuses to take a chemical test to determine the alcohol concentration, shall be placed out of service for the 24–hour period immediately following the time the police officer or employer detects alcohol in the driver's blood or breath.

§16–813.1.

A person may not knowingly or fraudulently obtain a commercial driver's license by misrepresentation.

§16–814.

Within 10 days of the conviction, the Administration shall notify the driver licensing authority in the licensing state of the conviction of:

(1) Any nonresident holder of a commercial instructional permit or commercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations;

(2) Any nonresident holder of a noncommercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations, committed in a commercial motor vehicle; or

(3) Any nonresident who does not hold any type of license to drive, or whose license to drive is suspended, revoked, or canceled, for the violation of any State law or local ordinance relating to operating a commercial motor vehicle, other than parking violations.

§16–815.

(a) (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of 10,000 pounds; and

(ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class A commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class A commercial driver's license or an appropriately endorsed Class A commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) (1) A Class B commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds;

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds

GVWR; and

(iii) Any vehicle that a Class C commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class B commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class B commercial driver's license or an appropriately endorsed Class B commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) (1) A Class C commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any single vehicle less than 26,001 pounds gross vehicle weight rating (GVWR);

(ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and

(iii) Any vehicle which a noncommercial Class C driver's license authorizes its holder to drive, except for motorcycles.

(2) An individual who is issued a Class C commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class C commercial driver's license or an appropriately endorsed Class C commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(d) (1) A commercial driver's instructional permit authorizes the holder to operate commercial motor vehicles of Class A, B, and C subject to the conditions of Subtitle 1 of this title.

(2) An instructional permit is not a license within the meaning of the single license restriction placed upon drivers of commercial motor vehicles.

(e) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain State-issued endorsements of an operator's commercial driver's license to operate commercial motor vehicles which are:

(i) Double/triple trailers;

(ii) Vehicles designed to transport 16 or more passengers including the driver (passenger vehicles);

(iii) School buses; or

(iv) Tank vehicles.

(2) A school bus endorsement authorized under this subsection is also an endorsement for vehicles designed to transport 16 or more passengers including the driver (passenger vehicles).

(f) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain a State-issued endorsement of an operator's commercial driver's license to operate a commercial motor vehicle that is required to be placarded for hazardous materials.

(2) Before an operator can obtain a State-issued endorsement under this subsection, the operator shall apply to the Criminal Justice Information System Central Repository for a national and State criminal history records check.

(3) The Administration may not issue a hazardous materials endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.

(4) The Department of Public Safety and Correctional Services and the Director of the Criminal Justice Information System Central Repository, in consultation with the Administration, may adopt regulations to carry out this section.

(g) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) An operator requesting a State-issued endorsement under subsection (f) of this section shall apply to the Central Repository for a national and a State criminal history records check.

(3) As part of the application for a criminal history records check, the operator shall submit to the Central Repository:

(i) Two complete sets of the operator's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) (i) The Central Repository shall provide a receipt to the operator for the fees paid under paragraph (3)(ii) and (iii) of this subsection.

(ii) The operator's employer may pay the fees or reimburse the operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.

(5) (i) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the operator and the Transportation Security Administration of the federal Department of Homeland Security, a printed statement of the operator's criminal history record information.

(ii) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Transportation Security Administration of the federal Department of Homeland Security and the operator a revised printed statement of the operator's criminal history record information.

(6) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Administration shall verify periodically a list of operators of commercial motor vehicles that are required to be placarded for hazardous materials.

(7) Information obtained from the Central Repository under this section shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this section.

(8) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

§16–816.

(a) An individual may not drive a school vehicle on any highway in this State unless the individual:

(1) Passes an appropriate medical examination; and

(2) For driving a school bus, has been issued a commercial driver's license endorsed school bus.

(b) Except as provided in subsections (c) and (d) of this section, a driver of a school vehicle may not allow an individual who is not a student or school employee to board or ride on the school vehicle.

(c) An individual may board and ride on a school vehicle as a school vehicle attendant if the individual:

(1) (i) Is an employee of the local school system or transportation company that operates the school vehicle;

(ii) Is otherwise authorized by the local school system to act as a

school vehicle attendant for a child on the school vehicle; or

(iii) Is a nurse, an aide, or any other individual assigned or authorized to work with a student in accordance with the student's individualized education program, 504 Plan under the federal Rehabilitation Act of 1973, or other student–specific written plan; and

(2) (i) Is in possession of photo identification that identifies the local school system or transportation company that employs the individual as a school vehicle attendant; or

(ii) Is in possession of photo identification or another document issued by the local school system that authorizes the individual to act as a school vehicle attendant for a child on the school vehicle.

(d) An individual may board and ride on a school vehicle with the written permission of the local school system.

(e) With the advice of the State Department of Education, the Administration may adopt regulations concerning the qualifications of school vehicle drivers.

§16–817.

(a) Except as provided in subsections (b) and (c) of this section, the Administration may not issue a commercial driver's license or a commercial driver's instructional permit to any individual:

(1) Who is not a resident of Maryland; and

(2) Who is not at least 21 years of age.

(b) The Administration may issue a Class A, B, or C commercial driver's license or a commercial driver's instructional permit to an individual under the age of 21, if the individual is at least 18 years of age. The license:

(1) May not include a hazardous materials endorsement;

(2) May not be valid for commercial interstate operation except as permitted by 49 C.F.R. Parts 390 to 399; and

(3) Shall be valid for commercial intrastate and all noncommercial operation.

(c) Consistent with the Code of Federal Regulations, the Administration may issue a commercial driver's license to an applicant domiciled in a foreign country.

§16–818.

(a) An applicant for a commercial driver's license shall pay the Administration

the following fees established by the Administration:

(1) Upon application for a new commercial driver's license or a commercial driver's license of a class other than that which the applicant holds:

(i) The base license fee if a commercial driver's instructional permit is required or an amount established by the Administration if an instructional permit is not required;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section;

(2) For the renewal of any class of commercial driver's license:

(i) A renewal fee;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section;

(3) For the conversion of a Maryland Class A, B, C, or D driver's license to a commercial driver's license:

(i) A renewal fee;

(ii) A commercial driver's license fee; and

(iii) The applicable fees listed in subsection (b) of this section; and

(4) For issuance of a duplicate or corrected commercial driver's license, a duplicate or corrected driver's license fee.

(b) In addition to the fees required by subsection (a) of this section, the applicant shall pay the Administration a fee established by the Administration for a required skills test or for a skills retest.

(c) Fees collected under this section:

(1) Shall be deposited in the Transportation Trust Fund; and

(2) Are not subject to the provisions of Title 8, Subtitle 4 of this article on the disposition of highway user revenues.

§16–819.

(a) The Administration shall retain a record of:

(1) Each commercial driver's license application that it receives; and

(2) Each commercial driver's license that it issues.

(b) The Administration shall retain as part of the driving record:

(1) Each conviction for any offense related to the use or operation of a motor vehicle which is prohibited by State law, municipal ordinance, or administrative rule or regulation, or reported by another state's driver licensing authority; and

(2) Each administrative action taken by the Administration or reported by another state's driver licensing authority.

(c) The Administration shall retain the driving records of individuals who have been issued commercial driver's licenses for at least the period of time required by the Commercial Driver's License Information System (CDLIS) established by the Secretary, United States Department of Transportation.

§16–820.

The Administration may adopt and enforce regulations not inconsistent with the Maryland Vehicle Law, the federal Commercial Motor Vehicle Safety Act, and the Code of Federal Regulations in order to carry out the provisions of this subtitle.

§16–901.

This subtitle applies only to an individual who displays a driver's license issued by the U.S. Department of State to a police officer or who otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the individual's violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article, or a moving violation under the vehicle laws or regulations of this State or any local authority.

§16–902.

If a driver who is subject to this subtitle is stopped by a police officer who has probable cause to believe that the driver has committed a violation described in this subtitle, the police officer shall:

(1) As soon as practicable contact the U.S. Department of State office in order to verify the driver's status and immunity, if any;

(2) Record all relevant information from any driver's license or identification card, including a driver's license or identification card issued by the U.S. Department of State; and

(3) Within 5 workdays after the date of the stop, forward the following to the Administration:

(i) A vehicle accident report, if the driver was involved in a vehicle

accident;

(ii) If a citation or other charging document was issued to the driver, a copy of the citation or other charging document; and

(iii) If a citation or other charging document was not issued to the driver, a written report of the incident.

§16–903.

The Administration shall:

(1) File each vehicle accident report, citation or other charging document, and incident report that the Administration receives under this subtitle; and

(2) Keep convenient records or make suitable notations showing each:

(i) Conviction;

(ii) Probation before judgment disposition of any violation of § 21-902 of this article; and

(iii) Vehicle accident.

§16–904.

The Administration shall send a copy of each document and record described under § 16-903 of this subtitle to the Bureau of Diplomatic Security, Office of Foreign Missions, of the U.S. Department of State.

§16–905.

The provisions of this subtitle do not prohibit or limit the application of any law to a criminal or motor vehicle violation by an individual who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

§17–101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Fleet policy" means an insurance policy issued for a fleet of vehicles that provides coverage that is not based on a schedule of individual vehicles at the time the policy is issued.

(c) "Lapse" and "termination" mean a lapse or termination of required security, as defined in regulations adopted by the Administration.

(d) "Required security" means security in the form and providing for the minimum benefits required under this subtitle or any other provisions of the Maryland

Vehicle Law.

§17–102.

This subtitle does not apply to the following vehicles and their drivers:

(1) Except for a vehicle registered under § 13-935(d) of this article, farm equipment or special mobile equipment incidentally operated on a highway or on other property open to the public; or

(2) A vehicle operated on a highway only to cross the highway from one property to another.

§17–103.

(a) (1) Except as provided in paragraph (2) of this subsection, the form of security required under this subtitle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State.

(2) The Administration may accept another form of security in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by subsection (b) of this section.

(3) The Administration shall, by regulation, assess each self–insurer an annual sum which may not exceed $750, and which shall be used for actuarial studies and audits to determine financial solvency.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to $30,000 for any one person and up to $60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to $15,000, in addition to interest and costs;

(3) Unless waived, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage;

(4) The benefits required under § 19–509 of the Insurance Article as to required additional coverage; and

(5) For vehicles subject to the provisions of § 25–111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

§17–104.

(a) The Administration may not issue or transfer the registration of a motor vehicle unless the owner or prospective owner of the vehicle furnishes evidence

satisfactory to the Administration that the required security is in effect.

(b) The owner of a motor vehicle that is required to be registered in this State shall maintain the required security for the vehicle during the registration period.

(c) Each insurer or other provider of required security shall:

(1) Except as provided in item (2) of this subsection, immediately notify the Administration electronically of new motor vehicle insurance policies issued for insured vehicles registered in the State; and

(2) For each fleet policy, electronically notify the Administration every 30 days of any additions, deletions, or modifications to the fleet policy, including those policy numbers affected.

(d) The Administration, in consultation with the Maryland Insurance Administration and representatives of the automobile insurance industry, shall adopt regulations that establish procedures to be used by an insurer to provide timely notification to an insured of the penalties that may be imposed in accordance with § 17–106 of this subtitle if the insured fails to renew or replace a policy of motor vehicle liability insurance without surrendering the evidences of registration.

(e) (1) In this subsection, "replacement vehicle" means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as "loss" is defined in that individual's applicable private passenger automobile insurance policy or because of breakdown, repair, service, or damage.

(2) Subject to paragraph (3) of this subsection, an owner of a replacement vehicle may satisfy the requirement of subsection (a) of this section by maintaining the required security described in § 17–103 of this subtitle that is secondary to any other valid and collectible coverage and that extends coverage in amounts required under § 17–103(b) of this subtitle to the owner's vehicle while it is used as a replacement vehicle.

(3) If an owner of a replacement vehicle provides coverage as provided under paragraph (2) of this subsection, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.

§17–104.1.

The operator of a moped or motor scooter shall carry evidence of the required security when operating the moped or motor scooter.

§17–105.

(a) If a person has been finally rejected for insurance by the Maryland Automobile Insurance Fund under § 27-504 of the Insurance Article, the person shall, within 10 days after the rejection, furnish evidence satisfactory to the Administration that he has obtained and is covered by the required security.

(b) If the person fails to furnish this evidence within the 10-day period, the Administration:

(1) Shall suspend the registration of each motor vehicle owned by the person; and

(2) Shall suspend the license to drive of that person.

(c) The Administration may not reinstate a registration suspended under this subsection until the person furnishes the evidence that he has obtained and is covered by the required security.

(d) A license to drive that is suspended under this section shall be reinstated if the licensee:

(1) Furnishes evidence that he has obtained and is covered by the required security; or

(2) Has delivered to the Administration the registration plates of each motor vehicle owned by him.

§17–106.

(a) If the required security for any vehicle lapses at any time, the registration of that vehicle:

(1) Is suspended automatically as of the date of the lapse effective not later than 60 days after notification to the Administration that the lapse has occurred; and

(2) Remains suspended until:

(i) The required security is replaced and the vehicle owner submits evidence of replaced security on a form as prescribed by the Administration and certified by an insurer or insurance producer; and

(ii) Any uninsured motorist penalty fee assessed is paid to the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, each insurer or other provider of required security immediately shall notify the Administration electronically of those terminations or other lapses that are final.

(2) Each insurer or other provider of required security for a vehicle registered as a Class B (for hire) vehicle under Title 13 of this article shall notify the Administration within 45 days of a termination or other lapse that is final and occurs anytime after the required security is issued or provided.

(c) On receipt of a notice under subsection (b) of this section, the Administration shall make a reasonable effort to notify the owner of the vehicle that his registration has been suspended.

(d) (1) Within 48 hours after an owner is notified by the Administration of the suspension of registration, the owner shall surrender all evidences of that registration to the Administration.

(2) If the owner fails to surrender the evidences of registration within the 48-hour period, the Administration:

(i) Shall attempt to recover from the owner the evidences of registration; and

(ii) May suspend his license to drive until he returns to the Motor Vehicle Administration the evidences of registration.

(3) The Administration may enter into contracts with private parties to procure the services of independent agents to assist in the recovery of the evidences of registration as authorized in paragraph (2) of this subsection.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of $150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of $7 for each day.

(ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.

(iii) The penalty imposed under this subsection may not exceed $2,500 for each violation in a 12–month period.

(2) (i) A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through (vi) of this paragraph; and

2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(ii) For the fiscal year beginning July 1, 2001, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, the Transportation Trust Fund, and the General Fund as follows:

1. $400,000 to the Motor Vehicle Registration Enforcement Fund;

2. $600,000 to the School Bus Safety Enforcement Fund;

3. $2,000,000 to the Vehicle Theft Prevention Fund;

4. $9,600,000 to the Transportation Trust Fund; and

5. The balance to the General Fund.

(iii) For the fiscal year beginning July 1, 2002, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, and the General Fund as follows:

1. $400,000 to the Motor Vehicle Registration Enforcement Fund;

2. $600,000 to the School Bus Safety Enforcement Fund;

3. $2,000,000 to the Vehicle Theft Prevention Fund;

4. $2,000,000 to the Maryland Automobile Insurance Fund; and

5. The balance to the General Fund.

(iv) For each fiscal year beginning on or after July 1, 2003, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Bus Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. $600,000 to the School Bus Safety Enforcement Fund;

2. $2,000,000 to the Vehicle Theft Prevention Fund;

3. The amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price

Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics to the Maryland Automobile Insurance Fund; and

4. The balance to the General Fund.

(v) For each fiscal year beginning on July 1, 2013, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Bus Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. $600,000 to the School Bus Safety Enforcement Fund;

2. $2,000,000 to the Vehicle Theft Prevention Fund;

3. $3,400,000 to the Maryland Automobile Insurance Fund; and

4. The balance to the General Fund.

(vi) For each fiscal year beginning on or after July 1, 2014, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Bus Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. $600,000 to the School Bus Safety Enforcement Fund;

2. $2,000,000 to the Vehicle Theft Prevention Fund;

3. To the Maryland Automobile Insurance Fund, the amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics; and

4. The balance to the General Fund.

(3) If the Administration assesses a vehicle owner or co–owner with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or co–owned by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned or co–owned by

that person.

(4) (i) In this paragraph, "family member" means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle's registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

(5) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.

(f) From the amount distributed to the Administration under subsection (e)(2)(i)2 of this section, expenditures to fund contracts entered into under subsection (d)(3) of this section:

(1) May not exceed $1,000,000 in any fiscal year; and

(2) May be made only:

(i) Pursuant to an appropriation approved by the General Assembly in the annual State budget; or

(ii) Through the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article, provided that:

1. The budget amendment and supporting information have been submitted to the budget committees for review and comment; and

2. At least 45 days have elapsed from the time the budget amendment and supporting information were submitted to the budget committees.

§17–106.1.

(a) The Administration may establish and implement a system for each insurer or other provider of the security required by § 17-103 of this subtitle to report to the Administration all policies issued for vehicles registered in the State.

(b) (1) The Administration shall operate the reporting system developed under subsection (a) of this section and may not contract with an outside entity for the operation of the system.

(2) Paragraph (1) of this subsection may not be construed to prohibit the Administration from contracting with an outside entity for the design or development of the reporting system authorized under subsection (a) of this section.

(c) The Administration may not disclose or allow the bulk purchase of any insurance information submitted by insurers or other providers under a reporting system established under subsection (a) of this section.

§17–107.

(a) A person who knows or has reason to know that a motor vehicle is not covered by the required security may not:

(1) Drive the vehicle; or

(2) If he is an owner of the vehicle, knowingly permit another person to drive it.

(b) (1) In any prosecution under subsection (a) of this section the introduction of the official records of the Motor Vehicle Administration showing the absence of a record that the vehicle is covered by the security required under § 17-104 of this subtitle shall be prima facie evidence that a person knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) An owner or lessee of any motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5-524 of the Courts and Judicial Proceedings Article.

§17–109.

(a) A person who receives a warning letter under Title 16, Subtitle 4 of this article as a result of point accumulation shall submit evidence that any vehicle registered in the person's name, individually or jointly, has been continuously covered, since the notice date of the point accumulation warning letter, by the security required under this subtitle.

(b) The evidence of security shall be submitted to the Administration within 30 days of the request on a form prescribed by the Administration and certified by an insurer or insurance producer.

§17–110.

Whenever evidence of security is required under this subtitle, a person may not willfully and knowingly create, certify, file, or provide false evidence of required

security.

§17–201.

In this subtitle, "judgment" means any final judgment resulting from:

(1) A cause of action for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State; or

(2) A cause of action on an agreement of settlement for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State.

§17–202.

If a person fails to satisfy a judgment within 30 days, the judgment creditor or his representative may send to the Administration a certified copy of the judgment and, on a form provided by the Administration, a certificate of facts relating to the judgment. The certificate of facts is prima facie evidence of the facts stated in it.

§17–203.

If the judgment debtor named in a certified copy of a judgment or in a certificate of facts is a nonresident, the Administration shall send a certified copy of the judgment or certificate of facts to the Motor Vehicle Administrator of the state where the judgment debtor is a resident and of any other state where the vehicle of the judgment debtor is registered.

§17–204.

Except as otherwise provided in this subtitle, on receipt of a certified copy of a judgment and a certificate of facts, the Administration shall suspend:

(1) The license to drive of the judgment debtor; and

(2) The registration of all vehicles owned by the judgment debtor and registered in this State.

§17–205.

The Administration may not suspend a license or registration under this subtitle if the judgment arose out of an accident caused by a vehicle that, at the time of the accident:

(1) Was owned or leased by the United States, this State, or any political subdivision of this State; and

(2) Was operated with the permission of its owner or lessee.

§17–206.

(a) (1) The Administration may not suspend a license or registration under this subtitle if the Administration finds that an insurer was obligated to pay the judgment, at least to the extent and amounts required by the Maryland Vehicle Law, even if the judgment has not been paid for any reason.

(2) A finding by the Administration that an insurer was obligated to pay a judgment does not bind the insurer and, except for administering the provisions of this section, has no legal effect.

(3) Notwithstanding any finding by the Administration, paragraph (1) of this subsection does not apply if, in a judicial proceeding, a court determines by a final order or decree that the insurer is not obligated to pay the judgment.

(b) The Administration may not suspend a license or registration under this subtitle if:

(1) The judgment debtor or the vehicle to which the judgment relates was insured by an insurer that was authorized to do business in this State;

(2) After the accident involving the owner or driver and before settlement of the claim, the insurer went into insolvency, reorganization, or liquidation; and

(3) As a result of the insolvency, reorganization, or liquidation, no benefit, other than benefits used exclusively towards satisfying the judgment, accrued to the owner or driver by reason of the insurance.

§17–207.

A license or registration suspended under this subtitle shall remain suspended and may not be renewed or reissued, and a new or original license or registration may not be issued to the judgment debtor until the judgment:

(1) Is stayed;

(2) Is satisfied; or

(3) Is subject to one of the exceptions stated in § 17-206 or § 17-209 of this subtitle.

§17–208.

(a) For purposes of this subtitle, a judgment is considered satisfied if:

(1) It is paid to the judgment creditor or into the court that rendered the judgment, either in full or up to the minimum required security amounts required under the Maryland Vehicle Law; or

(2) An order of satisfaction is filed with the court that rendered the judgment.

(b) A payment made in settlement of any claim because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the payment required by subsection (a) (1) of this section.

§17–209.

(a) On due notice to the judgment creditor, a judgment debtor may apply to the court that rendered the judgment for the privilege of paying the judgment in installments. In its discretion, the court may order payment of the judgment in installments and may set and modify from time to time the amounts and times of the installment payments.

(b) If the judgment debtor obtains an order permitting payment of the judgment in installments:

(1) The Administration shall reinstate any license or registration of the judgment debtor suspended under this subtitle; and

(2) As long as the installment payments are not in default, the Administration may not suspend the license or registration of the judgment debtor under this subtitle.

(c) (1) On notice that the judgment debtor has failed to pay any installment as specified in the order, the Administration shall suspend:

(i) The license to drive of the judgment debtor; and

(ii) The registration of all vehicles owned by the judgment debtor and registered in this State.

(2) Except as provided in subsection (d) of this section, the license and registration shall remain suspended until the judgment is satisfied as provided in this subtitle.

(d) Except as provided for in subsection (e) of this section, after default and on due notice to the judgment creditor, if past-due installments have been paid, the judgment debtor again may apply to the court that allowed the installment payments for the resumption of the privilege of installment payments. In its discretion, the court may order resumption of the installment payments as provided in subsection (a) of this section.

(e) A judgment debtor under Title 20, Subtitle 6 of the Insurance Article who has been suspended at least 3 times under subsection (c) of this section may not resume the privilege of installment payments unless:

(1) The Fund receives payment in an amount satisfactory to the Fund; and

(2) The Fund consents to the resumption of installment payments.

(f) The actions of a court under this section are without prejudice to any other legal remedy of the judgment creditor.

§17–301.

(a) If a person made a security deposit of money under the financial responsibility law as it existed before January 1, 1973, the person or his personal representative may apply to the Maryland Automobile Insurance Fund for and is entitled to a refund of the deposit, without interest, if:

(1) An action for damages arising out of the accident for which the deposit was made is not pending against the person on whose behalf the deposit was made;

(2) An unpaid judgment does not exist in favor of any person as a result of an action arising from the accident for which the deposit was made;

(3) A claim is not pending against the Unsatisfied Claim and Judgment Fund Board or its successor for damages arising out of the accident for which the deposit was made; and

(4) The executive director of the Maryland Automobile Insurance Fund, on the advice of the Attorney General, is satisfied by a reasonable preponderance of the evidence that the person is legally entitled to the deposit.

(b) If there is a claim pending against the Unsatisfied Claim and Judgment Fund Board or its successor, that claim is a lien against the amount deposited in favor of the Unsatisfied Claim and Judgment Fund Board or its successor.

(c) Neither subsection (a) of this section nor any other provision of law may be construed to prevent the use of the deposit:

(1) To satisfy any final judgment rendered against the depositor that has been docketed within 3 years from the date of the accident and not assigned to the Unsatisfied Claim and Judgment Fund or its successor; or

(2) In the payment of any claim on the instruction of the depositor.

§18–101.

In this title, "rent" means to rent or lease for a period not exceeding 180 days.

§18–102.

(a) (1) The Administration may not register any motor vehicle, trailer, or semitrailer to be rented until the owner of the vehicle certifies to the satisfaction of

the Administration that the owner has security for the vehicle in the same form and providing for the same minimum benefits as the security required by Title 17 of this article for motor vehicles.

(2) (i) In this paragraph, "replacement vehicle" means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as "loss" is defined in that individual's applicable private passenger automobile insurance policy, or because of breakdown, repair, service, or damage.

(ii) Subject to subparagraph (iii) of this paragraph, an owner of a replacement vehicle may satisfy the requirement of paragraph (1) of this subsection by maintaining the required security described in § 17-103 of this article that is secondary to any other valid and collectible coverage and that extends coverage to the owner's vehicle in amounts required under § 17-103(b) of this article while it is used as a replacement vehicle.

(iii) If an owner of a replacement vehicle provides coverage as provided under subparagraph (ii) of this paragraph, the agreement for the replacement vehicle to be signed by the renter or the individual to whom the vehicle is loaned shall contain a provision on the face of the agreement, in at least 10 point bold type, that informs the individual that the coverage on the vehicle being serviced or repaired is primary coverage for the replacement vehicle and the coverage maintained by the owner on the replacement vehicle is secondary.

(b) Notwithstanding any provision of the rental agreement to the contrary, the security required under this section shall cover the owner of the vehicle and each person driving or using the vehicle with the permission of the owner or lessee.

(c) If the Administration finds that the vehicle owner has failed or is unable to maintain the required security, the Administration shall suspend the registration of the vehicle.

§18–103.

(a) A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the individual who will operate the rented vehicle:

(1) Holds a driver's license issued under Title 16 of this article, which license authorizes him to drive or tow, as the case may be, vehicles of the class rented;

(2) Is a nonresident who:

(i) Has with him a license to drive issued to him by the state or country of his residence, which license authorizes him in that state or country to drive or tow, as the case may be, vehicles of the class rented; and

(ii) Is at least the same age as that required of a resident to drive or

tow, as the case may be, the vehicle rented; or

(3) Otherwise is specifically authorized by Title 16 of this article to drive or tow, as the case may be, vehicles of the class rented.

(b) A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the lessor or his agent:

(1) Has inspected the license to drive of the individual who will operate the rented vehicle; and

(2) Has compared and verified:

(i) The signature on the license with the signature of the individual, as written in the presence of the lessor or agent; and

(ii) The physical description on the license with the physical appearance of the individual.

(c) Each person who rents a motor vehicle, trailer, or semitrailer to another person shall keep a record of:

(1) The registration number of the rented vehicle and, if only a semitrailer or trailer is rented, the registration number of the motor vehicle to be used to tow the trailer or semitrailer;

(2) The name and address of the lessee;

(3) The number of the license to drive of the individual who will drive or tow, as the case may be, the rented vehicle; and

(4) The date and place of issuance of the license to drive.

(d) Any police officer or authorized representative of the Administration may inspect the records kept under subsection (c) of this section.

§18–104.

(a) A person may not, with intent to defraud, rent to any other person any motor vehicle for which any charge is based on the distance traveled, if the person knows that the vehicle's odometer does not record correctly its actual accumulated mileage.

(b) A person may not otherwise rent to any other person any motor vehicle for which any charge is based on the distance traveled and deceive that other person as to the distance that the vehicle traveled during the rental period.

§18–105.

(a) A person may not rent a motor vehicle to any other person if he knows that

the other person is under the influence of alcohol, impaired by alcohol, impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance.

(b) A person may not rent a motor vehicle to any other person if the person knows that an individual who will drive the rented vehicle is under the influence of alcohol, impaired by alcohol, impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol, or impaired by a controlled dangerous substance.

§18–107.

(a) A person who rents a motor vehicle to a consumer shall:

(1) Compute the daily rental rate based on a 24–hour period, starting at the time the rental begins;

(2) Make a notation on the rental agreement of the time the rental begins; and

(3) Inform the consumer that:

(i) The daily rental fee is based on a 24–hour period; and

(ii) The time the rental begins is noted on the rental agreement.

(b) This section does not apply if:

(1) A person rents a motor vehicle to a consumer; and

(2) The rental vehicle is:

(i) A temporary substitute for a vehicle that is out of service because of breakdown, repair, servicing, loss, or destruction; and

(ii) Covered as a temporary substitute vehicle under the consumer's comprehensive and collision coverage.

(c) (1) Regardless of whether a consumer complies with a requirement by a rental company to notify the rental company in advance of intent to return the vehicle, the rental company may not charge for the use of a rental vehicle after the vehicle has been returned.

(2) If a rental agreement requires the consumer to notify the rental company in advance of intent to return the vehicle, the rental company shall make the following written disclosure to the consumer in at least 10 point type:

"Regardless of whether you comply with a requirement by the rental company to notify the rental company in advance of your intent to return the vehicle,

the rental company may not charge for the use of the rental vehicle after you have returned the vehicle."

(d) In addition to any remedies otherwise available at law, a violation of this section shall be an unfair or deceptive trade practice under Title 13, Subtitle 3 of the Commercial Law Article.

§18–108.

(a) In this section, "rental vehicle company" means a person that rents a motor vehicle to a consumer.

(b) A rental vehicle company may charge a consumer a separately stated fee to recover the following costs incurred by the rental vehicle company:

(1) Any portion of the rental vehicle company's titling and registration costs incurred under Title 13 of this article for its fleet of rental vehicles;

(2) Any concession fees paid to a government owned or operated:

(i) Airport; or

(ii) Other entity;

(3) Any consolidated facility fees imposed by a government owned or operated entity to pay for the use of the facility by the rental vehicle company or otherwise related to the use of the facility; or

(4) Any other fee or charge imposed by a governmental entity.

(c) (1) A rental vehicle company may determine the amount of a separately stated fee it will charge to recover costs described under subsection (b)(1) of this section, provided that the rental vehicle company does not intend to recover an amount in excess of the costs it actually incurs.

(2) If the total amount of the fees collected by a rental vehicle company under this section during a 12-month period exceeds the rental vehicle company's actual costs incurred during the same 12-month period, the rental vehicle company shall:

(i) Retain the excess amount; and

(ii) Adjust the estimated average charge for the following 12-month period by a corresponding amount.

(d) If a rental vehicle company advertises the rental rate for a vehicle available for rent in the State, the fees authorized under this section shall be clearly disclosed in the advertisement.

(e) (1) The separately stated fee authorized for recovery of costs described

under subsection (b)(1) of this section shall be described in the rental agreement as:

"The estimated average per day per vehicle portion of the rental company's total annual titling and registration costs".

(2) A rental vehicle company shall post the statement required under paragraph (1) of this subsection on the rental vehicle company's website, if any, for consumers participating in an extended rental program under a master rental agreement.

§19–101.

(a) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver of any motor vehicle, other than a police vehicle, to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by the negligence of the police officer.

(b) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under this section.

§19–102.

(a) A police officer may not direct any driver, owner, or passenger of a motor vehicle, other than a police vehicle, to participate in a roadblock.

(b) If any police officer of this State or any political subdivision of this State, while otherwise acting within the scope of his authority in enforcing any law, directs the driver, owner, or passenger of a motor vehicle other than a police vehicle to participate in a roadblock to assist him in enforcing that law or in apprehending any person suspected of violating or known to have violated that law, this State or the political subdivision, as the case may be, is liable for the damages or injuries proximately caused by participation in the roadblock.

(c) This State or a political subdivision of this State may use the defense of contributory negligence and assert the doctrine of last clear chance in an action brought or defense raised under subsection (b) of this section.

§19–103.

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

(2) "Emergency service" means:

(i) Responding to an emergency call;

(ii) Pursuing a violator or a suspected violator of the law; or

(iii) Responding to, but not while returning from, a fire alarm.

(3) "Emergency vehicle" has the same meaning as in § 11–118 of this article.

(b) An operator of an emergency vehicle, who is authorized to operate the emergency vehicle by its owner or lessee while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section shall have the immunity from liability described under § 5–639(b) of the Courts and Judicial Proceedings Article.

(c) (1) An owner or lessee of an emergency vehicle, including a political subdivision, is liable to the extent provided in § 5–639(c) of the Courts and Judicial Proceedings Article for any damages caused by a negligent act or omission of an authorized operator while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section.

(2) An owner or lessee of an emergency vehicle, including a political subdivision, shall have the immunity from liability described under § 5–639(c) of the Courts and Judicial Proceedings Article.

(d) A self–insured jurisdiction shall have the immunity from liability under this section as described under § 5–639(d) of the Courts and Judicial Proceedings Article.

§20–101.

(a) This title applies throughout this State, whether on or off a highway.

(b) All of the provisions of §§ 20-101 through 20-105 of this title apply to the owner of any vehicle who is present when the accident occurs, whether or not the owner is the driver.

§20–102.

(a) (1) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

(b) (1) The driver of each vehicle involved in an accident that results in the death of another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in the death of another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

§20–103.

(a) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20-104 of this title.

§20–104.

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

(b) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:

(1) Any person injured in the accident; and

(2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.

(c) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.

(d) If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20-102 of this title and subsection (a) of this section, immediately shall report the accident to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

§20–105.

(a) The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) Subject to the provisions of subsection (c) of this section, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall attempt to locate the driver, owner, or person in charge of the damaged vehicle or other property and notify him of:

(1) His name and address;

(2) The registration number of the vehicle he is driving; and

(3) The name and address of the owner of that vehicle.

(c) If the driver, owner, or person in charge of the damaged vehicle or other property cannot be located, leave in a conspicuous, secure place in or on the damaged vehicle or other property a written notice giving the same information.

§20–105.1.

(a) In addition to the information that is required to be given under §§ 20–104 and 20–105 of this title, the driver of each vehicle involved in an accident under either of those sections shall also give the following information:

(1) Name and address of the insurance carrier or other provider of security for the person giving the information;

(2) Policy or other identifying number of the liability insurance or other security, if it is available;

(3) Name and address of the local insurance producer or local office of the insurance carrier or other provider of security, if it is available; and

(4) For a vehicle that is self–insured under the Administration's self–insurance program, evidence of self–insurance in the form required by the Administration.

(b) (1) The Administration shall adopt regulations that:

(i) Establish the form and content of the evidence of self–insurance required under subsection (a)(4) of this section; and

(ii) Require each self–insurer to maintain the evidence of self–insurance in each vehicle covered under the self–insurer's self–insurance

certificate.

(2) Regulations adopted by the Administration under paragraph (1) of this subsection shall require the evidence of self–insurance to include:

(i) The name, address, and self–insurance certificate number of the self–insurer;

(ii) The name, address, and telephone number of the self–insurer's third party administrator or third party adjuster; and

(iii) The vehicle identification number of the self–insured vehicle.

(c) The information specified in subsections (a) and (b) of this section shall be given to any person required to be notified under § 20–104 or § 20–105 of this title.

§20–106.

(a) In addition to the other requirements of this title, if a motor vehicle strikes and injures a domestic animal, the driver of the motor vehicle immediately shall notify the appropriate State or local police of the accident.

(b) On receipt of notice under this section, the police shall notify the local organization or governmental agency designated by the appropriate local government to give such injured animals medical care.

§20–107.

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person shall, within 15 days after the accident, report the matter in writing to the Administration.

(b) The driver of each vehicle involved in an accident that results in bodily injury or death of any person shall, within 15 days after the accident, file with the report evidence of liability insurance or other security that satisfies the requirements of Title 17 of this article.

(c) In addition to any other information required by the Administration, the evidence required under subsection (b) of this section shall contain:

(1) The name and address of the insurance carrier or other provider of security for the person making the report;

(2) The policy or other identifying number of the liability insurance or other security; and

(3) The name and address of the local insurance producer for the insurance carrier or other provider of security.

(d) If the driver is physically incapable of making the report or is unavailable or refuses to do so, the Administration in its discretion may require instead a report of the accident from the owner of the vehicle involved in the accident. In that case, the owner shall report the matter and file the evidence of insurance as required of the driver.

(e) The Administration may require the driver or owner of the vehicle to file supplemental written reports if, in its opinion, the original report is insufficient.

(f) A written accident report is not required under this section:

(1) If the accident has been investigated by a police officer and a report by the police officer has been filed with the Department of State Police; or

(2) From any person while that person is physically incapable of making the report.

§20–108.

A person may not give any information that he knows or has reason to believe is false in any oral or written report required by this title.

§20–109.

If a person fails to file a written accident report as required by §§ 20-107 and 20-113 of this title or to give correctly the information required by the Administration in connection with the report, the Administration may suspend or revoke:

(1) The license to drive of the person; and

(2) The registration of each vehicle owned by the person.

§20–113.

(a) (1) The Administration shall prepare and, on request, supply to police departments, sheriffs, and other appropriate agencies or individuals, forms for the written accident reports required by § 20-107 of this title.

(2) The forms shall require sufficiently detailed information to disclose the cause of the reported accident, the conditions then existing, and the persons and vehicles involved.

(b) Each written accident report required by § 20-107 of this title shall be made on the form that the Administration requires and shall contain all the available information required by the report.

§21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(b) "Alley" means a street that:

(1) Is intended to provide access to the rear or side of a lot or building in an urban district; and

(2) Is not intended for through vehicular traffic.

(c) "Bicycle path" means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) "Bicycle way" means:

(i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or

(ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) "Bicycle way" includes:

(i) Bicycle path; and

(ii) Bike lane.

(e) "Bike lane" means any portion of a roadway or shoulder designated for single directional bicycle flow.

(f) "Business district" means an area that adjoins and includes a highway where at least 50 percent of the frontage along the highway, for a distance of at least 300 feet, is occupied by buildings used for business.

(g) "Controlled access highway" means a highway or roadway to or from which persons, including the owners or occupants of abutting lands, have no right of access except at the points and in the manner determined by the public authority with jurisdiction over the highway or roadway.

(h) "Crossover" means a transverse roadway or opening that connects the separate roadways of a divided highway at a point other than an intersection of the divided highway with another highway.

(i) "Crosswalk" means that part of a roadway that is:

(1) Within the prolongation or connection of the lateral lines of sidewalks at any place where 2 or more roadways of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway;

(2) Within the prolongation or connection of the lateral lines of a bicycle

way where a bicycle way and a roadway of any type meet or join, measured from the curbs or, in the absence of curbs, from the edges of the roadway; or

(3) Distinctly indicated for pedestrian crossing by lines or other markings.

(j) "Electric personal assistive mobility device" or "EPAMD" means a pedestrian device that:

(1) Has two nontandem wheels;

(2) Is self-balancing;

(3) Is powered by an electric propulsion system;

(4) Has a maximum speed capability of 15 miles per hour; and

(5) Is designed to transport one person.

(k) "Expressway" means a major highway of 2 or more traffic lanes in each direction that is designed to eliminate principal traffic hazards and has the following characteristics:

(1) A median divider separating opposing traffic lanes to eliminate head-on collisions and sideswiping;

(2) Grade separation structures to eliminate the conflict of cross streams of traffic at each intersection;

(3) Points of entrance and exit limited to predetermined locations;

(4) Vertical curves long enough to provide long sight distances; and

(5) Shoulders wide enough to permit vehicles to stop or park out of traffic lanes.

(l) (1) "Intersection" means:

(i) The area within the prolongation or connection of the lateral curb lines or, in the absence of curbs, the lateral boundary lines of the roadways of two highways that join at or approximately at right angles; or

(ii) The area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(2) If a divided highway includes two roadways that are 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways that are 30 feet or more apart, every crossing of two roadways of these highways is a separate intersection.

(m) "Play vehicle" means a vehicle that:

(1) Has two or three wheels;

(2) Is propelled only by human power; and

(3) Is not a bicycle, as defined in Title 11 of this article.

(n) "Private road or driveway" means any way or place that:

(1) Is privately owned; and

(2) Is used for vehicular travel by its owner and by those having express or implied permission from the owner, but not by other persons.

(o) "Public bicycle area" means any highway, bicycle path, or other facility or area maintained by this State, a political subdivision of this State, or any of their agencies for the use of bicycles.

(p) "Railroad" means a carrier of people or property on cars that are operated on stationary rails.

(q) "Railroad sign" or "railroad signal" means any sign, signal, or device placed by authority of a public body or official or by a railroad to warn of the presence of railroad tracks or the approach of a railroad train.

(r) "Railroad train" means any locomotive or any other car, rolling stock, equipment, or other device that, alone or coupled to others, is operated on stationary rails.

(s) "Residential district" means an area that:

(1) Is not a business district; and

(2) Adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business.

(t) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner on a highway in preference to another vehicle or pedestrian.

(u) "Safety zone" means an area in a roadway that:

(1) Is officially set apart for the exclusive use of pedestrians; and

(2) Is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(v) "Shoulder" means that portion of a highway contiguous with the roadway for

the accommodation of stopped vehicles, for emergency use, for use by bicycles and motor scooters, and for the lateral support of the base and surface courses of the roadway.

(w) "Sidewalk" means that part of a highway:

(1) That is intended for use by pedestrians; and

(2) That is between:

(i) The lateral curb lines or, in the absence of curbs, the lateral boundary lines of a roadway; and

(ii) The adjacent property lines.

(x) "Through highway" means a highway or part of a highway:

(1) On which vehicular traffic is given the right-of-way; and

(2) At the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on that highway or part of a highway, in obedience to either a stop sign or yield sign placed as provided in the Maryland Vehicle Law.

(y) "Urban district" means an area that:

(1) Adjoins and includes any street; and

(2) Is built up with structures that are:

(i) Devoted to business, industry, or dwelling houses; and

(ii) Situated at intervals of less than 100 feet, for a distance of at least a quarter of a mile.

(z) "Wheelchair" means a mobility aid belonging to any class of three- or four-wheeled devices that:

(1) Is usable indoors;

(2) Does not exceed 30 inches in width and 48 inches in length, when measured 2 inches above the ground; and

(3) Is designed for and used by a mobility impaired individual, whether operated manually or powered.

§21–101.1.

(a) The provisions of this title relating to the driving of vehicles refer only to the driving of vehicles on highways, except:

(1) As provided in subsection (b) of this section; and

(2) Where a different or additional place specifically is provided for.

(b) (1) A person may not drive a motor vehicle in violation of any provision of this title on any private property that is used by the public in general, or, in Calvert County, on any private road located within a residential subdivision or community.

(2) A person may not drive a motor vehicle in violation of any provision of this title on any property that is owned by or under the control of this State or any of its political subdivisions, county boards of education, or community colleges and that is open to vehicular traffic and used by the public in general.

(3) Any person who violates any provision of this subsection is in violation of the law to the same extent and is subject to the same penalty as if the motor vehicle were driven on a highway.

§21–102.

A person may not do any act prohibited or fail to do any act required by this title.

§21–103.

(a) A person may not willfully disobey any lawful order or direction of any police officer.

(b) (1) A police officer may summon witnesses to testify under oath on any charge brought under the Maryland Vehicle Law.

(2) A person may not willfully disobey a summons.

§21–104.

(a) Every person riding an animal or driving an animal-drawn vehicle on a roadway has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(b) (1) Except in Charles, Worcester, and St. Mary's counties, or as provided in paragraph (2) of this subsection, a person may not ride an animal or drive an animal-drawn vehicle on:

(i) Any divided highway where the posted maximum speed limit is more than 35 miles an hour; or

(ii) Any controlled access highway.

(2) In Anne Arundel County, a person may ride an animal on any part of a highway described in paragraph (1) of this subsection, other than on its roadway or

shoulder.

§21–104.1.

(a) Any person operating a snowmobile on any portion of a highway designated for snowmobile use under § 25-102(a)(14) of this article has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(b) In Garrett County a person may not operate a snowmobile on a controlled access highway.

(c) Except as provided in subsection (b) of this section, in Garrett County a person may operate a snowmobile on a State highway when crossing the State highway at a right angle.

§21–105.

Unless specifically made applicable, the provisions of this title, except for those in Subtitle 9 of this title, do not apply to persons, motor vehicles, and equipment while engaged in construction or maintenance work on a highway. However, the provisions of this title do apply to these persons, vehicles, and equipment when traveling to or from this work.

§21–106.

(a) Subject to the conditions stated in this section:

(1) The driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:

(i) Responding to an emergency call;

(ii) Pursuing a violator or suspected violator of the law; or

(iii) Responding to, but not while returning from, a fire alarm; and

(2) The driver of an emergency vehicle registered in the State or a local jurisdiction in the State may exercise the privileges set forth in this section while performing motorcade or escort duty if the motorcade or escort duty involves:

(i) Homeland security;

(ii) A funeral;

(iii) A dignitary; or

(iv) Facilitating the safe movement of vehicles or pedestrians that are or will be near the motorcade or escort.

(b) Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:

(1) Park or stand without regard to the other provisions of this title;

(2) Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;

(3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;

(4) Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and

(5) Travel through any local jurisdiction in the State as necessary to perform and return from motorcade or escort duty.

(c) (1) Subject to paragraph (2) of this subsection, the privileges set forth in this section apply only while the emergency vehicle is using audible and visual signals that meet the requirements of § 22–218 of this article, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(2) The privileges set forth in subsection (b)(1) of this section apply only while the emergency vehicle is using visual signals that meet the requirements of § 22–218 of this article.

(3) (i) The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call, fire alarm, or motorcade or escort, except that fire apparatus carrying standing firemen may use flashing lights that are visible only to the rear.

(ii) The driver of an emergency vehicle, while parking or backing the emergency vehicle, may use flashing lights within 100 feet of the entrance ramp to a:

1. Fire station; or

2. Rescue station.

(4) Before exercising the privileges set forth in subsection (b)(5) of this section, the jurisdiction that employs the driver of a motorcade or escort shall provide notice of the motorcade or escort to any jurisdiction that the driver will enter while performing or returning from the motorcade or escort duty.

(d) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

§21–107.

(a) A school crossing guard who meets the qualifications in subsection (b) of this section may stop or otherwise direct vehicles and pedestrians on a highway or on school grounds to assist:

(1) Pedestrians in the safe crossing of highways at a school crossing; and

(2) School vehicles in entering and leaving school grounds.

(b) A school crossing guard is qualified to direct traffic as described in subsection (a) of this section if the school crossing guard:

(1) Is 18 years of age or older;

(2) Is under the control of a local law enforcement agency or a county school board;

(3) Has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and

(4) Is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

(c) A person may not willfully disobey a lawful direction of a school crossing guard exercising the authority granted in this section.

(d) Nothing in this section prohibits a school crossing guard who does not meet the qualifications specified in subsection (b) of this section from assisting a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic.

§21–201.

(a) (1) Subject to the exceptions granted in this title to the driver of an emergency vehicle, the driver of any vehicle, unless otherwise directed by a police officer, shall obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law.

(2) The driver of a vehicle approaching an intersection controlled by a traffic control device may not drive across private property or leave the roadway for the purpose of avoiding the instructions of a traffic control device.

(b) (1) If a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority requires a traffic control device, the provision is unenforceable against an alleged violator if, at the time and place of the alleged violation, the traffic control device is not in proper position and legible enough to be

seen by an ordinarily observant individual.

(2) Unless a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority states that a traffic control device is required, the provision is effective and enforceable even if no traffic control device is in place.

(c) Unless the contrary is established by competent evidence, if a traffic control device is placed in a position approximately meeting the requirements of the Maryland Vehicle Law, the device is presumed to have been placed by the official act or direction of lawful authority.

(d) Unless the contrary is established by competent evidence, if a traffic control device is placed in accordance with the Maryland Vehicle Law and purports to meet the lawful requirements governing these devices, the device is presumed to meet the requirements of the Maryland Vehicle Law.

§21–202.

(a) (1) Except for special pedestrian signals that carry a legend, where traffic is controlled by traffic control signals that show different colored lights or colored lighted arrows, whether successively one at a time or in combination, only the colors green, red, and yellow may be used.

(2) These lights apply to drivers and pedestrians as provided in this section.

(b) Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.

(c) Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

(d) Vehicular traffic facing a green arrow signal, whether shown alone or with another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) Vehicular traffic described under subsection (d) of this section shall yield the right–of–way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(f) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, a pedestrian facing any green signal, unless the green signal is only a turn arrow, may cross the roadway, within any marked or unmarked crosswalk, in the direction of the green signal.

(g) (1) Vehicular traffic facing a steady yellow signal is warned that the related green movement is ending or that a red signal, which will prohibit vehicular traffic from entering the intersection, will be shown immediately after the yellow signal.

(2) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, a pedestrian facing a steady yellow signal is warned that there is not enough time to cross the roadway before a red signal is shown, and a pedestrian may not then start to cross the roadway.

(h) (1) Vehicular traffic facing a steady circular red signal alone:

(i) Shall stop at the near side of the intersection:

1. At a clearly marked stop line;

2. If there is no clearly marked stop line, before entering any crosswalk; or

3. If there is no crosswalk, before entering the intersection; and

(ii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.

(2) Vehicular traffic facing a steady red arrow signal:

(i) May not enter the intersection to make the movement indicated by the arrow;

(ii) Unless entering the intersection to make a movement permitted by another signal, shall stop at the near side of the intersection:

1. At a clearly marked stop line;

2. If there is no clearly marked stop line, before entering any crosswalk; or

3. If there is no crosswalk, before entering the intersection; and

(iii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal permitting the movement is shown.

(i) Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make:

(1) A right turn; or

(2) A left turn from a one-way street onto a one-way street.

(j) If a sign permitting any other turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make the turn indicated by the sign.

(k) In each instance, vehicular traffic described in subsections (i) and (j) of this section shall yield the right–of–way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

(l) Unless otherwise directed by a pedestrian control signal as provided in § 21-203 of this subtitle, pedestrians facing a steady red signal alone may not enter the roadway.

(m) Except for those provisions of this section that by their very nature cannot apply, this section applies to a traffic control signal placed at a location other than an intersection. Each stop required by the signal shall be made at a sign or marking on the pavement indicating where the stop shall be made or, if there is no sign or marking, at the signal.

§21–202.1.

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

(2) "Agency" means:

(i) For a traffic control signal operated and maintained at an intersection under the control of the State, the law enforcement agency primarily responsible for traffic control at that intersection; or

(ii) For a traffic control signal operated and maintained at an intersection under the control of a political subdivision, a law enforcement agency of the political subdivision that is authorized to issue citations for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

(3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Part III of Title 13, Subtitle 9 of this article.

(4) "Recorded images" means images recorded by a traffic control signal monitoring system:

(i) On:

1. Two or more photographs;

2. Two or more microphotographs;

3. Two or more electronic images;

4. Videotape; or

5. Any other medium; and

(ii) Showing the rear of a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(5) "Traffic control signal monitoring system" means a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

(b) The agency primarily responsible for traffic control at an intersection monitored by a traffic control signal monitoring system shall ensure that the length of time that a traffic control signal displays a yellow light before changing to a red signal indication is set in accordance with regulations adopted by the State Highway Administration consistent with standards or guidelines established by the Federal Highway Administration.

(c) This section applies to a violation of § 21-202(h) of this subtitle at an intersection monitored by a traffic control signal monitoring system.

(d) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (g)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a traffic control signal monitoring system while being operated in violation of § 21-202(h) of this subtitle.

(2) A civil penalty under this subsection may not exceed $100.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (e)(1) of this section and § 7-302 of the Courts and Judicial Proceedings Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to the owner liable under subsection (d) of this section a citation which shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location of the intersection;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 21-202(h) of this subtitle;

(ix) A statement that recorded images are evidence of a violation of § 21-202(h) of this subtitle; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. Warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The agency may mail a warning notice in lieu of a citation to the owner liable under subsection (d) of this section.

(3) Except as provided in subsection (g)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(4) An agency may not mail a citation to a person who is not an owner under subsection (a)(3)(ii) of this section.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the political subdivision or to the District Court; or

(ii) Elect to stand trial for the alleged violation.

(f) (1) A certificate alleging that the violation of § 21-202(h) of this subtitle occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by a traffic control signal monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) That the driver of the vehicle passed through the intersection in violation of § 21-202(h) of this subtitle:

1. In order to yield the right-of-way to an emergency vehicle; or

2. As part of a funeral procession in accordance with § 21-207 of this subtitle;

(ii) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(iii) That under § 21-201 of this subtitle, this section is unenforceable against the owner because at the time and place of the alleged violation, the traffic control signal was not in proper position and legible enough to be seen by an ordinarily observant individual;

(iv) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(v) Any other issues and evidence that the District Court deems pertinent.

(2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or

more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) Upon the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a citation as provided in subsection (e) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(h) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(i) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16-402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26-305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(j) In consultation with local governments, the chief judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the

collection of civil penalties under this section.

§21–203.

(a) Where special pedestrian control signals showing the words “walk”, “dont walk”, or “wait” or the symbols of “walking person” or “upraised hand” are in place, the signals have the indications provided in this section.

(b) A pedestrian facing a “walk” or “walking person” signal may cross the roadway in the direction of the signal and shall be given the right-of-way by the driver of any vehicle. At an intersection where an exclusive all-pedestrian interval is provided, a pedestrian may cross the roadway in any direction within the intersection.

(c) A pedestrian may not start to cross the roadway in the direction of a “dont walk” or “upraised hand” signal.

(d) A pedestrian may not start to cross the roadway in the direction of a “wait signal”.

(e) If a pedestrian has partly completed crossing on a “walk” or “walking person” signal, the pedestrian shall proceed without delay to a sidewalk or safety island while the “dont walk”, “wait”, or “upraised hand” signal is showing.

§21–204.

(a) If a flashing red or yellow light is used in a traffic signal or with a traffic sign, it requires obedience by vehicular traffic as provided in this section.

(b) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection at a clearly marked stop line.

(c) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection, if there is no clearly marked stop line, before entering any crosswalk.

(d) If a red lens is lit with rapid intermittent flashes, the driver of a vehicle shall stop at the near side of the intersection, if there is no crosswalk, before entering the intersection.

(e) The right to proceed after making the stop is subject to the rules applicable after making a stop at a stop sign.

(f) If a yellow lens is lit with rapid intermittent flashes, the driver of a vehicle may proceed through the intersection or past the signal only with caution.

(g) This section does not apply at any railroad grade crossing.

§21–204.1.

Where lane direction control signals are placed over the individual lanes of a highway, vehicular traffic may travel in any lane over which a green signal is shown, but may not enter or travel in any lane over which a red signal is shown.

§21–205.

(a) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that purports to be, is an imitation of, or resembles a traffic control device or a railroad sign or signal.

(b) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that attempts to direct the movement of traffic.

(c) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that hides or interferes with the effectiveness of a traffic control device or a railroad sign or signal.

(d) A person may not place, maintain, or display on or in view of any highway any unauthorized sign, signal, marking, or device that, except as otherwise permitted by law, contains:

(1) Any of the following words: "stop", "curve", "warning", "slow", "danger", "listen", "look", or "school"; or

(2) Any other word used in directing the movement of traffic.

(e) A person may not place or maintain on any highway nor may any public authority permit on any highway any traffic sign or signal that has any commercial advertising on it.

(f) This section does not prohibit the placement on private property adjacent to a highway of a sign giving useful directional information, if the sign is of a type that cannot be mistaken for an official sign and is placed with the approval of the State Highway Administration.

(g) Each sign, signal, marking, or device prohibited by this section is a public nuisance, and the authority that has jurisdiction over the highway may remove it without notice.

§21–206.

(a) A person without lawful authority may not willfully alter, or interfere with the operation of, any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(b) A person without lawful authority may not willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(c) A person without lawful authority may not willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(d) A person without lawful authority may not willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(e) A person without lawful authority may not willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(f) A person without lawful authority may not willfully twist any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(g) A person without lawful authority may not willfully remove any part of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(h) A person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or a railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or a railroad sign or signal.

§21–207.

(a) Notwithstanding any other provision of this title, a funeral procession facing a red signal may continue through or make a turn at an intersection if the first vehicle in the procession already entered the intersection before the signal changed from green to red.

(b) While a funeral procession is proceeding through a red signal as permitted by this section, a vehicle that is not in the procession may not enter the intersection, even if it is facing a green signal, unless it can do so without crossing the path of the procession. When the red signal changes to green while the funeral procession is still within the intersection, a vehicle facing a green signal may proceed, but the funeral procession has the right-of-way.

(c) The driver of a vehicle in a funeral procession does not have any privilege granted in this section unless:

(1) The headlights of the vehicle are turned on; and

(2) Subject to § 22-221(g) of this article, the warning lamps of the vehicle are flashing.

§21–208.

(a) All overpasses less than 14.5 feet in height above the roadway surface shall have a sign denoting the height above the roadway.

(b) The design and placement of the sign shall be consistent with the specifications established in the manual on uniform traffic control devices for streets and highways adopted by the State Highway Administration under § 25-104 of this article.

§21–209.

Vehicular traffic approaching a nonfunctioning traffic control signal at an intersection shall:

(1) Stop:

(i) At a clearly marked stop line;

(ii) If there is no clearly marked stop line, before entering any crosswalk; or

(iii) If there is no clearly marked stop line or crosswalk, before entering the intersection;

(2) Yield to any vehicle or pedestrian in the intersection; and

(3) Remain stopped until it is safe to enter and continue through the intersection.

§21–301.

(a) On every roadway that is wide enough, a vehicle shall be driven on the right half of the roadway, except:

(1) While overtaking and passing another vehicle going in the same direction, under the rules governing this movement;

(2) Where there is an obstruction that makes it necessary to drive to the left of the center of the highway, but the driver of any vehicle doing so shall yield the right-of-way to any other vehicle that is traveling in the proper direction on the unobstructed part of the highway and is so near as to be an immediate danger;

(3) On a roadway that is divided into three or more clearly marked lanes for vehicular traffic, subject to the rules applicable to these roadways;

(4) On a roadway designated and signposted for one-way traffic; or

(5) On a roadway that is marked or signposted in a manner indicating that

a contrary rule exists.

(b) On every roadway, except while overtaking and passing another vehicle going in the same direction or when preparing for a lawful left turn, any vehicle going 10 miles an hour or more below the applicable maximum speed limit or, if any existing conditions reasonably require a speed below that of the applicable maximum, at less than the normal speed of traffic under these conditions, shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway.

(c) (1) On any roadway that is divided into four or more clearly marked lanes for vehicular traffic and that provides for two-way movement of traffic, a vehicle may not be driven on the left of the centerline of the roadway, except:

(i) Where authorized by a traffic control device designating a lane to the left of the center of the roadway for use by traffic not otherwise permitted to use this lane; or

(ii) As permitted under subsection (a)(2) of this section.

(2) This subsection does not prohibit the crossing of the centerline of a roadway while making a left turn into or from an alley or a private road or driveway.

§21–302.

(a) Drivers of vehicles that are going in opposite directions shall pass each other to the right.

(b) If the roadway is not wide enough for more than one line of traffic in each direction, each driver shall give to the other as nearly as possible at least one half of the roadway.

§21–303.

(a) Except as otherwise provided in this subtitle, this section governs the overtaking and passing of vehicles going in the same direction.

(b) The driver of a vehicle overtaking another vehicle that is going in the same direction shall pass to the left of the overtaken vehicle at a safe distance.

(c) The driver of a vehicle overtaking another vehicle that is going in the same direction, until safely clear of the overtaken vehicle, may not drive any part of his vehicle directly in front of the overtaken vehicle.

(d) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, on audible signal, shall give way to the right in favor of the overtaking vehicle.

(e) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, until completely passed by the overtaking vehicle, may not increase the speed of his vehicle.

§21–304.

(a) Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

(1) If the overtaken vehicle is making or about to make a left turn;

(2) On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or

(3) On any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) Except for an operator of a bicycle or motor scooter, a person may not make the movement described under subsection (b) of this section by driving off the roadway.

§21–305.

(a) (1) The driver of a vehicle may not drive to the left of the center of the roadway in overtaking and passing another vehicle going in the same direction unless:

(i) Authorized by this subtitle; and

(ii) The left side of the roadway is clearly visible and is free of approaching traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken.

(2) The overtaking vehicle shall return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(b) (1) This subsection does not apply on a one-way roadway.

(2) The driver of a vehicle may not drive on the left side of any roadway if:

(i) The vehicle is approaching the crest of a grade or is on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous should another vehicle approach from the opposite direction;

(ii) The vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or

(iii) The driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

§21–307.

(a) The State Highway Administration may determine those parts of any highway in its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous and, by appropriate signs or markings on the roadway, may indicate the beginning and end of these zones. Where the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle shall obey their directions.

(b) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of the roadway within the no-passing zone.

(c) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(d) The driver of a vehicle may drive across the left side of the roadway in a no-passing zone while making a left turn, but only if it is safe to do so.

§21–308.

(a) (1) The State Highway Administration may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall place appropriate signs giving notice of the designation.

(2) On a roadway designated and signposted for one-way traffic, a vehicle may be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island may be driven only to the right of the island.

§21–309.

(a) On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them, apply.

(b) A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from that lane or moved from a shoulder or bikeway into a lane until the driver has determined that it is safe to do so.

(c) On a roadway that is divided into three lanes and that provides for two-way movement of traffic, a vehicle may not be driven in the center lane except:

(1) While overtaking and passing another vehicle going in the same direction and while the center lane is clear of traffic within a safe distance;

(2) In preparing to make a left turn; or

(3) When the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is going and the allocation is designated by a traffic control device.

(d) The driver of a vehicle shall obey the directions of each traffic control device that directs specified traffic to use a designated lane or that designates those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway.

(e) The driver of a vehicle shall obey the directions of each traffic control device that prohibits changing lanes on sections of a roadway.

(f) On a roadway that has two or more lanes for traffic moving in the same direction, the driver of any truck, truck tractor, trailer, or bus shall obey the directions of each traffic control device that requires the vehicle to be driven in a certain lane.

(g) On a roadway along which a two-way left turn lane has been provided through traffic control devices, vehicles may not enter that lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn, and may enter only if the lane is clear of an opposing movement.

(h) A vehicle shall be driven within a lane described under subsection (g) of this section the shortest distance practicable prior to making a left turn or U-turn or after making a left turn.

(i) On roadways along which a two-way left turn lane has been placed, left turns shall be made only from within such lane.

§21–310.

(a) The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway.

(b) Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every truck, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(c) Subject to the provisions of subsection (d) of this section, whenever

conditions permit, the driver of every motor vehicle towing another vehicle, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(d) A truck or a motor vehicle towing another vehicle may overtake and pass any other vehicle or combination of vehicles.

(e) (1) This subsection does not apply to a funeral procession.

(2) A motor vehicle being driven on a roadway outside of a business district or a residential district in a caravan or motorcade, whether or not towing another vehicle, shall be driven to allow enough space between each two vehicles or combination of vehicles so that any other vehicle may enter and occupy the space without danger.

§21–311.

On any divided highway:

(1) A vehicle may be driven only on the right-hand roadway, unless directed or permitted to use another roadway by a traffic control device or a police officer;

(2) A vehicle may not be driven over, across, or within the dividing space, barrier, or section except, unless specifically prohibited by public authority, through an opening in the space, barrier, or section or at a crossover or intersection; and

(3) A vehicle may not be driven on the median strip, unless permitted to do so by public authority.

§21–312.

(a) A person may not drive a vehicle onto any controlled access highway except at the entrances and exits established by public authority.

(b) A person may not drive a vehicle from any controlled access highway except at the entrances and exits established by public authority.

§21–313.

(a) The State Highway Administration, by order, or any local authority, by ordinance, may prohibit the use of any controlled access highway in its jurisdiction by parades, low speed vehicles, funeral processions, bicycles, or other nonmotorized traffic or by any person operating a motorcycle.

(b) The County Commissioners of Charles County and Washington County and the governing body of Frederick County, by ordinance, may prohibit the use of any

controlled access highway in the county's jurisdiction by any person to solicit money, donations of any kind, employment, business, or a ride from the occupant of any vehicle on the controlled access highway.

(c) The State Highway Administration or the local authority adopting any prohibition under this section shall place and maintain signs on the controlled access highway to which the prohibition is applicable. If signs are so placed, a person may not disobey the restrictions stated on them.

§21–314.

(a) In this section, "HOV lane" means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) Except as provided in subsection (c) of this section, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device.

(c) The following vehicles may be driven in an HOV lane at all times regardless of the number of passengers in or on the vehicle:

(1) A bus;

(2) A motorcycle; and

(3) A plug–in electric drive vehicle displaying a valid permit issued under § 25–108 of this article.

§21–401.

Except at through highways, or as otherwise provided in this subtitle, a vehicle at an intersection:

(1) Has the right-of-way over any other vehicle approaching from the left; and

(2) Shall yield the right-of-way to any other vehicle approaching from the right.

§21–401.1.

At a "T" intersection with no traffic control device, any person driving a vehicle on a highway that intersects but does not cross the other highway, shall yield the right-of-way to any vehicle traveling on the other highway.

§21–402.

(a) If the driver of a vehicle intends to turn to the left in an intersection or into an alley or a private road or driveway, the driver shall yield the right-of-way to any

other vehicle that is approaching from the opposite direction and is in the intersection or so near to it as to be an immediate danger.

(b) If the driver of a vehicle intends to turn to go in the opposite direction, the driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger.

§21–403.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs placed in accordance with the Maryland Vehicle Law.

(b) If the driver of a vehicle approaches a through highway, the driver shall:

(1) Stop at the entrance to the through highway; and

(2) Yield the right-of-way to any other vehicle approaching on the through highway.

(c) If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not part of a through highway, the driver of a vehicle approaching the intersecting highway shall:

(1) Stop in obedience to the stop sign; and

(2) Yield the right-of-way to any other vehicle approaching on the intersecting highway.

(d) If a "yield" sign facing the driver of a vehicle is placed on the approach to an intersection, the driver shall:

(1) Approach the intersection with caution;

(2) Yield the right-of-way to any other vehicle approaching on the other highway; and

(3) If necessary, stop in order to yield this right-of-way.

§21–404.

(a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall stop.

(b) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall yield the right-of-way to any other vehicle approaching on the highway.

(c) In this section, "paved highway" means a highway that has a hard, smooth surface of gravel, shells, crushed stone, paving blocks, asphalt, concrete, or other

similar substance.

(d) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall stop.

(e) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall yield the right-of-way to any other vehicle approaching on the paved highway.

§21–404.1.

(a) The driver of a vehicle about to enter or cross any other part of a highway from a crossover, whether or not sign posted, shall yield the right-of-way to any other vehicle approaching on that part of the highway.

(b) The approach to and method of making a left turn at a crossover shall be made as required by § 21-601(b) and (c) of this title.

§21–405.

(a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right–of–way.

(b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or a police vehicle lawfully using an audible signal unless:

(1) The emergency vehicle has stopped; or

(2) Otherwise directed by a police officer.

(e) Unless otherwise directed by a police officer or a traffic control device, when an emergency vehicle or a tow truck that is properly registered in accordance with §

13–920 of this article using any visual signal that meets the requirements of § 22–218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle or tow truck from the rear shall:

(1) If practicable and not otherwise prohibited, make a lane change into an available lane not immediately adjacent to the emergency vehicle or tow truck with due regard for safety and traffic conditions; or

(2) If the driver of the motor vehicle is unable to make a lane change in accordance with item (1) of this subsection, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(f) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

§21–501.

At an intersection, a pedestrian is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a pedestrian has the rights and is subject to the restrictions stated in this title.

§21–501.1.

(a) At an intersection, a person using an EPAMD is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a person using an EPAMD has the rights and is subject to the restrictions applicable to pedestrians under this title.

(b) At an intersection, a person using a wheelchair is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a person using a wheelchair has the rights and is subject to the restrictions applicable to pedestrians under this title.

§21–502.

(a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21-503(b) of this subtitle; or

(ii) A traffic control signal is in operation.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

(i) On the half of the roadway on which the vehicle is traveling; or

(ii) Approaching from an adjacent lane on the other half of the

roadway.

(b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

§21–503.

(a) If a pedestrian crosses a roadway at any point other than in a marked crosswalk or in an unmarked crosswalk at an intersection, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.

(b) If a pedestrian crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.

(c) Between adjacent intersections at which a traffic control signal is in operation, a pedestrian may cross a roadway only in a marked crosswalk.

(d) A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic control device for crossing movements. If authorized to cross diagonally, a pedestrian may cross only in accordance with the traffic control device.

§21–504.

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any pedestrian.

(b) Notwithstanding any other provision of this title, the driver of a vehicle shall, if necessary, warn any pedestrian by sounding the horn of the vehicle.

(c) Notwithstanding any other provision of this title, the driver of a vehicle shall exercise proper precaution on observing any child or any obviously confused or incapacitated individual.

§21–505.

If practicable, a pedestrian shall walk on the right half of a crosswalk.

§21–506.

(a) Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway.

(b) Where a sidewalk is not provided, a pedestrian who walks along and on a

highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.

§21–507.

(a) Except for the occupant of a disabled vehicle who seeks the aid of another vehicle, a person may not stand in a roadway to solicit a ride, employment, or business from the occupant of any vehicle.

(b) A person may not stand on or near a highway to solicit any other person to watch or guard any vehicle while it is parked or about to be parked on a highway.

(c) In Carroll County, Charles County, Harford County, and Washington County, a person may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(d) (1) This subsection applies to Prince George's County.

(2) (i) A person may not stand in a highway to solicit money or donations of any kind from the occupant of a vehicle.

(ii) An adult may not cause, encourage, allow, or petition a child under the age of 15 years to violate subparagraph (i) of this paragraph.

(iii) In this paragraph, "highway" includes:

1. Rights–of–way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

2. Any other property acquired for the construction, operation, or use of the highway.

(3) A child under the age of 15 years may not be found guilty or adjudicated delinquent for a violation of paragraph (2)(i) of this subsection if an adult caused, encouraged, allowed, or petitioned the child in violation of paragraph (2)(ii) of this subsection.

(4) This subsection shall be enforced:

(i) By the issuance of a warning that informs the offender of the requirements of this subsection if it is the offender's first violation; and

(ii) Under § 27–101 of this article if it is the offender's second or

subsequent violation.

(e) (1) This subsection applies to Anne Arundel County.

(2) (i) A person may not stand in a highway to:

1. Solicit money or donations of any kind from the occupant of a vehicle; or

2. Advertise any message.

(ii) "Highway" includes:

1. Rights–of–way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

2. Any other property acquired for the construction, operation, or use of the highway.

(f) (1) This subsection applies only to Allegany County and Cecil County.

(2) In this subsection, "qualified organization" means a fire company or bona fide religious, fraternal, civic, war veterans', or charitable organization.

(3) Except as provided in paragraph (4) of this subsection, a person may not:

(i) Stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; or

(ii) Cause, encourage, allow, or petition another to stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(4) (i) The governing body of a county or the governing body of a municipal corporation in a county may, by appropriate resolution or ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection in the county or municipal corporation.

(ii) If the governing body of a county or of a municipal corporation in the county enacts a resolution or ordinance establishing a permit program authorized by this paragraph, the resolution or ordinance shall:

1. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location;

2. Provide that a permit is effective for:

A. A period of 1 calendar day in Cecil County; or

B. A period not to exceed 5 calendar days in Allegany County; and

3. Allow an individual or a qualified organization to obtain only one permit in the county or municipal corporation per calendar year.

(g) (1) This subsection applies only in Montgomery County.

(2) (i) A child under the age of 18 years may not stand in a roadway, median divider, or intersection to solicit or collect money or donations of any kind from the occupant of a vehicle.

(ii) This paragraph shall be enforced by the issuance of a warning that informs the offender of the requirements of this paragraph.

(3) (i) The Montgomery County Council may enact a local law to require a person to obtain a permit before the person may stand in a roadway or median divider or on a sidewalk adjacent to a roadway to solicit and collect money or donations of any kind from the occupant of a vehicle.

(ii) If a permit is required under a local law enacted under subparagraph (i) of this paragraph, except in compliance with a permit obtained in accordance with the local law, a person may not:

1. Stand in a roadway, median divider, or intersection, or on a sidewalk adjacent to a roadway, to solicit or collect money or donations of any kind from the occupant of a vehicle; or

2. Cause, encourage, allow, or petition a person to stand in a roadway, median divider, or intersection, or on a sidewalk adjacent to a roadway, to solicit or collect money or donations of any kind from the occupant of a vehicle.

(iii) A local law enacted under this section may not authorize a permit to be issued to a minor for the purpose of standing in a roadway or median divider to solicit or collect money or donations of any kind from the occupant of a vehicle.

(iv) A permit issued under a local law enacted under this section shall apply to the solicitation and collection of money or donations on roadways, median dividers, and sidewalks adjacent to roadways and may not limit the authorization to fewer than all three of those locations.

(h) (1) The County Council of Baltimore County or the governing body of a municipal corporation in Baltimore County, by appropriate resolution or ordinance, may enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle.

(2) At least 15 days before the date on which the permit applied for is to be effective, an applicant shall file with the county or municipal corporation an application that contains the following information:

(i) The name, address, and age of each person who will solicit;

(ii) The name and address of the employing or sponsoring person, agency, or entity;

(iii) The exact location where each solicitor will be assigned;

(iv) The purpose of the solicitation;

(v) The time frame and duration of the solicitation;

(vi) The means of travel to and from the place of solicitation; and

(vii) The name, address, and telephone number of a contact person who will be able to provide additional information to the county or municipal corporation or its designee.

(3) The county or municipal corporation shall examine each application and make any further investigation as deemed necessary in order to determine the truth of the statements made on the application.

(4) The county or municipal corporation shall deny the permit if it determines that:

(i) Any statement made on the application is untrue; or

(ii) The location or method of the solicitation or its duration are such that it will be harmful to the health, safety, convenience, or welfare of the general public.

(5) A permit issued under this subsection shall contain:

(i) The name and address of the person making the solicitation;

(ii) The date and time at which the person may solicit; and

(iii) A statement that the permit does not constitute an endorsement by the county or municipal corporation of the solicitation or the person conducting the solicitation.

(6) A permit shall be signed by the appropriate county or municipal officer.

(7) The term of a permit may not exceed 24 hours.

(8) No more than 12 permits may be issued to the same person in a calendar year.

(9) The county or municipal corporation shall send a copy of each permit issued by the county or municipal corporation to the police department of the county or municipal corporation.

(10) A person to whom a permit is issued shall conspicuously display the permit while soliciting.

(i) In Howard County, a person may not stand in a State highway or the highway right–of–way to solicit money or donations of any kind from the occupant of a vehicle.

(j) (1) This subsection applies only in Frederick County.

(2) Except as provided in paragraph (3) of this subsection, a person may not stand in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle.

(3) The county or a municipal corporation in the county may by ordinance enact a permit program to allow a person to stand in a roadway, a median divider, or an intersection to solicit money or donations from the occupant of a vehicle if the solicitation occurs completely in the county or municipal corporation.

(4) If the county or a municipal corporation enacts an ordinance establishing a permit program, the ordinance shall require a person seeking a permit to file an application containing the following information:

(i) The date, time, and location of the solicitation;

(ii) The manner and conditions under which the solicitation is to occur; and

(iii) The name, address, and telephone number of a contact person of the employing or sponsoring person, agency, or entity on whose behalf the solicitation is to be made, who will be able to provide additional information to the county, municipal corporation, or the designee of the county or municipal corporation.

(5) The county or municipal corporation:

(i) Within 5 days after the application is filed, shall approve or deny the application; and

(ii) May impose conditions on the solicitation.

§21–508.

A vehicle may not be driven at any time through or in a safety zone.

§21–509.

(a) Except as provided in subsection (j) of this section, a pedestrian may not walk along a controlled access highway.

(b) Except as provided in subsection (j) of this section, a pedestrian may not walk on a controlled access highway.

(c) Except as provided in subsection (j) of this section, a pedestrian may not walk along a ramp leading to or from a controlled access highway.

(d) Except as provided in subsection (j) of this section, a pedestrian may not walk on a ramp leading to or from a controlled access highway.

(e) Except as provided in subsection (j) of this section, a pedestrian may not walk along an access road leading to or from a controlled access highway.

(f) Except as provided in subsection (j) of this section, a pedestrian may not walk on an access road leading to or from a controlled access highway.

(g) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on a controlled access highway.

(h) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on a ramp leading to or from a controlled access highway.

(i) Except as provided in subsection (j) of this section, a person may not leave any vehicle that is on an access road leading to or from a controlled access highway.

(j) This section does not apply to a person if an emergency prevents the movement of a vehicle in which he is riding and the person goes only to the nearest telephone or other source of assistance, nor to a person boarding or leaving a bus within a bus stop approved by the State Highway Administration.

§21–510.

(a) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching emergency vehicle that is using audible and visual signals that meet the requirements of § 22-218 of this article.

(b) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching police vehicle that is lawfully using an audible signal.

(c) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

§21–511.

(a) The driver of a vehicle shall yield the right-of-way to:

(1) A blind or partially blind pedestrian using a guide dog or carrying a cane predominantly white or metallic in color (with or without a red tip);

(2) A deaf or hearing impaired pedestrian accompanied by a guide dog; or

(3) A mobility impaired individual crossing a roadway while using any of the following mobility-assisted devices:

(i) A manual or motorized wheelchair;

(ii) A motorized scooter;

(iii) Crutches; or

(iv) A cane.

(b) A person who is not blind or partially blind may not use or carry a white cane, a cane that is white tipped with red, or a chrome, nickel, aluminum, or other reflecting or shining metal cane, in the manner described in subsection (a)(1) of this section.

§21–601.

(a) If the driver of a vehicle intends to turn right at any intersection, he shall approach the intersection and make the right turn as close as practicable to the right-hand curb or edge of the roadway.

(b) If the driver of a vehicle intends to turn left at any intersection or crossover, he shall approach the intersection or crossover in the extreme left-hand lane lawfully available to traffic moving in the same direction.

(c) If the driver of a vehicle intends to turn left at any intersection or crossover, the driver shall, after entering the intersection or crossover, make the left turn so as to leave the intersection in a lane lawfully available to traffic moving in the same direction on the roadway being entered.

(d) (1) The State Highway Administration or any local authority may place a traffic control device at or near any intersection in its jurisdiction and, with it, direct that vehicles turning at the intersection travel a course different from one specified in this section.

(2) At an intersection where a traffic control device is placed under this

subsection, the driver of a vehicle may not turn otherwise than as directed by the device.

§21–602.

(a) The driver of a vehicle on any curve may not turn to go in the opposite direction if the vehicle cannot be seen by the driver of any other vehicle that is within 500 feet and approaching from either direction.

(b) The driver of a vehicle on or approaching the crest of any grade may not turn to go in the opposite direction if the vehicle cannot be seen by the driver of any other vehicle that is within 500 feet and approaching from either direction.

§21–603.

(a) A person may not start a vehicle that is stopped, standing, or parked until the movement can be made with reasonable safety.

(b) A person may not start a vehicle that is stopped, standing, or parked until, if any other vehicle might be affected by the movement, he gives an adequate signal to approaching traffic.

§21–604.

(a) A person may not turn a vehicle at an intersection, unless the vehicle is in the position required by § 21-601 of this subtitle.

(b) A person may not turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move it right or left on a roadway or from a shoulder or bikeway onto a roadway, unless the movement can be made with reasonable safety.

(c) A person may not, if any other vehicle might be affected by the movement, turn a vehicle until he gives an appropriate signal in the manner required by this subtitle.

(d) When required, a signal of intention to turn right or left shall be given continuously during at least the last 100 feet traveled by the vehicle before turning; except that a bicyclist may interrupt the turning signal to maintain control of the bicycle.

(e) If there is an opportunity to signal, a person may not stop or suddenly decrease the speed of a vehicle until he gives an appropriate signal in the manner required by this subtitle to the driver of any other vehicle immediately to the rear.

(f) The signals provided for in § 21-605(b) and (c) of this subtitle:

(1) May be used to indicate an intention to turn, change lanes, or start from a stopped, standing, or parked position; and

(2) May not be flashed as a courtesy or "do pass" signal to the driver of any other vehicle approaching from the rear.

§21–605.

(a) Except as provided in subsections (b) and (c) of this section, each required stop or turn signal shall be given:

(1) By hand and arm in conformity with § 21-606 of this subtitle; or

(2) By signal lamps.

(b) Each motor vehicle in use on a highway shall be equipped with and the required signal given by signal lamps, if the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the vehicle is more than 24 inches.

(c) Each motor vehicle in use on a highway shall be equipped with and the required signal given by signal lamps if, for any vehicle or combination of vehicles, the distance from the center of the top of the steering post to the rear limit of the body or load is more than 14 feet.

§21–606.

(a) Except as otherwise provided, each required signal given by hand and arm shall be given from the left side of the vehicle in the manner specified in this section.

(b) A left turn signal is given by the hand and arm extended horizontally.

(c) A right turn signal is given by the hand and arm extended upward; except that a bicyclist may extend the right hand and arm horizontally to the right.

(d) A stop or decrease in speed signal is given by the hand and arm extended downward.

§21–701.

(a) (1) If the driver of a vehicle approaches a railroad grade crossing under any of the circumstances stated in paragraph (2) of this subsection, the driver:

(i) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and

(ii) May not proceed until he can do so safely.

(2) The requirements of this subsection apply if:

(i) A clearly visible electric or mechanical signal device warns of the immediate approach or passage of a railroad train;

(ii) A crossing gate is lowered;

(iii) A flagman signals the approach or passage of a railroad train;

(iv) A railroad train approaching within 1,500 feet of the crossing gives a signal audible to traffic approaching the crossing and the railroad train, because of its speed or nearness to the crossing, is an immediate danger; or

(v) A railroad train is plainly visible and is in or is approaching dangerously near to the crossing.

(b) A person may not drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

§21–702.

(a) The State Highway Administration and any local authority with the approval of the State Highway Administration may place a stop sign at any railroad grade crossing of a highway that the local authority or State Highway Administration designates as a particularly dangerous crossing.

(b) If the driver of a vehicle approaches the stop sign, the driver:

(1) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing; and

(2) May proceed only on exercising due care.

§21–703.

(a) Except as provided in subsection (g) of this section, this section applies to:

(1) Every motor vehicle carrying a passenger for hire;

(2) Every school vehicle carrying any passenger;

(3) Every bus that is owned or operated by a church and carrying any passenger;

(4) Every vehicle carrying as cargo a flammable liquid or an explosive; and

(5) Every vehicle carrying hazardous materials of a type and quantity requiring placarding under federal hazardous materials regulations.

(b) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing.

(c) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver, while stopped, shall listen and look in both directions along the track for any approaching or passing railroad train and for any signals indicating the approach or passage of a railroad train.

(d) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not proceed until he can do so safely.

(e) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may proceed only in that gear of the vehicle in which it will be unnecessary to shift gears manually while passing through the crossing.

(f) If the driver of any vehicle described in subsection (a) of this section approaches a railroad grade crossing, the driver may not shift gears manually while passing over any track of the railroad.

(g) (1) This section does not apply to the vehicles described in subsection (a)(1), (4), and (5) of this section, at any railroad grade crossing in a business district or residential district.

(2) This section does not apply to school buses and church buses, as described in subsection (a)(2) and (3) of this section, at locations within Baltimore City where complying with the provision of this section would conflict with the existing traffic signal indications.

§21–703.1.

Unless otherwise provided in this subtitle, upon approaching a railroad grade crossing, the operator of every commercial motor vehicle shall:

(1) Slow down and check that the tracks are clear of an approaching train;

(2) Stop before reaching the crossing, if the tracks are not clear;

(3) Attempt to negotiate the crossing only if the crossing and the roadway beyond the crossing are sufficiently clear of other traffic so that the driver can drive completely through and clear of the crossing without stopping;

(4) Obey a traffic control device or the directions of a police officer at the crossing; and

(5) Attempt to negotiate the crossing only if the vehicle has sufficient undercarriage clearance.

§21–704.

(a) Unless a person has complied with this section, he may not drive or move on or across any railroad grade crossing any power shovel, derrick, roller, crawler-type tractor, or other equipment or structure that has:

(1) A normal operating speed of 10 miles an hour or less; or

(2) A vertical body or load clearance, measured above the level surface of a roadway, of less than:

(i) One-half inch for each foot of the distance between any two adjacent axles; or

(ii) 9 inches.

(b) Before any person drives or moves any equipment described in subsection (a) of this section on or across any railroad grade crossing, the person shall:

(1) Notify an agent of the railroad of his intention; and

(2) Afford the railroad reasonable time to provide proper protection at the crossing.

(c) When the person approaches the crossing, he:

(1) Shall stop within 50 feet but not less than 15 feet from the nearest rail in the crossing;

(2) While stopped, shall listen and look in both directions along the track for any approaching or passing railroad train and for any signals indicating the approach or passage of a railroad train; and

(3) May not proceed until he can do so safely.

(d) (1) The person may not proceed if a warning is given by an automatic signal, crossing gate, flagman, or otherwise of the immediate approach or passage of a railroad train.

(2) If the railroad provides a flagman, the person may proceed over the crossing only at the direction of the flagman.

§21–704.1.

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

(2) "Agency" means:

(i) For an automated railroad grade crossing enforcement system

operated and maintained at a railroad grade crossing in Montgomery County or Prince George's County that is under the control of the State, the law enforcement agency of the State primarily responsible for traffic control at that railroad grade crossing;

(ii) For an automated railroad grade crossing enforcement system operated and maintained at a railroad grade crossing under the control of Prince George's County or a municipal corporation in Prince George's County, a law enforcement agency of Prince George's County or the municipal corporation that is authorized to issue citations for a violation of the Maryland Vehicle Law or of local traffic laws or regulations at that railroad grade crossing; or

(iii) For an automated railroad grade crossing enforcement system operated and maintained at a railroad grade crossing under the control of Montgomery County or a municipal corporation in Montgomery County, a law enforcement agency of Montgomery County or the municipal corporation that is authorized to issue citations for a violation of the Maryland Vehicle Law or of local traffic laws or regulations at that railroad grade crossing.

(3) "Automated railroad grade crossing enforcement system" means a system operated by an agency that records a driver's response to a traffic control signal or traffic control device located at a railroad grade crossing.

(4) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under Part III of Title 13, Subtitle 9 of this article.

(5) "Violation" means any violation of §§ 21–701 through 21–704 of this subtitle.

(b) This section applies only in Montgomery County and Prince George's County.

(c) A recording by an automated railroad grade crossing enforcement system under this section indicating that the driver of a motor vehicle has committed a violation shall include:

(1) An image of the motor vehicle;

(2) An image of the driver of the motor vehicle;

(3) An image of the motor vehicle's rear license plate;

(4) The time of the violation;

(5) The date of the violation; and

(6) The location of the violation.

(d) The recording shall be made on:

(1) Two or more photographs;

(2) Two or more microphotographs;

(3) Two or more electronic images;

(4) Videotape; or

(5) Any other medium.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by an automated railroad grade crossing enforcement system during the commission of a violation.

(2) A civil penalty under this subsection may not exceed $100.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location of the railroad grade crossing;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) A signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. Warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The agency may mail a warning notice in lieu of a citation to the owner liable under subsection (e) of this section.

(3) Except as provided in subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(4) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to Montgomery County or Prince George's County, or to the District Court; or

(ii) Elect to stand trial for the alleged violation.

(g) (1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized agent of the agency, based on inspection of recorded images produced by an automated railroad grade crossing enforcement system shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(h) (1) The District Court may consider in defense of a violation:

(i) That the driver of the vehicle passed through the railroad grade crossing in a manner that would constitute a violation:

1. In order to yield the right–of–way to an emergency vehicle; or

2. As part of a funeral procession in accordance with § 21–207

of this title;

(ii) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(iii) That under § 21–201 of this title, this section is unenforceable against the owner because at the time and place of the alleged violation, the traffic control signal or traffic control device was not in proper position and was unable to be seen by an ordinarily observant individual;

(iv) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(v) Any other issues and evidence that the District Court deems pertinent.

(2) In order to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under

paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(i) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(j) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26–305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(k) In consultation with local law enforcement agencies in Montgomery County and Prince George's County, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of violations, and the collection of civil penalties under this section.

§21–705.

(a) The driver of a vehicle emerging from an alley, driveway, or building shall stop immediately before driving onto a sidewalk or onto the sidewalk area that extends across the alley, driveway, or building exit.

(b) The driver of a vehicle emerging from an alley, driveway, or building shall yield the right-of-way to any pedestrian.

(c) The driver of a vehicle emerging from an alley, driveway, or building shall on entering the roadway, yield the right-of-way to any other vehicle approaching on the roadway.

(d) The driver of a vehicle entering an alley, driveway, or building shall yield

the right-of-way to any pedestrian.

§21–706.

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

§21–706.1.

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

(2) "Law enforcement agency" means a law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations.

(3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) "Recorded image" means images recorded by a school bus monitoring camera:

(i) On:

1. Two or more photographs;

2. Two or more microphotographs;

3. Two or more electronic images;

4. Videotape; or

5. Any other medium; and

(ii) Showing a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(5) "School bus monitoring camera" means a camera placed on a school bus that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

(6) "Violation" means a violation of § 21–706 of this subtitle.

(b) (1) (i) If a school bus operator witnesses a violation, the operator may promptly report the violation to a law enforcement agency exercising jurisdiction where the violation occurred.

(ii) The report, to the extent possible, shall include:

1. Information pertaining to the identity of the alleged violator;

2. The license number and color of the vehicle involved in the violation;

3. The time and location at which the violation occurred; and

4. An identification of the vehicle as an automobile, station wagon, truck, bus, motorcycle, or other type of vehicle.

(2) If the identity of the operator of the vehicle at the time the violation occurred cannot be established, the law enforcement agency shall issue to the registered owner of the vehicle, a warning stating:

(i) That a report of a violation was made to the law enforcement agency and that the report described the owner's vehicle as the vehicle involved in the violation;

(ii) That there is insufficient evidence for the issuance of a citation;

(iii) That the warning does not constitute a finding that the owner is guilty of the violation; and

(iv) The requirements of § 21–706 of this subtitle.

(c) (1) A school bus monitoring camera may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(2) If authorized by the governing body of the local jurisdiction, a law enforcement agency, in consultation with the county board of education, may place school bus monitoring cameras on school buses in the county.

(d) A recorded image by a school bus monitoring camera under this section indicating that the driver of a motor vehicle has committed a violation shall include:

(1) An image of the motor vehicle;

(2) An image of at least one of the motor vehicle's registration plates;

(3) The time and date of the violation; and

(4) To the extent possible, the location of the violation.

(e) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (h)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a school bus monitoring camera during the commission of a violation.

(2) A civil penalty under this subsection may not exceed $250.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (f)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(f) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a law enforcement agency shall mail to the owner liable under subsection (e) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) To the extent possible, the location of the violation;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty must be paid;

(viii) A signed statement by a technician employed by the law enforcement agency that, based on inspection of recorded images, the motor vehicle was being operated during the commission of a violation;

(ix) A statement that recorded images are evidence of a violation; and

(x) Information advising the person alleged to be liable under this section:

1. Of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

2. That failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in refusal or suspension of the motor vehicle registration.

(2) The law enforcement agency may mail a warning notice in place of a citation to the owner liable under subsection (e) of this section.

(3) Except as provided in subsection (h)(5) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation.

(4) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the county; or

(ii) Elect to stand trial for the alleged violation.

(g) (1) A certificate alleging that a violation occurred, sworn to or affirmed by a duly authorized agent of a law enforcement agency, based on inspection of recorded images produced by a school bus monitoring camera shall be evidence of the facts contained in the certificate and shall be admissible in any proceeding concerning the alleged violation.

(2) Adjudication of liability shall be based on a preponderance of evidence.

(h) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) In order to demonstrate that the motor vehicle or the registration

plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report about the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court evidence to the satisfaction of the District Court of who was operating the vehicle at the time of the violation, including, at a minimum, the operator's name and current address.

(4) (i) The provisions of this paragraph apply only to a citation that involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

(ii) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in a citation described under subparagraph (i) of this paragraph may provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

1. States that the person named in the citation was not operating the vehicle at the time of the violation; and

2. Provides the name, address, and driver's license identification number of the person who was operating the vehicle at the time of the violation.

(5) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the law enforcement agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On the receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the law enforcement agency may issue a citation as provided in subsection (f) of this section to the person that the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(i) If the civil penalty is not paid and the violation is not contested, the Administration may refuse to register or reregister or may suspend the registration of the motor vehicle.

(j) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article and may not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(2) May be treated as a parking violation for purposes of § 26–305 of this article; and

(3) May not be considered in the provision of motor vehicle insurance coverage.

(k) In consultation with law enforcement agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under this section.

§21–707.

(a) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of the intersection at a clearly marked stop line.

(b) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk.

(c) Unless otherwise directed by a police officer or traffic control signal, the driver of a vehicle approaching a stop sign at an intersection shall stop at the near side of an intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

(d) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection at a clearly marked stop line.

(e) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection and, if there is no clearly marked stop line, before entering any crosswalk.

(f) The driver of a vehicle approaching a yield sign at an intersection, if required for safety to stop, shall stop at the near side of the intersection and, if there is no crosswalk, at the nearest point before entering the intersection that gives the driver a view of traffic approaching on the intersecting roadway.

§21–708.

(a) At the request of any farmer whose land is divided by a highway and who regularly drives livestock across the highway, the State Highway Administration may

place a sign at approximately 500 feet from each side of the crossing, giving notice of the presence of the crossing.

(b) If livestock are being driven across the highway at the crossing, the driver of a vehicle between the two signs shall stop until the livestock have left the highway.

§21–801.

(a) A person may not drive a vehicle on a highway at a speed that, with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the conditions.

(b) At all times, the driver of a vehicle on a highway shall control the speed of the vehicle as necessary to avoid colliding with any person or any vehicle or other conveyance that, in compliance with legal requirements and the duty of all persons to use due care, is on or entering the highway.

(c) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and crossing an intersection at which cross traffic is not required to stop by a traffic control device.

(d) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and crossing a railroad grade crossing.

(e) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching and going around a curve.

(f) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when approaching the crest of a grade.

(g) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when traveling on any narrow or winding roadway.

(h) Consistent with the requirements of this section, the driver of a vehicle shall drive at an appropriate, reduced speed when any special danger exists as to pedestrians or other traffic or because of weather or highway conditions.

§21–801.1.

(a) Unless there is a special danger that requires a lower speed to comply with § 21-801 of this subtitle, the limits specified in this section or otherwise established under this subtitle are maximum lawful speeds. A person may not drive a vehicle on a highway at a speed that exceeds these limits.

(b) Except as otherwise provided in this section, the maximum speed limits are:

(1) 15 miles an hour in alleys in Baltimore County;

(2) 30 miles an hour on:

(i) All highways in a business district; and

(ii) Undivided highways in a residential district;

(3) 35 miles an hour on divided highways in a residential district;

(4) 50 miles an hour on undivided highways in other locations; and

(5) 55 miles an hour on divided highways in other locations.

(c) Except as provided in subsection (e) of this section, a posted maximum speed limit lawfully in effect on December 31, 1974, is a maximum lawful speed even if it differs from a limit specified in subsection (b) of this section.

(d) Except as provided in subsection (e) of this section, a maximum speed limit specified in subsection (b) of this section or in effect under subsection (c) of this section may be altered as provided in this subtitle.

(e) (1) Notwithstanding any other provision of this subtitle, a maximum speed limit of more than 55 miles an hour may not be established or continued on any highway in this State that is not an interstate highway or an expressway.

(2) Subject to the provisions of paragraph (1) of this subsection, a maximum speed limit of more than 65 miles an hour may not be established on any highway in the State.

(f) (1) Unless otherwise posted on a public road in a residential subdivision, in residential subdivisions in St. Mary's County, a posted speed limit on a main access road applies to all public roads in the residential subdivision, even if the posted speed limit on the main access road is less than 30 miles per hour.

(2) The provisions of paragraph (1) of this subsection do not apply when a through road traverses a residential subdivision. The maximum speed limit applicable to the subdivision shall be posted on each road exiting off the through road and into the subdivision, along with the posting on the main access road.

(3) A maximum speed limit established under this subsection in a residential subdivision shall be based on the subdivision's road design, motor vehicle traffic, and pedestrian safety.

§21–802.

(a) If, on the basis of an engineering and traffic investigation, the State Highway Administration determines that any maximum speed limit specified in this subtitle

is greater or less than reasonable or safe under existing conditions on any part of a highway under its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway.

(b) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1(b) of this subtitle.

(c) Under this section, the State Highway Administration may:

(1) Establish a maximum speed limit to apply at all times or only at specified times; and

(2) Establish differing limits for different times of day, different types of vehicles, different weather conditions, or other factors bearing on safe speeds.

(d) An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

§21–802.1.

(a) In this section, "highway work zone" means a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress.

(b) (1) The State Highway Administration may reduce established speed limits in a highway work zone upon a determination that the change is necessary to ensure the public safety.

(2) A county may:

(i) Designate an area on a county highway or a highway on which the county is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(3) A municipal corporation may:

(i) Designate an area on a municipal highway or a highway on which the municipal corporation is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(c) A speed limit established under this section shall become effective when

posted.

§21–803.

(a) (1) If, on the basis of an engineering and traffic investigation, a local authority determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

(i) Decrease the limit at an intersection;

(ii) Increase the limit in an urban district to not more than 50 miles an hour;

(iii) Decrease the limit in an urban district; or

(iv) Decrease the limit outside an urban district to not less than 25 miles an hour.

(2) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1(b) of this subtitle.

(b) In school zones designated and posted by the local authorities of any county:

(1) The county may decrease the maximum speed limit to 15 miles per hour during school hours, provided the county pays the cost of placing and maintaining the necessary signs; and

(2) Any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the necessary signs.

(c) An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

(d) Except in Baltimore City, any alteration by a local authority of a maximum speed limit on a part or extension of a State highway is not effective until it is approved by the State Highway Administration.

(e) (1) If a local authority determines that any maximum speed limit specified in this subtitle is greater than reasonable or safe in an alley in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for the alley.

(2) The local authority shall post a speed limit established under this subsection on appropriate signs giving notice of the speed limit.

§21–803.1.

(a) (1) Subject to subsection (f) of this section, within a half–mile radius of any school, the State Highway Administration or a local authority:

(i) May establish a school zone and maximum speed limits applicable in the school zone; and

(ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.

(2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.

(ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.

(iii) In Prince George's County, a municipal corporation may establish a school zone under paragraph (1) of this subsection on any highway that:

1. Is not under State jurisdiction; and

2. Is located within the corporate limits of the municipal corporation.

(b) (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:

(i) Shall place signs designating the school zone; and

(ii) May place other traffic control devices, including timed flashing warning lights.

(2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.

(3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.

(4) In Prince George's County, a municipal corporation shall be responsible for the cost of placing and maintaining signs and other traffic control devices for a school zone that the municipal corporation establishes on a highway within its corporate limits.

(c) A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

§21–803.2.

Each county board of education, the Board of School Commissioners of Baltimore City, the board of trustees for each community college, the board of regents for Morgan State University, the board of trustees for St. Mary's College, and the board of regents of the University System of Maryland may establish appropriate speed limits for safe travel on property under their jurisdiction. Such speed limits shall be posted on appropriate signs on the property, and a person may not drive a vehicle on such property at a speed that exceeds these limits.

§21–804.

(a) Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not willfully drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) (1) If, on the basis of an engineering and traffic investigation, the State Highway Administration or a local authority determines that slow speeds on any part of a highway in its jurisdiction impede the normal and reasonable movement of traffic, the State Highway Administration or the local authority may establish a minimum speed limit for that part of the highway.

(2) Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not drive a vehicle below a minimum speed limit established under this subsection.

(3) A minimum speed limit established under this subsection is effective when posted on appropriate signs giving notice of the limit.

(c) A person may not drive a Class A (passenger) or Class M (multipurpose) vehicle on a highway if the maximum speed capability of the vehicle does not exceed the posted maximum speed limit for the highway by at least 5 miles per hour.

§21–805.

(a) (1) This subsection does not apply to:

(i) Vehicles used by any utility in the construction, maintenance, or repair of its facilities;

(ii) Vehicles used by any highway authority or bridge or highway district in construction, maintenance, repair, inspection, or survey work; or

(iii) Low speed vehicles.

(2) A person may not drive on a highway any vehicle or combination of vehicles that is designed to be and is driven at a speed of 25 miles an hour or less, unless the rearmost vehicle displays a slow moving vehicle emblem in accordance with this section.

(b) Any other vehicle or combination of vehicles, when driven at a speed of 25 miles an hour or less, may display a slow moving vehicle emblem in accordance with this section.

(c) The slow moving vehicle emblem specified in this section shall:

(1) Be a truncated equilateral triangle at least 14 inches high with a red reflective border at least 1.75 inches wide and with a fluorescent orange center;

(2) Comply with current standards and specifications of the American Society of Agricultural Engineers; and

(3) Be mounted on the rear of the vehicle, base down, at a height of not less than 3 nor more than 5 feet from ground to base.

(d) New farm equipment designed or intended by the manufacturer to be driven or moved at a speed of 25 miles an hour or less may not be sold in this State unless it is equipped by the manufacturer with a slow moving vehicle emblem in accordance with this section.

(e) The slow moving vehicle emblem shall be displayed and maintained on the farm equipment as long as it can be driven or moved on a highway.

(f) The slow moving vehicle emblem described in this section may be displayed

only as permitted or required by this section.

§21–805.1.

(a) A person may not drive a vehicle that is designed with a maximum speed of more than 25 miles per hour and less than 55 miles per hour on a highway unless the vehicle properly displays a limited speed vehicle emblem in accordance with this section.

(b) A limited speed vehicle emblem required under this section shall be:

(1) A truncated equilateral triangle that is at least 14 inches high with a red reflective border that is at least 1.75 inches wide and with a fluorescent green center; and

(2) Permanently affixed to the rear of the vehicle, with the base down and at a height of between 3 feet and 5 feet above the ground.

§21–806.

(a) On request of any local authority, the State Highway Administration shall investigate and, on its own initiative, it may investigate any bridge or other elevated structure that is a part of a highway.

(b) If it determines that the structure cannot safely withstand the weight of vehicles traveling at the maximum speed limit otherwise permitted by this subtitle, the State Highway Administration shall:

(1) Establish the maximum speed limit that the structure can safely withstand; and

(2) At each approach to the structure, place or permit the placement of a suitable sign stating the maximum speed limit.

(c) A maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

§21–807.

In each charge of a violation of any speed regulation under the Maryland Vehicle Law, the charging document shall specify:

(1) The speed at which the defendant is alleged to have driven;

(2) If the charge is for exceeding a maximum lawful speed, the maximum speed limit applicable at the location; and

(3) If the charge is for driving below a minimum lawful speed, the minimum speed limit applicable at the location.

§21–808.

(a) Upon receipt of notification from the District Court under § 1–605(d)(4) of the Courts Article that a citation was issued to a minor charging the minor with a moving violation as defined in § 11–136.1 of this article, the Administration promptly shall notify the cosigner of the minor's driver's license application that the citation was issued to the minor.

(b) The notification required under subsection (a) of this section shall:

(1) Be mailed by the Administration to the most recent address provided by the cosigner in accordance with § 16–107(b) of this article; and

(2) Contain the following information:

(i) The name, address, and date of birth of the minor charged with the violation;

(ii) Identification of the moving violation charged;

(iii) If the citation was issued for a speeding violation, the speed at which the minor is alleged to have driven and the maximum lawful speed at the location of the alleged violation;

(iv) The amount of the fine specified in the citation; and

(v) The number of points that may be assessed against the minor.

(c) Evidence of the receipt or lack of receipt of the notice required by this section is not admissible in any civil or criminal action against a cosigner.

§21–809.

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

(2) "Agency" means:

(i) A law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations; or

(ii) For a municipal corporation that does not maintain a police force, an agency established or designated by the municipal corporation to implement this subtitle using speed monitoring systems in accordance with this section.

(3) (i) "Erroneous violation" means a potential violation submitted by a speed monitoring system contractor for review by an agency that is apparently inaccurate based on a technical variable that is under the control of the contractor.

(ii) "Erroneous violation" includes a potential violation based on:

1. A recorded image of a registration plate that does not match the registration plate issued for the motor vehicle in the recorded image;

2. A recorded image that shows a stopped vehicle or no progression;

3. An incorrectly measured speed for a motor vehicle;

4. A measured speed of a motor vehicle that is below the threshold speed that would subject the owner to a civil citation under this section;

5. A recorded image that was taken outside of the hours and days that speed monitoring systems are authorized for use in school zones; and

6. A recorded image that was taken by a speed monitoring system with an expired calibration certificate.

(4) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or more.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(5) "Program administrator" means an employee or a representative of the local jurisdiction designated by the local jurisdiction to oversee a contract with a speed monitoring system contractor.

(6) "Recorded image" means an image recorded by a speed monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;

2. At least two time–stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(7) "School zone" means a designated roadway segment within up to a half–mile radius of a school for any of grades kindergarten through grade 12 where school–related activity occurs, including:

(i) Travel by students to or from school on foot or by bicycle; or

(ii) The dropping off or picking up of students by school buses or other vehicles.

(8) "Speed monitoring system" means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(9) "Speed monitoring system operator" means a representative of an agency or contractor that operates a speed monitoring system.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(ii) Before a county may use a speed monitoring system on a State highway at a location within a municipal corporation, the county shall:

1. Obtain the approval of the State Highway Administration;

2. Notify the municipal corporation of the State Highway Administration's approval of the use of a speed monitoring system at that location; and

3. Grant the municipal corporation 60 days from the date of the county's notice to the municipal corporation to enact an ordinance authorizing the municipal corporation instead of the county to use a speed monitoring system at that location.

(iii) 1. This subparagraph applies only in Prince George's County.

2. In the county, a municipal corporation may implement and use a speed monitoring system consistent with the requirements of this subsection on a county highway at a location within its corporate limits if the municipal corporation:

A. Submits to the county a plan describing the boundary of the

applicable school zone and the proposed location of the speed monitoring system; and

B. Requests and receives permission from the county to use the speed monitoring system at the proposed location.

3. If the county fails to respond to the request within 60 days, the municipal corporation may implement and use the speed monitoring system as described in the plan submission.

4. The county may not:

A. Unreasonably deny a request under this subparagraph; or

B. Place exactions, fees, or unreasonable restrictions on the implementation and use of a speed monitoring system under this subparagraph.

5. The county shall state in writing the reasons for any denial of a request under this subparagraph.

6. A municipal corporation may contest in the circuit court a county denial of a request under this subparagraph.

(iv) In Prince George's County, if a municipal corporation has established a school zone that is within one–quarter mile of a school zone established in another municipal corporation, the municipal corporation may not implement or use a speed monitoring system in that school zone unless it has obtained the approval of the other municipal corporation.

(v) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that, if the local jurisdiction moves or places a mobile or stationary speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the local jurisdiction may not issue a citation for a violation recorded by that speed monitoring system:

1. Until signage is installed in accordance with subparagraph (vii) of this paragraph; and

2. For at least the first 15 calendar days after the signage is installed.

(vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21–101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices;

2. In a school zone with a posted speed limit of at least 20 miles per hour; or

3. In Prince George's County, on that part of a highway located within the grounds of an institution of higher education as defined in § 10–101(h) of the Education Article, or within one–half mile of the grounds of a building or property used by the institution of higher education where generally accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or bicycle traffic is substantially generated or influenced by the institution of higher education.

(vii) Before activating a speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction;

2. Ensure that each sign that designates a school zone is proximate to a sign that:

A. Indicates that speed monitoring systems are in use in the school zone; and

B. Is in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

3. With regard to a speed monitoring system established based on proximity to an institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

A. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

B. Indicate that a speed monitoring system is in use.

(viii) A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

(ix) 1. A local jurisdiction that authorizes a program of speed monitoring systems shall designate an official or employee to investigate and respond to questions or concerns about the local jurisdiction's speed monitoring system program.

2. A. The local designee shall review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

B. If the local designee determines that the citation is an erroneous violation, the local designee shall void the citation.

C. If the local designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the local designee may resend the citation in accordance with subsection (d) of this section or void the citation.

D. A local designee that takes any action described under subsubsubparagraph C of this subsubparagraph shall notify the Administration of the action for the purpose of rescinding any administrative penalties imposed under subsection (g) of this section.

E. A local designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.

3. A local designee may not be employed by a speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than review of a citation under this subparagraph.

4. On receipt of a written question or concern from a person, the local designee shall provide a written answer or response to the person within a reasonable time.

5. A local jurisdiction shall make any written questions or concerns received under this subparagraph and any subsequent written answers or responses available for public inspection.

(2) (i) A speed monitoring system operator shall complete training by a manufacturer of speed monitoring systems in the procedures for setting up and operating the speed monitoring system.

(ii) The manufacturer shall issue a signed certificate to the speed monitoring system operator on completion of the training.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(3) A speed monitoring system operator shall fill out and sign a daily set–up log for a speed monitoring system that:

(i) States that the speed monitoring system operator successfully performed or reviewed and evaluated the manufacturer–specified daily self–test of the speed monitoring system prior to producing a recorded image;

(ii) Shall be kept on file; and

(iii) Shall be admitted as evidence in any court proceeding for a

violation of this section.

(4) (i) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory that is:

1. Selected by the local jurisdiction; and

2. Unaffiliated with the manufacturer of the speed monitoring system.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(5) If a local jurisdiction authorizes a program of speed monitoring systems under this section:

(i) The local jurisdiction shall designate a program administrator who may not be an employee or representative of the speed monitoring system contractor; and

(ii) The contract with the speed monitoring system contractor shall include the following provisions:

1. For potential violations submitted by a contractor for review by an agency, if more than 5% of the violations in a calendar year are erroneous violations, then the contractor shall be subject to liquidated damages for each erroneous violation equal to at least 50% of the fine amount for the erroneous violation, plus any reimbursements paid by the local jurisdiction; and

2. The local jurisdiction may cancel a contract with a contractor if the contractor violates the contract by submitting erroneous violations to the agency that exceed a threshold specified in the contract or violates the law in implementing the contract.

(6) (i) The Maryland Police Training Commission, in consultation with the State Highway Administration and other interested stakeholders, shall develop a training program concerning the oversight and administration of a speed monitoring program by a local jurisdiction, including a curriculum of best practices in the State.

(ii) 1. A program administrator shall participate in the training program established under this paragraph before a local jurisdiction initially implements a new speed monitoring program and subsequently at least once every 2 years.

2. A program administrator for a program in existence on June 1, 2014, shall initially participate in the training program on or before December 31, 2014, and subsequently at least once every 2 years.

3. If a local jurisdiction designates a new program administrator, the new program administrator shall participate in the next available training program.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed $40.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, an agency shall mail to an owner liable under subsection (c) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of

this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;

2. May result in the refusal by the Administration to register the motor vehicle; and

3. May result in the suspension of the motor vehicle registration.

(2) An agency may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, an agency may not mail a citation to a person who is not an owner.

(4) Except as provided in subsections (b)(1)(ix) and (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the political subdivision; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a duly authorized law enforcement officer employed by or under contract with an agency, based on inspection of recorded images produced by a speed monitoring system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the speed monitoring system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires the speed monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; and

(ii) Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court shall provide to the agency issuing the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, an agency may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) A citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration:

(1) May refuse to register or reregister the motor vehicle cited for the violation; or

(2) May suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the appropriate local government agencies, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) An agency or an agent or contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor in any manner operates a speed monitoring system or administers or processes citations generated by a speed monitoring system on behalf of a local jurisdiction, the contractor's fee may not be contingent on a per–ticket basis on the number of citations issued or paid.

(k) (1) On or before December 31 of each year, the Maryland Police Training Commission shall:

(i) Compile and make publicly available a report for the previous fiscal year on each speed monitoring system program operated by a local jurisdiction under this section; and

(ii) Submit the report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) The report shall include:

(i) The total number of citations issued;

(ii) The number of citations issued and the number voided as

erroneous violations for each camera;

(iii) The gross revenue generated by the program;

(iv) The expenditures incurred by the program;

(v) The net revenue generated by the program;

(vi) The total amount of any payments made to a contractor under the program;

(vii) A description of how the net revenue generated by the program was used;

(viii) The number of employees of the local jurisdiction involved in the program;

(ix) The type of speed monitoring system used by the local jurisdiction;

(x) The locations at which each speed monitoring system was used in the local jurisdiction;

(xi) The activation start and stop dates of each speed monitoring system for each location at which it was used; and

(xii) The number of citations issued by each speed monitoring system at each location.

(3) Each local jurisdiction with a speed monitoring system program shall submit the information required under paragraph (2) of this subsection to the Commission by October 31 of each year and assist the Commission in the preparation of the annual report.

§21–810.

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

(2) "Local police department" means:

(i) The police department of any municipal corporation;

(ii) The police department of any county; and

(iii) The sheriff's department of any county that has highway traffic patrol responsibilities.

(3) (i) "Owner" means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or longer.

(ii) "Owner" does not include:

1. A motor vehicle rental or leasing company; or

2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.

(4) "Recorded image" means an image recorded by a work zone speed control system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The rear of a motor vehicle;

2. At least two time–stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(5) "State police department" means:

(i) The Department of State Police; and

(ii) The Maryland Transportation Authority Police.

(6) "Work zone" means a segment of a highway:

(i) That is identified as a temporary traffic control zone by traffic control devices that are placed or installed in general conformance with the State manual and specifications adopted for a uniform system of traffic control devices; and

(ii) Where highway construction, repair, maintenance, utility work, or a related activity, including the placement, installation, maintenance, or removal of a work zone traffic control device, is being performed regardless of whether workers are present.

(7) "Work zone speed control system" means a device having one or more motor vehicle sensors connected to a camera system capable of producing recorded images of motor vehicles traveling at or above a predetermined speed in or approaching a work zone.

(8) "Work zone speed control system operator" means an individual who has been trained and certified to operate a work zone speed control system and who is:

(i) A police officer;

(ii) A representative of a local police department;

(iii) A representative of a State police department; or

(iv) A State Highway Administration contractor.

(b) (1) A work zone speed control system that meets the requirements of this subsection may be used to record the images of motor vehicles traveling on a highway:

(i) Within a work zone;

(ii) That is an expressway or a controlled access highway as defined in § 21–101 of this title; and

(iii) On which the speed limit, established using generally accepted traffic engineering practices, is 45 miles per hour or greater.

(2) A work zone speed control system may be used only:

(i) On a highway as specified in paragraph (1) of this subsection;

(ii) When being operated by a work zone speed control system operator; and

(iii) If, in accordance with the Maryland manual on uniform traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent with national guidelines before the work zone alerting drivers that a speed monitoring system may be in operation in the work zone.

(3) A work zone speed control system may be used only to record the images of vehicles that are traveling at speeds at least 12 miles per hour above the posted work zone speed limit.

(4) (i) A work zone speed control system operator shall complete training by the manufacturer of the work zone speed control system in the procedures for setting up, testing, and operating the work zone speed control system.

(ii) On completion of the training, the manufacturer shall issue a signed certificate to the work zone speed control system operator.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(5) A work zone speed control system operator shall fill out and sign a daily set–up log for a work zone speed control system that:

(i) States the date and time when and the location where the system was set up;

(ii) States that the work zone speed control system operator successfully performed, and the device passed, the manufacturer–specified self–tests of the work zone speed control system before producing a recorded image;

(iii) Shall be kept on file; and

(iv) Shall be admitted as evidence in any court proceeding for a violation of this section.

(6) (i) A work zone speed control system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(7) The procurement of a work zone speed control system by a unit of State government shall be conducted in accordance with Title 13, Subtitle 1 of the State Finance and Procurement Article.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if an image of the motor vehicle is recorded by a work zone speed control system in accordance with subsection (b) of this section while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed $40.

(3) For purposes of this section, the District Court shall:

(i) Prescribe a uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) Indicate on the citation the amount of the civil penalty to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a local police department, State police department, or police department contractor shall mail to the owner liable under subsection (c) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) At least one recorded image of the vehicle with a data bar imprinted on each image that includes the speed of the vehicle and the date and time the image was recorded;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a police officer employed by the local police department or State police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;

2. May result in the refusal to register the motor vehicle; and

3. May result in the suspension of the motor vehicle registration.

(2) The local police department or State police department may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, the local police

department or State police department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and no later than 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty in accordance with instructions on the citation; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a police officer employed by the local police department or State police department, based on inspection of recorded images produced by a work zone speed control system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the work zone speed control system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires a work zone speed control system operator to be present and testify at trial, the person shall notify the court and the police department that issued the citation in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the vehicle owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the

owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; and

(ii) Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court may provide to the police department that issued the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the police department that issued the citation may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) Any citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration may:

(1) Refuse to register or reregister the registration of the motor vehicle cited for the violation; or

(2) Suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with local police departments and State police departments, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a work zone speed control system for a police department, the contractor's fee may not be contingent on the number of citations issued or paid.

(k) The Department of State Police and the State Highway Administration jointly shall adopt regulations establishing standards and procedures for work zone speed control systems authorized under this section.

§21–901.

The provisions of this subtitle apply throughout this State, whether on or off a highway.

§21–901.1.

(a) A person is guilty of reckless driving if he drives a motor vehicle:

(1) In wanton or willful disregard for the safety of persons or property; or

(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.

(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

§21–901.2.

A person is guilty of aggressive driving if the person commits three or more of the following offenses at the same time or during a single and continuous period of driving in violation of:

(1) § 21-202 of this title (Traffic lights with steady indication);

(2) § 21-303 of this title (Overtaking and passing vehicles);

(3) § 21-304 of this title (Passing on right);

(4) § 21-309 of this title (Driving on laned roadways);

(5) § 21-310 of this title (Following too closely);

(6) § 21-403 of this title (Failure to yield right-of-way); or

(7) § 21-801.1 of this title (Exceeding a maximum speed limit or posted maximum speed limit).

§21–902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(3) A person may not violate paragraph (1) of this subsection while transporting a minor.

(d) (1) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(e) For purposes of the application of subsequent offender penalties under §

27-101 of this article, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c), or (d) of this section.

§21–902.1.

(a) In this section, "arrestee" means a person who has been arrested for a violation of § 21-902 of this subtitle or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article.

(b) An arrestee may not drive a motor vehicle within 12 hours after the arrestee's arrest for a violation of § 21-902 of this subtitle or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article.

§21–903.

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

(2) "Alcoholic beverage" means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that contains at least 0.5% alcohol by volume and is fit for beverage purposes.

(3) (i) "Passenger area" means an area that:

1. Is designed to seat the driver and any passenger of a motor vehicle while the motor vehicle is in operation; or

2. Is readily accessible to the driver or a passenger of a motor vehicle while in their seating positions.

(ii) "Passenger area" does not include:

1. A locked glove compartment;

2. The trunk of a motor vehicle; or

3. If a motor vehicle is not equipped with a trunk, the area behind the rearmost upright seat or an area that is not normally occupied by the driver or a passenger of the motor vehicle.

(b) This section applies to a motor vehicle that is driven, stopped, standing, or otherwise located on a highway.

(c) A driver of a motor vehicle may not consume an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(d) Notwithstanding Article 2B, Title 19 of the Code or any other provision of law, the prohibition contained in this section applies throughout the State.

§21–904.

(a) In this section, "visual or audible signal" includes a signal by hand, voice, emergency light or siren.

(b) If a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer's badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by:

(1) Willfully failing to stop the driver's vehicle;

(2) Fleeing on foot; or

(3) Any other means.

(c) If a police officer gives a visual or audible signal to stop and the police officer, whether or not in uniform, is in a vehicle appropriately marked as an official police vehicle, a driver of a vehicle may not attempt to elude the police officer by:

(1) Willfully failing to stop the driver's vehicle;

(2) Fleeing on foot; or

(3) Any other means.

(d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in bodily injury to another person.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in death of another person.

(e) (1) In this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section while the driver is attempting to elude a police officer who is signaling for the driver to stop for the purpose of apprehending the driver for the commission of a crime of violence for which the driver is subsequently convicted.

§21–905.

(a) A holder of a provisional driver's license who is under the age of 18 years is guilty of high–risk driving if the holder of the provisional license commits any of the following violations:

(1) § 21–901.1 of this subtitle (Reckless and negligent driving);

(2) § 21–901.2 of this subtitle (Aggressive driving); or

(3) § 21–1116 of this title (Race or speed contest prohibited).

(b) (1) If the individual is convicted of a violation specified in subsection (a) of this section, the Administration shall suspend the individual's driver's license:

(i) For a first offense, for 6 months; and

(ii) For a second or subsequent offense, for 1 year.

(2) An individual subject to a license suspension under this subsection may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

§21–1001.

(a) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not stop, park, or leave standing on the roadway any vehicle, whether attended or unattended, if it is practicable to stop, park, or leave the vehicle standing off the roadway.

(b) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not leave any vehicle standing, without providing an unobstructed width of the roadway opposite the standing vehicle for the free passage of other vehicles.

(c) Except as otherwise provided in this section, on any highway outside of a business district or a residential district, a person may not stop any vehicle, unless it can be seen clearly from 200 feet away in each direction on the roadway.

(d) This section does not apply to the driver of a vehicle that has become unintentionally so disabled while on the roadway that he cannot avoid stopping and temporarily leaving it there.

§21–1003.

(a) The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) A person may not stop, stand, or park a vehicle on a sidewalk.

(d) A person may not stop, stand, or park a vehicle in an intersection.

(e) A person may not stop, stand, or park a vehicle on a crosswalk.

(f) A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends

of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.

(g) A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

(h) A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.

(i) A person may not stop, stand, or park a vehicle in a highway tunnel.

(j) A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.

(k) A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.

(l) A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.

(m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

(n) (1) This subsection does not apply in Baltimore City.

(2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.

(o) A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

(p) A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.

(q) A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.

(r) A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

(s) A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

(t) A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.

(u) A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of

individuals with disabilities.

(v) A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.

(w) A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.

(x) A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.

(y) A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.

(z) A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.

(aa) A person may not park a vehicle at any other place where parking is prohibited by an official sign.

(bb) A person may not move a vehicle that he does not lawfully control into any prohibited area.

(cc) A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.

(dd) A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.

(ee) A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.

§21–1003.1.

(a) Except as provided in subsections (c) and (d) of this section, a local authority may not issue a residential parking permit to the owner of a vehicle to be valid for a period in excess of 30 days unless the owner provides satisfactory evidence that:

(1) The vehicle for which the parking permit is sought is registered in the State; or

(2) The owner of the vehicle has obtained under § 13-402.1 of this article:

(i) A nonresident permit; or

(ii) A complimentary guest card.

(b) If a residential parking permit area is established as a result of the construction of a professional sports facility that seats 45,000 or more people, a local authority may not charge a fee for the issuance of a permit to park in that area.

(c) In Baltimore City, the Executive Director of the Baltimore City Parking Authority may issue, on a showing of evidence of ownership and occupancy, a residential parking permit to a person who owns and occupies residential property in the residential parking permit area regardless of whether the person would otherwise qualify for a residential parking permit under subsection (a) of this section.

(d) In the City of Annapolis, the Annapolis Parking and Fines Section of the Annapolis Police Department may issue, on a showing of evidence of ownership and occupancy, a residential parking permit to a person who owns and occupies residential property in the residential parking permit area regardless of whether the person would otherwise qualify for a residential parking permit under subsection (a) of this section.

§21–1004.

(a) Except as otherwise provided in this section, a vehicle that is stopped or parked on a two-way roadway shall be stopped or parked parallel to the right hand curb or edge of the roadway, with its right hand wheels within 12 inches of that curb or edge of the roadway.

(b) Except as otherwise provided by local ordinance, a vehicle that is stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with:

(1) Its right hand wheels within 12 inches of the right hand curb or edge of the roadway; or

(2) Its left hand wheels within 12 inches of the left hand curb or edge of the roadway.

(c) The State Highway Administration or any local authority may permit angle parking on the roadway of any highway in its jurisdiction, if the roadway has been determined to be wide enough to permit angle parking without interfering with the free movement of traffic.

(d) The State Highway Administration or any local authority may place signs that prohibit or restrict the stopping, standing, or parking of vehicles on any highway in its jurisdiction where to stop, stand, or park would:

(1) Endanger those using the highway; or

(2) Interfere unduly with the free movement of traffic on the highway.

(e) (1) A person may not stop, stand, or park a vehicle on any private property not owned by the owner or driver of the vehicle unless the person has express or implied permission from the property owner, his tenant, or his agent to stop, stand, or park the vehicle, as the case may be.

(2) In Baltimore City or in any county, upon the request of the owner, his agent, or his tenant, a police officer may issue a citation for a violation of the provisions of this subsection.

(f) As of October 1, 2010, any sign that designates a parking space or zone for the use of individuals with disabilities shall clearly state the maximum amount of the fine to which a person is subject for parking a vehicle in the parking space or zone in violation of § 21-1003(u) of this subtitle.

§21–1004.1.

(a) A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog.

(b) Except as provided in subsection (c) of this section, a person may use reasonable force to remove from a motor vehicle a cat or dog left in the vehicle in violation of the provisions of subsection (a) of this section if the person is:

(1) A law enforcement officer;

(2) A public safety employee of the State or of a local governing body;

(3) An animal control officer under the jurisdiction of the State or a local governing body;

(4) An officer of a society or association, incorporated under the laws of this State for the prevention of cruelty to animals, authorized to make arrests under the provisions of § 10-609 of the Criminal Law Article; or

(5) A volunteer or professional of a fire and rescue service.

(c) A person may not use force of any kind to remove from a motor vehicle:

(1) A dog used by the State or a local governing body for police work while the dog is on duty; or

(2) A cat or dog in the custody of an animal control officer.

(d) A person described in subsection (b) of this section may not be held liable for any damages directly resulting from actions taken under the provisions of subsection (b) of this section.

§21–1005.

(a) A person who has a permanent physical disability may apply to the Administration, on the form that it requires, for a permit for one personal residential reserved parking space:

(1) To be located at the curb, side, or edge of the roadway of the highway in front of or near the applicant's dwelling unit; and

(2) To provide convenience and safety as the person enters or leaves a vehicle.

(b) (1) The Administration shall issue the permit:

(i) If the applicant is required to use a wheelchair to move about or if the Administration determines that the disability is so severe that the applicant would endure a hardship or be subject to a risk of injury if the applicant should enter or leave the vehicle at a less convenient location; and

(ii) If the Administration determines that the physical disability is permanent.

(2) To determine if eligibility requirements continue to be met, the Administration may conduct a review of any personal residential permit for reserved parking space it has issued under this subsection. If it determines that eligibility requirements are not being met, the Administration may:

(i) Revoke the personal residential permit for reserved parking space; and

(ii) Require the appropriate agency to remove any sign or other identification of the reserved space.

(3) If the Administration finds it necessary to review the severity or permanency of the disability of a holder of a personal residential permit for reserved parking space, the Administration may request review and recommendation by the Medical Advisory Board established under § 16-118 of this article.

(c) (1) Except as provided in paragraph (2) of this subsection, any parking space reserved under this section shall be adjacent to the applicant's property lines or the property lines of the applicant's dwelling unit and may not extend to the roadway adjacent to neighboring properties.

(2) If the applicant's property lines or the property lines of the applicant's dwelling unit are too narrow to accommodate and contain the entire parking space necessary to park the applicant's vehicle, or if it is necessary to reserve 2 or more abutting parking spaces under this section, the maximum possible portion of the necessary space shall be adjacent to the applicant's property lines or the property lines

of the applicant's dwelling unit.

(d) On receipt of the permit, the person shall affix it to the vehicle in a conspicuous place.

(e) A person may not commit any fraud or make any misrepresentation in applying for a permit for a personal residential reserved parking space issued under this section or in any certification of fact as to the contents of the application.

(f) A person may not commit any fraud or make any misrepresentation in using a permit for a personal residential reserved parking space issued under this section.

(g) In addition to any other penalty provided by law for a violation of this section, the Administration may refuse to issue a permit for a personal residential reserved parking space or revoke a permit that has been issued.

(h) A person aggrieved by a decision or order of the Administration issued under this section may appeal from the decision or order as provided in § 12-209 of this article.

(i) After the Administration issues the permit for a personal residential reserved parking space, the Administration shall notify the State Highway Administration or, as to parking spaces in Baltimore City, the Baltimore City Department of Transportation, or, as to parking spaces in Baltimore County, the Baltimore County Department of Traffic Engineering.

(j) Except in Baltimore City and Baltimore County, within 30 days after it receives the notification required by subsection (i) of this section, the State Highway Administration shall install and maintain at the proper place a sign or signs, which shall:

(1) Conform to the applicable requirements of the Maryland Accessibility Code adopted under § 12-202 of the Public Safety Article; and

(2) Designate the space as a personal residential parking space.

(k) In Baltimore City, the establishment of a personal residential reserved parking space shall be subject to approval of the Baltimore City Department of Transportation, in accordance with the charter and public local laws of Baltimore City.

(l) In Baltimore County, the establishment of a personal residential reserved parking space shall be subject to approval of the Baltimore County Department of Traffic Engineering, in accordance with the charter and public local laws of Baltimore County.

(m) Unless the vehicle displays a personal residential permit issued for the space in which the vehicle is parked, a person may not park a vehicle in a personal residential reserved parking space established under this section.

§21–1006.

(a) (1) Each parking lot that is constructed or altered after October 1, 1996 shall conform with the requirements of the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

(2) (i) As of October 1, 2010, each parking lot in the State shall conform with the requirements of the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

(ii) A person may comply with this paragraph by restriping the parking lot to provide the required number of parking spaces for individuals with disabilities, including parking spaces that are disabled van accessible.

(iii) If restriping a parking lot to comply with this subsection reduces the total number of spaces to below the number required by local law, the local jurisdiction shall grant the property owner an exception to the relevant local zoning ordinance.

(b) A person may not park a motor vehicle in a space designated for the use of individuals with disabilities unless:

(1) The vehicle bears a special registration plate, a removable windshield placard, or a temporary removable windshield placard issued by the Administration under § 13–616, § 13–616.1, or § 13–616.2 of this article or similarly by another state, the District of Columbia, or another country; and

(2) The person is authorized to use the privileges conferred by the special registration plate, removable windshield placard, or temporary placard under § 13–616, § 13–616.1, or § 13–616.2 of this article, or under the laws of another state, the District of Columbia, or another country.

(c) Any restriping or repaving of a parking lot shall be considered an alteration under the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

§21–1007.

(a) The owner or lessor of a supermarket, business establishment, or shopping area or center that has entrances surrounded by obstacles designed to prevent shopping carts from being removed from the premises, shall provide an unobstructed entrance during business hours for individuals with disabilities, as provided for in subsection (b) of this section.

(b) Such an entrance shall be at least 36 inches wide and constructed to allow reasonable access for entry and egress for individuals with disabilities.

(c) Failure to provide such an entrance, or failure to keep it unlocked and

accessible during business hours to individuals with disabilities, is a violation of this article.

(d) Nothing contained in this section shall be construed as negating the provisions of the Maryland Accessibility Code adopted under § 12-202 of the Public Safety Article.

§21–1008.

(a) By fiscal year 2000, each public institution of higher education and State employment facility shall provide reasonable accommodations necessary for bicycle access, including parking for bicycles.

(b) When a public institution of higher education revises its facility master plan, the public institution of higher education shall address bicycle and pedestrian transportation circulation:

(1) Between the institution and the communities adjacent to the institution; and

(2) Within the campus of the institution.

(c) The facility master plan shall include measures that the institution proposes to:

(1) Incorporate bikeways and pedestrian facilities on the campus; and

(2) Promote biking and walking on the campus.

§21–1009.

In Charles County, the county commissioners may adopt ordinances and regulations relating to the towing or removal of vehicles from privately owned parking lots.

§21–1010.

(a) In this section, "commercial vehicle" means a vehicle that:

(1) Is used to transport property;

(2) Is owned by, or used in conjunction with, a business enterprise; and

(3) Is of a type capable of being registered:

(i) Other than under § 13-917 of this article, as a Class E (truck) vehicle under this article;

(ii) As a Class F (tractor) vehicle under this article; or

(iii) As a Class G (trailer) vehicle under this article.

(b) This section does not apply to any vehicle that is of a type capable of being registered:

(1) As a Class A (passenger) vehicle under § 13-912 of this article; or

(2) As a Class E (truck) vehicle under § 13-917 of this article.

(c) This section does not apply in any municipal corporation in Prince George's County.

(d) (1) Except as provided in paragraph (2) of this subsection, in Prince George's County, a person may not park a commercial vehicle on any street, highway, driveway, or other property in an area specified as a residential zone under the zoning regulations of Prince George's County.

(2) This subsection does not apply if the parking of the commercial vehicle is essential to the immediate use then being made of the commercial vehicle in conjunction with a commercial transaction for a business enterprise.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of $500.

(2) In the case of a combination tractor and trailer, a person who violates this section is subject to a separate fine for each vehicle.

(3) For the purpose of determining the penalty under this section, each day of a violation is a separate offense.

§21–10A–01.

(a) In this subtitle, "parking lot" means a privately owned facility consisting of 3 or more spaces for motor vehicle parking that is:

(1) Accessible to the general public; and

(2) Intended by the owner of the facility to be used primarily by the owner's customers, clientele, residents, lessees, or guests.

(b) (1) This subtitle applies only to the towing or removal of vehicles from parking lots.

(2) Nothing in this subtitle prevents a local authority from exercising any power to adopt local laws or regulations relating to the registration or licensing of persons engaged in, or otherwise regulating in a more stringent manner, the parking, towing or removal, or impounding of vehicles.

§21–10A–02.

(a) The owner or operator of a parking lot or the owner's or operator's agent may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has placed in conspicuous locations, as described in subsection (b) of this section, signs that:

(1) Are at least 24 inches high and 30 inches wide;

(2) Are clearly visible to the driver of a motor vehicle entering or being parked in the parking lot;

(3) State the location to which the vehicle will be towed or removed and the name of the towing company;

(4) State that State law requires that the vehicle be available for reclamation 24 hours per day, 7 days per week;

(5) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of the vehicle; and

(6) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vehicle by its owner or the owner's agent.

(b) The signs described in subsection (a) of this section shall be placed to provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

§21–10A–03.

(a) A vehicle may not be towed or otherwise removed from a parking lot to a location that is:

(1) Subject to subsection (b) of this section, more than 15 miles from the parking lot; or

(2) Outside the State.

(b) A local jurisdiction may establish a maximum distance from a parking lot to a towed vehicle storage facility that is different than that established under subsection (a)(1) of this section.

§21–10A–04.

(a) Unless otherwise set by local law, a person who undertakes the towing or removal of a vehicle from a parking lot:

(1) May not charge the owner of the vehicle, the owner's agent, the insurer of record, or any secured party more than:

(i) Twice the amount of the total fees normally charged or authorized by the political subdivision for the public safety impound towing of vehicles;

(ii) Notwithstanding § 16–207(f)(1) of the Commercial Law Article, the fee normally charged or authorized by the political subdivision from which the vehicle was towed for the daily storage of impounded vehicles;

(iii) If a political subdivision does not establish a fee limit for the public safety towing, recovery, or storage of impounded vehicles, $250 for towing and recovering a vehicle and $30 per day for vehicle storage; and

(iv) Subject to subsection (b) of this section, the actual cost of providing notice under this section;

(2) Shall notify the police department in the jurisdiction where the parking lot is located within 1 hour after towing or removing the vehicle from the parking lot, and shall provide the following information:

(i) A description of the vehicle including the vehicle's registration plate number and vehicle identification number;

(ii) The date and time the vehicle was towed or removed;

(iii) The reason the vehicle was towed or removed; and

(iv) The locations from which and to which the vehicle was towed or removed;

(3) Shall notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first–class mail within 7 days, exclusive of days that the towing business is closed, after towing or removing the vehicle, and shall provide the same information required in a notice to a police department under item (2) of this subsection;

(4) Shall provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this section;

(5) Before towing or removing the vehicle, shall have authorization of the parking lot owner which shall include:

(i) The name of the person authorizing the tow or removal;

(ii) A statement that the vehicle is being towed or removed at the request of the parking lot owner; and

(iii) Photographic evidence of the violation or event that precipitated the towing of the vehicle;

(6) Shall obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce to cover the cost of any damage to the vehicle resulting from the person's negligence;

(7) May not employ or otherwise compensate individuals, commonly referred to as "spotters", whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and impounding;

(8) May not pay any remuneration to the owner, agent, or employee of the parking lot; and

(9) May not tow a vehicle solely for a violation of failure to display a valid current registration under § 13–411 of this article until 72 hours after a notice of violation is placed on the vehicle.

(b) A person may not charge for the actual cost of providing notice under subsection (a)(1)(iv) of this section if the vehicle owner, the owner's agent, the insurer of record, or any secured party retakes possession of the vehicle within 48 hours after the vehicle was received at the storage facility.

(c) The Administration shall:

(1) Establish and maintain a database containing the proper address for providing notice to an insurer under subsection (a)(3) of this section for each insurer authorized to write a vehicle liability insurance policy in the State; and

(2) Make the database available to any tower free of charge.

§21–10A–05.

(a) Subject to subsection (b) of this section, if a vehicle is towed or otherwise removed from a parking lot, the person in possession of the vehicle:

(1) Shall immediately deliver the vehicle directly to the storage facility stated on the signs posted in accordance with § 21–10A–02 of this subtitle;

(2) May not move the towed vehicle from that storage facility to another storage facility for at least 72 hours; and

(3) Shall provide the owner of the vehicle or the owner's agent immediate and continuous opportunity, 24 hours per day, 7 days per week, from the time the vehicle was received at the storage facility, to retake possession of the vehicle.

(b) Before a vehicle is removed from a parking lot, a tower who possesses the vehicle shall release the vehicle to the owner or an agent of the owner:

(1) If the owner or agent requests that the tower release the vehicle;

(2) If the vehicle can be driven under its own power;

(3) Whether or not the vehicle has been lifted off the ground; and

(4) If the owner or agent pays a drop fee to the tower in an amount not exceeding 50% of the cost of a full tow.

(c) (1) Subject to paragraph (2) of this subsection, a storage facility that is in possession of a towed vehicle shall:

(i) Accept payment for outstanding towing, recovery, or storage charges by cash or at least two major, nationally recognized credit cards; and

(ii) If the storage facility accepts only cash, have an operable automatic teller machine available on the premises.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a storage facility is unable to process a credit card payment and does not have an operable automatic teller machine on the premises, the storage facility shall accept a personal check as payment for outstanding towing, recovery, and storage charges.

(ii) A storage facility may refuse to accept a personal check as payment if it is unable to process a credit card for the payment because use of the credit card has been declined by the credit card company.

(3) A storage facility that is in possession of a towed vehicle shall make the vehicle available to the owner, the owner's agent, the insurer of record, or a secured party, under the supervision of the storage facility, for:

(i) Inspection; or

(ii) Retrieval from the vehicle of personal property that is not attached to the vehicle.

§21–10A–06.

Any person who undertakes the towing or removal of a vehicle from a parking lot in violation of any provision of this subtitle:

(1) Shall be liable for actual damages sustained by any person as a direct result of the violation; and

(2) Shall be liable to the vehicle owner, a secured party, an insurer, or a successor in interest for triple the amount paid by the owner or the owner's agent to retake possession of the vehicle.

§21–1101.

(a) Except as provided in subsection (c) of this section, a person driving or

otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed, and the brake effectively set.

(b) A person driving or otherwise in charge of a motor vehicle may not leave the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to the curb or side of the highway.

(c) When a cat or dog is left in the unattended vehicle of an on-duty law enforcement officer or an animal control officer, the provisions of subsection (a) of this section do not apply to the law enforcement officer or the animal control officer.

§21–1102.

(a) The driver of a vehicle may not back it unless the movement can be made safely and without interfering with other traffic.

(b) The driver of a vehicle may not back it on any shoulder or roadway of any controlled access highway.

§21–1103.

(a) Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

(b) (1) For the purposes of this subsection, "bicycle" does not include "moped", as defined in § 11–134.1 of this article.

(2) Where allowed by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

(3) In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride a bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

(c) Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

(d) An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21–501.1 of this title.

§21–1104.

(a) A person may not drive a vehicle if it is so loaded or there is in the front seat so many passengers as to:

(1) Obstruct the view of the driver to the front or sides of the vehicle; or

(2) Interfere with the control of the driver over the driving mechanism of

the vehicle.

(b) A passenger in a vehicle may not ride in any position where he:

(1) Interferes with the view of the driver to the front or sides of the vehicle; or

(2) Interferes with the control of the driver over the driving mechanism of the vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection, a person may not drive a vehicle on a highway with any object, material, or obstruction so located in or on the vehicle as to interfere with the clear view of the driver through the windshield.

(2) This subsection does not apply to:

(i) Required or permitted equipment of the vehicle;

(ii) Adjustable, nontransparent sun visors that are not attached to glass; or

(iii) Direction, destination, or termini signs on any passenger common carrier motor vehicle.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not drive a vehicle with any sign, poster, card, sticker, or other nontransparent material on the windshield, side wings, or side or rear windows of the vehicle.

(2) This subsection does not apply to:

(i) Materials placed on the windshield or rear window, within a 7 inch square area in the lower corner, or on the side windows of the vehicle to the rear of the driver, if the materials are placed so as not to interfere with the driver's clear view of traffic;

(ii) Direction, destination, or termini signs on any passenger common carrier motor vehicle; or

(iii) Electronic toll collection tags placed in the windshield of a vehicle in accordance with the regulations of the Maryland Transportation Authority.

(3) The Administration shall adopt regulations to exempt from the provisions of paragraph (1) of this subsection materials placed on the windshield of a vehicle in compliance with security measures required by a federal or State government agency and approved by the Administration.

§21–1105.

(a) A person may not open the door of a motor vehicle on any side available to moving traffic unless:

(1) It is reasonably safe to do so; and

(2) It can be done without interfering with the movement of other traffic.

(b) A person may not leave a door open on any side of a vehicle available to moving traffic for any period longer than necessary to load or unload passengers.

§21–1106.

(a) A person may not occupy any mobile home while it is being towed on a highway.

(b) The driver of a vehicle may not permit any person to occupy a mobile home that is being towed on a highway by the driver.

§21–1107.

(a) Subject to subsection (c) of this section, this section applies to:

(1) A truck that has a gross vehicle weight rating of 10,001 pounds or more; and

(2) A truck/trailer or truck tractor/semitrailer or trailer combination that has a combined gross vehicle weight rating of 10,001 pounds or more.

(b) While a vehicle subject to this section is being operated on a highway:

(1) The driver may not allow a person to occupy the area of the vehicle primarily intended to carry cargo; and

(2) A person may not occupy the area of the vehicle primarily intended to carry cargo.

(c) This section does not apply to:

(1) An attendant delegated to care for livestock;

(2) A vehicle that is controlled or operated by a farmer and is:

(i) Used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

(ii) Not used in the operations of a common or contract motor carrier; and

(iii) Used within 150 miles of the farmer's farm;

(3) A vehicle owned or operated by the U.S. Department of Defense if the vehicle is controlled or operated by:

(i) Active duty military personnel; or

(ii) A member of the military reserves or National Guard on active duty, including personnel on full-time National Guard duty and personnel on part-time training; or

(4) A vehicle traveling at a speed of not more than 25 miles per hour.

§21–1108.

(a) If a motor vehicle is traveling on a downgrade, the driver of the motor vehicle may not coast with the gears or transmission in neutral.

(b) If a truck or bus is traveling on a downgrade, the driver of the truck or bus may not coast with the clutch disengaged.

§21–1109.

(a) Unless he is on official business, the driver of a vehicle may not:

(1) Follow within 500 feet of any fire apparatus traveling in response to a fire alarm; or

(2) Drive or park within 300 feet of any fire apparatus stopped in response to a fire alarm.

(b) The driver of a vehicle may not pass an emergency vehicle within 100 feet of an entrance ramp of a fire or rescue station when the emergency vehicle is in the process of parking or backing.

§21–1110.

Unless he has the consent of the fire department official in command, the driver of a vehicle may not drive over any unprotected hose of a fire department that is laid down on any highway or private driveway.

§21–1111.

(a) A person may not drop, throw, or place on a highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle on the highway.

(b) Any person who drops, throws, or places or permits to be dropped, thrown, or placed on a highway any destructive, hazardous, or injurious material immediately

shall remove it or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway also shall remove from the highway any glass or other injurious substance dropped from the vehicle.

(d) A person may not throw, dump, discharge, or deposit any trash, junk, or other refuse on any highway or public bridge or in any public waters.

(e) The owner of the vehicle, if present in the vehicle, or, in his absence, the driver of the vehicle is presumed to be responsible for any violation of this section, if:

(1) The violation is caused by an occupant of the vehicle;

(2) The vehicle has two or more occupants; and

(3) It cannot be determined which occupant is the violator.

(f) A violation of this section is considered a moving violation for purposes of § 16-402 of this article.

§21–1112.

A person may not turn off any vehicle lights to avoid identification.

§21–1112.1.

(a) A person may not obscure or modify any vehicle registration plate with intent to avoid identification.

(b) A violation of this section is a moving violation for the purpose of the assessment of points under § 16-402 of this article.

§21–1113.

(a) A person may not place any structure, building, or vehicle on a highway to sell or display any produce or merchandise if it constitutes a traffic hazard.

(b) In Prince George's County, a person may not sell or display any produce or merchandise on State highways in a manner that constitutes a traffic hazard.

(c) On the order of any police officer, the person shall:

(1) Remove the structure, building, or vehicle described under subsection (a) of this section; or

(2) Cease any activity prohibited under this section.

§21–1114.

(a) A person may not drive on any new roadway or newly repaired roadway before it is opened to traffic.

(b) A person may not walk on any new roadway or newly repaired roadway before the roadway is opened to traffic.

(c) A person may not willfully injure or damage any highway, including a highway under construction.

(d) A person may not willfully injure or damage any work, material, or structure used in connection with the construction of a highway.

§21–1115.

(a) A person may not move any light or guard placed for the purpose of closing any part of a highway to traffic.

(b) A person may not remove any light or guard placed for the purpose of closing any part of a highway to traffic.

(c) A person may not alter the position of any light or guard placed for the purpose of closing any part of a highway to traffic.

§21–1116.

(a) Except as provided in § 21-1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

(b) Except as provided in § 21-1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in subsection (a) of this section.

§21–1117.

(a) (1) This section applies throughout this State, whether on or off a highway.

(2) For purposes of this section, any noise level above that adopted by the Administrator under § 22-601 of this article is excessive.

(b) A person may not drive a motor vehicle in any improper manner intended to cause skidding.

(c) A person may not drive a motor vehicle in any improper manner intended to cause spinning of wheels.

(d) A person may not drive a motor vehicle in any improper manner intended

to cause excessive noise.

§21–1118.

(a) The driver of a school bus:

(1) Is responsible for its operation; and

(2) May not drive it into any roadway without first stopping and determining that there is no danger from any other vehicle.

(b) The person responsible for any pupils on a school bus is:

(1) The teacher on the bus; or

(2) If a teacher is not present, the driver.

(c) A person responsible for pupils on a school bus may not permit the number of standing pupils to exceed one pupil for each part of the aisle that is bounded on both sides by forward facing seats.

(d) A person responsible for pupils on a school bus may not permit any pupil to stand if the school bus is equipped only with lengthwise or a combination of lengthwise and forward facing seats.

(e) A person responsible for pupils on a school bus may not permit any pupil to stand in front of the stanchion and guardrail.

(f) A person responsible for pupils on a school bus may not permit any pupil to operate the front door opening mechanism, except in an emergency.

(g) A person responsible for pupils on a school bus may not require any pupil to sit on the floor.

(h) Except for the driver and any fuel station attendant, a person may not occupy a school bus while it is being supplied with fuel.

(i) Either the driver or an adult aide assigned to each school vehicle that is used to transport handicapped children shall be certified as having successfully completed a first aid-safety course approved by the Department of Education.

§21–1119.

(a) In this section, "snow tires" means those tires that are in a good state of repair and that:

(1) Are normally designated by their manufacturer as snow tires;

(2) Are approved by the Administrator as meeting the standards of

effectiveness required of normally designated snow tires; or

(3) Have antiskid patterns cut into the treaded surfaces to form bars, buttons, or blocks specially designed to give effective traction on snow or ice-covered highways.

(b) Subject to the prior approval of the governing body of the county affected, the State Highway Administration may designate, as it considers appropriate, any State highway, as defined in § 8-101 of this article, as a "snow emergency route". When a highway is so designated, appropriate signs indicating this designation shall be placed along the highway.

(c) The Secretary of State Police or the Secretary's representative may declare a snow emergency for all snow emergency routes as a whole or for any one or more snow emergency routes, as the Secretary or the Secretary's representative considers necessary. The snow emergency shall continue in effect until the Secretary or the Secretary's representative declares it to be no longer necessary.

(d) A person may not drive or attempt to drive a motor vehicle, other than a motorcycle, on any highway that is designated and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect, unless the vehicle is equipped with chains or snow tires on at least one wheel at each end of a driving axle.

(e) A person may not park a vehicle on any highway that is designated and appropriately signposted as a snow emergency route and for which a snow emergency has been declared and is in effect. The Department of State Police or the police of any political subdivision of this State may have any vehicle parked in violation of this subsection towed from the highway.

§21–1120.

(a) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earplugs.

(b) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears a headset.

(c) A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earphones attached to a radio, tape player, or other audio device.

(d) The provisions of subsections (a), (b), and (c) of this section do not apply to:

(1) A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway;

(2) A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs;

(3) A person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to reduce injurious noise levels. However, custom plugs or molds shall be designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle; or

(4) A person wearing a prosthetic device used to aid the hard of hearing.

(e) (1) The provisions of subsections (a) and (c) of this section do not apply to a person operating an authorized emergency vehicle under emergency conditions.

(2) The provisions of subsection (b) of this section do not apply to a person operating an authorized emergency vehicle:

(i) Under emergency conditions; or

(ii) Who is wearing a headset for the purpose of communicating with other emergency personnel.

§21–1121.

(a) This section applies only to a Class E (truck) vehicle registered or of a type capable of being registered in this State as a Class E (truck) vehicle with a manufacturer's rated capacity of 3/4 ton or less, the gross vehicle weight of which does not exceed 7,000 pounds.

(b) (1) Subject to paragraph (2) of this subsection, this section does not apply to:

(i) A vehicle traveling at a speed of not more than 25 miles per hour; or

(ii) The transportation of:

1. An employee to or from a work site by the employer of the employee; or

2. An individual in a vehicle engaged in farming operations.

(2) This subsection may not be construed as to eliminate applicable child safety seat and seat belt requirements under §§ 22-412.2 and 22-412.3 of this article.

(c) An individual may not drive a Class E (truck) vehicle on a highway in the State while a passenger under the age of 16 years is riding in an unenclosed bed of the vehicle.

§21–1122.

(a) In this section, "sound amplification system" means a compact disc player, a radio, a tape player, or a similar device.

(b) This section does not apply to:

(1) Authorized emergency vehicles;

(2) Vehicles operated by communications, electric, gas, or water utilities;

(3) A sound amplification system operated to request assistance or to warn of a hazardous situation; or

(4) Unless otherwise prohibited by local law, a sound amplification system used for advertising, parades, or for political or other special events.

(c) When a motor vehicle is being operated on a highway, the driver of the vehicle may not operate or permit the operation of a sound amplification system from the vehicle that can be heard outside the vehicle from 50 or more feet.

(d) (1) A person who violates this section is subject to criminal penalties under § 27-101 of this article.

(2) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

§21–1123.

(a) (1) The provisions of this subsection do not apply if the holder of the provisional driver's license is driving while accompanied by and under the immediate supervision of an individual who:

(i) Is at least 21 years old;

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven by the holder of the provisional driver's license; and

(iii) Is seated beside the holder of the provisional driver's license.

(2) Except as provided in paragraph (3) of this subsection, a holder of a provisional driver's license who is under the age of 18 years may not drive a motor vehicle with a passenger under the age of 18 years.

(3) The prohibition under paragraph (2) of this subsection:

(i) Shall be in effect from the date the provisional license is originally issued until the 151st day after the provisional license was issued; and

(ii) Does not apply to a passenger who is:

1. A spouse, daughter, son, stepdaughter, stepson, sister, brother, stepsister, or stepbrother of the licensee; or

2. A relative of the licensee who resides at the same address as the licensee.

(b) A police officer may enforce this section only as a secondary action when the police officer detains a driver for a suspected violation of another provision of the Code.

(c) A violation of this section is a moving violation for the purposes of § 16-402 of this article.

(d) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration may suspend or revoke the individual's driver's license.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 16, Subtitle 2 of this article.

§21–1124.

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

(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(3) "Wireless communication device" means a handheld or hands–free device used to access a wireless telephone service.

(b) This section does not apply to the use of a wireless communication device:

(1) To contact a 9–1–1 system; or

(2) As a text messaging device as defined in § 21–1124.1 of this subtitle.

(c) An individual who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

(d) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

§21–1124.1.

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

(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(3) "Text messaging device" means a handheld device used to send a text message or an electronic message via a short message service, wireless telephone service, or electronic communication network.

(b) Subject to subsection (c) of this section, an individual may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

(c) This section does not apply to the use of:

(1) A global positioning system; or

(2) A text messaging device to contact a 9–1–1 system.

(d) (1) If the Administration receives satisfactory evidence that an individual who is under the age of 18 years has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.

§21–1124.2.

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

(2) "Handheld telephone" means a handheld device used to access wireless telephone service.

(3) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9–1–1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

(i) Law enforcement personnel; and

(ii) Emergency personnel;

(3) Use of a handheld telephone as a text messaging device as defined in § 21–1124.1 of this subtitle; and

(4) Use of a handheld telephone as a communication device utilizing push–to–talk technology by an individual operating a commercial motor vehicle, as defined in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) (1) A person convicted of a violation of this section is subject to the following penalties:

(i) For a first offense, a fine of not more than $75;

(ii) For a second offense, a fine of not more than $125; and

(iii) For a third or subsequent offense, a fine of not more than $175.

(2) Points may not be assessed against the individual under § 16–402 of this article unless the offense contributes to an accident.

(f) The court may waive a penalty under subsection (e) of this section for a person who:

(1) Is convicted of a first offense under this section; and

(2) Provides proof that the person has acquired a hands–free accessory, an attachment or add–on, a built–in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.

§21–1124.3.

A person may not commit a violation of § 21–1124.1 or § 21–1124.2 of this subtitle that causes an accident that directly results in the death or, as defined in § 27–113 of this article, serious bodily injury of another.

§21–1125.

Notwithstanding any other provision of this title, a person may not drive a low speed vehicle:

(1) On a highway for which the posted maximum speed limit exceeds 30 miles per hour;

(2) On an expressway or another controlled access highway that is signed in accordance with § 21-313 of this title;

(3) On a highway on which driving a low speed vehicle is prohibited by a county or municipal ordinance; or

(4) Across a highway for which the posted maximum speed limit exceeds 45 miles per hour, except at an intersection that is controlled by:

(i) A traffic control signal; or

(ii) A stop sign at each approach to the intersection.

§21–1126.

(a) In this section, "violation" means:

(1) A violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment; or

(2) A violation of § 21-901.1(a) of this title.

(b) A person may not commit or engage another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from:

(1) The Secretary of State Police, or the Secretary's designee; or

(2) The chief executive officer of the governing body of the county in which the violation is to occur, or the chief executive officer's designee.

§21–1127.

(a) An individual may not operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless the individual holds a valid for–hire driver's license issued by the Public Service Commission.

(b) A person may not allow an individual to operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless:

(1) The individual operating the limousine holds a valid for–hire driver's license issued by the Public Service Commission; and

(2) The limousine displays special limousine vehicle registration plates issued under § 13–939 of this article.

§21–1128.

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

(2) (i) "Dirt bike" means any motorcycle or similar vehicle that is not required to be registered under Title 13 of this article.

(ii) "Dirt bike" includes:

1. A motorized minibike, as defined in § 11–134.4 of this article; and

2. An all–terrain vehicle with either 3 or 4 wheels.

(iii) "Dirt bike" does not include:

1. A moped, as defined in § 11–134.1 of this article; or

2. A motor scooter, as defined in § 11–134.5 of this article.

(3) "Service station" means a place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.

(b) (1) This section applies only in Baltimore City.

(2) This section does not apply to an owner or employee of a service station who is subject to the provisions of the Baltimore City Code prohibiting the selling, transferring, or dispensing of motor fuel for delivery into a dirt bike.

(c) A person may not dispense motor fuel into a dirt bike from a retail pump at a service station.

(d) (1) If a person is convicted of a violation of this section, the court shall notify the Administration of the conviction.

(2) Subject to the provisions of paragraph (3) of this subsection, on receipt of the notice described under paragraph (1) of this subsection the Administration:

(i) For a first violation, may suspend the person's driver's license for up to 30 days; and

(ii) For a second or subsequent violation, shall suspend the person's driver's license for 30 days.

(3) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a suspension under this section.

§21–1129.

A person may not drive a motor vehicle on a highway if the motor vehicle is equipped with television–type receiving equipment or video display equipment, as defined under § 22–414.1 of this article, that is turned on and displaying an image visible to the driver.

§21–1201.

(a) The parent of any minor or the guardian of any ward may not authorize the minor or ward to violate any provision of this subtitle.

(b) The parent of any minor or the guardian of any ward may not knowingly permit the minor or ward to violate any provision of this subtitle.

(c) With the exceptions stated in this subtitle, the provisions of this subtitle that are applicable to bicycles apply whenever a bicycle, an EPAMD, or a motor scooter is operated on any highway or whenever a bicycle or an EPAMD is operated on any path set aside for the exclusive use of bicycles.

§21–1202.

Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:

(1) As otherwise provided in this subtitle; and

(2) For those provisions of this title that by their very nature cannot apply.

§21–1203.

(a) The operator of a bicycle or a motor scooter may ride the bicycle or motor scooter only on or astride a permanent and regular seat securely attached to it.

(b) A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger.

(c) A motor scooter may not carry any passenger unless it is designed for and equipped with a seat securely attached to it and footrests for each passenger.

§21–1204.

(a) This section does not apply to any log skid, drag, or farm sled while used in agricultural or forestry practices.

(b) A person riding on any bicycle or motor scooter may not attach it or himself to any vehicle on a roadway.

(c) A person riding on any play vehicle may not attach it or himself to any vehicle on a roadway.

(d) A person riding on any coaster may not attach it or himself to any vehicle on a roadway.

(e) A person riding on any skateboard may not attach it or himself to any vehicle on a roadway.

(f) A person riding on any roller skates may not attach them or himself to any vehicle on a roadway.

(g) A person riding on any sled may not attach it or himself to any vehicle on a roadway.

(h) A person riding on any toy vehicle may not attach it or himself to any vehicle on a roadway.

§21–1205.

(a) Each person operating a bicycle or a motor scooter at a speed less than the speed of traffic at the time and place and under the conditions then existing on a roadway shall ride as near to the right side of the roadway as practicable and safe, except when:

(1) Making or attempting to make a left turn;

(2) Operating on a one-way street;

(3) Passing a stopped or slower moving vehicle;

(4) Avoiding pedestrians or road hazards;

(5) The right lane is a right turn only lane; or

(6) Operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.

(b) Each person operating a bicycle or a motor scooter on a roadway may ride two abreast only if the flow of traffic is unimpeded.

(c) Each person operating a bicycle or a motor scooter on a roadway shall exercise due care when passing a vehicle.

(d) Each person operating a bicycle or a motor scooter on a roadway may walk the bicycle or motor scooter on the right side of a highway if there is no sidewalk.

§21–1205.1.

(a) (1) Notwithstanding any other provision of this title, a person may not ride a bicycle or a motor scooter:

(i) Except as provided in paragraph (2) of this subsection, on any roadway where the posted maximum speed limit is more than 50 miles an hour; or

(ii) On any expressway, except on an adjacent bicycle path or way approved by the State Highway Administration, or on any other controlled access highway signed in accordance with § 21–313 of this title.

(2) If a person is lawfully operating a bicycle or a motor scooter on a shoulder adjacent to a roadway for which the posted maximum speed limit is more

than 50 miles an hour, the person may enter the roadway only if:

(i) Making or attempting to make a left turn;

(ii) Crossing through an intersection; or

(iii) The shoulder is overlaid with a right turn lane, a merge lane, a bypass lane, or any other marking that breaks the continuity of the shoulder.

(b) (1) Where there is not a bike lane paved to a smooth surface, a person operating a bicycle or a motor scooter may use the roadway or the shoulder.

(2) Where there is a bike lane paved to a smooth surface, a person operating a bicycle or a motor scooter shall use the bike lane and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, motor scooter, pedestrian, or other vehicle within the bike lane if the overtaking and passing cannot be done safely within the bike lane;

(ii) When preparing for a left turn at an intersection or into an alley, private road, or driveway;

(iii) When reasonably necessary to leave the bike lane to avoid debris or other hazardous condition; or

(iv) When reasonably necessary to leave the bike lane because the bike lane is overlaid with a right turn lane, merge lane, or other marking that breaks the continuity of the bike lane.

(3) A person operating a bicycle or a motor scooter may not leave a bike lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

(4) The Department shall adopt regulations pertaining to this subsection, including a definition of "smooth surface".

(c) A motor scooter may not be operated at a speed in excess of 30 miles per hour.

(d) Notwithstanding any other provision of this title, a person may not operate an EPAMD on any roadway where there are sidewalks adjacent to the roadway or the posted maximum speed limit is more than 30 miles an hour.

(e) An EPAMD may not be operated at a speed in excess of 15 miles per hour.

§21–1206.

(a) A person may not operate a bicycle, an EPAMD, or a motor scooter while

carrying any package, bundle, or other article that prevents the person from keeping both hands on the handlebars.

(b) A person may not carry on a bicycle, an EPAMD, or a motor scooter any package, bundle, or other article that interferes with the view or balance of the operator.

(c) A person may not remove, ride on, or tamper with any part of a bicycle, an EPAMD, or a motor scooter without the permission of its owner.

§21–1207.

(a) (1) If a bicycle or a motor scooter is used on a highway at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the bicycle or motor scooter shall be equipped:

(i) On the front, with a lamp that emits a white light visible from a distance of at least 500 feet to the front; and

(ii) On the rear, with a red reflector of a type approved by the Administration and visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) A bicycle or bicyclist may be equipped with a functioning lamp that acts as a reflector and emits a red light or a flashing amber light visible from a distance of 500 feet to the rear instead of or in addition to the red reflector required by paragraph (1) of this subsection.

(b) Subject to subsection (c) of this section, a person may operate a bicycle or a motor scooter that is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

(c) A bicycle or motor scooter may not be equipped with nor may any person use on a bicycle any siren or whistle.

(d) Every bicycle and motor scooter shall be equipped with a braking system capable of stopping from a speed of 10 miles per hour within 15 feet on dry, level, clean pavement.

§21–1207.1.

(a) (1) The provisions of this section apply:

(i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and

(ii) To a person under the age of 16 who is riding on a bicycle,

including a person under the age of 16 who is a passenger on a bicycle:

1. In a restraining seat attached to the bicycle; or

2. In a trailer being towed by the bicycle.

(2) The provisions of this section do not apply to passengers in commercial bicycle rickshaws.

(b) This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.

(c) A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling.

(d) This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

§21–1207.2.

(a) An individual under the age of 16 years may not ride on a scooter or on in–line skates on any highway, bicycle way, sidewalk, or other property open to the public or used by the public for pedestrian or vehicular traffic, unless the individual is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling or in–line skating.

(b) This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about helmet use.

§21–1208.

(a) A person may not secure a bicycle, an EPAMD, or a motor scooter to a fire hydrant, police or fire call box, or traffic control device.

(b) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within a bus or taxi-loading zone.

(c) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device located within 25 feet of any intersection.

(d) A person may not secure a bicycle, an EPAMD, or a motor scooter to a pole, meter, or device on which notice has been posted by the appropriate authorities

forbidding the securing of bicycles.

(e) A person may not secure a bicycle, an EPAMD, or a motor scooter to any place where the securing of a bicycle or a motor scooter would obstruct or impede vehicular traffic or pedestrian movement.

(f) A bicycle, an EPAMD, or a motor scooter may be secured to a parking meter, without payment of the usual fees, if it is entirely removed from the bed of the street normally used for vehicular parking.

§21–1209.

(a) Notwithstanding any other provision of this title, the driver of a vehicle shall:

(1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; and

(2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely at a distance of not less than 3 feet, unless, at the time:

(i) The bicycle, EPAMD, or motor scooter rider fails to operate the vehicle in conformance with § 21–1205(a) of this subtitle ("Riding to right side of roadway") or § 21–1205.1(b) of this subtitle ("Roadway with bike lane or shoulder paved to smooth surface");

(ii) A passing clearance of less than 3 feet is caused solely by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or

(iii) The highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet.

(b) A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter.

(c) A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.

(d) Unless otherwise specified in this title, the driver of a vehicle shall yield the right–of–way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bike lane or shoulder if the driver of the vehicle is about to enter or cross the designated bike lane or shoulder.

§21–1210.

(a) A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any headset covering both

ears.

(b) A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any earplugs in both ears.

(c) The provisions of this section do not apply to:

(1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;

(2) Any person wearing a prosthetic device used to aid the hard of hearing; or

(3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.

§21–1211.

(a) When the State Highway Administration or a local authority approves a motor vehicle or bicycle racing event on a highway or a highway bridge under its respective jurisdiction, motor vehicle or bicycle racing shall be lawful.

(b) The State Highway Administration or a local authority may approve a motor vehicle or bicycle racing event only if:

(1) The racing event is held under conditions that:

(i) Provide reasonable safety for race participants, spectators, and other highway or highway bridge users; and

(ii) Prevent unreasonable interference with traffic flow that would seriously inconvenience other highway or highway bridge users;

(2) The sponsors of the racing event:

(i) Indemnify the State and local governments from any loss arising out of or relating to the racing event; and

(ii) Provide comprehensive liability insurance, in an amount to be determined by the State Highway Administration or local authority with jurisdiction over the highway on which the racing event is to be held, for the benefit of the State and local governments, spectators, and other highway or highway bridge users;

(3) The county or other local jurisdiction in which the racing event is held provides written authorization for the racing event; and

(4) The highway on which the racing event is held is closed, in a manner

approved by the State Highway Administration or local authority with jurisdiction over the highway, with appropriate access measures in place.

(c) If traffic control adequately assures the safety of participants, spectators, and other highway or highway bridge users, the State Highway Administration or a local authority may exempt participants in an approved motor vehicle or bicycle racing event from compliance with other provisions of the Maryland Vehicle Law that otherwise would be applicable to the participants in the motor vehicle or bicycle racing event.

§21–1211.1.

(a) When the State Highway Administration or a local authority approves a foot racing event on a highway or a highway bridge under its respective jurisdiction, foot racing shall be lawful.

(b) The State Highway Administration or a local authority may approve a foot racing event only under conditions that:

(1) Provide reasonable safety for race participants, spectators, and other highway or highway bridge users; and

(2) Prevent unreasonable interference with traffic flow that would seriously inconvenience other highway or highway bridge users.

(c) If traffic control adequately assures the safety of participants, spectators, and other highway or highway bridge users, the State Highway Administration or a local authority may exempt participants in an approved foot racing event from compliance with other provisions of the Maryland Vehicle Law that otherwise would be applicable to the participants in the foot racing event.

§21–1212.

The Administration shall publish copies or summaries of the regulations and laws of this State that regulate the operation of bicycles and make them available, on request and without cost, to every dealer engaged in the retail sale of bicycles in this State. These dealers shall provide a copy to each person who buys a bicycle.

§21–1301.

Every person operating a motorcycle has all the rights granted to and is subject to all the duties required of the driver of any other vehicle under this title, except:

(1) As otherwise provided in this title; and

(2) For those provisions of this title that by their very nature cannot apply.

§21–1302.

(a) The operator of a motorcycle may ride the motorcycle only on the permanent and regular seat attached to it.

(b) The operator of a motorcycle may not carry any other person unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle at the rear or side of the operator.

(c) A person other than the operator of a motorcycle may not ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat, if designed for 2 persons, or on another seat firmly attached to the motorcycle at the rear or side of the operator.

(d) A person may ride on a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(e) A person may not operate a motorcycle while carrying any package, bundle, or other article that prevents him from keeping both hands on the handlebars.

(f) The operator of a motorcycle may not carry any person in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(g) A person other than the operator of a motorcycle may not ride in a position that interferes with the operation or control of the motorcycle or the view of the operator.

§21–1303.

(a) (1) On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them apply.

(2) Subsections (c) and (d) of this section do not apply to police officers in the performance of their official duties.

(b) (1) This subsection does not apply to motorcycles operated two abreast in a single lane.

(2) Every motorcycle is entitled to the full use of a lane, and a motor vehicle may not be driven in any manner that deprives any motorcycle of the full use of a lane.

(c) The operator of a motorcycle may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(d) A person may not operate a motorcycle between lanes of traffic or between

adjacent lines or rows of vehicles.

(e) Motorcycles may not be operated more than two abreast in a single lane.

§21–1303.1.

(a) Notwithstanding any other provisions of this title, a person may not operate a motorcycle that has a motor with a rating of 1.5 brake horsepower or less, or a capacity of less than 70 cubic centimeters piston displacement:

(1) On a roadway where the posted maximum speed limit is more than 50 miles per hour; or

(2) On any expressway or other controlled access highway.

(b) (1) Prior to the sale of such vehicle, any dealer or agent or employee of a dealer, any vehicle salesman, or other person who sells a motorcycle as defined in this subsection shall inform the buyer of the operating restrictions imposed by this section.

(2) The Administration may provide a warning of the operating restrictions imposed by this subsection.

§21–1304.

A person riding on any motorcycle may not attach it or himself to any other vehicle on a roadway.

§21–1305.

(a) If any motorcycle carries a passenger other than in a sidecar or enclosed cab, the motorcycle shall be equipped with footrests for the passenger.

(b) A person may not operate any motorcycle with handlebars more than 15 inches in height above the part of the seat occupied by the operator.

§21–1306.

(a) This section does not apply to any person riding in an enclosed cab.

(b) An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Administrator.

(c) A person may not operate a motorcycle unless:

(1) He is wearing an eye-protective device of a type approved by the Administrator; or

(2) The motorcycle is equipped with a windscreen.

(d) The Administrator:

(1) May approve or disapprove protective headgear and eye-protective devices required by this section;

(2) May adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye-protective devices; and

(3) Shall publish lists of all protective headgear and eye-protective devices that he approves, by name and type.

(e) (1) The failure of an individual to wear protective headgear required under subsection (b) of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity or person arising out of an incident that involves protective headgear alleged to be defectively designed, manufactured, or repaired.

(ii) In a civil action described under subparagraph (i) of this paragraph in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, supplying, or repair of protective headgear, a court shall order on a motion of any party separate trials to accomplish the ends of justice.

§21–1306.1.

(a) This section does not apply to any individual riding in an enclosed cab.

(b) An individual may not operate or ride on a moped or motor scooter unless the individual is wearing protective headgear that meets the standards provided under

49 C.F.R. § 571.218.

(c) An individual may not operate a moped or motor scooter unless:

(1) The individual is wearing an eye–protective device of a type approved by the Administrator; or

(2) The moped or motor scooter is equipped with a windscreen.

(d) The Administrator:

(1) May approve or disapprove protective headgear and eye–protective devices required by this section;

(2) May adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye–protective devices; and

(3) Shall publish lists of all protective headgear and eye–protective devices that the Administrator approves, by name and type.

(e) (1) The failure of an individual to wear protective headgear required under subsection (b) of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a moped or motor scooter.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity or person arising out of an incident that involves protective headgear alleged to be defectively designed, manufactured, or repaired.

(ii) In a civil action described under subparagraph (i) of this paragraph in which two or more parties are named as joint tort–feasors, interpleaded as defendants, or impleaded as defendants, and at least one of the joint tort–feasors or defendants is not involved in the design, manufacture, supplying, or repair of

protective headgear, a court shall order on a motion of any party separate trials to accomplish the ends of justice.

§21–1401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Approach" means any roadway, overhead structure, ramp, bridge, causeway, entrance, and exit provided as a means of access to or departure from an Authority highway.

(c) "Authority highway" means:

(1) Each highway, tunnel, and bridge within the jurisdiction of the Maryland Transportation Authority; and

(2) Each approach to these highways, tunnels, and bridges.

(d) "Bridge" means any bridge within the jurisdiction of the Maryland Transportation Authority.

(e) "Tunnel" means:

(1) The Baltimore Harbor Tunnel; and

(2) Any other tunnel within the jurisdiction of the Maryland Transportation Authority.

§21–1402.

Unless specifically modified or changed by this subtitle, each provision of the Maryland Vehicle Law applicable to motor vehicles on highways applies on all Authority highways.

§21–1403.

To promote safety for users of Authority highways, the Maryland Transportation Authority may adopt rules and regulations governing traffic using the Authority highways.

§21–1404.

(a) Traffic using any Authority highway shall obey any lawful sign.

(b) Traffic using any Authority highway shall obey any lawful order of any authorized employee of the Authority highway.

(c) Traffic using any Authority highway shall obey any lawful signal of any authorized employee of the Authority highway.

(d) Traffic using any Authority highway shall obey any lawful direction by voice, sign, or hand of any authorized employee of the Authority highway.

§21–1405.

(a) Unless authorized by the Chairman of the Maryland Transportation Authority, pedestrians may not use any Authority highway.

(b) Unless authorized by the Chairman of the Maryland Transportation Authority, bicycles may not use any Authority highway.

§21–1406.

A person may not hitchhike on any Authority highway and a motorist may not pick up or discharge any person on any Authority highway.

§21–1407.

(a) The driver of a vehicle may not stop, stand, or park the vehicle on any Authority highway, except:

(1) If necessary to avoid injury or damage to any person or property;

(2) In compliance with the lawful direction of an authorized employee of the Authority highway;

(3) At a designated area for the transaction of business at an Administration building; or

(4) If the vehicle is disabled or involved in an accident, in which case the vehicle shall be moved, if possible:

(i) To the shoulder of the roadway;

(ii) Adjacent to the emergency walkway on a bridge; or

(iii) As otherwise directed by a patrol officer.

(b) Notwithstanding § 25–201(b) of this article, the Maryland Transportation Authority may adopt regulations governing the removal of vehicles left unattended for 12 or more hours on any Authority highway.

§21–1408.

(a) Except at the lawful direction of an authorized employee of the Authority highway, a vehicular turn may not be made in any area where turns are prohibited by signs.

(b) Except at the lawful direction of an authorized employee of the Authority

highway, a vehicular turn may not be made at crossovers provided for emergency vehicles.

§21–1409.

If an Authority highway has a posted minimum speed, that minimum speed shall be maintained.

§21–1410.

A vehicle may not be driven on any Authority highway if the vehicle or its load exceeds the maximum weight, width, or height permitted by the regulations of the Maryland Transportation Authority for that Authority highway.

§21–1411.

(a) Except as permitted by the rules and regulations of the Maryland Transportation Authority and to the extent permitted by federal law, a person may not transport or knowingly cause to be transported any of the following hazardous materials across or through any Authority highway:

(1) Combustible liquids;

(2) Compressed gases;

(3) Corrosive liquids;

(4) Explosives;

(5) Flammable liquids;

(6) Flammable solids;

(7) Oxidizing materials;

(8) Poisonous articles; or

(9) Radioactive materials.

(b) The provisions of § 22–409 of this article shall apply to the transportation of any permitted hazardous material across or through any Authority highway.

(c) To secure and preserve life and property, the Maryland Transportation Authority may adopt rules and regulations to carry out the provisions of subsection (a) of this section.

§21–1412.

(a) Except at the direction of authorized personnel, vehicular traffic may not

cross the double white lines that designate the vehicular traffic lanes in a tunnel.

(b) Except at the direction of authorized personnel, trucks and slow moving vehicles may be driven only in the right lane of a tunnel.

(c) The driver of a vehicle may not sound his horn or flash his headlights in a tunnel.

(d) While in a tunnel, a person may not use any cutout or other device that allows exhaust gases to escape a motor without passing through a muffler or silencer.

§21–1413.

(a) A person may not fail or refuse to pay the prescribed toll at any Authority highway for which the payment of a toll is fixed.

(b) A person may not attempt to evade the payment of the toll at any Authority highway for which the payment of a toll is fixed.

§21–1414.

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

(2) "Authority" means the Maryland Transportation Authority.

(3) "Electronic toll collection" means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) "Notice of toll due" or "notice" means an administrative notice of a video toll transaction.

(5) "Person alleged to be liable" means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) "Recorded image" means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;

2. Videotape; or

3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) "Registered owner" means, with respect to a motor vehicle, the person or persons designated as the registered owner in the records of the state agency that is responsible for motor vehicle registration.

(8) "Toll collection facility" means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) "Toll violation" means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) "Video monitoring system" means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) "Video toll" means the amount assessed by the Authority when a video toll transaction occurs.

(12) "Video toll transaction" means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have 30 days to pay the video toll.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to civil citation and civil penalty as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

(d) (1) The Authority or its duly authorized agent shall send a citation via first–class mail, no later than 60 days after the toll violation, to the person alleged to

be liable under this section.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

(iv) The date and time of the video toll transaction;

(v) The amount of the video toll and the date it was due as stated on the notice of toll due;

(vi) A copy of the recorded image;

(vii) A statement that the video toll was not paid by the date stated on the notice of toll due;

(viii) The amount of the civil penalty; and

(ix) The date by which the video toll and civil penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and

(iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.

(5) A person alleged to be liable receiving the citation for a toll violation under this section may:

(i) Pay the video toll and the civil penalty directly to the Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) (i) If the person alleged to be liable under this section fails to elect to stand trial or to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial after having elected to stand trial, the Authority or its duly authorized agent may:

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with § 27–110 of this article.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the registered vehicle of the owner under § 27–110 of this article.

(e) (1) A certificate alleging that a toll violation occurred, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner within 30 days of receiving the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor within 30 days of the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate within 30 days of the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner within 30 days of the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

§21–1415.

(a) The Maryland Transportation Authority in consultation with the Administrator may enter into an agreement with another jurisdiction that provides for reciprocal enforcement of toll violations between the State and the other jurisdiction.

(b) An agreement made under this section shall provide that drivers and vehicles licensed in the State, while operating on the highways of another jurisdiction, shall receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to drivers and vehicles licensed or registered in the other jurisdiction while operated in the State.

(c) A reciprocal agreement under this section may provide for enforcement of toll violations by refusal or suspension of the registration of a motor vehicle in accordance with § 27–110 of this article.

§22–101.

(a) (1) A person may not drive and the owner may not cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles that:

(i) Is in such unsafe condition as to endanger any person;

(ii) Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this title; or

(iii) Is equipped in any manner in violation of this title.

(2) A person may not do any act forbidden or fail to do any act required under this title.

(b) Nothing contained in this title shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this title.

(c) A person may not display for sale, sell, offer for sale, or deliver for use in, on, or as a part of any motor vehicle, trailer, semitrailer, or pole trailer, any headlamp, auxiliary or fog lamp, rear lamp, warning lamp, reflector, glazing material, hydraulic brake fluid, brake lining, antifreeze, seat belt, shoulder harness, or seat belt and shoulder harness assembly, or any other item of equipment or device, including eye-protective devices and protective helmets, required to be approved by the Administrator, unless the device is of a type that has been submitted to the Administrator or his authorized agent and has been approved by him.

(d) A person may not display for sale, sell, offer for sale, or deliver for use in, on, or as a part of any motor vehicle, trailer, semitrailer, or pole trailer, any device required to be approved by the Administrator, unless the device bears on it or, where applicable, on the container in which it is sold, the trademark or name under which it has been approved.

(e) (1) The provisions of this title with respect to equipment on vehicles do not apply to farm equipment, road machinery, road rollers, farm tractors, mopeds, or motor scooters, except as made applicable in this title.

(2) (i) Subject to subparagraph (ii) of this paragraph, this title does not apply to low speed vehicles.

(ii) 1. A low speed vehicle shall comply with federal standards under 49 C.F.R. 571.500.

2. The Administration may adopt regulations that require equipment for low speed vehicles in addition to equipment required under federal law.

§22–102.

(a) The Administrator may approve or disapprove any lighting device or other motor vehicle safety equipment components or assemblies of a type for which approval is specifically required in this title, within a reasonable time after approval has been requested. The approvals may be based on consultations with the Automotive Safety Enforcement Division of the Department of State Police.

(b) The Administrator may set up the procedure to be followed when requests for approval of any lighting device or other motor vehicle safety equipment component or assembly is submitted. The procedures may provide for submission of these devices, components, or assemblies to the Automotive Safety Enforcement Division of the Department of State Police.

(c) When the Administrator has reason to believe that a device approved under this title is being sold commercially and does not comply with the applicable standards for the device, the Administrator may, after giving 30 days' previous notice to the person who has received the approval for the device, conduct a hearing on the question of compliance of the approved device. After the hearing, the Administrator shall determine whether the devices being sold meet the requirements for approval. If the devices do not meet these requirements, the Administrator shall give notice to the person who has received the previous approval.

(d) If, at the expiration of 30 days after this notice, the person who has received the approval of the device has failed to satisfy the Administrator that the devices being sold meet the requirements for approval, the Administrator shall suspend or revoke the approval issued for the device until the device is resubmitted to and tested by an independent testing laboratory approved by the American Association of Motor Vehicle Administrators and is found to meet the applicable standards. The Administrator may require that all of these devices sold since the notification following the hearing be replaced by devices that do comply. The Administrator may, at the time of retest, purchase on the open market and submit for retesting one or more sets of these approved devices, and, if the device on retest fails to meet the approval requirements, the Administrator shall revoke or refuse to renew the approval of the device.

(e) Notwithstanding any other provision of the Maryland Vehicle Law, the Administrator may adopt any motor vehicle safety standard prescribed by the Secretary of the United States Department of Transportation under 49 U.S.C. § 30111.

§22–103.

(a) In order to assure that required devices displayed for sale, sold, offered for sale, or delivered for use in, on, or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer are of a type approved by the Administrator, the Administration may maintain a program of market surveillance.

(b) On discovery of unapproved devices being sold, offered for sale, displayed for sale, or being delivered for use on any of the vehicles described in § 22-101(c) of this subtitle, notice shall be given that the seller, jobber, or wholesaler is in violation of § 22-101 and that these unapproved devices may not be sold, displayed for sale, or delivered for use on any of the vehicles described in § 22-101(c) and that any such sale, offer for sale, display for sale, or delivery for use of any unapproved devices is a violation of this title.

§22–104.

A person may not willfully or intentionally remove or alter any safety device or equipment that has been placed on any motor vehicle, trailer, semitrailer, or pole trailer in compliance with any law, rule, regulation, or requirement of any officer or agency of the United States or of this State, if it is intended that the vehicle be operated on highways in this State, unless the removal or alteration is permitted by rule or regulation adopted by the Administrator.

§22–105.

(a) (1) If any Class A (passenger) vehicle, any Class E truck with a manufacturer's rating or registered gross vehicle weight of 18,000 pounds or less, or any Class M (multipurpose) vehicle has been altered in any manner that would reduce the effectiveness of its bumpers or suspension or render the vehicle dangerous in the event of a single vehicle accident or a collision with another vehicle, it may not be operated on any highway in this State.

(2) Nothing in this section may be construed to exempt a vehicle from the application of paragraph (1) of this subsection solely because the vehicle is in compliance with the provisions of subsection (b) of this section.

(b) A person may not operate a vehicle on any highway in the State if, as a result of post-manufacture alterations, the height of the vehicle's frame side rails or either of the vehicle's bumpers exceeds:

(1) In the case of a Class A (passenger) vehicle, 20 inches;

(2) In the case of a Class M (multipurpose) vehicle, 28 inches;

(3) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of 10,000 pounds or less, 28 inches; or

(4) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of more than 10,000 pounds but not more than 18,000 pounds:

(i) 30 inches; or

(ii) If the truck is used for spraying agricultural crops, 32 inches.

(c) The Administration and the Automotive Safety Enforcement Division of the Department of State Police jointly shall adopt regulations relating to bumpers, frame side rails, and vehicle suspensions as necessary to implement and enforce the provisions of this section.

§22–106.

(a) In this title, "police officer" means:

(1) Any uniformed police officer; or

(2) Any civilian employee of the Department of State Police or of the Maryland Transportation Authority Police Force assigned to enforce this title or any rule or regulation adopted under this title, but only while acting under written authorization of the Secretary of State Police.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, any police officer shall have the authority to enforce this title and any rule or regulation adopted under it.

(2) A civilian employee of the Maryland Transportation Authority Police Force shall have the authority stated in paragraph (1) of this subsection only if the individual is:

(i) Acting under the immediate direction and control of a uniformed police officer; and

(ii) Certified by the Department of State Police to enforce this title and any rule or regulation adopted under it.

§22–201.

In this subtitle, "service vehicles" means any of the following vehicles that are designated by the Administration as service vehicles:

(1) Vehicles of federal, State, or local agencies;

(2) Vehicles of public service companies; and

(3) Vehicles of persons performing governmental functions under a contract with any federal, State, or local government.

§22–201.1.

Every vehicle on a highway in this State, at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted lamps and illuminating devices as respectively required in this subtitle for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stoplights, turn signals, and other signaling devices shall be lighted as prescribed for the use of these devices.

§22–201.2.

(a) Notwithstanding any other provision of this subtitle, if a driver of a vehicle on a highway operates the vehicle's windshield wipers for a continuous period of time because of impaired visibility resulting from unfavorable atmospheric conditions, the

driver shall light the vehicle's headlamps or fog lights.

(b) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(c) (1) If a person is convicted under this section, the conviction may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a violation of this section.

(3) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating headlamp or fog light.

(d) A person who is convicted of a violation of subsection (a) of this section is subject to a fine not to exceed $25.

(e) A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

§22–202.

(a) Whenever a requirement is declared in this subtitle as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the requirement applies during the times stated in § 22-201.1 of this subtitle in respect to a vehicle without a load when on a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(b) Whenever a requirement is declared in this subtitle as to the mounted height of lamps or devices, it means from the center of the lamp or device to the level ground on which the vehicle stands when the vehicle is without a load.

§22–203.

(a) In this section, the term "motorcycle" includes Class M (multipurpose) vehicles that are designated by the Administrator.

(b) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall emit white light and comply with the requirements and limitations set forth in this title.

(c) Every motorcycle shall be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this title.

(d) Every headlamp on every motor vehicle, including every motorcycle, shall be located at a height of not more than 54 inches nor less than 24 inches.

§22–204.

(a) Except as otherwise provided in this section, after June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle that is being drawn at the end of a combination of vehicles, shall be equipped with at least 2 tail lamps mounted on the rear, which, when lighted as required in § 22-201.1 of this subtitle, shall emit a red light plainly visible from a distance of 1,000 feet to the rear.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle that is being drawn at the end of a combination of vehicles, and that was manufactured or assembled before June 1, 1971, shall have at least 1 tail lamp mounted on the rear which, when lighted as required in § 22-201.1 of this subtitle, shall emit a red light plainly visible from a distance of at least 300 feet to the rear.

(c) On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified in subsections (a) and (b) of this section.

(d) On vehicles equipped with more than 1 tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(e) Every tail lamp on every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches.

(f) Either a tail lamp or a separate lamp shall be constructed and placed to illuminate, with a white light, the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be wired to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(g) Notwithstanding any provision of this section to the contrary, special mobile equipment that is being drawn at the end of a combination of vehicles is not required to be equipped with tail lamps unless:

(1) The special mobile equipment obstructs the tail lamps, stop lamps, turn signals, or, except for the registration plate lamp, any lamps of the towing vehicle required by law to be visible from the rear; or

(2) The special mobile equipment extends more than 12 feet from the rear of the towing vehicle.

§22–205.

(a) (1) After July 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and any special mobile equipment being towed, shall carry on the rear, either as part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that:

(i) Motorcycles shall carry at least one reflector; and

(ii) Vehicles of the types mentioned in § 22-208 of this subtitle shall be equipped with reflectors meeting the requirements of §§ 22-210 and 22-211(a) and (b) of this subtitle.

(2) Before this date every vehicle, trailer, or semitrailer, including devices moved by muscular power, shall carry on the rear at least one reflector, and after this date, every vehicle mentioned in this paragraph that is not mentioned in paragraph (1) of this subsection shall carry on the rear at least one reflector.

(b) Every reflector shall be mounted on the vehicle at a height of not more than 60 inches nor less than 15 inches and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles. When two reflectors are required they shall be as widely spaced laterally as practicable.

§22–206.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with at least one stop lamp meeting the requirements of § 22-219(a) of this subtitle, and the following vehicles shall meet the following additional requirements:

(1) Every motor vehicle registered in this State and sold as a new vehicle after June 1, 1967, shall be equipped with at least two stop lamps; and

(2) After July 1, 1971, every trailer, semitrailer, and pole trailer shall be equipped with at least two stop lamps.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer registered in this State and sold as a new vehicle after June 1, 1961, shall be equipped with electric turn signal lamps meeting the requirements of § 22-219(b) through (h) of this subtitle, except that:

(1) Motorcycles need not be equipped with electric turn signal lamps; and

(2) The requirements of this section apply only to those trailers,

semitrailers, and pole trailers that are registered in this State and sold as new vehicles on or after July 1, 1971.

(c) Any special mobile equipment that is being towed shall be equipped with at least 2 stop lamps that meet the requirements of § 22-219(a) of this subtitle and electric turn signals that meet the requirements of § 22-219(b) of this subtitle if the special mobile equipment:

(1) Obstructs the tail lamps, stop lamps, turn signals, or except for the registration plate lamp, any lamp of the towing vehicle required by law to be visible from the rear; or

(2) Extends more than 12 feet from the rear of the towing vehicle.

§22–208.

(a) In addition to the other equipment required by this title, including §§ 22-203, 22-204, 22-205, and 22-206, the vehicles mentioned in this section, when operated on any highway, shall be equipped as stated in this section. All required lamp equipment shall be lighted at the times mentioned in § 22-201.1 of this subtitle. The reflectors elsewhere enumerated for these vehicles shall conform to the requirements of § 22-211(a) and (b) of this subtitle.

(b) (1) Buses and trucks 80 inches or more in overall width shall have:

(i) On the front, two clearance lamps, one at each side, and on those manufactured or assembled after June 1, 1971, three identification lamps meeting the specifications of subsection (c) of this section;

(ii) On the rear, two clearance lamps, one at each side, and after June 1, 1970, three identification lamps meeting the specifications of subsection (c) of this section;

(iii) On each side, two side marker lamps, one at or near the front and one at or near the rear; and

(iv) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers 80 inches or more in overall width shall have:

(i) On the front, two clearance lamps, one at each side;

(ii) On the rear, two clearance lamps, one at each side, and after June 1, 1971, three identification lamps meeting the specifications of subsection (c) of this section;

(iii) On each side, two side marker lamps, one at or near the front and

one at or near the rear; and

(iv) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) Truck tractors shall have on the front, two cab clearance lamps, one at each side, and after June 1, 1971, all of these vehicles shall have in addition three identification lamps meeting the specifications of subsection (c) of this section.

(4) Motor vehicles, trailers, semitrailers, and pole trailers 30 feet or more in overall length shall have on each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(5) Pole trailers shall have:

(i) On each side, one amber side marker lamp at or near the front of the load;

(ii) One amber reflector at or near the front of the load; and

(iii) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(c) Whenever identification lamps are required or permitted by this title, they shall be grouped in a horizontal row, with lamp centers spaced not less than 6 nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline. However, where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab complies with the requirements for front identification lamps.

§22–209.

(a) Front clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps, identification lamps, and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

§22–210.

(a) Reflectors required by § 22-208 of this subtitle shall be mounted at a height of not more than 60 inches nor less than 15 inches above the ground on which the vehicle stands. However, if the highest part of the permanent structure of the vehicle is less than 15 inches, the reflector at that point shall be mounted as high as that part of the permanent structure will permit.

(b) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(c) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this title.

(d) Clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle, not including mirrors, and as near the top of the vehicle as practicable.

(e) When rear identification lamps are mounted at the extreme height of the vehicle, rear clearance lamps may be mounted at an optional height.

(f) When mounting of front clearance lamps at the highest point of a trailer results in those lamps failing to mark the extreme width of the trailer, they may be mounted at an optional height, but must indicate the extreme width of the trailer.

(g) Clearance lamps on truck tractors shall be so located as to indicate the extreme width of the truck tractor cab.

(h) Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required in this subtitle with reference to both. However, no clearance lamp may be combined with any tail lamp or identification lamp.

§22–211.

(a) Every reflector on any vehicle referred to in § 22-208 of this subtitle shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper beams of headlamps.

(b) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(c) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at all distances between 500 and 50 feet from the front and rear, respectively, of the vehicle.

(d) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at all distances between 500 and 50 feet from the side of the vehicle on which they are mounted.

§22–212.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) that, by reason of its

location on a vehicle of the combination, would be obscured by another vehicle of the combination, need not be lighted. However, this does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination be lighted.

§22–213.

(a) Any vehicle carrying a load that extends beyond the side or to the rear 4 or more feet beyond the bed or body of the vehicle shall be equipped with the lamps and reflectors required by this section, in addition to other required lamps, at the times specified in § 22-201.1 of this subtitle.

(b) Loads projecting beyond sides of motor vehicles shall be marked as follows:

(1) The foremost edge of the projecting load, at its outermost extremity, shall be marked with an amber lamp visible from the front and side;

(2) The rearmost edge of the projecting load, at its outermost extremity, shall be marked with a red lamp visible from the rear and side;

(3) If any portion of the projecting load extends beyond both the foremost or rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear; or

(4) If the projecting load does not measure over 3 feet from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear, except that, if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(c) Motor vehicles carrying loads that extend over 4 feet beyond the rear of the motor vehicle or that have tailboards or tailgates extending over 4 feet beyond the body shall have these projections marked:

(1) On each side of the projecting load, by one red lamp, visible from the side and located so as to indicate maximum overhang; and

(2) On the rear of the projecting load, by two red lamps, visible from the rear, one at each side, and two red reflectors, visible from the rear, one at each side, located so as to indicate maximum width.

(d) On any vehicle with a load that extends beyond either side more than 6 inches or beyond its rear more than 4 feet there shall be displayed at all times, at each point a lamp is required, red or orange-fluorescent warning flags, not less than 18 inches square, marking the extremities of the load.

(e) Every flag shall be so mounted or constructed that its full dimensions are visible at all times.

(f) This section in no way expands the provisions of § 24-103 of this article, or any other provision of law that prohibits certain extensions of loads on vehicles.

(g) This section does not apply to loads consisting of agricultural products, the nature of which would make installation of the required lights and reflectors impractical or unsafe.

§22–214.

(a) Every vehicle shall be equipped with one or more lamps that, when lighted, display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of the lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle that is closest to passing traffic. This subsection does not apply to motorcycles.

(b) Whenever a vehicle is parked or stopped on a roadway, whether attended or unattended, when there is insufficient light to reveal any person or object within a distance of 1,000 feet on the highway, the vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a) of this section, but it is not necessary to display the lamps on a vehicle that is lawfully parked on a part of a roadway that is ordinarily or customarily used for parking vehicles.

(c) All lighted headlamps on a parked vehicle shall be depressed or dimmed.

§22–215.

(a) Every farm tractor and every self-propelled unit of farm equipment, at all times mentioned in § 22-201.1 of this subtitle, shall be equipped with two single-beam or multiple-beam headlamps meeting the requirements of § 22-222 or § 22-224 of this subtitle, respectively, or, as an alternative, § 22-225 of this subtitle, and at least two red lamps visible when lighted from a distance of not less than 1,000 feet to the rear; and at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful upper beams of headlamps.

(b) (1) Every combination of farm tractor and towed farm equipment, at all times mentioned in § 22-201.1 of this subtitle, shall be equipped with lamps as provided in this subsection.

(2) The farm tractor element of the combination shall be equipped as required in subsection (a) of this section.

(3) The towed unit of farm equipment of the combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than 1,000 feet to the rear, and two red reflectors visible to the rear from all distances within 600 feet to 100 feet to the rear when directly in front of lawful upper beams of headlamps.

(4) The combination also shall be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than 1,000 feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

(c) The two red lamps and the two red reflectors required in this section on a self-propelled unit of farm equipment or combination of farm tractor and towed farm equipment shall be positioned to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

§22–215.1.

Whenever a rollback vehicle, as defined in § 11-151.1 of this article, is being operated in combination with a vehicle being towed, the towed vehicle shall be equipped to display, in accordance with the provisions of § 22-201.1 of this subtitle:

(1) Tail lamps meeting the requirements of § 22-204 of this subtitle; and

(2) Stop lamps and turn signals meeting the requirements of § 22-206 of this subtitle.

§22–216.

Every vehicle, including animal-drawn vehicles and vehicles referred to in § 22-101(e) of this title, not specifically required by the provisions of this subtitle to be equipped with lamps or other lighting devices, at all times specified in § 22-201.1 of this subtitle, shall be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear of the vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the upper beams of headlamps.

§22–217.

(a) Any motor vehicle may be equipped with not to exceed one spot lamp. Every lighted spot lamp shall be aimed and used, on approaching another vehicle, so that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle or more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not more than 30 inches nor less than 12 inches above the level surface on which the vehicle stands, and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level

of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting these requirements may be used with lower headlamp beams as specified in § 22-222(a)(2) of this subtitle.

(c) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height of not more than 42 inches nor less than 16 inches above the level surface on which the vehicle stands. The provisions of § 22-222 of this subtitle apply to any combination of headlamps and auxiliary driving lamps.

(d) The restrictions and limitations of this section do not apply to emergency vehicles.

§22–218.

(a) Every emergency vehicle, in addition to any other equipment and distinctive markings required by this subtitle, shall be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

(b) (1) Every emergency vehicle, in addition to any other equipment and distinctive markings required by the Maryland Vehicle Law, shall be equipped with signal lamps mounted as high as practicable, which shall be capable of displaying to the front and to the rear a flashing red light or lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(2) Every school vehicle meeting the requirements established by the Administrator shall be equipped with alternately flashing warning lights in accordance with the standards adopted under § 22–228 of this subtitle.

(c) (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through (12) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(2) Vehicles of the police department and other city, county, State, or federal law enforcement agencies may be equipped with and display red, white, or blue lights or signal devices.

(3) (i) Vehicles of city, county, State, or federal fire departments or duly constituted volunteer fire departments or rescue squads, or the Maryland Institute for Emergency Medical Services System, may be equipped with or display red and/or white lights or signal devices.

(ii) In each volunteer fire company, no more than five of the following officers may have their privately owned vehicles equipped with red lights or signal devices which may be displayed only while on route to or at the scene of an emergency:

1. The fire chief or the highest ranking fireline officer;

2. One or more of the assistant chiefs or deputy chiefs, whichever rank is second in command; and

3. The emergency medical services commander.

(iii) 1. The fire police of each volunteer fire company may have their privately owned vehicles equipped with red lights or signal devices designed to emit an oscillating, rotating, blinking, or other type of emission of light.

2. The lights or signal devices may be flashed or oscillated or otherwise used only while the vehicle is at the scene of an accident, flood, or other emergency to which the volunteer fire company is responding.

(4) Ambulances may be equipped with or display red and/or white lights or signal devices.

(5) State vehicles used in response to oil or hazardous materials spills may be equipped with or display red and/or white lights or signal devices.

(6) Service vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(7) State vehicles designated for emergency use by the Commissioner of Correction may be equipped with or display red lights or signal devices.

(8) A vehicle used to provide public transit service may be equipped with and display:

(i) Amber flashing lights; or

(ii) A white flashing light installed on the roof of the vehicle.

(9) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the blue, red, or white lights or signal devices may be flashed or oscillated or otherwise used only while on route to or at the scene of an emergency, and their use does not relieve an emergency vehicle from otherwise giving an audible warning as required elsewhere in the Maryland Vehicle Law.

(ii) The driver of an emergency vehicle may use flashing lights within 100 feet of the entrance ramp of a fire or rescue station while parking or backing the emergency vehicle.

(iii) The driver of an emergency vehicle of a fire department or rescue squad shall, at the discretion of the officer in charge, flash or oscillate or otherwise use red and white lights or signal devices while stopped, standing, or parked on the

roadway at the scene of an emergency.

(10) A stationary emergency vehicle serving as a mobile command unit may be equipped with or display a flashing, blinking, or oscillating green light or signal device to designate the vehicle as the command post.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

(12) (i) An emergency vehicle of any foreign state may be equipped with any lights or signals:

1. As provided by this subsection; or

2. As permitted by the state in which the vehicle is registered.

(ii) 1. The use of any lights or signals permitted under this paragraph is limited to an emergency vehicle, as defined in § 11–118 of this article, responding to an emergency or pursuing a violator, and equipped with an audible signal as provided in this section.

2. Foreign vehicles, as defined in § 11–124 of this article, which are privately owned by members of volunteer fire companies, ambulance or rescue squads, fire departments, and law enforcement agencies may be equipped with lights or signals as permitted by the state in which the vehicle is registered, but such lights or signals may be used while the vehicle is in this State only by those personnel and under the circumstances authorized under paragraph (3) of this subsection.

(iii) In addition to the penalties provided in Title 27 of this article, any person convicted of a violation of this section may have his driving privileges suspended for a period of 30 days, and the registration of the vehicle may be suspended for a period of 30 days, notwithstanding that the owner of the vehicle may not be the operator at the time of the offense, unless the owner proves to the satisfaction of the Administration that he had no control over the use or display of a light or signal device and could not prevent the violation of this section.

(d) A police vehicle when used as an emergency vehicle may, but need not be, equipped with the flashing red and/or blue lights specified in this section.

(e) Except as provided in subsection (c)(3) of this section, the flashing lighting described in subsections (b) and (c) of this section may not be used on any vehicle other than an emergency vehicle, service vehicle, or school vehicle.

(f) The use of the signal equipment described in this section imposes on drivers of other vehicles the obligation to yield the right–of–way and stop as required in Title 21 of this article.

(g) On taxicabs, the flashing green lights known as emergency hold–up lights may be mounted on the roof or outside rear and front of the vehicle.

§22–218.1.

(a) Any rural letter carrier's motor vehicle may be equipped with a warning device for the purpose of warning the drivers of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, and passing, and, when so equipped, may display the device in addition to any other warning signal required or permitted by law.

(b) The warning device shall include two bi-directional lights mounted at each side of the vehicle on the roof, with two amber lenses facing the rear and two amber lenses facing the front.

(c) Each light shall be at least 4 inches in diameter and shall be powered by a bulb of at least 21 candlepower, with reflectorization sufficient to assure visibility for at least 500 feet in front of and to the rear of the vehicle.

(d) The lights shall be wired with one "on-off" switch and one "flashing" switch, which shall activate both lights simultaneously, and which may be wired to operate from the vehicle's stoplight switch.

(e) Between each light on the assembly of the device a sign shall be mounted with the words "U.S. Mail" in black letters on a white background, facing both to the front and the rear.

(f) The lettering on the sign shall be at least 4 inches in height, and the width of each stroke shall be at least 3/4 of an inch.

(g) The sign shall be constructed to permit it to be folded down out of vision when not in use.

(h) The warning device may be used only during the discharge of a rural letter carrier's official duties.

(i) Before the first stop on the route and following the last one the lights shall be darkened and the sign folded down out of vision.

(j) The warning device may not be installed or operated until an application has been submitted to and approved by the Administration.

(k) The application shall be made by the individual rural letter carrier on forms furnished by the Administration.

§22–218.2.

(a) One or more amber flashing lights may be displayed:

(1) By a tow truck while at the scene of an accident or a disabled vehicle or while towing a vehicle; and

(2) By snow removal and other highway maintenance and service equipment and escort vehicles.

(b) (1) Subject to paragraph (2) of this subsection, a participant in a citizens on patrol group or other community watch group may display on a vehicle while on patrol in the community one or more amber flashing lights.

(2) An amber flashing light:

(i) May only be displayed if allowed by a law enforcement agency designated by the governing body of the applicable county or municipal corporation; and

(ii) Shall be extinguished at the request of a uniformed law enforcement officer.

(3) The law enforcement agency may require that a sign meeting specifications set by the agency appear on the vehicle that identifies the group conducting the patrol while the amber flashing light is displayed.

(c) (1) A security guard agency licensed under Title 19 of the Business Occupations and Professions Article may equip its vehicles with one or more amber flashing lights.

(2) A person operating a vehicle equipped with amber flashing lights under this subsection may activate the lights only while on duty on property that the agency is responsible for patrolling.

§22–219.

(a) Any vehicle may be equipped with and, when required under the Maryland Vehicle Law, shall be equipped with a stop lamp or lamps on the rear of the vehicle, which:

(1) Shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 300 feet to the rear in normal sunlight;

(2) Shall be actuated on application of the service (foot) brake; and

(3) May, but need not, be incorporated with one or more other rear lamps.

(b) Any vehicle may be equipped with and, when required under § 22-206(b) of this subtitle, shall be equipped with electric turn signals that indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of

vehicles on the side of the vehicle or combination toward which the turn is to be made.

(c) The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber.

(d) The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber.

(e) Turn signal lamps on vehicles 80 inches or more in overall width shall be visible from a distance of not less than 500 feet in normal sunlight.

(f) Turn signal lamps on vehicles less than 80 inches wide shall be visible at a distance of not less than 300 feet in normal sunlight.

(g) No lamp may project a glaring or dazzling light.

(h) Turn signal lamps may, but need not, be incorporated in other lamps on the vehicle.

§22–221.

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps that:

(1) Emit an amber or white light without glare; and

(2) Are located at or near the front of the vehicle.

(b) Any motor vehicle may be equipped on each side of the vehicle with not more than one running–board courtesy lamp that emits a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more backup lamps, either separately or in combination with other lamps, but any such backup lamp may not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps used for the purpose of warning the drivers of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and, when so equipped, may display the warning in addition to any other warning signals required by the Maryland Vehicle Law.

(e) The lamps used to display this warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display this warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall display

simultaneously flashing amber or red lights, or any shade of color between amber and red.

(f) These warning lights shall be visible from a distance of not less than 1,500 feet under normal atmospheric conditions at night.

(g) Every motor vehicle that is registered in this State and that was manufactured or assembled after June 30, 1967, and designated as a 1968 or subsequent year model shall be equipped with these warning lamps by means of which the driver may cause both front and both rear turn signals to flash simultaneously as a vehicular traffic hazard warning.

(h) Any vehicle 80 inches or more in overall width, if not otherwise required by § 22–208 of this subtitle, may be equipped with not more than three identification lamps showing to the front, which emit an amber light without glare, and not more than three identification lamps showing to the rear, which emit a red light without glare.

(i) These lamps shall be mounted as specified in § 22–208(c) of this subtitle.

(j) Warning lamps may be used by the operator of any vehicle when the posted speed limit is in excess of 45 miles per hour and the vehicle is traveling at least 20 miles per hour under the posted speed limit, provided that the warning lamps shall be used when required by subsection (k) of this section.

(k) (1) The operator of any commercial motor vehicle as defined in § 9–201 of the Tax – General Article shall use warning lamps when the posted speed limit is in excess of 45 miles per hour and the vehicle is traveling at least 20 miles per hour under the posted speed limit.

(2) This subsection does not apply:

(i) Within any business or residential district;

(ii) Whenever a vehicle is slowing or stopping in lawful response to a traffic control device or in response to traffic conditions; or

(iii) To any vehicle which is not equipped with warning lamps.

(l) (1) Subject to paragraph (2) of this subsection, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

(i) Blue dot illumination;

(ii) Standard bulb running lights; or

(iii) Light–emitting diode pods and strips added to protect the driver.

(2) (i) Lighting under this subsection shall be:

1. Nonblinking;

2. Nonflashing;

3. Nonoscillating; and

4. Directed toward the engine and the drive train of the motorcycle.

(ii) Lighting under this subsection may not:

1. Be attached to the wheels of the motorcycle; or

2. Emit a red or blue light.

(iii) Blue dot illumination:

1. May be located only on the rear of a motorcycle as part of or adjacent to the rear brake light; and

2. May not exceed three–quarters of an inch in diameter.

§22–222.

(a) Except as otherwise provided in the Maryland Vehicle Law, the headlamps or the auxiliary driving lamp or combination thereof on motor vehicles, other than motorcycles, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and the lamps, in addition, may be so arranged that the selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of intensity to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and

(3) On a straight level road under any condition of loading, none of the high-intensity portion of the beam may be directed to strike the eyes of an approaching driver.

(b) Every new motor vehicle, other than a motorcycle, registered in this State after January 1, 1955, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and may not otherwise be lighted.

(c) The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

§22–223.

(a) Whenever a motor vehicle is being driven on a roadway or adjacent shoulder during the times specified in § 22-201.1 of this subtitle, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations of this section.

(b) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. However, the lowermost distribution of light, or composite beam, specified in § 22-222(a)(2) of this subtitle, shall be deemed to avoid glare at all times, regardless of road contour and loading.

(c) Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, the driver shall use a distribution of light permissible under this title, other than the uppermost distribution of light specified in § 22-222(a)(1) of this subtitle.

§22–224.

Headlamp systems that provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold before June 1, 1944, instead of the specified multiple-beam road-lighting equipment, if the single distribution of light complies with the following requirements and limitations:

(1) The headlamps are so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light at a distance of 25 feet ahead projects higher than a level of 5 inches below the level of the center of the lamp from which it comes and, in no case, higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead; and

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

§22–224.1.

(a) In this section, "motorcycle" includes Class M (multipurpose) vehicles that are designated by the Administrator.

(b) The headlamp or headlamps on a motorcycle may be of the single-beam or multiple-beam type, but in either event shall comply with the following requirements and limitations:

(1) The headlamp or headlamps on a motorcycle shall be of sufficient

intensity to reveal a person or a vehicle at a distance of:

(i) Not less than 100 feet, when the motorcycle is operated at any speed of less than 25 miles an hour;

(ii) Not less than 200 feet, when the motorcycle is operated at a speed of 25 to 34 miles an hour; and

(iii) Not less than 300 feet, when the motorcycle is operated at a speed of 35 miles an hour or more;

(2) If the motorcycle is equipped with a multiple-beam headlamp or headlamps, the upper beam shall meet the minimum requirements set forth above and may not exceed the limitations set forth in § 22-222(a)(1) of this subtitle, and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in § 22-222(a)(2) of this subtitle; and

(3) If the motorcycle is equipped with a single-beam lamp or lamps, the lamp or lamps shall be so aimed that, when the vehicle is loaded, none of the high-intensity portion of light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.

§22–225.

Any motor vehicle may be operated under the conditions specified in § 22-201.1 of this subtitle when equipped with two lighted lamps on its front capable of revealing persons and objects 75 feet ahead instead of lamps required in § 22-222 or § 22-224 of this subtitle, provided, however, that at no time may it be operated at a speed in excess of 20 miles an hour.

§22–226.

(a) At all times specified in § 22-201.1 of this subtitle, at least two lighted lamps shall be displayed, one on each side, at the front of every motor vehicle other than a motorcycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with required headlamps also is equipped with any auxiliary lamps or a spot lamp or any other lamp on its front projecting a beam of intensity greater than 300 candlepower, not more than four of these lamps on the front of a vehicle may be lighted at any one time when on a highway.

§22–227.

(a) During the times specified in § 22-201.1 of this subtitle, any lighted lamp or illuminating device on a motor vehicle (other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle and service vehicle warning lamps, and

school vehicle warning lamps) that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in § 22-218 of this subtitle or in the rules governing the operation of emergency vehicles and school vehicles, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a red or blue light visible from directly in front of its center.

(c) Flashing lights are prohibited except as required or permitted in the Maryland Vehicle Law.

(d) Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a white light visible directly from its rear.

(e) Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway while the vehicle or equipment displays any flashing light.

(f) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stoplight or other signal device, which may be red, amber, or yellow, and except that the light illuminating the registration plate shall be white and the light emitted by a backup lamp shall be white or amber.

§22–228.

(a) (1) (i) The Administrator may adopt regulations for lighting equipment, special warning devices, markings, and identification to be used by school vehicles.

(ii) Regulations adopted under this paragraph shall be consistent with the provisions of the Maryland Vehicle Law.

(2) (i) A school vehicle registered in the State shall be equipped with an 8-light system of alternately flashing lights.

(ii) The 8-light safety system of alternately flashing lights shall meet the standards contained in the SAE (Society of Automotive Engineers) Standard J887 (May 1982), and shall consist of 2 amber lights and 2 red lights at the rear of the vehicle, and 2 amber lights and 2 red lights at the front of the vehicle.

(3) A school vehicle may be equipped with a white flashing light installed on the roof of the vehicle.

(4) School vehicles shall be marked and identified as provided in, and school vehicle lighting equipment and special warning devices shall conform with, the regulations adopted by the Administrator.

(b) Except as provided in subsection (e) of this section, a person may not operate any alternately flashing light on any school vehicle except when the school vehicle is stopping or stopped on a roadway for the purpose of receiving or discharging passengers.

(c) As to any school vehicle, whenever the vehicle is not being operated on a highway for the transportation of children, students, or teachers for educational purposes or in connection with a school activity:

(1) The alternately flashing lights shall be deactivated; and

(2) The words "school bus" at the front and rear of the vehicle shall be covered or otherwise concealed.

(d) Except as otherwise provided in this section, every school vehicle driver shall put in operation alternately flashing amber lights not less than 100 feet before bringing the vehicle to a full stop for the purpose of receiving or discharging passengers, and place into operation the alternately flashing red lights upon stopping.

(e) (1) This subsection applies only to a school vehicle being driven on the same roadway as another school vehicle in the act of loading or unloading passengers.

(2) Except as otherwise provided in this section, every school vehicle driver shall put in operation the alternately flashing lights when approaching from the rear or the front, within 100 feet of another school vehicle in the act of loading or unloading passengers on the roadway.

(f) (1) In this subsection, "loading zone" means an area:

(i) That is:

1. On a highway, but not on the roadway, for use in receiving or discharging passengers residing on the same side of the highway as the loading zone; or

2. Not on a highway; and

(ii) Whose location has been designated and approved by either the superintendent of schools in the local school system in which the loading zone is located, the Department of State Police, or the local police department, in cooperation with the State Highway Administration or local traffic engineering agency, as applicable.

(2) It is the policy of this State to encourage the establishment and use of loading zones for school vehicles.

(3) Where a loading zone is available, a school vehicle driver, unless otherwise required for safety, may not stop on the roadway for the purpose of receiving or discharging passengers, but shall use the loading zone for this purpose.

(g) Except as provided in subsection (f) of this section, a driver of a school vehicle shall stop on the roadway to:

(1) Receive passengers when transporting them to school; or

(2) Discharge passengers when transporting them from school.

§22–230.

(a) A person may not have for sale, sell, or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer any headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector or lamp is required under this title, or parts of any of the foregoing, which tend to change the original design or performance.

(b) A person may not use on a motor vehicle, trailer, semitrailer, or pole trailer a headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector or lamp is required under this title, or parts of any of the foregoing, which tend to change the original design or performance.

(c) A person may not use on any motor vehicle, trailer, semitrailer, or pole trailer any lamp or reflector that tends to change its original design or performance in violation of regulations adopted by the Administrator.

§22–232.

(a) When the Administrator has reason to believe that an approved device, as being sold commercially, does not comply with the requirements of this title, after giving 30 days' previous notice to the person holding the certificate of approval for the device in this State, he may conduct a hearing on the question of compliance of the approved device. After the hearing, the Administrator shall determine whether the approved device meets the requirements of this title. If the device does not meet the requirements of this title he shall give notice to the person holding the certificate of approval for the device in this State.

(b) If, at the expiration of 90 days after the notice, the person holding the certificate of approval for the device has failed to satisfy the Administrator that the approved device as thereafter to be sold meets the requirements of this title, the Administrator shall suspend or revoke the approval issued for the device until the device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this title, and the Administrator may require that all the devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this title. The Administrator may, at the time of the retest, purchase in the open market and submit to the testing agency one or more sets of the approved devices, and, if the device on the retest fails to meet the requirements of this title, the Administrator may refuse to renew the certificate of approval of the device.

§22–301.

(a) "Driveaway or towaway operation" means any operation in which any motor vehicle, trailer, or semitrailer, singly or in combination, new or used, is the commodity being transported, when one set or more of wheels of the vehicle are on the roadway during the transportation, whether or not the vehicle furnishes the motive power.

(b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of these vehicles, while operating on a highway in this State, shall be equipped with brakes in compliance with the requirements of this title. All the vehicles and combinations of vehicles shall be equipped with service brakes complying with the performance requirements of § 22-302 of this subtitle and, except as provided in subsection (l) of this section, adequate to control the movement of and to stop and hold the vehicle under all conditions of loading, and on any grade incident to its operation.

(c) (1) All the vehicles and combinations of vehicles, except motorcycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material.

(2) The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.

(3) The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(4) The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part does not leave the vehicle without operative brakes.

(d) Every vehicle shall be equipped with brakes acting on all wheels, except:

(1) Trailers, semitrailers, or pole trailers of a registered gross weight not exceeding 3,000 pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers does not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles, consisting of the towing vehicle and

its total towed load, is capable of complying with the performance requirements of § 22-302 of this subtitle;

(2) Trailers, semitrailers, or pole trailers of a registered gross weight exceeding 3,000 pounds and not exceeding 10,000 pounds that:

(i) Have 2 or more axles;

(ii) Are equipped with brakes acting on all wheels of at least 1 axle; and

(iii) As part of a combination of vehicles, consisting of the towing vehicle and the total load, is capable of complying with the performance requirements of § 22-302 of this subtitle;

(3) Any vehicle being towed in driveaway or towaway operations, provided that the combination of vehicles is capable of complying with the performance requirements of § 22-302 of this subtitle;

(4) Trucks, truck tractors, and special mobile equipment manufactured before July 24, 1980 with three or more axles need not have brakes on the front wheels. However, the trucks and truck tractors must be capable of complying with the performance requirements of § 22-302 of this subtitle;

(5) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that the motorcycle or motor-driven cycle is capable of complying with the performance requirements of § 22-302 of this subtitle; and

(6) Any vehicle equipped with at least 2 steerable axles need not have brakes on the wheels of 1 of the axles. However, the vehicle must be capable of complying with the performance requirements of § 22-302 of this subtitle.

(e) (1) Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes, and every trailer, semitrailer, and pole trailer with a registered gross weight in excess of 10,000 pounds, manufactured or assembled after June 1, 1970, shall be equipped with brakes acting on all wheels and of a character to be applied automatically and promptly, and remain applied for at least 15 minutes on breakaway from the towing vehicle.

(2) Every trailer, semitrailer, and pole trailer with a registered gross weight of more than 3,000 pounds and not more than 10,000 pounds, manufactured or assembled after June 1, 1970, shall be equipped with brakes acting on all wheels of at least 1 axle and of a character to be applied automatically and promptly, and remain applied for at least 15 minutes on breakaway from the towing vehicle.

(f) Every motor vehicle manufactured or assembled after June 1, 1970, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped

with means for providing that, in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(g) Air brake systems installed on trailers manufactured or assembled after June 1, 1970, shall be so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line.

(h) (1) Air Brakes. After June 1, 1971, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure, which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual arrangement be arranged to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(2) Vacuum Brakes. After June 1, 1970, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (i) of this section, a second control device that can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system is so arranged that failure of the pressure on which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(i) Except as provided in subsection (l) of this section, after June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of these vehicles, except motorcycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle, nor does it apply to the operation of electric trailer brakes.

(j) (1) Air Brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering the reservoir pressure by more than 20 percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(2) Vacuum Brakes. After June 1, 1971, every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than 40 percent.

(3) Reservoir Safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum is not depleted by the leak or failure.

(k) (1) Air Brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time that the air reservoir pressure of the vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, the vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(2) Vacuum Brakes. After June 1, 1971, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than 8 inches of mercury.

(3) Combination of Warning Devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device that serves both purposes. A gauge or gauges indicating pressure or vacuum is not an adequate means of satisfying this requirement.

(l) (1) In this subsection, "surge brakes" means a braking system designed to activate the brakes of a vehicle being towed as a result of the forward pressure of the vehicle against the towing vehicle during deceleration.

(2) A trailer or semitrailer may be equipped with surge brakes if:

(i) The trailer or semitrailer has a manufacturer's gross vehicle weight rating, or registered weight, whichever is less, of 10,000 pounds or less;

(ii) The combined gross vehicle weight rating, combined registered

weight, and the gross combination weight of the trailer or semitrailer and the towing vehicle is 26,000 pounds or less;

(iii) The vehicle or combination of vehicles is not designed or used to transport 16 or more passengers including the driver of the towing vehicle;

(iv) The actual gross weight of the trailer or semitrailer and load does not exceed the manufacturer's gross vehicle weight rating or registered weight, whichever is less;

(v) The actual gross weight of the towing vehicle and load does not exceed the manufacturer's gross vehicle weight rating or registered weight, whichever is less;

(vi) The trailer or semitrailer brakes are designed and connected in such a manner that in case of accidental breakaway of the towed vehicle, the brakes will apply automatically;

(vii) The vehicle or combination of vehicles is not used to transport hazardous materials of a type and quantity that requires placarding;

(viii) The vehicle or combination of vehicles is not used to transport liquids or gases contained in packaging that exceeds a capacity of 119 gallons;

(ix) The trailer or semitrailer has a gross weight rating, registered weight, or gross weight, whichever is greater, that is not more than one and one-half times the gross weight rating or registered weight, whichever is less, of the towing vehicle; and

(x) For vehicles used for commercial purposes, the trailer or semitrailer is used only in intrastate commerce.

§22–302.

(a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, on application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated in subsection (c) of this section for its classification;

(2) Decelerating to a stop from not more than 20 miles an hour at not less than the feet per second tabulated in subsection (c) of this section for its classification; and

(3) Stopping from a speed of 20 miles an hour in not more than the distance tabulated in subsection (c) of this section for its classification, this distance to be measured from the point at which movement of the service brake pedal or control begins.

(b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(c) The following table sets forth the tabulations referred to in subsection (a) of this section:

	1	2	3	4
	Classification of vehicle	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A	Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B–1	All motorcycles.....	43.5%	14	30
B–2	Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less.....	43.5%	14	30
C–1	Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C–2	Combination of a two–axle towing vehicle and a trailer with a gross weight of 3,000 pounds or less.....	43.5%	14	40

C–3	Buses, regardless of the number of axles, not having a manufacturer's weight rating.....	43.5%	14	40
C–4	All combinations of vehicles in driveaway–towaway combinations.....	43.5%	14	40
D	All other vehicles and combinations of vehicles.....	43.5%	14	50

§22–303.

All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

§22–304.

(a) The Administrator is authorized to require an inspection of the braking system on any motorcycle and to disapprove any braking system on a vehicle that he finds will not comply with the performance ability standard set forth in § 22-302 of this subtitle or that, in his opinion, is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The Administrator may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system on it does not comply with the provisions of this section.

(c) A person may not operate on any highway any vehicle referred to in this section if the Administrator has disapproved the braking system on the vehicle.

§22–305.

(a) In this section, "hydraulic brake fluid" means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(c) After public hearing following due notice, the Administrator shall adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid.

(d) A person may not distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section.

§22–401.

(a) Every motor vehicle when operated on a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle.

(b) The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but may not otherwise use the horn when on a highway.

(c) No vehicle may be equipped with nor may any person use on a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(d) It is permissible, but not required, that any vehicle be equipped with a theft alarm signal device that is so arranged that it cannot be used by the driver as an ordinary warning signal.

(e) Every emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. However, the siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach of the vehicle.

§22–401.1.

A vehicle from which ice cream products and similar products are sold may be equipped with, and the driver of the vehicle may use, a bell not exceeding 3 1/2 inches in diameter, or a set of bells, provided that no bell or set of bells may be:

(1) Operated by mechanical or electrical means or by any means other than manually;

(2) Amplified by any electrical or electronic means;

(3) Capable of emitting sound audible under normal conditions from a distance of more than 400 feet;

(4) Used for any purpose between the hours of 10 o'clock p.m. and 8 o'clock a.m.; or

(5) Used as an ordinary warning signal at any time.

§22–402.

(a) Every motor vehicle with an internal combustion engine shall be equipped with an exhaust muffler system in good working order and in constant operation to prevent excessive or unusual noise, and no person may use a muffler cutout, bypass, or similar device on a motor vehicle on a highway. Noise levels in excess of those adopted by the Administrator under § 22-601 of this title are excessive.

(b) A person may not use on the exhaust or "tail pipe" of a motor vehicle any extension or other device to cause excessive or unusual noise.

(c) (1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature; or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

(d) In this section, "muffler" means a device designed for and effective in reducing noise while permitting the flow of gases.

(e) All mufflers and exhaust pipes carrying exhaust gases from the motor shall be of leakproof construction.

§22–402.1.

(a) A person may not willfully or intentionally remove, alter, or otherwise render inoperable except for a bona fide repair or replacement, any exhaust emission control device that has been installed by a manufacturer of motor vehicles on a motor vehicle manufactured as a 1968 or later model, if the motor vehicle is factory equipped with this device as required by federal law or by rule or regulation adopted by the Administrator.

(b) A person may not willfully or intentionally remove, alter, or otherwise render inoperable except for a bona fide repair or replacement, any gasoline tank filler inlet device that has been installed by a manufacturer of motor vehicles on a motor vehicle manufactured as a 1968 or later model, if the motor vehicle is factory equipped with this device as required by federal law or by rule or regulation adopted by the Administrator.

(c) A person may not willfully or intentionally remove, alter, or otherwise render inoperable except for a bona fide repair or replacement, any crankcase ventilation device that has been installed by a manufacturer of motor vehicles on a motor vehicle manufactured as a 1968 or later model, if the motor vehicle is factory equipped with this device as required by federal law or by rule or regulation adopted by the Administrator.

§22–402.2.

(a) In this section, "dealer" has the meaning stated in § 15-101 of this article.

(b) A dealer may not sell or offer for sale a vehicle on which an exhaust emission control, gasoline tank filler inlet, or crankcase ventilation device described under § 22-402.1 of this subtitle is removed or altered.

§22–403.

(a) Every motor vehicle shall be equipped with at least one mirror located to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(b) Every motor vehicle registered in this State shall be equipped with an outside mirror on the driver's side located to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle and along the driver's side of the vehicle. This subsection does not apply to motorcycles, which are governed by subsection (c) of this section.

(c) Every motorcycle shall be equipped with two rearview mirrors, one each attached to the right and left handlebars, which shall meet applicable federal motor vehicle safety standards.

(d) Where the view through the inside rearview mirror is obstructed, two outside rearview mirrors are required.

§22–404.

(a) A person may not drive any motor vehicle with any sign, poster, or other nontransparent material on the front windshield or sidewings of the vehicle other than a certificate or other paper either required to be so displayed by law or authorized by the Administrator.

(b) The windshield on every motor vehicle, except motorcycles, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be constructed to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper on a motor vehicle shall be maintained in good working order.

§22–404.1.

(a) A person may not display on a motor vehicle the insignia or emblem of any motor vehicle club or similar organization, or of a fire company, unless he is entitled to use the same under the constitution, bylaws, rules, or regulations of the club or organization.

(b) A person may not display on a motor vehicle any sign that, in the judgment of the Administration, may tend to create a hazard to safety.

§22–404.2.

A person may not display in any manner on a motor vehicle the great seal or emblem of the State of Maryland, or any facsimile of it, in any form, unless the person is the Governor, the State Comptroller, the Attorney General, the State Treasurer, the Secretary of State, the head of a State department, or an elected official.

§22–404.3.

(a) Every truck, truck tractor, and bus operated on highways in this State, except as provided in subsection (b) of this section, shall be identified with the name or trade name of its owner, operator, or lessee and shall display:

(1) A United States Department of Transportation number; or

(2) The number issued by a State agency.

(b) This section does not apply to the following if operated intrastate only:

(1) Vehicles registered as:

(i) Farm trucks under § 13-921 of this article;

(ii) Farm truck tractors under § 13-924 of this article; or

(iii) Farm area motor vehicles under § 13-935 of this article;

(2) Trucks registered at 10,000 pounds capacity or less;

(3) Emergency vehicles;

(4) Vehicles used primarily to transport money or commercial paper;

(5) Vehicles owned or operated by the State or any political subdivision of the State; or

(6) Vehicles operating within 15 days from the date of purchase.

(c) The display of identification required by this section shall comply with the regulations promulgated by the federal Motor Carrier Safety Administration relating to vehicles operating interstate, as codified in 49 C.F.R., Part 390.21.

(d) This section does not prohibit the display of any additional identification required by other laws of this State or any other state, or by any agency or department of the federal government.

§22–404.4.

(a) A person who operates on any public road a motor vehicle that is registered in this State is subject to the provisions of this section.

(b) (1) Each motor vehicle that is operated on any public road and powered by propane fuel shall be identified by vehicle identification decals issued by the Office of the Fire Marshal or from a propane industry source.

(2) The vehicle identification decal required by this section shall be a diamond shaped design consisting of the word "propane" in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border.

(3) The vehicle identification decal shall be attached to the left front and right rear bumper of the vehicle.

(c) The Office of the Fire Marshal or propane industry source that issues the vehicle identification decal shall charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

§22–404.5.

(a) In this section, "power booster system" means any device installed in a motor vehicle which allows liquid nitrous oxide to combine with gasoline for the purpose of increasing engine power.

(b) Except as provided in subsection (c) of this section, a person may not operate on a highway a motor vehicle equipped with a power booster system.

(c) A person may operate on a highway a motor vehicle equipped with a power booster if:

(1) The vehicle is enroute to or from a track where the vehicle is used for racing and the power booster system is inoperative; or

(2) The container of nitrous oxide has been removed from the vehicle.

(d) Every motor vehicle equipped with a power booster system shall be identified with a decal that:

(1) Is a diamond shaped design consisting of the words "Compressed Gas D.O.T. No. 1070" in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border;

(2) Is issued by the Office of the Fire Marshal or from a nitrous oxide industry source; and

(3) Is attached to the left front and right rear bumper of the vehicle.

(e) The Office of the Fire Marshal may adopt regulations necessary to carry out the provisions of this section.

(f) The Office of the Fire Marshal or nitrous oxide industry source that issues the vehicle identification decal may charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

§22–405.

(a) A person may not drive a motor vehicle on any highway unless the motor vehicle is equipped with tires in safe operating condition, in accordance with requirements approved by the Administrator.

(b) A person may not drive a trailer on any highway unless the trailer is equipped with tires in safe operating condition, in accordance with requirements approved by the Administrator.

(c) The Administrator shall adopt rules of safe operating conditions capable of being employed by a police officer for visual inspection of tires maintained on vehicles,

including visual comparisons with simple measuring devices. The requirements shall encompass effects on tread wear and depth of tread.

(d) If a police officer, at any time, has reasonable cause to believe that a vehicle is unsafe or equipped with tires in violation of the provisions of this section, the police officer may require the driver of the vehicle to stop and submit the vehicle tire to an inspection. If the inspection discloses the vehicle to be in violation, the officer may issue a summons for the violation.

§22–405.1.

(a) A person may not sell or offer for sale any tire that has been regrooved or recut unless:

(1) The tire is specifically designed to be regrooved or recut; and

(2) Following such procedure, the tire complies with standards established by the United States Department of Transportation.

(b) A person may not sell or transfer any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(c) A person may not drive or otherwise move on any highway in this State any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(d) A person may not sell, offer for sale, or have in his possession with intent to sell, any motor vehicle tire or motorcycle tire that has had its tread regrooved without the fact being plainly shown by a marking or label in the English language on the shoulder sidewall of the tire.

§22–405.2.

(a) A person may not drive on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(b) Except as provided in subsection (c) of this section, a tire on a vehicle driven on a highway may not have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material, other than rubber, that projects beyond the tread of the traction surface of the tire, except that:

(1) It is permissible to use farm machinery with tires having protuberances that will not injure the highway;

(2) It is permissible to use tire chains of reasonable proportions on any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid;

(3) It is permissible for a vehicle not registered or required to be registered in this State to use tires as described in this subsection; and

(4) Except in Allegany, Carroll, Frederick, Garrett, and Washington counties, a person may not sell or offer for sale in this State any tire which is not permitted to be used in this State under this subsection.

(c) From November 1 through March 31, owners of vehicles registered in Allegany County, Carroll County, Frederick County, Garrett County, or Washington County are exempt from the prohibition of the use of tires described in subsection (b) of this section.

(d) The State Highway Administration and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation on a highway of traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which on a highway otherwise would be prohibited under this section.

§22–405.3.

If a new Class A (passenger) or Class M (multipurpose) motor vehicle is sold in this State, the manufacturer shall equip the motor vehicle with a spare tire that conforms with the requirements in § 22–405 of this subtitle, unless:

(1) The tire–wheel system of the motor vehicle provides a run–flat capability by which a partially inflated driving surface becomes available in the event of a tire failure;

(2) The motor vehicle is equipped with a factory–installed temporary tire repair and inflation system; or

(3) Technological improvements, consistent with applicable federal motor vehicle safety standards, become available.

§22–405.4.

(a) A person may not drive any motor vehicle weighing 73,000 pounds or more unless the rear axle of the tractor is equipped with original first line tires or with recaps approved by the Administrator and the Department of State Police.

(b) A person may not drive any trailer weighing 73,000 pounds or more unless the rear axle of the tractor and the rear axle of the trailer are equipped with original first line tires or with recaps approved by the Administrator and the Department of State Police.

§22–405.5.

(a) A person may not sell or offer for sale, at the point of final retail sale to the consumer, an unsafe tire, for use on a highway, that does not meet or exceed the requirements set forth in subsection (b) of this section or in regulations promulgated under § 22-405(c) of this subtitle.

(b) A tire shall be considered unsafe if it:

(1) Has tread wear indicators and the tire is worn to the point that the tread wear indicators are flush with the tread at any place on the tire;

(2) Does not have tread wear indicators and the tire is worn so that less than 2/32 of an inch tread remains when measured in any groove at three locations spaced approximately equally around the outside of the tire; provided that motorcycle tires shall be allowed to be worn down to 1/32 of an inch, if measured under this paragraph;

(3) Has a worn spot that exposes the cord through the tread;

(4) Has tread cuts, snags, or sidewall cracks in any direction which are deep enough to expose body cords;

(5) Has visible bumps, bulges, or knots indicating partial failure or separation of the tire structure;

(6) Has unrepaired fabric breaks or the sidewall has damaged body cords;

(7) Has been regrooved or recut except as authorized in § 22-405.1 of this subtitle; or

(8) Is marked:

(i) For farm use only;

(ii) For off-highway use only; or

(iii) For racing use only.

(c) A tire failing to meet the requirements of subsection (b) of this section may be sold for off-highway use only if the tire has permanently inscribed on its sidewall the letters "OH" at least 3/4 of an inch in height.

§22–406.

(a) "Safety glass" means:

(1) Any glass product that is so made or treated as substantially to prevent the glass from shattering and flying when struck or broken; or

(2) Any similar or other product that the Administration approves.

(b) A person may not drive on any highway in this State any motor vehicle manufactured or assembled after June 1, 1937, and registered in this State, unless the vehicle is equipped with safety glass wherever glass is used in the motor vehicle in doors, windows, windshields, and wings.

(c) A person may not sell any motor vehicle manufactured or assembled after June 1, 1937, registered or intended to be registered in this State and driven or intended to be driven on any highway in this State, unless the vehicle is equipped with safety glass wherever glass is used in the motor vehicle in doors, windows, windshields, and wings. Each sale in violation of this provision is a separate offense.

(d) The owner of any motor vehicle may not have broken glass in the windshield of the vehicle replaced with any glass other than safety glass.

(e) The owner of any motor vehicle may not have safety glass, broken or otherwise, in doors, windows, or wings of the motor vehicle replaced with any glass other than safety glass.

(f) A person may not install in the doors, windows, windshields, and wings of any motor vehicle any glass other than glass required by subsections (d) and (e) of this section.

(g) (1) The Administration shall compile, maintain, and publish a list, by name, of the types of glass approved by it as conforming to the specifications and requirements of safety glass as set forth in this section.

(2) The Administration may not register any motor vehicle that is subject to the provisions of this section unless it is equipped with an approved type of safety glass and shall suspend the registration of any motor vehicle subject to this section that the Administration finds is not so equipped until the vehicle is made to conform to the requirements of this section.

(h) In case of any violation of any provision of this section by any common carrier or person operating under a permit issued by the Public Service Commission of Maryland, the permit shall either be revoked or, in the discretion of the Commission, suspended until the provision is complied with to the satisfaction of the Commission.

(i) (1) Except as provided in paragraph (4) of this subsection, a person may not operate a vehicle registered under § 13–912, § 13–913, § 13–917, or § 13–937 of this article on a highway in this State if:

(i) In the case of a vehicle registered under § 13–912 of this article, there is affixed to any window of the vehicle any tinting materials added to the window after manufacture of the vehicle that do not allow a light transmittance through the window of at least 35%; and

(ii) In the case of a vehicle registered under § 13–913, § 13–917, or § 13–937 of this article, there is affixed to any window to the immediate right or left of the driver any window tinting materials added after manufacture of the vehicle that do not allow a light transmittance through the window of at least 35%.

(2) If a police officer observes that a vehicle is being operated in violation of paragraph (1) of this subsection, the officer may stop the driver of the vehicle and, in addition to a citation charging the driver with the offense, issue to the driver a safety equipment repair order in accordance with the provisions of § 23–105 of this article.

(3) A person may not install on a window of a vehicle any window tinting material that does not comply with the light transmittance requirements specified in paragraph (1) of this subsection.

(4) (i) A person who must be protected from the sun for medical reasons is exempt from the provisions of paragraph (1) of this subsection if the owner has, in the vehicle at the time the vehicle is stopped by a police officer, a written certification that details the owner's medical need for tinted windows, from a physician licensed to practice medicine in the State.

(ii) This subsection does not apply to tinting materials that:

1. Are affixed in such a manner so as to be easily removed; and

2. Are being used to protect a child less than 10 years of age from the sun.

(iii) Nothing in this subsection may be construed to:

1. Allow any tinting materials to be added to the windshield of a vehicle below the AS1 line or below 5 inches from the top of the windshield; or

2. Alter or restrict the authority of the Administrator to adopt regulations regarding vehicle windows, except with respect to the light transmittance requirements specified in this section.

§22–407.

(a) A person may not drive any truck with a registered gross weight in excess of 10,000 pounds, any passenger bus, any truck tractor, or any motor vehicle towing a mobile home, on any highway outside the corporate limits of municipal corporations at any time from a half hour after sunset to a half hour before sunrise unless there is carried in the vehicle the following equipment, except as provided in subsection (b) of this section:

(1) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime;

(2) At least three red-burning fusees having a burning period of at least 15 minutes, unless red electric lanterns or red portable emergency reflectors are carried; and

(3) At least two red flags, not less than 12 inches square, with standards to support the flags.

(b) A person may not drive at the time and under the conditions stated in subsection (a) any motor vehicle used to carry explosives, any cargo tank truck used to carry flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel, unless there is carried in the vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsections (a) and (d) of this section.

(c) A person may not carry in a motor vehicle used to carry explosives, a cargo tank truck used to carry flammable liquids or compressed gases, or a motor vehicle using compressed gas as a fuel, a flare, fusee, or signal produced by flame.

(d) (1) No flare, fusee, electric lantern, warning device, or warning flag may be used to comply with this section unless the equipment is of a type that has been submitted to and approved by the Administrator.

(2) After June 30, 1974, no portable reflector warning device may be used to equip a vehicle that is required by this section to be so equipped unless it meets the requirements specified in the applicable federal motor vehicle safety standards. Vehicles equipped with portable reflector devices before July 1, 1974, may continue to use a device conforming to the requirements of a Type 2 device as specified in the Society of Automotive Engineers recommended standards until such time as the device is replaced. Replacement devices shall conform to the applicable federal standards.

§22–408.

(a) Whenever any truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer, or any motor vehicle towing a mobile home is disabled on the roadway or shoulder of any highway outside of any municipal corporation at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices on the highway during the time the vehicle is so disabled on the highway, except as provided in subsection (b), (c) or (e) of this section:

(1) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

(2) As soon thereafter as possible, but in any event within 15 minutes or before any fusee used for this purpose burns out, whichever occurs first, the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the roadway of the highway in the following order:

(i) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(ii) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by the vehicle; and

(iii) One, at the traffic side of the disabled vehicle not less than 10 feet rearward or forward of it in the direction of the nearest approaching traffic, except that, if a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(b) Whenever any vehicle of a type referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be placed to afford ample warning to other users of the highway, but in no case less than 100 feet or more than 500 feet from the disabled vehicle.

(c) Whenever any vehicle of a type referred to in this section is disabled on any roadway of a divided highway during the time lights are required, the appropriate warning devices prescribed in subsections (a) and (e) of this section shall be placed as follows:

(1) One at a distance of approximately 200 feet from the vehicle, in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(2) One at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(3) One at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(d) Whenever any vehicle of a type referred to in this section is disabled on the roadway or shoulder of any highway outside of any municipal corporation at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags on the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(e) (1) Whenever any motor vehicle used to carry explosives or any cargo tank truck used to carry any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled on a highway in this State at any time or place mentioned in subsection (a) of this section, the driver of the vehicle shall immediately display the following warning devices:

(i) One red electric lantern or portable red emergency reflector,

placed on the roadway at the traffic side of the vehicle; and

(ii) Two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of this disabled vehicle, in the center of the traffic lane occupied by the vehicle.

(2) Flares, fusees, or signals produced by flame may not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of § 22-407 of this subtitle applicable to them.

§22–409.

(a) (1) The Administrator and the Secretary of the Department of the Environment jointly shall adopt such regulations as are necessary for the safe transportation of hazardous materials.

(2) The regulations adopted under this subsection shall duplicate or be consistent with the hazardous materials transportation regulations contained in 49 C.F.R., Parts 107 through 180, and all amendments to those regulations.

(b) (1) Any person engaged in the shipping and transporting of hazardous materials, regardless of whether the person's functions are related to the preparation or transportation of the materials or whether the transporting involves interstate or intrastate movements, shall comply with the regulations adopted under this section.

(2) All persons engaged in the manufacture, fabrication, marking, maintenance, reconditioning, repair, or retesting of packaging shall comply with the regulations adopted under this section.

(c) The Administrator may exempt through regulation certain persons from the regulations adopted under this section if the Administrator determines based on the evidence presented that public and environmental safety would not be adversely affected.

§22–410.

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

(2) "Air–conditioning equipment" means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger compartment of any motor vehicle.

(3) "Ozone–depleting refrigerant" means a refrigerant used in air–conditioning equipment that contains a substance identified in 42 U.S.C. § 7671a(a) or (b).

(b) Air–conditioning equipment shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public.

(c) In a motor vehicle of model year 2011, or any model year thereafter, the air–conditioning equipment may contain only a refrigerant that:

(1) Is not an ozone–depleting refrigerant; or

(2) Is included in the list published by the United States Environmental Protection Agency as a safe alternative to chlorofluorocarbon–12, pursuant to 42 U.S.C. § 7671k(c).

(d) The Administrator, in consultation with the Department of the Environment, may adopt and enforce safety requirements, regulations, and specifications for air–conditioning equipment consistent with the requirements of this section.

(e) A person may not have for sale, offer for sale, sell, or equip any motor vehicle, of model year 2011 or thereafter, with any air–conditioning equipment unless the air–conditioning equipment complies with the requirements of this section.

§22–411.

(a) Every trailer or semitrailer of a gross weight of 3,000 pounds or more, when operated on a highway, shall be equipped with a permanent metal frame attached to the underside of the rear of the trailer.

(b) The frame may not be any wider than the width of the trailer and shall be not more than 30 inches above the highway when moving and constructed of heavy gauge steel.

(c) The maximum transverse distance from the widest part of the vehicle at the rear to the frame may not exceed 18 inches.

(d) The frame shall be constructed so as not to interfere with lights or other warning devices.

(e) Any trailer or semitrailer so constructed and maintained that the body, chassis, or other parts of it afford the protection required by this section is in compliance with this section.

(f) This section does not apply to pole trailers or to vehicles where the installation of the required frame would prevent operation of the vehicle to secure its designed use.

§22–412.

(a) Every motor vehicle registered in this State and manufactured or assembled after June 1, 1964, shall be equipped with two sets of seat belts on the front seat of the vehicle.

(b) Every motor vehicle registered in this State and manufactured or assembled with a rear seat after June 1, 1969, shall be equipped with two sets of seat belts on the rear seat of the vehicle.

(c) A person may not sell or offer for sale any vehicle in violation of this section.

(d) For the purpose of this section only, "motor vehicle" does not include any motorcycle, bus, truck, or taxicab.

(e) For the purpose of this section only, "seat belt" means any belt, strap, harness, or like device.

(f) A seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle in this State after June 1, 1964, unless it meets applicable federal motor vehicle safety standards.

§22–412.1.

Every motor vehicle that is used by nursery schools, camps, day nurseries, or child care centers for children with an intellectual disability to transport children shall be equipped with seat belts for each seat and shall be subject to any other regulations adopted by the Administration, unless the motor vehicle:

(1) Is a Type I school vehicle; or

(2) Was formerly registered as a Type I school vehicle.

§22–412.2.

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

(2) (i) "Child safety seat" means a device, including a child booster seat, that the manufacturer:

1. Certifies is manufactured in accordance with applicable federal safety standards; and

2. Intends to be used to restrain, seat, or position a child who is transported in a motor vehicle.

(ii) "Child safety seat" does not mean a seat belt or combination seat belt–shoulder harness used alone.

(3) (i) "Seat belt" means a restraining device described under § 22–412 of this subtitle.

(ii) "Seat belt" includes a combination seat belt–shoulder harness.

(b) A child safety seat meets the requirements of this section only if it is installed and used in accordance with the directions of the manufacturer.

(c) This section applies to the transportation of a child in:

(1) A motor vehicle registered, or of a type capable of being registered, in this State as a:

(i) Class A (passenger) vehicle;

(ii) Class E (truck) vehicle; or

(iii) Class M (multipurpose) vehicle; and

(2) A vehicle registered in another state or Puerto Rico that is the same type of vehicle as a vehicle identified in item (1) of this subsection.

(d) A person transporting a child under the age of 8 years in a motor vehicle shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions unless the child is 4 feet, 9 inches tall or taller.

(e) Subject to subsection (d) of this section, a person may not transport a child under the age of 16 years unless the child is secured in:

(1) A child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions; or

(2) A seat belt.

(f) Notwithstanding subsection (d) of this section, if a physician, who is licensed to practice medicine in the state in which the vehicle transporting the child is registered, certifies in writing that use of a child safety seat by a particular child would be impractical due to the child's weight, height, physical unfitness, or other medical reason, there is not a violation of this section.

(g) A child safety seat or seat belt may not be used to restrain, seat, or position more than one individual at a time.

(h) A violation of this section is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

(i) A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

(j) The failure to provide a child safety seat or seat belt for more than one child in the same vehicle at the same time, as required by this section, shall be treated as a single violation.

(k) (1) Any person convicted of a violation of this section is subject to a fine of $50.

(2) A judge may waive the fine if the person charged with violation of this section:

(i) Did not possess a child safety seat at the time of the violation;

(ii) Acquires a child safety seat prior to the hearing date; and

(iii) Provides proof of acquisition to the court.

(l) The Department of Transportation and the Department of Health and Mental Hygiene shall jointly implement the Child Safety Seat Program and foster compliance with this section through educational and promotional efforts.

§22–412.3.

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

(2) (i) "Motor vehicle" means a vehicle that is:

1. Registered or capable of being registered in this State as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or Class P (passenger bus) vehicle; and

2. Required to be equipped with seat belts under federal motor vehicle safety standards contained in the Code of Federal Regulations.

(ii) "Motor vehicle" does not include a Class L (historic) vehicle.

(3) "Outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle.

(4) (i) "Seat belt" means a restraining device described under § 22–412 of this subtitle.

(ii) "Seat belt" includes a combination seat belt–shoulder harness.

(b) A person may not operate a motor vehicle unless the person and each occupant under 16 years old are restrained by a seat belt or a child safety seat as provided in § 22–412.2 of this subtitle.

(c) (1) The provisions of this subsection apply to a person who is at least 16 years old.

(2) Unless a person is restrained by a seat belt, the person may not be a passenger in an outboard front seat of a motor vehicle.

(3) (i) Unless a person is restrained by a seat belt, the person may not be a passenger in a rear seat of a motor vehicle.

(ii) A police officer may enforce this paragraph only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code.

(d) If a physician licensed to practice medicine in this State determines and certifies in writing that use of a seat belt by a person would prevent appropriate restraint due to a person's physical disability or other medical reason, the provisions of this section do not apply to the person.

(e) A certification under subsection (d) of this section shall state:

(1) The nature of the physical disability; and

(2) The reason that restraint by a seat belt is inappropriate.

(f) The provisions of this section do not apply to U.S. Postal Service and contract carriers while delivering mail to local box routes.

(g) A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

(h) (1) Failure of an individual to use a seat belt in violation of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of

an incident that involves a defectively installed or defectively operating seat belt.

(ii) In a civil action in which 2 or more parties are named as joint tort–feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort–feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.

(i) The Administration and the Department of State Police shall establish prevention and education programs to encourage compliance with the provisions of this section.

(j) The Administration shall include information on this State's experience with the provisions of this section in the annual evaluation report on the State's highway safety plan that this State submits to the National Highway Traffic Safety Administration and the Federal Highway Administration under 23 U.S.C. § 402.

(k) Any person convicted of a violation of this section is subject to a fine of not more than $50.

§22–412.4.

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

(2) "Seat belt" means a restraining device described under § 22–412 of this subtitle.

(3) "Vehicle" means an emergency vehicle purchased or leased by the State, a county, municipality, or volunteer fire department or rescue squad and operated by a:

(i) State, county, or municipal fire department;

(ii) Volunteer fire department; or

(iii) Rescue squad.

(b) A vehicle registered in the State and manufactured and assembled after January 1, 1990 shall be equipped with a seat belt or safety restraining device approved by the local authority having jurisdiction for each position on the vehicle that may be lawfully occupied by a passenger.

(c) (1) The failure of a person to use a seat belt or restraining device required under this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer;

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle; or

(v) Be considered a moving violation for purposes of § 16–402 of this article.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt required under this section.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating seat belt.

(ii) In a civil action in which 2 or more parties are named as joint tort–feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort–feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party.

§22–413.

(a) A person may not drive any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.

(b) A person may not cause to be driven any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.

(c) A person may not permit to be driven any bus, truck, trailer, or semitrailer on any highway in this State, unless it is equipped with suitable metal protectors or substantial flexible flaps behind the rear-most wheels of the vehicle or combination of vehicles to prevent the projection of rocks, dirt, water, or other substances to the rear and to minimize side spray.

(d) The protectors or flaps shall have a ground clearance of not more than one-third of the horizontal distance from the bottom edge of the protector or flap to the centerline of the axle. However, no protector or flap need be closer to the ground than

6 inches under any condition of loading. The protector or flap shall extend laterally at least the width of the tire or tires being protected.

(e) If any bus, truck, trailer, or semitrailer, is so designed or constructed that the objectives in subsection (a) of the section are accomplished by reason of fender or body construction or other means of enclosure, either permanent or temporary, then the requirements of this section have been satisfied.

(f) This section does not apply to any farm tractor or to any vehicle registered as a farm truck or to uncoupled truck tractors or to pole trailers or other vehicles where the construction is such that complete freedom around the wheel area is necessary to secure the designed use of the vehicle.

§22–414.

(a) A motor vehicle driven on a highway in this State may not be equipped with television–type receiving equipment that is turned on and displaying an image visible to the driver.

(b) This section does not prevent:

(1) The use of television–type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment:

(i) Used in conjunction with:

1. A vehicle navigation system; or

2. Broadcast and satellite radio system graphics; or

(ii) Displaying information or images related to the operation or safety of a motor vehicle.

§22–414.1.

(a) In this section, "video display equipment" means equipment capable of displaying a dynamic visual image, other than text, from a digital video disc or other storage device.

(b) Except as provided in subsection (c) of this section, a motor vehicle driven on a highway in the State may be equipped with video display equipment only if the video display equipment is turned off when the screen on the video display equipment is visible to the driver.

(c) This section does not apply to equipment on a vehicle used by a public service company.

§22–415.

It is unlawful for any person to:

(1) Advertise for sale, sell, use or install or cause to be installed any device which causes an odometer to register any mileage other than the true mileage driven;

(2) Tamper with, damage, interfere with, disconnect, reset, or alter or cause to be disconnected, reset, or altered the odometer of any motor vehicle with intent to change the number of miles indicated;

(3) Operate a motor vehicle, with intent to defraud, knowing the odometer is disconnected or nonfunctional; or

(4) With intent to defraud, offer for sale or sell any vehicle in which the odometer has been changed or altered to misrepresent the actual accumulated mileage.

§22–416.

(a) The purpose of this section is to provide additional safety standards for private passenger automobiles, not only to afford additional protection for passengers in them, but also to eliminate damage to an automobile at a specified speed by more adequate bumper protection for the chassis of the vehicle.

(b) In this section, "private passenger automobile" means a four-wheeled motor vehicle designed principally for carrying passengers, for use on public roads and highways, and not designed for use principally as a dwelling or for camping.

(c) Every private passenger automobile manufactured on and after January 1, 1974, and sold or titled and registered in this State, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system that meets the requirements for energy absorption systems set by the National Highway Traffic Safety Administration.

(d) The warranty provisions of this section are not applicable with respect to any private passenger automobile as to which the manufacturer files a written certification under oath with the Administration, on a form to be prescribed by it, that the particular make and model described in the certification complies with the applicable standards of this section.

§22–417.

Effective September 1, 1973, all school buses operating in Maryland and used for the transportation of children to and from public or nonpublic schools shall be equipped with seat back crash pads meeting the rules, regulations, and specifications established

by the Administration.

§22–418.

(a) School vehicles shall be painted yellow, in accordance with Administration regulations, using the color known as national school bus yellow, as specified in federal standards.

(b) Unless otherwise permitted or authorized by the Maryland Vehicle Law or by Administration regulation, no other vehicle designed for carrying passengers may be painted national school bus yellow or a closely approximate color.

(c) The Administrator may issue regulations for a phase-in of compliance with this section.

§22–601.

(a) With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for the operation on the highways in this State of each type of motor vehicle or combination of vehicles.

(b) In establishing limits under this section, the Administrator shall:

(1) Consider any noise emission regulations established under federal law for motor carriers engaged in interstate commerce; and

(2) Set the limits at the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental noise standards adopted by the Department of the Environment.

§22–602.

(a) A person may not drive on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22-601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

(b) An owner or lessee of a motor vehicle may not permit to be driven on a highway in this State any motor vehicle or combination of vehicles of a type required to be registered under Title 13 of this article, in a manner that, at any time, at any speed, or under any condition of grade, load, acceleration, or deceleration, exceeds the maximum sound level limits established under § 22-601 of this subtitle for the operation of that type of motor vehicle or combination of vehicles.

§22–603.

(a) The Administrator and the Department of State Police jointly shall adopt regulations for the administration and enforcement of the sound level limits established under § 22-601 of this subtitle for the operation of vehicles.

(b) These regulations shall include the selection of measurement sites and measurement procedures to be based on accepted scientific and professional methods for the measurement of vehicular sound levels.

§22–604.

When an emergency vehicle is operating under the provisions of § 21-106 of this article, it is exempt from the sound level limits established under § 22-601 of this subtitle for the operation of vehicles.

§22–605.

(a) With the endorsement of the Secretary of Transportation and the Secretary of the Environment and after a public hearing following 60 days' notice, the Administrator shall adopt regulations that establish maximum sound level limits for each type of new motor vehicle.

(b) In establishing limits under this section, the Administrator shall set the most restrictive level that, through the application of the best available technology at a reasonable cost, is consistent with attaining the environmental noise standards adopted by the Department of the Environment.

§22–606.

(a) A person may not sell, offer for sale, distribute, or lease in this State any motor vehicle manufactured after July 1, 1974, if the vehicle has a sound level potential that exceeds the maximum sound level limits established under § 22-605 of this subtitle for that type of new motor vehicle.

(b) The Administration may not register or issue a certificate of title for any motor vehicle manufactured after July 1, 1974, unless, when the vehicle is first sold for purposes other than resale, it complies with the noise level limits established under § 22-605 of this subtitle for new motor vehicles.

§22–607.

(a) The Administrator shall adopt regulations for the administration and enforcement of the sound level limits established under § 22-605 of this subtitle for new motor vehicles.

(b) These regulations shall include the establishment of test procedures to be used to establish compliance with the limits adopted. The procedures shall be:

(1) Based on accepted scientific and professional standards for the measurement of sound; and

(2) In substantial conformity with test procedures contained in applicable standards and recommended practices for the measurement of vehicular sound levels established by the Society of Automotive Engineers, Inc. and the American National Standards Institute or their respective successor bodies.

§22–608.

The manufacturer, distributor, or designated agent of the manufacturer or distributor of each make and model of motor vehicle sold in this State shall file with the Administration a written certification that the particular make and model complies with the sound level limits established under § 22-605 of this subtitle for new motor vehicles. The certification shall be on the form that the Administration requires.

§22–609.

(a) A person may not modify the exhaust system or any other noise abatement device of a motor vehicle driven or to be driven on any highway in this State in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) A person may not drive on any highway in this State a motor vehicle with an exhaust system or noise abatement device modified in a way prohibited by subsection (a) of this section.

§22–610.

(a) A person may not sell or offer for sale in this State for use as part of the equipment of a motor vehicle any exhaust muffler, intake muffler, or other noise abatement device that, when installed, will permit the vehicle to be operated in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.

(b) (1) The manufacturer of each exhaust muffler, intake muffler, or other noise abatement device sold in this State for use as part of the equipment of a motor vehicle shall file with the Administration a written certification that the particular device, when installed for its intended application, complies with the requirements of this section.

(2) The certification shall be on the form that the Administration requires.

§22–611.

(a) In this section, “engine brake” means an add–on engine compression brake for diesel engines.

(b) A person may not operate a commercial motor vehicle equipped with an engine brake unless the engine brake is connected to a properly functioning exhaust muffler system in constant operation when the vehicle's ignition is engaged.

(c) A person may not disable the exhaust muffler system of a commercial motor vehicle that is equipped with an engine brake except to make a bona fide repair or replacement.

§23–101. IN EFFECT

(a) In this subtitle the following words have the meanings indicated.

(b) "Division" means the Automotive Safety Enforcement Division of the Department of State Police.

(c) "Equipment" includes all mechanisms that form part of or relate to vehicle equipment.

(d) "Facility" means a licensed dealer or a vehicle garage, repair shop, or gasoline service station.

(e) "Inspection certificate" means a certification by an inspection station, in a format established by the Division, that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) Identifies the inspection station and the registered individual who personally inspected the vehicle.

(f) "Inspection station" means a facility that is licensed by the Division under this subtitle.

(g) "Police officer" means:

(1) Any uniformed police officer; or

(2) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle or any regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(h) "Repair order certification" means a written certification by an inspection station or police department that:

(1) Certifies that, as of its date, the equipment specified in a safety equipment repair order meets or exceeds the standards established under this subtitle; and

(2) Is signed and dated:

(i) On behalf of the inspection station by the registered individual who personally inspected the vehicle; or

(ii) On behalf of the police department by the authorized police officer who personally inspected the vehicle.

(i) (1) "Vehicle" means, except as otherwise provided in this subsection, any vehicle registered or to be registered in this State as:

(i) A Class A (passenger) vehicle;

(ii) A Class M (multipurpose) vehicle;

(iii) A Class J (vanpool) vehicle;

(iv) A Class E (truck) vehicle;

(v) A Class F (tractor) vehicle;

(vi) A Class G (trailer) vehicle;

(vii) A Class B (for–hire) vehicle; or

(viii) A Class D (motorcycle) vehicle.

(2) For purposes of safety equipment repair orders only, "vehicle" means, except as provided in paragraph (3) of this subsection, any motor vehicle, trailer, or semitrailer.

(3) "Vehicle" does not include any Class L (historic) vehicle, or any trailer which is a mobile home as defined by § 11–134 of this article.

23–101. // EFFECTIVE JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

(a) In this subtitle the following words have the meanings indicated.

(b) "Division" means the Automotive Safety Enforcement Division of the Department of State Police.

(c) "Equipment" includes all mechanisms that form part of or relate to vehicle equipment.

(d) "Facility" means a licensed dealer or a vehicle garage, repair shop, or gasoline service station.

(e) "Inspection certificate" means a written certification by an inspection station that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) Is signed and dated on behalf of the inspection station by the registered individual who personally inspected the vehicle.

(f) "Inspection station" means a facility that is licensed by the Division under this subtitle.

(g) "Police officer" means:

(1) Any uniformed police officer; or

(2) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle or any regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(h) "Repair order certification" means a written certification by an inspection station or police department that:

(1) Certifies that, as of its date, the equipment specified in a safety equipment repair order meets or exceeds the standards established under this subtitle; and

(2) Is signed and dated:

(i) On behalf of the inspection station by the registered individual who personally inspected the vehicle; or

(ii) On behalf of the police department by the authorized police officer who personally inspected the vehicle.

(i) (1) "Vehicle" means, except as otherwise provided in this subsection, any vehicle registered or to be registered in this State as:

(i) A Class A (passenger) vehicle;

(ii) A Class M (multipurpose) vehicle;

(iii) A Class J (vanpool) vehicle;

(iv) A Class E (truck) vehicle;

(v) A Class F (tractor) vehicle;

(vi) A Class G (trailer) vehicle;

(vii) A Class B (for–hire) vehicle; or

(viii) A Class D (motorcycle) vehicle.

(2) For purposes of safety equipment repair orders only, "vehicle" means, except as provided in paragraph (3) of this subsection, any motor vehicle, trailer, or semitrailer.

(3) "Vehicle" does not include any Class L (historic) vehicle, or any trailer which is a mobile home as defined by § 11–134 of this article.

§23–102.

(a) There is an Automotive Safety Enforcement Division in the Department of State Police.

(b) The Division shall have those employees that the Secretary of State Police assigns and as provided in the State budget.

(c) (1) The Division shall enforce this subtitle in each of the counties of this State and Baltimore City.

(2) Civilian employees of the Division designated by the Secretary of State Police shall have the authority to enforce this subtitle and any regulation adopted under it when acting under written authorization of the Secretary.

§23–103. IN EFFECT

(a) (1) On receipt of an application and a nonrefundable fee established by the Administration from a facility for an inspection station license, the Division shall:

(i) Inspect the facility as to its ability to inspect and correct equipment; and

(ii) If the facility is qualified, issue to it a license as an inspection station.

(2) On receipt of a renewal application and the annual license fee established by the Administration for an inspection station, the Division shall issue the renewal license if the facility is qualified.

(b) The license authorizes the facility to:

(1) Inspect a used vehicle on request of its transferor or transferee;

(2) Inspect the equipment of a vehicle for which a safety equipment repair order has been issued and issue a repair order certification for the vehicle; and

(3) Inspect an ambulance on the request of its owner that is required to be inspected under § 13–515 of the Education Article.

(c) The Division may:

(1) For cause, suspend or revoke an inspection station license; and

(2) On suspension or revocation of the license, require the surrender of the license and all related material issued by the Division.

(d) The Division may establish standards by rule or regulation for the licensing and operation of inspection stations.

(e) The Administration may not set a fee under this section that exceeds the administrative cost of the Division under this program.

23–103. // EFFECTIVE JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

(a) (1) On receipt of an application and a nonrefundable fee established by the Administration from a facility for an inspection station license, the Division shall:

(i) Inspect the facility as to its ability to inspect and correct equipment; and

(ii) If the facility is qualified, issue to it a license as an inspection station.

(2) On receipt of a renewal application and the annual license fee established by the Administration for an inspection station, the Division shall issue the renewal license if the facility is qualified.

(b) The license authorizes the facility to:

(1) Inspect a used vehicle on request of its transferor or transferee and attach an inspection certificate to the vehicle;

(2) Inspect the equipment of a vehicle for which a safety equipment repair order has been issued and issue a repair order certification for the vehicle; and

(3) Inspect an ambulance on the request of its owner that is required to be inspected under § 13–515 of the Education Article.

(c) The Division may:

(1) For cause, suspend or revoke an inspection station license; and

(2) On suspension or revocation of the license, require the surrender of the license and all related material issued by the Division.

(d) The Division may establish standards by rule or regulation for the licensing and operation of inspection stations.

(e) The Administration may not set a fee under this section that exceeds the administrative cost of the Division under this program.

§23–103.1.

(a) On receipt of an application and a $15 nonrefundable fee to take the inspection mechanic exam, the Division shall:

(1) Administer an exam to each mechanic applicant; and

(2) If the applicant is determined to be qualified, register the mechanic to conduct vehicle inspections.

(b) The Division may establish standards by rule or regulation for the testing, qualifying, and registering of inspection station mechanics.

(c) The Division may:

(1) For cause, suspend or revoke the mechanic's registration; and

(2) On suspension or revocation of the mechanic's registration, rescind the authorization to conduct vehicle inspections in accordance with this title.

§23–104.

(a) Every vehicle driven on the highways in this State shall, where applicable, have the following equipment, meeting or exceeding the standards established jointly by the Administration and the Division: brakes, steering, suspension, horn, door handles, mirrors, tires, exhaust system, lights, glazing, windshield wipers, odometer, speedometer, bumpers, properly aligned wheels, wheels and wheel lugs, fenders, floor pans, hood, hood catches, emissions equipment, fuel system, front seat, motor mounts, gear selection indicator for automatic transmissions, universal joints, and seat belts or combination seat belt-shoulder harness if required as original equipment under § 22-412 or § 22-412.1 of this article.

(b) (1) The Administration and the Division jointly may establish standards by rule or regulation for this equipment.

(2) The Administration and the Division shall adopt, consistent with federal law, regulations establishing equipment, performance, and other technical standards for low speed vehicles.

§23–105.

(a) (1) If a police officer observes that a vehicle registered in this State is being operated with any equipment that apparently does not meet the standards established under this subtitle or the standards established under § 24-106.1(e) of this article, the officer shall stop the driver of the vehicle and issue to him a safety equipment repair

order.

(2) A police officer may issue a safety equipment repair order for a cover required under § 24-106.1(e) of this article only if:

(i) The vehicle is equipped with a cover; and

(ii) The cover, or any equipment necessary to properly secure the cover, does not meet the standards established under § 24-106.1(e) of this article.

(b) The safety equipment repair order shall direct the owner of the vehicle:

(1) To have the equipment corrected as necessary at a place of the owner's choosing within 10 days from the issuance of the order; and

(2) To send to the Division a repair order certification dated subsequent to the issuance of the order.

(c) (1) If a safety equipment repair order is for equipment that can be certified as corrected or adequate by visual inspection and without the use of testing equipment, any police department that issues safety equipment repair orders and repair order certifications shall, on request of the owner:

(i) Visually inspect the vehicle; and

(ii) If the equipment meets or exceeds the standards established under this subtitle, issue a repair order certification.

(2) The Division shall determine the equipment that may be inspected visually under this subsection and shall adopt rules and regulations to carry out its provisions.

(d) The Division shall prepare and provide safety equipment repair order forms and repair order certification forms.

(e) (1) In cooperation with the Administration, the Division shall adopt rules and regulations to carry out the provisions of this section.

(2) The rules or regulations shall provide for:

(i) Suspending the registration of any vehicle for which a safety equipment repair order has been issued, on failure to comply with the order within 30 days after its issuance; and

(ii) Reinstating the suspended registration, on receipt of satisfactory evidence that the equipment has been corrected or that the equipment meets or exceeds the standards established under this subtitle.

(f) This section does not limit or supersede any other provision of law

concerning vehicle equipment or the means of enforcing the laws relating to that equipment.

§23–106. IN EFFECT

(a) This section does not apply to:

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

(2) Any transfer between:

(i) Spouses;

(ii) A parent and child; or

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

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

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

(5) Any transfer of a used vehicle as described in § 13–503.2 of this article;

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

(7) Any transfer of a used island vehicle, as defined in § 13–935 of this article, registered, or to be registered, as a Class K (farm area/island) vehicle; or

(8) Any transfer of an off–highway recreational vehicle.

(b) (1) Except as provided in paragraphs (4) and (5) of this subsection, if any licensed dealer that also is an inspection station transfers any used vehicle, it shall:

(i) Prepare an inspection certificate; or

(ii) Have an inspection certificate prepared by another inspection station.

(2) Except as provided in paragraphs (4) and (5) of this subsection, if any other person transfers a used vehicle, the person shall obtain an inspection certificate from an inspection station.

(3) If a used vehicle is transferred other than by voluntary transfer or is transferred by a political subdivision of the State after that subdivision obtains the vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the

transferee shall obtain the inspection certificate from an authorized inspection station.

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

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

23–106. // EFFECTIVE JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

(a) This section does not apply to:

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

(2) Any transfer between:

(i) Spouses;

(ii) A parent and child; or

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

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

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

(5) Any transfer of a used vehicle as described in § 13–503.2 of this article;

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

(7) Any transfer of a used island vehicle, as defined in § 13–935 of this article, registered, or to be registered, as a Class K (farm area/island) vehicle; or

(8) Any transfer of an off–highway recreational vehicle.

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

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

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

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

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

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

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

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

§23–107. IN EFFECT

(a) (1) Before the Administration titles and registers any used vehicle, it shall require a valid inspection certificate for the vehicle.

(2) For the purposes of this subsection, an inspection certificate shall remain valid from the date the inspection certificate is issued for a period of:

(i) 90 days; or

(ii) In the case of an inspection certificate issued for a used vehicle owned and held in inventory by a dealer licensed under Title 15 of this article, the earlier of:

1. 6 months; or

2. When 1,000 miles have been added to the vehicle's odometer since the inspection certificate was issued.

(3) This subsection does not apply to any vehicle transferred within 30

days after the date of an inspection certificate issued for the vehicle and filed by the Administration in its title records.

(b) (1) If a person applies for titling and registration of a vehicle, the Administration may:

(i) Withhold delivery of a certificate of title pending receipt of an inspection certificate; and

(ii) Issue a temporary registration.

(2) A vehicle for which a temporary registration has been issued under this subsection shall be inspected within 60 days of the issuance of the temporary registration.

(c) (1) When an existing school vehicle (Class H) is changed to any other registration class, the vehicle shall be inspected at a licensed State inspection station.

(2) The inspection certificate shall be submitted at the time the vehicle is being registered in the new class.

(d) All buses other than those that are required to be inspected annually by the Public Service Commission or by the Administration shall be inspected annually at a licensed State inspection station.

23–107. // EFFECTIVE JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

(a) (1) Before the Administration titles and registers any used vehicle, it shall require the applicant to present a valid inspection certificate for the vehicle.

(2) For the purposes of this subsection, an inspection certificate shall remain valid from the date the inspection certificate is issued for a period of:

(i) 90 days; or

(ii) In the case of an inspection certificate issued for a used vehicle owned and held in inventory by a dealer licensed under Title 15 of this article, the earlier of:

1. 6 months; or

2. When 1,000 miles have been added to the vehicle's odometer since the inspection certificate was issued.

(3) This subsection does not apply to any vehicle transferred within 30 days after the date of an inspection certificate issued for the vehicle and filed by the Administration in its title records.

(b) (1) If a person applies for titling and registration of a vehicle, the

Administration may:

(i) Withhold delivery of a certificate of title pending receipt of an inspection certificate; and

(ii) Issue a temporary registration.

(2) A vehicle for which a temporary registration has been issued under this subsection shall be inspected within 60 days of the issuance of the temporary registration.

(c) (1) When an existing school vehicle (Class H) is changed to any other registration class, the vehicle shall be inspected at a licensed State inspection station.

(2) The inspection certificate shall be submitted at the time the vehicle is being registered in the new class.

(d) All buses other than those that are required to be inspected annually by the Public Service Commission or by the Administration shall be inspected annually at a licensed State inspection station.

§23–108.

The Division shall prepare inspection certificate forms and provide them without charge to inspection stations. The forms shall be serially numbered and shall require the information that the Administration and the Division determine.

§23–108.1. IN EFFECT

// EFFECTIVE UNTIL JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

For vehicle titling and registration purposes, the Division:

(1) Shall establish the manner and format for the submission of an inspection certificate for the transfer of a used motor vehicle;

(2) May authorize electronic submission of the inspection certificate; and

(3) Shall authorize the use of an inspection certificate form for the submission of the inspection certificate.

§23–109. IN EFFECT

(a) An inspection station or any of its employees may not issue an inspection certificate for a vehicle without having inspected its equipment.

(b) An inspection station or any of its employees may not issue a repair order certification for any specified equipment without having inspected that equipment.

(c) An inspection station or any of its employees may not willfully issue an inspection certificate for a vehicle the equipment of which does not meet or exceed the standards established under this subtitle.

(d) An inspection station or any of its employees may not willfully issue a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established under this subtitle.

(e) In this section, "fictitious" includes an imitation, counterfeit, or altered certificate or certification.

(f) A person may not make, issue, or knowingly use any fictitious inspection certificate or repair order certification.

(g) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(h) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

(i) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

(j) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

23–109. // EFFECTIVE JUNE 30, 2017 PER CHAPTER 91 OF 2014 //

(a) An inspection station or any of its employees may not issue an inspection certificate for a vehicle without having inspected its equipment.

(b) An inspection station or any of its employees may not issue a repair order certification for any specified equipment without having inspected that equipment.

(c) An inspection station or any of its employees may not willfully issue an inspection certificate for a vehicle the equipment of which does not meet or exceed the standards established under this subtitle.

(d) An inspection station or any of its employees may not willfully issue a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established under this subtitle.

(e) In this section, "fictitious" includes an imitation, counterfeit, or altered certificate or certification.

(f) A person may not make, issue, or knowingly use any fictitious inspection certificate or repair order certification.

(g) A person may not attach or cause or permit to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(h) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(i) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

(j) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

(k) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

§23–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Emissions control program" means the program requiring and implementing the exhaust emissions test and the emissions equipment and misfueling inspection.

(c) "Emissions equipment" means any emissions control device that has been installed on a motor vehicle by a manufacturer of motor vehicles.

(d) "Emissions equipment and misfueling inspection" means an inspection to verify the presence of required emissions equipment and an inspection to determine that the vehicle has not been misfueled.

(e) (1) "Emissions related repair" means the inspection, adjustment, repair, or replacement of motor vehicle engine systems, subsystems, or components as necessary to bring a motor vehicle into compliance with emissions standards adopted in accordance with the provisions of this subtitle.

(2) "Emissions related repair" does not include adjustment, repair, or replacement necessitated by tampering or misfueling.

(f) (1) "Emissions standard" means a requirement that limits the quantity, quality, rate, or concentration of emissions from a motor vehicle.

(2) "Emissions standard" includes a requirement that relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction.

(g) "Exhaust emissions test" means the sampling and measurement of certain components of motor vehicle exhaust to determine whether the motor vehicle is in compliance with an emissions standard.

(h) "Misfueling" means the introduction of leaded fuel into a motor vehicle designed by the motor vehicle manufacturer to use unleaded fuel.

(i) "Secretary" means the Secretary of the Environment.

§23–202.

(a) (1) Subject to subsection (d) of this section, the Administration and the Secretary shall establish an emissions control program in the State in accordance with the federal Clean Air Act.

(2) The program shall remain in effect only as long as required by federal law.

(b) (1) Subject to paragraph (3) of this subsection, the emissions control program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(3) (i) In this paragraph, "qualified hybrid vehicle" means an automobile that:

1. Meets all applicable regulatory requirements;

2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline–powered passenger cars under 40 C.F.R. Part 80 et seq.; and

3. Can draw propulsion energy from both of the following sources of stored energy:

A. Gasoline or diesel fuel; and

B. A rechargeable energy storage system.

(ii) A qualified hybrid vehicle is not required to submit to a first exhaust emissions test and emissions equipment and misfueling inspection until 3

years after the date on which the vehicle was first registered in the State.

(c) By rules and regulations, the Administration and the Secretary:

(1) Shall grant a waiver to a vehicle owner if:

(i) The vehicle fails to pass the exhaust emissions test;

(ii) The vehicle owner exhibits evidence acceptable to the Administration that the owner, for an initial exhaust emissions test occurring:

1. In calendar years 1998 through 1999 has actually incurred an expenditure of $150 towards emissions related repairs to the vehicle within 60 days after the initial exhaust emissions test;

2. In calendar years 2000 through 2001 has actually incurred an expenditure towards emissions related repairs to the vehicle within 120 days after the initial exhaust emissions test in an amount of:

A. $200 for vehicles of model years 1990 and older;

B. $300 for vehicles of model years 1991 through 1997; or

C. $450 for vehicles of model years 1998 and newer; and

3. On or after January 1, 2002, has actually incurred an expenditure of $450 towards emissions related repairs to the vehicle within 120 days after the exhaust emissions test;

(iii) The vehicle fails a retest, except that if the vehicle owner has exhibited evidence acceptable to the Administration that the vehicle owner actually incurred the minimum expenditure as required under item (ii) of this item for the emissions related repair to the vehicle within 30 days before the initial exhaust emissions test or the period allowed under federal law, whichever is longer, a retest is not required; and

(iv) The vehicle owner exhibits evidence that the emissions related repairs qualifying for a waiver under items (ii) and (iii) of this item were performed by a repair technician and at a repair facility both certified under item (4) of this subsection;

(2) Notwithstanding the provisions of this section, may not grant a waiver if it is found in the testing process that factory–installed emissions equipment has been tampered with or removed, or that the vehicle has been misfueled;

(3) Unless otherwise prohibited by federal law, may grant additional waivers to extend the time for compliance in cases of financial hardship or for unusual circumstances;

(4) Shall establish criteria to certify repair technicians and facilities for the purpose of bringing vehicles into compliance with the applicable emissions standards, including the payment of reasonable fees to cover the costs of administering and overseeing the certification program;

(5) May provide for the suspension, revocation, or denial of renewal of the certification of a repair technician or facility upon evidence that vehicles repaired by that technician or facility for the purpose of bringing them into compliance with the applicable emissions standards have repeatedly failed tests or retests and the Administration and the Secretary have clear and convincing evidence the repair technician or facility is not meeting satisfactory performance standards;

(6) Shall define the inspection parameters for the emissions equipment and misfueling inspection;

(7) Shall adopt a schedule for the exhaust emissions test;

(8) Shall adopt a schedule for the emissions equipment and misfueling inspections; and

(9) Shall establish, under Title 2 of the Environment Article, emissions standards to be used for the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles under this subtitle.

(d) (1) Notwithstanding subsection (c)(6) of this section or any other provision of law, during the period from January 1, 1995 through May 31, 1997, the emissions control program established under this subtitle may not require for any vehicle other than a State–owned vehicle or, to the extent authorized by federal law, a federally owned vehicle:

(i) Transient mass–emission testing using the IM 240 driving cycle referenced under 40 C.F.R. Part 51;

(ii) An evaporative system integrity (pressure) test or an evaporative system transient purge test that requires the disconnection or manipulation of any engine component, including any hose or emissions equipment, that is located in the vehicle's engine compartment;

(iii) Removal of the driver from a vehicle being tested or inspected; or

(iv) On–road testing.

(2) (i) The Administration, in consultation with the Secretary, shall develop and offer to owners of vehicles subject to the emissions control program an incentive program designed to encourage voluntary submission to the test described in paragraph (1)(i) of this subsection.

(ii) Notwithstanding the provisions of § 23–205(a)(2) of this subtitle

and subsection (c)(1) of this section, the incentives offered under this paragraph may include reduced test fees, flexible test schedules, the waiver of late fees, the reduction of expenditures incurred for emissions related repairs necessary to obtain a waiver, and any other cost–effective incentive that is consistent with State and federal law and is reasonably expected by the Administration to increase the number of vehicles that undergo the test described in paragraph (1)(i) of this subsection.

(iii) 1. The Administration shall notify vehicle owners of the opportunity to voluntarily submit a vehicle to the testing described in subparagraph (i) of this paragraph.

2. The notice required under this subparagraph shall be:

A. Prominently displayed at all emissions inspection facilities; and

B. Included by the Administration in test notices and other mailings related to the emissions control program that are directed to vehicle owners.

§23–203.

(a) (1) By rules and regulations, the Administration and the Secretary shall provide for the establishment of facilities to conduct any tests or inspections required to be performed under this subtitle.

(2) If the Administration and the Secretary determine that the system can be installed and operated more effectively and economically by an independent contractor than if installed and operated by the Administration and the Secretary, the Administration and the Secretary may award the installation and operation of the inspection facilities to an independent contractor selected in accordance with the bidding procedures established by the laws of this State.

(3) (i) If, on or after July 1, 1991, the Administration and Secretary are required by federal law to extend the emissions control program to additional areas of the State and the Administration and Secretary determine that the inspection facilities can be installed and operated more effectively and economically by one or more independent contractors than if installed and operated by the Administration and Secretary, the Administration and Secretary may:

1. Award the installation and operation of the inspection facilities to one independent contractor for the installation and operation of all inspection facilities in this State; or

2. Create separate regions of the areas of the State required to participate in an emissions control program for the purpose of separately awarding contracts for the installation and operation of the inspection facilities required for each region to one or more independent contractors.

(ii) All independent contractors shall be selected in accordance with the procedures established under the State Finance and Procurement Article.

(iii) The Administration and the Secretary may establish a statewide centralized or decentralized program or any combination of centralized and decentralized programs in separate regions of the State.

(b) If the program is awarded to an independent contractor to operate centralized inspection facilities, the facilities shall be provided, equipped, and maintained by the independent contractor, and the operating personnel of the facilities shall be employees of the contractor, and not of the State, and the contractor may not perform emissions related repairs as defined in § 23-201 of this subtitle.

(c) The Administration and the Secretary shall determine, on or before March 1, 1998, whether the following criteria for establishing a decentralized retesting program have been satisfied:

(1) Testing equipment and procedures, yielding results that correlate to tests and inspections performed at centralized inspection facilities in the State within 95% accuracy or within a different degree of accuracy approved by the Administration and the Secretary, are feasible for use in certified repair facilities approved for retesting of vehicles; and

(2) The establishment of a decentralized retesting option in the State does not result in a loss of emissions reduction benefits to the State under the federal Clean Air Act.

(d) If the Administration and the Secretary determine that the criteria listed in subsection (c) of this section have not been met in a given year, they shall determine, on or before March 1 of the succeeding year, whether the criteria have been satisfied in the intervening period.

(e) Notwithstanding subsections (a) and (b) of this section, if the program is awarded to an independent contractor to operate centralized inspection facilities and if the Administration and the Secretary have determined that the criteria listed in subsection (c) of this section have been satisfied, the Administration and the Secretary shall propose regulations to:

(1) Allow the owner of a vehicle that fails an exhaust emissions test or emissions equipment and misfueling inspection at a centralized inspection facility to have the vehicle retested at either a centralized inspection facility or an approved certified repair facility;

(2) Allow a certified repair facility to retest vehicles if approved for that purpose by the Department of the Environment;

(3) Require the initial exhaust emissions test and emissions equipment and misfueling inspection in each biennial test cycle to be performed at a centralized

inspection facility;

(4) Establish criteria for testing equipment, procedures, and reporting of retests for approved certified repair facilities;

(5) Provide for the suspension, revocation, or denial of renewal of approval for a certified repair facility to perform retests if the Secretary, or the Secretary's designee, determines that the facility has performed fraudulent retests or is not in compliance with the regulations adopted under this subsection; and

(6) Establish a reasonable fee for approval of a certified repair facility to perform retests, covering the costs of the approvals and oversight of the decentralized retesting program.

(f) (1) The President of the Senate and the Speaker of the House of Delegates shall appoint a special committee composed of 3 Senators and 3 Delegates who shall regularly consult with the Secretary of Transportation and the Secretary of the Environment on the administration of the emissions control program and any contract in accordance with the terms of these provisions.

(2) The special committee shall regularly report to the Legislative Policy Committee of the Maryland General Assembly on the administration of the emissions control program and any contract awarded in accordance with the provisions of this section.

§23–204.

The facilities established or approved under § 23-203 of this subtitle shall conduct the exhaust emissions tests and emissions equipment and misfueling inspections of motor vehicles to determine whether each vehicle complies with emissions standards established under this subtitle for that vehicle.

§23–205.

(a) (1) Subject to paragraph (2) of this subsection, the Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

(2) The fee established under this subsection:

(i) During the period from January 1, 1995 through May 31, 1997, may not exceed $12; and

(ii) During the period after May 31, 1997, may not exceed $14.

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.

§23–206.

(a) An owner of a motor vehicle that is registered in this State shall have the vehicle inspected and tested as required under this subtitle.

(b) A motor vehicle registered in this State, unless exempted or given a waiver under this subtitle, shall meet the standards and requirements of this subtitle.

(c) Notwithstanding any rule or regulation to the contrary, the owner of any gasoline powered motor vehicle registered under § 13-916 of this article, with a maximum gross weight up to and including 26,000 pounds, shall have the vehicle inspected and tested as required under this subtitle.

§23–206.1.

Notwithstanding any rule or regulation to the contrary and unless otherwise prohibited by federal law, any fire or rescue apparatus or ambulance owned or leased by a political subdivision of the State, or by a volunteer fire company, rescue squad, or volunteer ambulance company, that is registered as an emergency vehicle as defined in § 11-118 of this article, is exempt from mandatory inspections under this subtitle.

§23–206.2.

(a) (1) A motor vehicle for which special registration plates have been issued under § 13-616 of this article is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle meet the disability requirements of § 13-616(b)(1) of this article;

(ii) The motor vehicle is driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That the owner of the motor vehicle meets the disability requirements of § 13-616(b)(1) of this article;

(ii) That the motor vehicle has been issued a special disabled person's registration number and special registration plates under § 13-616 of this article;

(iii) That the motor vehicle is driven 5,000 miles or less annually; and

(iv) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(b) (1) A motor vehicle owned by an individual who is at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle is exempt from the mandatory inspections required by this subtitle if:

(i) All of the owners of the motor vehicle are at least 70 years of age at the time of the scheduled mandatory inspection under this subtitle;

(ii) The motor vehicle is being driven 5,000 miles or less annually; and

(iii) The exemption is not otherwise prohibited by federal law.

(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:

(i) That all of the owners of the motor vehicle are at least 70 years of age at the time of a scheduled mandatory inspection under this subtitle;

(ii) That the motor vehicle is being driven 5,000 miles or less annually; and

(iii) The motor vehicle's odometer reading at the time of the certification.

(3) The certification required in paragraph (2) of this subsection shall be made on a form provided by the Administration.

(c) The Administrator may adopt regulations as necessary to administer or enforce the provisions of this section.

§23–206.4.

(a) In this section, "zero–emission vehicle" means any vehicle that:

(1) Is determined by the Secretary to be of a type that does not produce any tailpipe or evaporative emissions; and

(2) Has not been altered from the manufacturer's original specifications.

(b) A zero–emission vehicle is exempt from the mandatory tests and inspections required by this subtitle.

(c) The Administration and the Secretary shall adopt regulations necessary to:

(1) Provide for the determination of which vehicles are zero–emission vehicles; and

(2) Implement the provisions of this section.

§23–207.

The Administration and the Secretary may jointly adopt rules and regulations as required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle, including rules and regulations that, consistent with federal law, exempt certain vehicles from the inspections and tests under this subtitle.

§23–209.

A person may not commit any fraud or make any misrepresentation in applying for or preparing documentation relating to this subtitle.

§23–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Equipment" includes all mechanisms that form part of or relate to vehicle equipment.

(c) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this subtitle.

(d) "Preventive maintenance technician" means a person who can provide evidence of a demonstrated understanding of the preventive maintenance inspection criteria provided in regulations adopted under this subtitle through:

(1) A minimum of 1 year experience in performing work to bring commercial motor vehicles into compliance with the requirements of the preventive maintenance program; or

(2) Participation in, and successful completion of, a commercial motor vehicle training program that is:

(i) Sponsored by a commercial motor vehicle manufacturer; or

(ii) Designed to train students in commercial motor vehicle operation and maintenance.

(e) "Public Service Commission inspector" means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this subtitle.

(f) "State Police officer" means:

(1) Any uniformed law enforcement officer of the Department of State Police; or

(2) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

(g) (1) "Vehicle" means, except as provided in paragraph (2) of this subsection, any vehicle registered in this State as:

(i) A Class E (truck) vehicle with a registered, operating, or rated gross vehicle weight of over 10,000 pounds;

(ii) A Class F (tractor) vehicle;

(iii) A Class G (trailer or semitrailer) vehicle with a registered, operating, or rated gross vehicle weight over 10,000 pounds;

(iv) A Class P (passenger bus) vehicle; or

(v) A Class M (multipurpose) vehicle that:

1. Is used primarily to transport passengers; and

2. A. Is designed to transport 16 passengers or more, including the driver; or

B. Was previously registered under § 13–932 or § 13–933 of this article.

(2) "Vehicle" does not include:

(i) A farm truck as defined in § 13–921 of this article;

(ii) A farm truck tractor as defined in § 13–924 of this article; or

(iii) A Class K (farm area) vehicle.

§23–302.

(a) (1) Except as provided in paragraph (2) of this subsection, an owner of a vehicle shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 25,000 miles or at least every 12 months, whichever occurs first.

(2) An owner of a vehicle registered under § 13–919 of this article that has been in operation for at least 18 years from the vehicle's model year or first registration date, whichever is later, shall have the vehicle inspected, maintained, and repaired by a preventive maintenance technician at least every 12,500 miles or at least every 6

months, whichever occurs first.

(b) A vehicle shall meet or exceed the standards and requirements set under the regulations adopted under this subtitle.

(c) A vehicle may not be operated unless at all times it is appropriately registered and the owner is in compliance with this section.

§23–303.

(a) (1) In cooperation with the Department of State Police, the Administration shall adopt rules and regulations required for purposes of implementation, administration, regulation, and enforcement of the provisions of this subtitle.

(2) The following shall be subject to the rules and regulations adopted under this section:

(i) Every vehicle;

(ii) Every person that owns, operates, maintains, or repairs a vehicle;

(iii) Every motor carrier and its officers and employees; and

(iv) Every person employed under contract by a motor carrier.

(b) (1) The Department of State Police shall enforce this subtitle in each of the counties of the State.

(2) During regular business hours, a State Police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records related to a preventive maintenance program.

(c) This subtitle does not limit or supersede any other provision of law concerning vehicle equipment or the means of enforcing the laws relating to that equipment.

§23–304.

The Department of Transportation and the Department of State Police shall conduct public education and awareness programs to inform and assist owners of vehicles in the preventive maintenance program.

§23–305.

(a) A violation of the provisions of this subtitle, including any regulation adopted under this subtitle, constitutes a misdemeanor and is subject to the penalties under Title 27 of this article.

(b) The Administration may suspend the registration of any vehicle that does not meet the requirements established under this subtitle.

§23–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Diesel vehicle" means a motor vehicle that:

(1) Is powered by a compression ignition engine; and

(2) Has a manufacturer's gross vehicle weight rating or gross combination weight rating over 10,000 pounds.

(c) "Emissions inspector" means a person who is certified by the Department of State Police to perform an emissions test.

(d) "Emissions standard" means a measurement of acceptable diesel emissions.

(e) "Emissions test" means the sampling and measurement of certain components of diesel vehicle exhaust to determine if the diesel vehicle complies with an emissions standard.

(f) "Police officer" means any uniformed law enforcement officer.

§23–402.

(a) (1) The Secretary of the Environment, the Secretary of State Police, and the Secretary of Transportation shall jointly establish, by regulation, a Diesel Vehicle Emissions Control Program.

(2) The Secretary of the Environment, the Secretary of State Police, and the Secretary of Transportation shall jointly adopt regulations to implement, administer, regulate, and enforce the provisions of this subtitle.

(b) Regulations adopted under this subtitle shall establish requirements for:

(1) Establishing diesel vehicle emissions standards;

(2) Emissions tests for diesel vehicles that may include direct emissions measurements;

(3) Emissions test equipment;

(4) Subject to § 23-403 of this subtitle, establishing emissions test procedures, based on information available from the U.S. Environmental Protection Agency and information regarding standards issued by the Society of Automotive Engineers, that provide for conducting an emissions test; and

(5) Establishing certification requirements for emissions inspectors.

§23–403.

(a) The operation of a diesel vehicle on any highway in this State constitutes the consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under this subtitle.

(b) The driver of a diesel vehicle shall obey any sign or direction of a police officer to stop the diesel vehicle and submit it to an emissions test administered by an emissions inspector:

(1) When a diesel vehicle is required to submit to:

(i) Weighing and measuring under § 24-111 of this article; or

(ii) A motor carrier safety inspection under § 25-111 of this article; or

(2) At any location or time, when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under this subtitle.

§23–404.

(a) If a diesel vehicle fails an emissions test established and administered under this subtitle, the driver of the diesel vehicle at the time of testing shall be issued:

(1) If the diesel vehicle is registered under this article, a safety equipment repair order that directs the registered owner of the vehicle to repair the vehicle to comply with emissions standards; or

(2) If the diesel vehicle is a foreign registered vehicle, notice indicating that the vehicle is not in compliance with emissions standards in this State.

(b) (1) A driver of a diesel vehicle who is issued a safety equipment repair order under subsection (a) of this section shall forward the order to the registered owner of the vehicle.

(2) A registered owner of a diesel vehicle who receives a safety equipment repair order under this section shall repair the vehicle to comply with emissions standards established under this subtitle and shall be retested for emissions standards in accordance with regulations adopted under this subtitle.

(3) (i) If a registered owner fails to comply with the requirements of paragraph (2) of this subsection within 30 days of the issuance of the safety equipment repair order, the registration of the diesel vehicle may be suspended by the Administration.

(ii) The registration of a diesel vehicle that is suspended under this paragraph may be reinstated by the Administration if the vehicle is retested for emissions standards in accordance with regulations adopted under this subtitle and complies with emissions standards.

(iii) If the registration of a diesel vehicle is suspended under this paragraph, the owner of the diesel vehicle is subject to a fine not exceeding $1,000 for a violation of paragraph (2) of this subsection.

(4) (i) The owner of a foreign registered diesel vehicle who receives notice indicating that the diesel vehicle has failed to comply with emissions standards in this State shall repair the vehicle to comply with emissions standards established under this subtitle and shall provide evidence required under regulations adopted under this subtitle that demonstrates compliance with emissions standards.

(ii) If the owner fails to comply with the requirements of subparagraph (i) of this paragraph within 30 days of the issuance of the notice:

1. The Department of State Police shall provide notice to the Federal Highway Administration of the United States Department of Transportation that the owner has violated State law in violation of 49 C.F.R. § 392.2; and

2. The owner of the diesel vehicle is subject to a fine not exceeding $1,000.

§24–101.

(a) The provisions of this subtitle governing size, weight, and load do not apply to:

(1) Emergency vehicles;

(2) Farm equipment temporarily moved on a highway;

(3) Vehicles owned by or under contract with the State or a political subdivision of the State when engaged in emergency operations or in snow or ice removal consistent with federal law; or

(4) Any other vehicle driven under the terms and conditions of a permit issued under this subtitle.

(b) A person may not drive on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(c) A person may not permit to be driven on any publicly maintained highway any vehicle or combination of vehicles with a gross weight that exceeds:

(1) The maximum registered weight limit for which the vehicle or combination is registered under § 24–110 of this subtitle; or

(2) Any other weight limit established under the Maryland Vehicle Law.

(d) A violation of the maximum weight provisions of this subtitle is not a moving violation for purposes of Title 16, Subtitle 4 of this article.

§24–102.

(a) (1) Except as provided in paragraph (2) of this subsection, for purposes of this section, the width of a vehicle includes any load that it carries and shall be exclusive of safety and energy conservation devices, such as side mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and spray suppressant devices, and load-induced tire bulges; providing the equipment or device, other than mirrors, does not extend more than 3 inches on each side of the vehicle beyond the statutory width limitation.

(2) For purposes of this section, the width of a motor home or travel trailer shall be exclusive of retractable awnings installed by the vehicle manufacturer or dealer, provided that the awnings do not extend more than 6 inches from each side of the vehicle.

(b) This section does not apply to any:

(1) Farm equipment;

(2) Vehicle transporting farm equipment; or

(3) Vehicle carrying a load of forage crops in connection with harvesting operations, if the distance traveled with the load on the highways in this State is less than 5 miles.

(c) (1) Except as provided in paragraph (2) of this subsection, a vehicle may not be driven on any highway if the width of the vehicle exceeds 102 inches unless:

(i) It has a permit issued by the State Highway Administration under § 24-112 of this subtitle; or

(ii) As to a highway under the jurisdiction of a local authority, it has special permission from the local authority.

(2) (i) Notwithstanding paragraph (1) of this subsection, the State Highway Administration or a local authority may prohibit the use of a highway or part of a highway under its jurisdiction by a vehicle exceeding a certain width if it finds

that a vehicle exceeding a certain width likely would:

1. Endanger road users;

2. Cause excessive deterioration to the highway; or

3. Harm property adjacent to the highway.

(ii) If the State Highway Administration or a local authority imposes a vehicle width restriction under subparagraph (i) of this subsection, it shall place and maintain a sign providing notice of the restriction before the affected location.

§24–103.

(a) A passenger-type vehicle may not be driven on any highway while carrying any load that extends beyond the line of the fenders on the left side of the vehicle.

(b) A passenger-type vehicle may not be driven on any highway while carrying any load that extends more than 6 inches beyond the line of the fenders on the right side of the vehicle.

§24–104.

(a) Except as provided in subsection (c) of this section, the height of any vehicle and its load may not exceed 13 feet 6 inches.

(b) Except as provided in subsection (c) of this section, any person responsible for the operation of a vehicle that collides with any bridge having a clearance of less than 13 feet 6 inches shall save the owner of the bridge harmless from any liability for damages proximately caused by the low clearance.

(c) (1) While a vehicle combination is transporting farm equipment, the overall height of the vehicle combination and its load may extend up to 16 feet if:

(i) The vehicle combination is traveling on a highway for a distance not exceeding 75 miles; and

(ii) The load cannot readily be reduced in height.

(2) Any person responsible for the operation of a vehicle combination described in paragraph (1) of this subsection that collides with any bridge, overhead wire, traffic control device, or light, having a clearance of less than 16 feet, shall save the owner of the bridge, wire, traffic control device, or light harmless from any liability for damages proximately caused by the low clearance.

§24–104.1.

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

(2) "Automobiles" means all assembled motor vehicles:

(i) Capable of being operated on a highway; and

(ii) Authorized under this article to be operated on a highway.

(3) "Maxi–cube vehicle" means a nonarticulating straight truck:

(i) In combination with a semitrailer which does not exceed 34 feet, and is designed to be loaded and unloaded through the semitrailer; or

(ii) In combination with a trailer that does not exceed 28 feet.

(4) "Saddle–mount and full–mount combinations" means a truck tractor or unloaded truck towing one or more other truck tractors or unloaded trucks in combination.

(5) "Stinger–steered automobile transporter" means a truck tractor and semitrailer combination:

(i) Designed for and engaged exclusively in the transportation of automobiles or boats; and

(ii) In which the fifth wheel is located on a drop frame behind and below the rear axle of the power unit.

(b) (1) For purposes of this section, the length of a vehicle includes its front and rear bumpers and any part of its load that extends beyond the vehicle, but is exclusive of nonload bearing safety and energy conservation devices, such as marker lamps, steps and handholds for entry and egress, front–mounted refrigeration units, and front–mounted air compressors.

(2) The measurement of a combination of vehicles engaged in the transportation of automobiles or boats shall not include the overhang of the transported vehicles or boats or any retractable device on the rear of the combination when in use to support a transported vehicle.

(c) (1) This section does not apply to any vehicle or combination of vehicles carrying:

(i) Piling, poles, or mill logs that do not exceed 75 feet in length; or

(ii) Crew or racing shells.

(2) This section does not prohibit the use of a combination of vehicles to carry an indivisible load if the load is not over 70 feet long.

(d) Except as otherwise provided in this section:

(1) A bus, single unit truck, or Class M motor home may not be over 40 feet long; and

(2) A publicly owned rigid bus may not be over 41 feet long.

(e) (1) This subsection does not apply to a publicly owned rigid bus.

(2) A bus or a Class M motor home may be over 40 feet long but may not be over 45 feet long:

(i) When operated on an interstate highway or any part of the State highway system designated by the Secretary in conjunction with the United States Department of Transportation; or

(ii) When operated on a highway that is not specified in item (i) of this paragraph if the bus or motor home is using the highway to travel the shortest practical route between a highway specified in item (i) of this paragraph and:

1. The point of origin or destination of the bus or motor home on a particular day;

2. A bus terminal; or

3. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

(f) Except as otherwise provided in this section, a publicly owned articulated three–axle bus may not be over 60 feet long.

(g) Any other vehicle may not exceed a length of 35 feet.

(h) When a semitrailer and a trailer (double) are being operated in combination with a truck tractor, the combination of vehicles shall not be subject to an overall length limitation. This combination may only be operated on any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation, or on a highway that is the shortest practical route between a designated highway and a truck terminal, or point of origin/destination for cargo, or for a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest. A semitrailer or trailer being operated in this combination may not exceed 28 feet in length for each unit.

(i) When a semitrailer (single) is being operated in combination with a truck tractor, the combination of vehicles shall not be subject to an overall length limit, however, the semitrailer may not exceed 48 feet in length.

(j) Except as otherwise provided in this section:

(1) In a combination of vehicles with a power unit that is a cargo–carrying

vehicle, the overall length of the combination may not exceed 62 feet;

(2) Any other combination of vehicles may not exceed 55 feet; and

(3) (i) 1. A truck or truck tractor and semitrailer combination designed for and engaged exclusively in the transportation of automobiles or boats may not exceed 65 feet in length;

2. A stinger–steered automobile transporter may not exceed 75 feet in length;

3. A. A maxi–cube vehicle described in subsection (a)(3)(i) of this section may not exceed 65 feet in length; and

B. A maxi–cube vehicle described in subsection (a)(3)(ii) of this section may not exceed 60 feet in length; and

4. Saddle–mount and full–mount combinations may not exceed 97 feet in length;

(ii) No other length requirements may be applied to the combinations of vehicles described in item (i) of this item; and

(iii) The combinations of vehicles described in item (i) of this item may only be operated on any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation, or on a highway that is the shortest practical route between a designated highway and:

1. A truck terminal;

2. A point of origin/destination for cargo; or

3. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

(j–1) Notwithstanding the provisions of subsection (j) of this section, when a semitrailer is being operated in combination with a power unit that is equipped with a dromedary box being used to transport explosives and munitions classified under 49 C.F.R. Part 173.50 that are intended for use by the United States Department of Defense, the combination of vehicles is not subject to an overall length limit, but the semitrailer may not exceed 48 feet in length.

(k) (1) Notwithstanding the provisions of subsection (h) of this section, nothing shall prevent the operation of a combination of vehicles in which the semitrailer (single) does not exceed 48 1/2 feet in length or a combination of vehicles in which the semitrailer or trailer (double) does not exceed 28 1/2 feet in length for each unit; provided, the combination has been lawfully operated on the highways of

this State prior to December 1, 1982.

(2) Notwithstanding the provisions of subsection (j)(1) of this section, nothing shall prevent a power unit, which was equipped with a dromedary box, deck, or plate and was legally operated in Maryland prior to December 1, 1982, in combination with a semitrailer or trailer from exceeding the overall length limit of 55 feet.

(l) (1) In this subsection, "vehicle" means:

(i) A semitrailer as defined in § 11–158 of this article; or

(ii) A trailer as defined in § 11–169 of this article.

(2) Notwithstanding the overall length of the combination, a truck tractor may not be operated on a highway in the State in combination with more than 2 vehicles.

(m) (1) Subject to paragraph (2) of this subsection, a combination of noncommercial vehicles consisting of a power unit and a travel trailer may not exceed 65 feet in length.

(2) The combination of vehicles exceeding 55 feet but authorized under this subsection may only be operated on:

(i) Any part of the interstate system or other State system highways that are designated by the Secretary in conjunction with the U.S. Department of Transportation; or

(ii) A highway that is the shortest practical route between a designated highway and:

1. A point of origin or destination on a particular day; or

2. For a distance not to exceed 1 mile, facilities for food, fuel, repairs, or rest.

§24–104.2.

(a) Notwithstanding any other provision of this title and subject to subsections (b), (c), and (d) of this section, a person may operate a semitrailer (single) in combination with a truck tractor that exceeds 48 feet in length up to a length not to exceed 53 feet.

(b) (1) A vehicle combination described under subsection (a) of this section may be operated only on:

(i) Those parts of the national interstate highway system and those State highways that are designated by the Secretary, after consultation with either the county executive, the county commissioners, the County Council of Talbot County or

Wicomico County, or the Mayor of Baltimore City, or their designees, as appropriate;

(ii) Except in Baltimore City, a highway, authorized by the Secretary, that is the shortest practical access route between a highway designated under item (i) of this paragraph and:

1. A truck terminal;

2. A port;

3. A point of origin or destination; or

4. For a distance not to exceed one-half mile, facilities for food, fuel, repairs, or rest; or

(iii) In Baltimore City, a street authorized by the Mayor or the Mayor's designee in conjunction with the Secretary that is the safest practical route between a highway designated under item (i) of this paragraph and:

1. A truck terminal;

2. A port facility;

3. A point of origin; or

4. A point of destination.

(2) The Secretary shall adopt regulations establishing designated highways, a method for approving access routes, and other criteria necessary to implement this subsection.

(c) A vehicle combination operating under this section may operate in this State only under the following conditions:

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rear tandem axles, may not exceed 41 feet in length.

(2) The kingpin setback, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 4 feet in length.

(3) The rear overhang, measured as the distance from the center of the rear tandem axles to the rear of the semitrailer, may not exceed 35 percent of the wheelbase of the semitrailer.

(4) (i) The width of the semitrailer shall be at least 96 inches and not more than 102 inches.

(ii) The distance between the outside edges of the semitrailer's tires shall be equal to the width of the semitrailer.

(5) The semitrailer shall be equipped with:

(i) Vehicle lights which comply with or exceed federal standards; and

(ii) After December 31, 1993, or a date established by the Secretary that is at least 6 months after the effective date of the applicable federal standards, whichever is later, reflective material that is consistent with the standards for conspicuity promulgated by the National Highway Traffic Safety Administration.

(6) The semitrailer shall be equipped with a rear underride guard of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer. The rear underride guard shall extend across the rear of the semitrailer to within 4 inches of the lateral extremities of the semitrailer, and placed at a height not exceeding 22 inches from the surface as measured when the semitrailer is on a level surface.

(7) Conspicuous warnings shall be displayed on the semitrailer, in a manner prescribed by the Administration, indicating that the vehicle combination has a wide turning radius.

(d) Notwithstanding any other provision of this title, if the Secretary determines that the provisions of subsection (b) or (c) of this section are violated by a substantial number of persons or if specific provisions of subsection (b) or (c) of this section are held invalid by a binding determination of the Federal Highway Administration or a court of competent jurisdiction:

(1) The Department, after a public hearing, may issue a special permit to allow a semitrailer (single), when operating in combination with a truck tractor, to exceed 48 feet in length up to a length not to exceed 53 feet;

(2) A person may not drive or permit to be driven on any publicly maintained highway a semitrailer (single), when operating in combination with a truck tractor, that exceeds 48 feet in length up to a length not to exceed 53 feet, unless a valid special permit issued under paragraph (1) of this subsection or a facsimile of a valid special permit is carried in or on the vehicle combination; and

(3) The Secretary may adopt regulations:

(i) That are consistent with the standards established in this section, for the issuance of permits for vehicle combinations described under subsection (a) of this section; and

(ii) That exempt from the requirements of, or provide alternative requirements to, subsection (c) of this section for a vehicle manufactured before July 1, 1991, if the vehicle cannot meet the requirements.

(e) A special permit issued under subsection (d)(1) of this section:

(1) May be issued without a fee;

(2) May be a renewable blanket permit; and

(3) Shall expire on a date determined by the Secretary.

§24–105.

(a) This section does not apply to:

(1) Any vehicle carrying wooden prefabricated roof trusses in an inverted position, if the trusses do not extend more than 10 feet beyond the rear of the bed or body of the vehicle;

(2) A combination of vehicles carrying an indivisible load if the load is not over 70 feet long, and the load is being transported during daylight hours;

(3) Any vehicle carrying:

(i) Piling, poles, or mill logs;

(ii) Nursery stock; or

(iii) Crew or racing shells; or

(4) Any combination of vehicles carrying:

(i) Piling, poles, or mill logs that do not exceed 75 feet in length;

(ii) Nursery stock; or

(iii) Crew or racing shells.

(b) Subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the front vehicle of a combination of vehicles:

(1) Except as provided in item (2) of this subsection, may not extend more than 3 feet beyond the foremost part of the vehicle; and

(2) May extend more than 3 feet beyond the foremost part of a vehicle equipped with front–end loading attachments and containers used in collecting garbage, rubbish, refuse, or recyclable materials when the vehicle is actively engaged in collecting garbage, rubbish, refuse, or recyclable materials.

(c) (1) Except as provided in paragraph (2) of this subsection, and subject to the maximum length limits of § 24–104.1 of this subtitle, the load on any vehicle operated alone or the load on the rear vehicle of a combination of vehicles may not extend more than 6 feet beyond the rear of the bed or body of the vehicle.

(2) (i) The load on the rear of an automobile or boat transporter, including any retractable device on the rear of a combination of vehicles engaged in the transportation of automobiles in use to support a transported vehicle, may not extend more than 4 feet beyond the rear of the permanent bed or body of the automobile; and

(ii) A white, red, or orange fluorescent warning flag made of a reflective material at least 18 inches square shall be displayed on the rearmost portion of the overhanging transported vehicle.

§24–106.

(a) This section and § 24-106.1 of this subtitle do not prohibit:

(1) Dropping sand, abrasives, chemicals, or other materials to improve traction;

(2) Spreading water or other substance to construct, clean or maintain a highway; or

(3) Dropping asphalt or other materials for highway, bridge, storm drain, or utility construction or repair.

(b) A vehicle with any load may not be driven on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping.

(c) A vehicle with any load may not be driven on any highway unless the load and any covering on the load are fastened securely to prevent the load or covering from becoming loose or detached or from in any way endangering other users of the highway.

(d) This section does not apply to agricultural products in their natural state or residue developed from processing vegetable agricultural products that can be used as feed for animals and that are being transported to a farm. This provision, however, does not prevent the enforcement of any rule or regulation promulgated by the Department of the Environment for the control of air pollution.

(e) The owner of a vehicle from which dirt, debris, or agricultural products has fallen on any highway is responsible for removing that dirt, debris, or agricultural products within a reasonable time.

§24–106.1.

(a) In this section:

(1) "Loose material" includes:

(i) Dirt, sand, gravel, wood chips, or other material that can blow, fall, or spill from a vehicle as a result of movement or of exposure to air, wind, or

weather; and

(ii) Any other kind of material that can blow, fall, or spill, as specified in rules and regulations adopted by the Administrator; and

(2) "Loose material" does not include agricultural products, including sod, in their natural state.

(b) A person may not, in violation of this section, carry any loose material in any vehicle on or across any highway in this State.

(c) A person may not, in violation of this section, load any loose material for carrying in any vehicle on or across any highway in this State.

(d) (1) Subject to the provisions of subsection (e) of this section, the bed of the vehicle carrying a load of loose material shall be fully enclosed:

(i) On both sides, by sideboards or sidepanels;

(ii) On the front, by a board or panel or by the cab of the vehicle; and

(iii) On the rear, by a tailgate, board, or panel.

(2) (i) The enclosures required by paragraph (1) of this subsection shall be constructed so as to prevent any part of the load from blowing, falling, or spilling out of the vehicle.

(ii) No part of the load touching any of these enclosures may be within 6 inches of the top of the part of the enclosure that it touches, unless the load is covered with a firmly secured canvas or similar type covering.

(iii) If the vehicle manufacturer's original design specifications for bed enclosures have been altered to increase the vehicle's load capacity, no part of the load touching any of these enclosures may be within 6 inches of the top of the part of the enclosure that it touches and the highest point of the load may not be higher than any of these enclosures, unless the load is covered with a canvas or other type cover approved by the Administration that is secured as provided in subsection (e)(3) of this section.

(3) This subsection does not apply to:

(i) Any load-carrying vehicle with a compartment that fully encloses the load; or

(ii) A vehicle in which the load is suitably covered or secured by other means that prevent the escape of the loose material.

(e) (1) The provisions of this subsection do not apply to:

(i) Any Class K (farm area) vehicle as defined in § 13-935 of this article;

(ii) Any Class E (truck) vehicle registered or capable of being registered under § 13-917 of this article if the vehicle manufacturer's original design specifications for bed enclosures have not been altered to increase the vehicle's load capacity;

(iii) Any construction vehicle working within the confines of a public works construction project site as outlined in the construction project's plans and specifications, provided the distance traveled does not exceed 1 mile or the distance specified in an extension granted under subsection (g) of this section;

(iv) Any construction vehicle or mining equipment while crossing a highway between construction or mining sites;

(v) Any Class G (trailer) vehicle registered or capable of being registered under § 13-927 of this article, provided no part of the load is higher than 6 inches below the top of any of the enclosures required under subsection (d)(1) of this section; or

(vi) Within the Port of Baltimore for a distance not to exceed 1 mile, any vehicle carrying a load of loose material between a stockpile or storage facility and a vessel docked at the port.

(2) A vehicle carrying a load of loose material shall have its bed fully enclosed on the top by a canvas or other type cover approved by the Administration.

(3) Any cover required under this section shall be secured in a manner to prevent:

(i) Any part of the load from blowing, falling, or spilling out of the vehicle; and

(ii) The cover from blowing off the vehicle.

(f) (1) This subsection does not apply to any construction vehicle or mining equipment that:

(i) Is moving between construction barricades on a public works project; or

(ii) Only is crossing a highway.

(2) A vehicle used for carrying loose material may not be operated on any highway unless:

(i) All spillage from loading loose material is removed from the

nonload-carrying parts of the vehicle;

(ii) Whether the vehicle is loaded or empty, the tailgate is closed securely to prevent spillage of a load or of any residue;

(iii) The bed does not have any holes, cracks, or openings through which loose material can escape; and

(iv) After unloading loose material, all residue is removed from the nonload-carrying parts of the vehicle.

(g) (1) Upon application by the supervisor of a construction project of the Department, the Department may grant a reasonable extension of the 1-mile limitation established in subsection (e)(1)(iii) of this section if the Department determines that the extension request meets the criteria developed under paragraph (2) of this subsection and the provisions of paragraph (3) of this subsection.

(2) (i) The Department shall adopt regulations establishing criteria for granting an extension under this subsection.

(ii) In adopting regulations under this subsection, the Administration shall consider:

1. The size of the construction project;

2. The likely adverse impact that granting the extension will have on surrounding highways and motorist safety; and

3. The likely adverse impact of the cover requirement on construction costs and timely completion of the project.

(3) An extension granted under this subsection may not exceed the confines of the Department's construction project.

§24–106.2.

(a) A vehicle or combination of vehicles used to carry piling, poles, mill logs, unfinished or unfabricated lumber, pipe, steel, or other materials of a similar kind, size, shape, or characteristic may not be driven on any highway unless its load is fastened securely to both the front and rear of the vehicle at both the front and rear of the load, as provided in this section.

(b) The fastening of a load to a vehicle shall be:

(1) By two separate common coil B.B. chains, the links of which may not be less than:

(i) 3/8 of an inch in diameter for loads of 3 tons or less; or

(ii) 1/2 of an inch in diameter for loads over 3 tons;

(2) If they have at least as much tensile strength as the chains, by:

(i) Wire rope not less than 5/16 of an inch in diameter;

(ii) Steel strapping; or

(iii) Logistic webbing of synthetic fibers; or

(3) As specified in Part 393 of the federal Motor Carrier Safety Regulations and adopted jointly by the Administration and the Department of State Police.

§24–106.3.

The owner of the vehicle, if present in the vehicle, or, in his absence, the driver of the vehicle is presumed to be responsible for any violation of §§ 24-106 through 24-106.2 of this subtitle, if:

(1) The violation is caused by an occupant of the vehicle;

(2) The vehicle has two or more occupants; and

(3) It cannot be determined which occupant is the violator.

§24–107.

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

(2) "Primary connecting system" means the combination of devices and their attaching structures that are used to connect a towed vehicle to a towing vehicle.

(3) "Safety chain" means a flexible tension member connected from the front of the towed vehicle to the rear of the towing vehicle for the purpose of retaining the connection between the towed and towing vehicles if the connection provided by the primary connecting system fails.

(4) "Tow dolly" means a vehicle having a tongue or towbar attachment designed to tow other vehicles and used to tow:

(i) Another vehicle when the front or rear wheels of the towed vehicle are placed in a cradle–like device that lifts the wheels from the highway; or

(ii) A trailer or semitrailer when the towing vehicle has a fifth–wheel attachment device.

(5) "Towbar" means a strut or column–like device temporarily attached between the rear of a towing vehicle and the front of the towed vehicle.

(b) When towing another vehicle, the driver shall ensure that:

(1) The towed vehicle is securely attached to the towing vehicle by a primary connecting system;

(2) The connection used is:

(i) Structurally adequate for the weight drawn; and

(ii) Mounted properly and securely, without excessive slack, but with enough slack to allow for articulation of the connection;

(3) The locking device that prevents separation of the towed and towing vehicles is working properly and is locked in place; and

(4) One or more safety chains are attached to the towed vehicle and the frame of the towing vehicle and have no more slack than is necessary for proper turning.

(c) Attachment of the safety chains to the pintle hook does not satisfy the requirements of this section.

(d) Except for the connection between any two vehicles carrying poles, pipes, machinery, or other objects that cannot be readily dismembered, the connection between vehicles may not exceed 15 feet.

(e) A connection made with a fifth–wheel connection device is not required to use safety chains or cables as additional securing devices.

(f) If a vehicle is towed by a rope, chain, or cable, a driver must be in and capable of steering the towed vehicle.

(g) A primary connecting system used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

(h) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange–fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(i) Except as otherwise provided in this title, or when one tow dolly is used to tow one other vehicle, a vehicle may not be operated in combination with more than one other vehicle.

(j) (1) The Administration may adopt regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) Except as otherwise provided in this section, this subsection applies

to tractor–trailer combinations, semitrailer combinations, and any other vehicle combinations designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

§24–108.

(a) (1) Subject to paragraph (2) of this subsection and except as otherwise provided in this section, the gross weight imposed on the ground surface by the wheels of an axle of a vehicle may not exceed the following limits:

Single Axle Weight

	Registered Gross Weight of Vehicle (in Pounds)	Gross Maximum Weight (in Pounds)
Single axle	73,000 or less	22,400
Single axle	More than 73,000	20,000

(2) Except for vehicles operated under a permit issued under § 24–112 of this subtitle, the gross weight imposed on the ground surface by the wheels of a front axle of a vehicle combination may not exceed either the lesser of:

(i) The sum of the rated load capacities for each tire on the axle, except as provided in subsection (b) of this section; or

(ii) The sum of the rated load capacities indicated by the manufacturer as to each tire on the axle with which the vehicle is currently equipped.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any vehicle with a gross maximum weight in excess of 73,000 pounds may travel only on State highways, except while making a delivery or pickup, and then only when traveling by the shortest available legal route to or from the State highway for the purpose of making such delivery or pickup. In Baltimore City, the shortest available legal route shall be only on designated truck routes.

(ii) If approved by the local governing body and the State Highway Administration, in Dorchester County, a vehicle with a gross maximum weight in excess of 73,000 pounds may use the Linkwood Road when traveling between East New Market and Linkwood.

(iii) 1. The County Commissioners of Garrett County may, by

ordinance, establish the authorized gross maximum weight of a vehicle that:

A. Has at least 6 axles;

B. Is a truck tractor and semitrailer combination; and

C. Is using any part of Table Rock Road and Wilson Run Road in Garrett County that is owned and maintained by the county.

2. The gross maximum weight established under this subparagraph may not exceed 87,000 pounds.

(b) Except on interstate highways, a vehicle carrying farm products as defined under § 10–601 of the Agriculture Article or forest products that have been loaded in fields or other off–highway locations is permitted an axle load limit tolerance of 10 percent.

(c) (1) In Anne Arundel County and Baltimore County, garbage and refuse trucks that make collections on a fixed route and are owned by or doing business with any governmental entity in the respective county are permitted rear axle load limit tolerances of 10 percent if:

(i) The overweight is due to bad weather; and

(ii) The truck does not exceed its registered gross weight limit.

(2) A privately owned truck is permitted this tolerance only while actually engaged in the business of the governmental entity.

(d) Any over–the–road bus or any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus may not exceed:

(1) A single axle weight limit of 24,000 pounds; or

(2) The tire manufacturer's rated load capacity for any tire on the vehicle.

§24–109.

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

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) An over–the–road bus or any vehicle that is regularly and exclusively used as an intrastate public agency passenger bus:

(1) Is exempt from tandem axle weight limits provided in this section; but

(2) Shall comply with the vehicle and combination of vehicles weight limits provided in this section that are not tandem axle weight limits.

(c) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

(d) The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8 and less	34,000	34,000				

More than						
8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36	Exception:					
	See					

	subsection (c), this section	(66,000)	70,500	75,500
37		(66,500)	71,000	76,000
38		(67,500)	72,000	77,000
39		68,000	72,500	77,500
40		68,500	73,000	78,000
41		69,500	73,500	78,500
42		70,000	74,000	79,000
43		70,500	75,000	80,000
44		71,500	75,500	
45		72,000	76,000	
46		72,500	76,500	
47		73,500	77,500	
48		74,000	78,000	
49		74,500	78,500	
50		75,500	79,000	
51		76,000	80,000	
52		76,500		
53		77,500		
54		78,000		
55		78,500		
56		79,500		
57		80,000		

(e) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

Number of axles	Gross weight (in pounds)
Three or less	55,000

Four	66,000
Five as provided for in § 13–916 or § 13–923 of this article	80,000

(f) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

(g) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10–601 of the Agriculture Article that were loaded in fields or other off–highway locations, is permitted an axle load limit tolerance of 5 percent from subsections (c) and (d) of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections (c) and (d) of this section is permitted for a vehicle carrying the following agricultural products:

(i) Wheat, for the period from June 1 to August 15;

(ii) Corn, for the period from July 1 to December 1;

(iii) Soybeans, for the period from September 1 to December 31; and

(iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of 10 percent from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (c) and (d) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off–highway locations is permitted an axle load limit tolerance of 5 percent from subsections (c) and (d) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (c) and (d) of this section is permitted.

(h) (1) Any vehicle that uses an auxiliary power unit or an idle–reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written

certification of the weight of the auxiliary power unit or idle–reduction technology unit; and

(ii) By demonstration or certification, prove that the idle–reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle–reduction technology unit.

§24–110.

(a) (1) Before registering any bus, truck, truck tractor, trailer, or semitrailer, the Administration may require any information and make any investigations or tests necessary to determine whether the vehicle may be operated safely on the highways in compliance with this subtitle.

(2) The Administration shall register the vehicle for a maximum permissible gross weight within the limitations set forth in this subtitle.

(b) (1) The registration card for each vehicle specified in subsection (a) of this section shall show the gross weight for which the vehicle is registered. If the registered vehicle is a motor vehicle to be used in combination with other vehicles, the registration card also shall show separately the total permissible gross weight of the combination of vehicles.

(2) The Administration may issue a special plate that shows the gross weight or weights for which a vehicle or combination of vehicles is registered. If issued, the plate shall be attached to and displayed at all times on the vehicle.

§24–111.

(a) (1) In this section and in § 24–111.1 of this subtitle the following words have the meanings indicated.

(2) "CVISN" means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(3) "CVISN transponder" means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(4) "Police officer" means:

(i) Any uniformed police officer;

(ii) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle, but only

while acting under written authorization of the Secretary of State Police; or

(iii) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform the weighing and measurement authorized under this section.

(b) (1) The driver of a vehicle must stop and submit the vehicle to a measurement or weighing:

(i) When directed by a police officer who has reason to believe that the size or weight of a vehicle being driven on a highway violates this subtitle; or

(ii) When directed by an electronic signal to a CVISN transponder.

(2) The weighing authorized by this subsection:

(i) May be done with either portable or stationary scales; and

(ii) In either case, shall be done by methods established by experts in the field of weights and measures and adopted by rule or regulation of the Department of State Police.

(3) If more than 1 statutory weight limit tolerance applies to a vehicle being weighed under this section, the police officer shall grant only the greatest applicable tolerance.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the measurement and weighing provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit it to measurement or weighing.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to measurement or weighing, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of weighing and measuring.

(3) The police officer may utilize resources specified in § 27–111(b) of this article to conduct the weighing or measuring.

(4) In addition to any fine or penalty attributable to the weighing and measuring, or other offense, the driver is:

(i) Subject to a fine and penalty specified in § 27–101(l) of this article; and

(ii) Responsible for any actual costs incurred in weighing and measuring the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this title.

§24–111.1.

(a) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight does not exceed 5,000 pounds, a police officer may require the driver to unload the excess weight.

(b) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight exceeds 5,000 pounds, the vehicle may not be moved until the excess weight is unloaded.

(c) Except on interstate highways, if an overweight vehicle bears registration plates issued by this State and is transporting liquid milk in bulk from the producer, the vehicle may be granted a 5 percent tolerance on the applicable registration or statutory gross weight limit. However, a tolerance granted under this subsection may not permit the gross weight of the vehicle to exceed 80,000 pounds.

(d) As to an overweight vehicle carrying an indivisible load:

(1) If it is the first indivisible load overweight violation by the driver of the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained from the State Highway Administration; and

(2) If it is a second or subsequent indivisible load overweight violation by the driver of the vehicle, the vehicle shall return with its load to its place of entry or origin in this State, after a permit to do so is obtained from the State Highway Administration.

(e) As to an overweight vehicle carrying perishable products as its only load, the vehicle shall be allowed to proceed to its destination if:

(1) It is the first perishable load overweight violation by the driver of the vehicle following a period of at least 365 consecutive days without a perishable load overweight violation; and

(2) The overweight does not exceed 5,000 pounds.

(f) All material or cargo unloaded under this section shall be cared for by the motor carrier or operator of the vehicle at the risk of the motor carrier or operator.

§24–111.2.

The Department of State Police shall maintain at least five vehicle weighing and measuring stations. At least one of these stations shall be on United States Route I-95.

§24–111.3.

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

(2) "Owner" means the registered owner of a motor vehicle.

(3) "Recorded image" means an image recorded by a vehicle height monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The front or side of a motor vehicle or combination of vehicles;

2. At least two time–stamped images of the motor vehicle or combination of vehicles that include the same stationary object near the motor vehicle or combination of vehicles; and

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(4) "Vehicle height monitoring system" means a device with one or more motor vehicle sensors that is capable of producing recorded images of vehicles whose height exceeds a predetermined limit.

(b) (1) A vehicle height monitoring system may be used to record images of vehicles traveling on a highway in Baltimore City under this section only if the use

of vehicle height monitoring systems is authorized by an ordinance adopted by the Baltimore City Council after reasonable notice and a public hearing.

(2) Before Baltimore City places or installs a vehicle height monitoring system at a particular location, it shall:

(i) Conduct an analysis to determine the appropriateness of the location; and

(ii) Obtain the approval of the Baltimore City Police Commissioner or the Commissioner's designee.

(3) Before activating a vehicle height monitoring system, Baltimore City shall:

(i) Publish notice of the location of the vehicle height monitoring system on its Web site and in a newspaper of general circulation in the jurisdiction; and

(ii) Ensure that all signs stating restrictions on the presence of certain vehicles during certain times approaching and within the segment of highway on which the vehicle height monitoring system is located include signs that:

1. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

2. Indicate that a vehicle height monitoring system is in use.

(c) A vehicle height monitoring system operator shall fill out and sign a daily set–up log for a vehicle height monitoring system that:

(1) States that the operator successfully performed the manufacturer–specified self–test of the vehicle height monitoring system before producing a recorded image;

(2) Shall be kept on file; and

(3) Shall be admitted as evidence in any court proceeding for a violation of this section.

(d) (1) Unless the driver of the motor vehicle or combination of vehicles received a citation from a police officer at the time of the violation, the owner of a motor vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or combination of vehicles is recorded by a vehicle height monitoring system while being operated in violation of a State or local law restricting the presence of certain vehicles during certain times.

(2) A civil penalty under this subsection may not exceed:

(i) For a second violation by the owner of the motor vehicle, $250; and

(ii) For a third or subsequent violation by the owner of the motor vehicle, $500.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the Baltimore City Police Department or the Baltimore City Department of Transportation shall mail to an owner liable under this section a citation that shall include:

(i) The name and address of the registered owner of the motor vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location at which the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized law enforcement officer commissioned by the Baltimore City Police Department that, based on inspection of the recorded image, the motor vehicle or combination of vehicles was being operated in violation of a State or local law restricting the presence of certain vehicles during certain times;

(ix) A statement that the recorded image is evidence of the violation;

(x) Information advising the owner alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the owner alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability.

(2) The Baltimore City Police Department or the Baltimore City Department of Transportation shall, for a first violation, mail a warning notice instead of a citation to an owner liable under this section.

(3) A citation issued under this section shall be mailed no later than 30 days after the alleged violation.

(4) A person who receives a citation under this section may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to Baltimore City; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that a violation of a State or local law restricting the presence of certain vehicles during certain times occurred and that the requirements under subsections (b) and (c) of this section have been affirmed by a duly authorized law enforcement officer commissioned by the Baltimore City Police Department, based on inspection of the recorded image produced by the vehicle height monitoring system, shall be:

(i) Evidence of the facts contained in the certificate; and

(ii) Admissible in a proceeding alleging a violation under this section without the presence or testimony of the vehicle height monitoring system operator.

(2) If a person who received a citation under this section desires the vehicle height monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; and

(ii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the

owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner of the vehicle;

(3) May not be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the Baltimore City Police Department, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) The Baltimore City Police Department or the Baltimore City Department of Transportation, or a contractor designated by the Baltimore City Police Department or the Baltimore City Department of Transportation, shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor operates a vehicle height monitoring system on behalf of Baltimore City, the contractor's fee may not be contingent on the number of citations issued or paid.

§24–112.

(a) (1) The State Highway Administration may issue a permit allowing an oversized vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than $30.

(b) (1) The State Highway Administration may issue a permit allowing an overweight vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than:

(i) $30 for the first 45 tons (90,000 pounds) or less of gross weight of the vehicle; and

(ii) $5 for each additional ton (2,000 pounds) or part of a ton in excess of 45 tons.

(c) The Secretary is authorized to promulgate rules and regulations for the purpose of establishing a schedule of fees for permits issued under this section using dollar amounts that will recover but not exceed the administrative costs associated with issuance and use of the permits, including compliance monitoring.

(d) Each permit issued under this section shall specify:

(1) The maximum size or weight permitted;

(2) The route to be followed; and

(3) The date and hour on which the trip is to be made.

(e) (1) A person may not violate any condition of a permit issued under this section.

(2) A person may not move an oversized or overweight load which requires a permit under this section without first obtaining the permit and having the permit in the person's possession.

§24–112.1.

(a) The State Highway Administration may enter into reciprocal agreements on behalf of this State, with the duly authorized agents of any other state, possession, territory, or commonwealth of the United States or Canada, or the District of Columbia, that provide for:

(1) Issuing permits for nondivisable loads of overweight or oversize vehicles involved in interstate commerce;

(2) Collecting permit fees;

(3) The disbursement of funds collected by the State Highway Administration which are due to other states or jurisdictions based on the respective permit fees charged in those states or jurisdictions; and

(4) Receiving funds from other states or jurisdictions for permit fees collected on behalf of this State.

(b) The State Highway Administration may not enter into any reciprocal agreement that would affect this State's permit fees or conflict with any provisions of this title.

(c) In exercising the authority granted under this section, the State Highway Administration may:

(1) Enter into regional or national permit agreements pertaining to overweight or oversize vehicles involved in interstate commerce;

(2) Conduct audits to assure compliance with any permit agreement entered into under this section; and

(3) Enforce the provisions set forth in any permit agreement entered into under this section.

§24–113.

(a) The purpose of this section is to:

(1) Facilitate the obtaining of permits;

(2) Eliminate undue hardships to political subdivisions, contractors, and the movers of heavy or large equipment; and

(3) Make possible, when circumstances justify, the issuing of permits under which more than one move can be made.

(b) The State Highway Administration and the Department of State Police jointly may formulate rules and regulations that:

(1) Implement the statutes on the movement of oversize and overweight vehicles; and

(2) Establish fees and charges under these statutes.

(c) (1) Before a rule or regulation may be adopted or amended under this section, the State Highway Administration shall hold a public hearing on it.

(2) After the hearing, the State Highway Administration may adopt the proposed rule, regulation, or amendment or any appropriate modification to it.

§24–113.1.

(a) Notwithstanding any other provision of this title, and subject to subsections (b) and (c) of this section, the Secretary, by regulation, may determine that a combination of vehicles carrying manifested international freight as the only load of the vehicle in a sealed, seagoing container on a semitrailer is carrying an indivisible load provided that:

(1) A vehicle issued a permit under this section may not exceed 22,400 pounds gross maximum weight for a single axle, 44,000 pounds gross maximum weight for 2 consecutive axles, or 90,000 pounds gross maximum weight; and

(2) A vehicle issued a permit under this section may be operated only on:

(i) Those parts of the interstate and State systems of highways that are designated by the Secretary in conjunction with the United States Department of Transportation;

(ii) Any other highway, authorized by the Secretary, that is the shortest practical route between a highway designated pursuant to subparagraph (i) of this paragraph and:

1. A truck terminal;

2. A port or other point of origin or destination; or

3. For a distance not to exceed one mile, facilities for food, fuel, repairs, or rest.

(b) (1) The Secretary shall adopt regulations, consistent with the provisions of this section, for the issuance of permits for vehicles described under subsection (a) of this section.

(2) The regulations adopted under this subsection may set fees and shall establish maximum axle and gross weight limits, routes, and other necessary criteria.

(c) The authority granted under the provisions of this section may not be exercised unless and until the Secretary determines in writing that its exercise:

(1) Is required to provide access to or egress from the Port of Baltimore for international freight;

(2) Will not cause extraordinary damage to roads and bridges in the State or require extraordinary expense for the maintenance of those roads and bridges;

(3) Will not cause undue adverse environmental impact upon or unduly disrupt residential neighborhoods; and

(4) Will not impair highway safety.

§24–113.2. IN EFFECT

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8–101(j) of this article.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) (i) Carries farm products as defined in § 10–601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off–highway locations; and

2. Are the only load of the vehicle; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet;

(2) (i) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet; or

(3) (i) Carries to a processing plant from March 1 until June 30 raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of five axles and a distance of at least 28 feet between the last axle on the tractor and the first axle on the semitrailer.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk;

2. 95,000 pounds gross combination weight for a combination of vehicles with at least 6 axles carrying milk; or

3. 88,000 pounds gross combination weight for a combination of vehicles with 5 axles carrying milk;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out–of–service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives farm products, as defined in § 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives farm products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. $250 for the issuance of a new annual permit or the annual renewal; or

2. $30 for the issuance of a 30–day permit;

(ii) $1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) $5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30–day permit.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

24–113.2. ** TAKES EFFECT OCTOBER 1, 2016 PER CHAPTER 450 OF 2014 **

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8–101(j) of this article.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) (i) Carries farm products as defined in § 10–601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off–highway locations; and

2. Are the only load of the vehicle; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet; or

(2) (i) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in §

24–109(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; or

2. 95,000 pounds gross combination weight for a combination of vehicles carrying milk;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out–of–service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances

specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives farm products, as defined in § 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives farm products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. $250 for the issuance of a new annual permit or the annual renewal; or

2. $30 for the issuance of a 30–day permit;

(ii) $1,000 for the reinstatement of a permit that was revoked under

subsection (f)(3) of this section for a first violation; and

(iii) $5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30–day permit.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

§24–114.

As to violations relating to vehicle weights and the imposition of fines allowed for these violations, if either party is aggrieved by the judgment of a District Court, the party has a right of appeal under §§ 12-401 and 12-403 of the Courts Article.

§24–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "County road" has the meaning stated in § 8-101 of this article.

(c) "State highway" has the meaning stated in § 8-101 of this article.

§24–202.

A person may not drive or move any vehicle or other object on or across any State highway or county road if the vehicle or object is constructed or equipped so that it might do unusual damage to the highway or road.

§24–203.

(a) (1) The State Highway Administration may adopt rules, regulations, and orders necessary for the preservation of State highways.

(2) These rules, regulations, and orders may include provisions to regulate:

(i) The use of State highways by vehicles or other objects that cause more than ordinary wear and tear of the highways; or

(ii) The use of any State highway that is in danger.

(b) Before any rule, regulation, or order may be adopted under this section, it shall be published once a week for 3 successive weeks in a newspaper of general circulation in the county in which the affected highway lies.

(c) A person may not knowingly violate any rule, regulation, or order adopted under this section.

§24–204.

(a) If the State Highway Administration or a local authority finds that a highway under its jurisdiction or maintenance is in danger of serious damage from deterioration, rain, snow, or any other condition, the State Highway Administration or, by a resolution adopted by its governing body, the local authority may:

(1) Prohibit the operation of vehicles on the highway;

(2) Restrict the weight of vehicles permitted to drive on the highway; or

(3) Reduce the maximum speed limit for vehicles operating on the highway.

(b) (1) In this subsection, "vehicles supplying emergency service" means any vehicle designated by the local authority as a vehicle supplying emergency service, such as supplying fuel, fuel/oil, or milk.

(2) Notwithstanding any resolution adopted by a local authority under subsection (a) of this section, vehicles supplying emergency service may use the highway if written permission is obtained from the local authority.

(c) A restriction imposed by the State Highway Administration or a local authority under this section may not restrict the right to use a highway for:

(1) More than 60 consecutive days; or

(2) More than 90 days during any one calendar year.

(d) (1) If the State Highway Administration or a local authority imposes a restriction under this section, it shall place and maintain signs at each end of that part of the highway affected by the restriction. The signs shall state the restriction imposed on the use of the highway.

(2) A restriction adopted under this section is not effective unless the required signs are posted.

(e) (1) Unless the person has a written permit from the State Highway Administration or the appropriate local authority, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not drive or cause to be driven any vehicle on any highway in violation of any restriction imposed under this section.

(2) In addition to any other penalty provided by law, any owner or person in control of a vehicle that is in violation of any restriction imposed under this section is liable to the State Highway Administration or the appropriate local authority for all damages sustained by a highway as a result of the violation.

(3) In the trial of a person charged with a violation of this section, oral testimony of the existence and contents of signs posted as required by this section is prima facie evidence of the validity of the restrictions stated on them.

(4) This section applies regardless of any public general or public local law to the contrary.

§24–205.

If necessary for public safety, the State Highway Administration may prohibit the use of any highway bridge in this State by any person, vehicle, or class of vehicles.

§24–206.

(a) The State Highway Administration or a local authority may regulate the weight and speed of any vehicle passing over any bridge or culvert under its jurisdiction, by placing and maintaining signs at each end of the bridge or culvert as provided in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, a local authority may not impose any restriction under this section without approval of the State Highway Administration.

(2) The following local authorities do not require the approval of the State Highway Administration, if they submit to that Administration, at the time of placing any sign under this section, a statement that a structural analysis has shown the necessity for the particular restriction:

(i) Allegany County;

(ii) Anne Arundel County;

(iii) Baltimore County;

(iv) Carroll County;

(v) Frederick County;

(vi) Harford County;

(vii) Howard County;

(viii) Montgomery County;

(ix) Prince George's County;

(x) St. Mary's County; and

(xi) Washington County.

(3) The required statement shall recite that the analysis has been performed by a professional engineer experienced in the area of bridge design and shall include the engineer's name, professional engineer's license number, the date the computations were performed, and the date of the last inspection on which the computations were based.

(c) The signs required under subsection (a) of this section shall be those set forth as standard applications for vehicle weight and speed restrictions in the manual on uniform traffic control devices adopted by the State Highway Administration pursuant to the provisions of § 25-104 of this article.

(d) (1) Unless the person has a written permit from the State Highway Administration or the appropriate local authority, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not drive or cause to be driven any vehicle over a bridge or culvert in violation of any restriction imposed under this section.

(2) In addition to any other penalty provided by law, any owner or person in control of a vehicle that is in violation of any restriction imposed under this section is liable to the State Highway Administration or the appropriate local authority for all damages sustained by a bridge, culvert, or highway as a result of the violation.

(3) In the trial of a person charged with a violation of this section, oral testimony of the existence and contents of signs posted as required by this section is prima facie evidence of the validity of the restrictions stated on them.

§24–207.

(a) Unless the person has a written permit from the State Highway

Administration, a person, whether the owner of the vehicle, the person having charge and control over the vehicle, or an employee or agent of either, may not use any State highway to test any truck, whether for durability, speed, fuel consumption, or otherwise.

(b) The State Highway Administration may issue a permit if, in its judgment:

(1) The highway over which the test will be conducted will not be unduly damaged; and

(2) The safety of the traveling public will not be materially adversely affected by the test.

(c) The State Highway Administration:

(1) Shall designate in the permit the route on which and the day and hour during which the tests may be conducted; and

(2) May impose additional regulations and limitations to promote the safety of the traveling public and prevent undue damage to the highway under its jurisdiction.

(d) For each vehicle to be tested, the permit fee is $25.

(e) A permit is not required for the testing of trucks serviced or repaired by a garage licensed under Title 17, Subtitle 8 of the Business Regulation Article if:

(1) All laws of this article are observed by a garage owner in regard to size, weight, and speed restrictions of the particular type of truck tested; and

(2) All local motor vehicle traffic, speed, and safety ordinances are complied with.

§24–208.

(a) Any person who drives or moves any vehicle or any other object on any State, county, or municipal highway is liable for all damage that the State, county, or municipal highway sustains as a result of:

(1) Any illegal driving or moving of the vehicle or object;

(2) The driving or moving of any vehicle or object that weighs more than the maximum statutory weight specified in this title, unless the overweight is authorized by a permit issued under this title and the vehicle is operated in accordance with the terms and conditions of the permit; or

(3) The driving or moving of any vehicle or object that exceeds the maximum statutory height or width specified in this title, unless the oversize is

authorized by a permit issued under this title and the vehicle is operated in accordance with the terms and conditions of the permit.

(b) Any person liable for damages in excess of $25,000 under subsection (a)(3) of this section is also liable for a civil penalty not to exceed $10,000.

(c) If the driver is not the owner of the vehicle or object, but is driving or moving it with the express or implied permission of the owner, the owner and driver are jointly and severally liable for the damage to the State, county, or municipal highway and any civil penalty assessed under this section.

(d) A civil action for damages to a State, county, or municipal highway and any civil penalty under this section may be brought by the authority in control of it.

§24–209.

(a) The State Highway Administration may conduct appropriate studies to determine whether the safety and general welfare of a residential community are threatened by noise, vibration, or incidence of truck traffic on any State highway. In determining whether or not to conduct such a study, the Administration shall consider the number of complaints about truck traffic received, if any, from residents of an area.

(b) If the State Highway Administration determines that a threat exists and that the safety and general welfare of the residential community would be promoted by the adoption of restrictions on the use of the State highway by trucks, the Administration may establish routes, speed limits, time restrictions, weight restrictions, or other measures with respect to truck traffic on the State highway, which will minimize the adverse effects of that traffic on the residential area or cause that traffic to avoid the residential area entirely.

(c) Under this section, truck traffic may be prohibited entirely on any State highway or part of a State highway, if an adequately functional alternate route is available to carry the truck traffic, taking into consideration the amount of additional fuel that would be required over the alternate route and the economic impact on the citizens of this State caused by the alternate route.

(d) The provisions of this section:

(1) Do not apply to any Class E (truck) vehicles of 10,000 pounds or less gross vehicle weight; and

(2) Do not preclude the making of local deliveries of supplies or services in any residential communities.

§24–301.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Established place of business" means any permanent building or structure from which a permanent business is conducted during normal business hours throughout the year.

(2) "Established place of business" does not include a tent, temporary stand or other temporary quarters, or permanent quarters occupied under a temporary arrangement.

(c) "Mobile seafood or produce vendor" means a person who sells or offers for sale any seafood or produce:

(1) While outdoors on foot;

(2) From any vehicle or conveyance, whether or not the vehicle or conveyance is in operating condition; or

(3) From any tent, temporary stand, roadside stand, roadside market, or other quarters that is not an established place of business.

(d) (1) "Produce" means any fruit or vegetable product of the soil that is intended for human consumption.

(2) "Produce" does not include a canned, frozen, dried, or pickled product.

(e) "Right–of–way" includes any highway area or highway structure and any property adjacent to a highway acquired for the operation or use of the highway.

(f) "Seafood" means any finfish, crustacean, or mollusk, live or dead, or any part, egg, offspring, or body of any finfish, crustacean, or mollusk, that is intended for human consumption.

(g) "Shopping center" means any 5 or more contiguous established places of business which share common parking facilities of 25 parking spaces or more.

(h) "State highway" means any public highway owned by this State.

§24–302.

This subtitle does not:

(1) Diminish any authority of Anne Arundel County, Howard County, or a municipal corporation to license and regulate mobile seafood vendors;

(2) Apply to charitable or nonprofit vendors who sell seafood at short–term festivals or other short–term events;

(3) Apply in Calvert County and in St. Mary's County for those persons selling their own seafood catch; or

(4) Diminish the authority of a county to license and regulate mobile produce vendors.

§24–303.

(a) (1) When located on the right–of–way of any State highway, a mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, unless the vendor has a lease from the State that allows the vendor to sell, or offer for sale, seafood or produce.

(2) The State may require a mobile seafood or produce vendor to submit an application and pay a reasonable fee to be applied to administrative costs.

(3) The State may not enter into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors.

(b) A mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, when located:

(1) Within 50 yards of any vehicular entrance to or exit from a school or place of worship, unless the vendor has written permission of the applicable school board or person who is responsible for the buildings and grounds of the place of worship;

(2) Within 100 yards of any vehicular entrance to or exit from any shopping center;

(3) In the parking lot of any shopping center, unless the vendor has written permission of the owner of the shopping center and conforms to applicable local laws and ordinances;

(4) Within an unsafe distance, as determined by the local authorities, from the edge of any roadway;

(5) On any roadway; or

(6) On private property adjoining a State highway, unless the vendor owns or leases the property or has written permission from the property owner.

(c) The State Highway Administration may adopt regulations to implement this section.

§24–304.

(a) A violation of this subtitle is a misdemeanor punishable by the penalty specified in § 27–101(b) of this article.

(b) The charging of a person with a violation of this subtitle shall be by means of a traffic citation in the form determined under § 1–605(d) of the Courts Article.

(c) The charging of a person with a violation of this section may be performed by any State or local police officer.

§25–101.

A word used in this subtitle, unless the context requires otherwise, has the same meaning as is indicated by a definition of the word in § 21-101 of this article.

§25–101.1.

(a) Except as otherwise expressly provided, the provisions of the Maryland Vehicle Law are statewide in their effect.

(b) Except as otherwise expressly authorized in this subsection or by a public local law on the regulation of taxicabs and taxicab drivers or by any public general law, no local authority or political subdivision of this State may:

(1) Require the registration or licensing of any vehicle or driver in addition to the registration and licensing required or authorized in the Maryland Vehicle Law;

(2) Impose on the owner or driver of any vehicle any tax, registration fee, license fee, assessment, or charge of any kind for the use of a vehicle on any highway in this State, except for tolls to finance the cost of the construction, maintenance, and operation of any bridge, tunnel or approach thereto constructed as part of the interstate system of highways under Title 23 of the United States Code and from the payment of which vehicles owned by the State are exempt; or

(3) Otherwise make or enforce any local law, ordinance, or regulation on any subject covered by the Maryland Vehicle Law.

(c) Except as otherwise provided in the Maryland Vehicle Law:

(1) The provisions of the Maryland Vehicle Law prevail over all local legislation and regulation on any subject with which the Maryland Vehicle Law deals;

(2) All public local laws, ordinances, and regulations that are inconsistent or identical with or equivalent to any provision in the Maryland Vehicle Law are repealed; and

(3) The charters of all political subdivisions of this State are modified to prohibit the political subdivision from making or enforcing any ordinance or regulation in violation of the Maryland Vehicle Law.

(d) Notwithstanding any other provision of this section, the Maryland Vehicle Law does not preclude enactment, adoption, or enforcement of:

(1) A public local law for the regulation of taxicabs and taxicab drivers; or

(2) An ordinance or regulation adopted under such a public local law.

§25–102.

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

(1) Subject to the provisions of § 21–1003.1 of this article, regulating or prohibiting the stopping, standing, or parking of vehicles;

(2) Regulating traffic by means of police officers or traffic control devices;

(3) Regulating or prohibiting processions or assemblies on highways;

(4) Designating particular highways or separate roadways as one–way highways and requiring that all vehicles on them move in one specified direction;

(5) Regulating the speed and weight of vehicles in public parks;

(6) Designating any highway as a through highway or designating any intersection as a stop intersection or a yield intersection;

(7) Restricting the use of highways as provided in Title 24 of this article;

(8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) Altering speed limits as provided in Title 21, Subtitle 8 of this article;

(11) Regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic;

(12) Adopting any other traffic regulations as specifically authorized in the Maryland Vehicle Law;

(13) Regulating taxi stands, including taxi stands in the middle of a block;

(14) (i) Except in Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails. However, only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails may be so designated by the local authority; and

(ii) In Garrett County, permitting a person to cross a highway on a snowmobile at a right angle, and designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails;

(15) Requiring a motorized minibike to be permitted by the local authority, and imposing a permit fee;

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

(17) Restricting use of a low speed vehicle on a highway; and

(18) Authorizing an emergency vehicle not subject to registration to operate on a highway while performing an emergency service as defined in § 19–103 of this article.

(b) (1) Unless it first obtains written approval from the State Highway Administration, a local authority may not place or maintain any stop sign or traffic control signal that requires the traffic on any State highway to stop before entering or crossing any intersecting highway.

(2) Unless it first obtains written permission from the State Highway Administration, a local authority may not place or maintain lighting along or at an intersection with a State highway.

(c) An ordinance or regulation adopted under items (4), (5), (6), (7), or (10) of subsection (a) of this section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the entrances to the highway or its affected part.

§25–102.1.

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

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

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

§25–102.2.

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

(2) (i) "Licensed driver" means an individual who holds a driver's

license of any class issued by the State or, if the individual is a nonresident of the State, issued by another state or country.

(ii) "Licensed driver" does not include an individual who holds a learner's permit or a provisional license issued by the State or, if the individual is a nonresident of the State, the equivalent license issued by another state or country.

(3) (i) "Motorized passenger scooter" means a nonpedal vehicle that:

1. Has a cockpit containing a seat for the operator and a passenger;

2. Has three wheels, of which one is 10 inches or more in diameter;

3. Has a motor:

A. With a rating of 2.7 brake horsepower or less; or

B. If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

4. Is equipped with an automatic transmission.

(ii) "Motorized passenger scooter" does not include a vehicle that has been manufactured for off–road use, including a motorcycle and an all–terrain vehicle.

(b) Notwithstanding any other provisions of the Maryland Vehicle Law regarding the operation of a vehicle on a highway in the State, in the municipal boundaries of Ocean City, a licensed driver may operate a motorized passenger scooter on:

(1) A local highway; and

(2) Subject to subsection (c) of this section, any portion of a State highway designated by the State Highway Administration as a bicycle way.

(c) The State Highway Administration may prohibit the operation of a motorized passenger scooter on a bicycle way under the jurisdiction of the State Highway Administration if it determines that:

(1) An occupant of a motorized passenger scooter is placed at an unacceptable risk of injury on the bicycle way; or

(2) The operation of a motorized passenger scooter is a threat to the safety or mobility of others along the bicycle way.

§25–104.

The State Highway Administration shall adopt a manual and specifications for a uniform system of traffic control devices, consistent with the provisions of the Maryland Vehicle Law, for use on highways in this State. This uniform system shall correlate with and, as far as possible, conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

§25–104.1.

A person may not sell or offer for sale any sign, signal, marking, or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted pursuant to § 25-104 of this subtitle.

§25–105.

(a) On every highway under its jurisdiction, the State Highway Administration shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or to regulate, warn, or guide traffic. Each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration.

(b) A local authority may place or maintain a traffic control device on a highway under the jurisdiction of the State Highway Administration only with the permission and under the direction of the State Highway Administration.

§25–106.

On every highway under its jurisdiction, a local authority shall place and maintain those traffic control devices that it considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic. Each of these traffic control devices shall conform to the manual and specifications of the State Highway Administration.

§25–106.1.

A person may not install or maintain, in any area of private property used by the public, any sign, signal, marking, or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted pursuant to § 25-104 of this subtitle.

§25–107.

As to any highway under its jurisdiction, a local authority may:

(1) Require pedestrians to obey strictly any traffic control signal; and

(2) Prohibit pedestrians from crossing, except in a crosswalk:

(i) Any roadway in a business district; or

(ii) Any designated highway.

§25–108. IN EFFECT

// EFFECTIVE UNTIL SEPTEMBER 30, 2017 PER CHAPTERS 64 AND 65 OF 2013 //

(a) In this section, "HOV lane" means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) This section applies only to a plug–in electric drive vehicle that has a maximum speed capability of at least 65 miles per hour.

(c) Whenever the State Highway Administration designates a portion of a highway as an HOV lane, the HOV lane may be used at all times by plug–in electric drive vehicles that have obtained a permit from the Administration under this section, regardless of the number of passengers in the vehicle.

(d) (1) The Administration, the State Highway Administration, and the Department of State Police shall consult to design a permit to designate a vehicle as a plug–in electric drive vehicle authorized to use an HOV lane.

(2) The Administration may charge a fee, not to exceed $20, for issuing a permit under this section.

(3) The Administration, on the recommendation of the State Highway Administration, may limit the number of permits issued to ensure HOV lane operations are not degraded to an unacceptable level.

(e) On or before January 1 of each year, the Administration and the State Highway Administration jointly shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the effect of the use of the plug–in electric drive vehicle permits issued under this section on the operation of HOV lanes in the State.

§25–109.

The State Highway Administration, as to both State and county highways, and any local authority, as to any other highways under its jurisdiction, may:

(1) Designate through highways and place stop signs or yield signs at specified entrances to them; or

(2) Designate any intersection as a stop intersection or as a yield intersection and place stop signs or yield signs at one or more entrances to the

intersection.

§25–110.

(a) (1) With the advice of the State Department of Education, the Motor Vehicle Administration shall adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

(2) The following shall be subject to the rules and regulations adopted under this section:

(i) Every school or school district and its officers and employees;

(ii) Every person employed under contract by a school or school district; and

(iii) Every person that owns or operates a school vehicle.

(b) (1) Any officer or employee of any school or school district who violates any rule or regulation adopted under this section or fails to include the obligation to comply with these rules and regulations in any contract executed by him on behalf of a school or school district is guilty of misconduct and subject to removal from office or employment.

(2) Any person that owns or operates a school vehicle and violates any rule or regulation adopted under this section is guilty of a misdemeanor and the vehicle involved is subject to suspension or revocation of its registration.

§25–111.

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

(2) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.

(3) "Police officer" means:

(i) Any uniformed law enforcement officer who is certified or under the direction of a law enforcement officer who is certified by the Department of State Police to perform an inspection authorized under this section;

(ii) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(iii) Any civilian employee of the Maryland Transportation Authority Police who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section; or

(iv) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section.

(4) "Public Service Commission inspector" means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.

(5) "Transportation emergency" means any natural or man–made emergency that disrupts or hinders the free flow of traffic on the State's highways and local streets and roads for more than 8 hours so that public safety is or may be threatened as a result.

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any rule or regulation adopted under this section shall stop and submit to an inspection:

(i) All applicable driver records, including driver's license, driver hours of service record and certificate of physical examination;

(ii) All load manifests, including bills of lading or other shipping documents; and

(iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a rule or regulation adopted under this section or § 22–409 of this article.

(c) The operation of a vehicle on any highway in this State constitutes the

consent of the driver and the owner of the vehicle to the inspection provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit to the required inspection.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to the required inspection, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of inspecting the vehicle, load, its equipment, or documents.

(3) The police officer may utilize resources as specified in § 27–111(b) of this article to conduct the safety inspection.

(4) In addition to any fine or penalty attributable to the inspection, or other offense, the driver is:

(i) Subject to a fine and penalty as specified in § 27–101(l) of this article; and

(ii) Responsible for any additional costs incurred in inspecting the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this section.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt regulations as are necessary for the safe operation of vehicles that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds;

(ii) Are required to be marked or placarded for the transportation of hazardous materials; or

(iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., Part 40 ("Procedures for Transportation Workplace Drug and Alcohol Testing Programs") and Part 382 ("Controlled Substances and Alcohol Use and Testing"), with respect to drug and alcohol testing regulations applicable to drivers required by regulation to possess a commercial driver's license;

2. 49 C.F.R., Part 385, Subparts A, C, and D ("New Entrant Safety Assurance Program");

3. 49 C.F.R., Part 386, Subparts F and G ("Injunctions and Imminent Hazards; Penalties"); and

4. 49 C.F.R., Parts 390 through 399 ("General Safety Requirements");

(iii) Apply to all vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are subject to the Federal Motor Carrier Safety Regulations; and

(iv) Apply to vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are not subject to the Federal Motor Carrier Safety Regulations, if the rule or regulations adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle.

(3) The regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

(g) Any motor carrier or driver operating a vehicle that is subject to the regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the regulations adopted under this section.

(h) (1) During normal business hours, a police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records of motor carriers subject to the regulations adopted under § 22–409 or § 23–302 of this article, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or Public Service Commission laws and regulations.

(2) During normal business hours, trained personnel from the Commercial Vehicle Enforcement Division of the Department of State Police may enter the premises and inspect, review, and copy records of motor carriers subject to the regulations adopted under this section, § 22–409 of this article, or § 23–302 of this article, including:

(i) Any record required by this section;

(ii) Driver qualification files;

(iii) Hours of service records;

(iv) Drug and alcohol testing records of drivers required to be tested under this section; and

(v) Insurance records.

(i) (1) Except as provided for in paragraph (2) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:

(i) Apply the provisions of § 391.21, § 391.23, § 391.31, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or

2. The motor carrier, with regard to a driver described under item 1 of this item, if the motor carrier continues to employ the driver;

(ii) Limit a driver's time or hours on duty if:

1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;

2. The driver returns to the driver's normal work reporting location;

3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and

4. Regardless of the number of motor carriers using the driver's services, the driver:

A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or

B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;

(iii) Require a driver to maintain a record of duty status if the driver is not subject to item (ii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and

2. For all time on duty in excess of 12 hours, conforms to the recording requirements provided in federal regulations; or

(iv) Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations before October 1, 2023 to any person who:

1. On October 1, 2003, was otherwise qualified to operate and operated a vehicle or vehicle combination used in intrastate commerce with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more and, after October 1, 2003, remained qualified to operate and continued to operate such a vehicle;

2. Operates only in intrastate commerce; and

3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14–107 of the Public Safety Article, the Governor may delegate the power to declare a transportation emergency to the Secretary or the Secretary's designee.

(2) (i) The Secretary or the Secretary's designee may declare a transportation emergency.

(ii) 1. During the time in which a transportation emergency declared under this subsection exists, the Secretary or the Secretary's designee shall waive the maximum hours–of–service time limits contained in this section, or in regulations adopted under this section for all interstate and intrastate drivers providing direct assistance in restoring normal operations.

2. This waiver shall include the hours of duty status accrued by, and shall apply only to, drivers providing direct assistance in restoring normal operations in the State, or to drivers of emergency vehicles operated under the direction of State and local governments or their agents when providing direct assistance in clearing and opening State highways and local streets and roads to allow free flow of traffic.

(3) (i) All declarations issued under this subsection shall indicate the nature of the transportation emergency, the area or areas threatened, and the conditions which have brought it about.

(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

(4) Within 10 days of the issuance of any declaration issued under this subsection, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.

(5) A transportation emergency declared by the Secretary or the Secretary's designee may not extend for more than 5 days, unless renewed by the Governor pursuant to § 14–107 of the Public Safety Article.

(k) For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.

§25–111.1.

(a) The Administration, in consultation with the State Highway Administration, may adopt rules and regulations that are consistent with 49 C.F.R., Part 387.

(b) The rules and regulations adopted under subsection (a) of this section shall apply to the following vehicles:

(1) For–hire vehicles engaged in intrastate commerce that exceed a gross vehicle weight rating of 26,000 pounds and are designed to carry property;

(2) For–hire vehicles engaged in interstate commerce that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds and are

designed to carry property; or

(ii) Are designed to transport passengers, including the driver; and

(3) Vehicles that are required to be marked or placarded for the transportation of hazardous materials or otherwise are subject to the requirements of 49 C.F.R., Part 387 when transporting hazardous materials.

(c) Any motor carrier operating a vehicle that is subject to the rules and regulations adopted under this section shall, at all times when operating the vehicle on a highway in the State, comply with the rules and regulations adopted under this section.

§25–112.

(a) (1) In this section and in § 25-111 of this subtitle the following words have the meanings indicated.

(2) "Cloned CVISN transponder" means a CVISN transponder or other electronic device that has been converted with the electronic serial number or other proprietary information obtained without the consent of the State.

(3) "CVISN" means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(4) "CVISN transponder" means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(5) "Manufacture" means to produce, assemble, modify, alter, program, reprogram, or tamper with a CVISN transponder without the consent of the State.

(6) "Sell" means to sell, exchange, give, or dispose of to another, or to offer or agree to do the same.

(b) (1) A person may not knowingly possess or use a cloned CVISN transponder or possess a CVISN transponder with the intent to manufacture a cloned CVISN transponder.

(2) A person may not knowingly distribute or possess with intent to distribute, manufacture, or sell a cloned CVISN transponder.

(3) A person may not knowingly remove a CVISN transponder from the commercial vehicle to which it is registered and place it in another vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection, if the operator of a motor vehicle is in possession of a cloned CVISN transponder or a CVISN transponder placed in a commercial vehicle to which it is not registered, the registered owner of the

motor vehicle shall be liable for the violation under this section.

(2) A registered owner is not liable for a violation under this section if:

(i) The operator of the vehicle has been adjudicated to be solely responsible for the violation;

(ii) A person other than the registered owner has been adjudicated to be responsible for the violation; or

(iii) 1. The registered owner is a lessor of the motor vehicle;

2. At the time of the violation, the motor vehicle involved was in the possession of a lessee; and

3. The lessor, within 30 days of the issuance of the citation, provides the Department or its authorized agent with a copy of the lease agreement identifying the lessee.

§25–113.

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

(2) "Law enforcement agency" means an agency that is listed in § 3–101(e) of the Public Safety Article.

(3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

(4) (i) "Traffic stop" means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) "Traffic stop" does not include:

1. A checkpoint or roadblock stop;

2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;

3. A stop based on the use of radar, laser, or vascar technology; or

4. A stop based on the use of license plate reader technology.

(b) (1) A law enforcement agency shall adopt a policy against race–based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

§25–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

(1) That is inoperable and left unattended on public property for more than 48 hours;

(2) That has remained illegally on public property for more than 48 hours;

(3) That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property;

(4) That has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the vehicle;

(5) That has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage;

(6) That was left for more than 10 days in a garage by:

(i) Someone other than its registered owner; or

(ii) A person authorized to have possession of the vehicle under a contract of use, service, storage, or repair;

(7) That has remained on public property for more than 48 hours and:

(i) Is not displaying currently valid registration plates; or

(ii) Is displaying registration plates of another vehicle;

(8) That has been left unattended on any portion of a "controlled access highway" as defined in § 8-101(f) of this article for more than 24 hours;

(9) That has been left unattended on any portion of a primary or secondary highway or controlled access highway, as defined in § 8-101 of this article, and is in violation of any of the provisions of § 22-408 of this article; or

(10) That is not reclaimed as provided under § 27-111 of this article.

(c) "Garage" means any of the following, if operated for commercial purposes:

(1) A parking place or establishment;

(2) A vehicle storage facility; or

(3) An establishment for the servicing, repair, or maintenance of vehicles.

(d) (1) "Lessor" means a person who regularly leases or offers to lease motor vehicles.

(2) "Lessor" includes:

(i) An assignee of leases; and

(ii) A person who during any 12-month period offers to lease 5 or more motor vehicles or who is assigned 5 or more leases.

(e) "Police department" means:

(1) The Department of State Police;

(2) The police department of any political subdivision of this State;

(3) In Baltimore City, the appropriate agency designated by the Board of Estimates;

(4) The police forces of public colleges and universities;

(5) In Prince George's County, if designated by the County Executive, the Prince George's County Department of Environmental Resources;

(6) In any municipality in Prince George's County or Montgomery County, an appropriate agency or department designated by the governing body of the municipality; and

(7) The police force of any State government agency.

§25–202.

(a) A person may not abandon a vehicle:

(1) On any public property; or

(2) On any property other than his own without the permission of the owner or lessee of the property.

(b) The last known registered owner of an abandoned vehicle is considered to be the prima facie owner of the vehicle at the time it was abandoned and the person who abandoned it.

§25–203.

(a) A police department may take any abandoned vehicle into custody. For this purpose, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of subsection (b) of this section, use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

(b) A police department may not authorize the use of a tow truck under subsection (a) of this section unless the tow truck is registered under § 13-920 of this article.

§25–204.

(a) As soon as reasonably possible and within 7 days at most after it takes an abandoned vehicle into custody, a police department shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(1) The last known registered owner of the vehicle; and

(2) Each secured party, as shown on the records of the Administration.

(b) The notice shall:

(1) State that the abandoned vehicle has been taken into custody;

(2) Describe the year, make, model, and vehicle identification number of the vehicle;

(3) Give the location of the facility where the vehicle is held;

(4) (i) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; or

(ii) In Baltimore City and Montgomery County, be sent by certified mail, return receipt requested, and inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the receipt of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; and

(5) State that the failure of the owner or secured party to exercise this right in the time provided is:

(i) A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle;

(ii) A consent to the sale of the vehicle at public auction; and

(iii) A consent by the owner other than a lessor to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

(c) In Baltimore City, Prince George's County, and Montgomery County, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle as provided by §§ 25-206.1 and 25-206.2 of this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25-206.1 and 25-206.2 of this subtitle, the notice required by this section shall also state that the failure of the owner or secured party to exercise the right to reclaim the vehicle in the time provided may cause:

(1) Continuing liability of the owner for costs of:

(i) Impoundment;

(ii) Storage within the chargeable limit for storage as provided in § 25-206.1(b) of this subtitle; and

(iii) Sale of the vehicle; and

(2) Denial of any application by the owner to renew the registration of any vehicle as required by § 25-206.2 of this subtitle.

§25–205.

(a) This section applies if:

(1) The identity of the last registered owner of an abandoned vehicle cannot be determined;

(2) The registration of the vehicle gives no address for the owner;

(3) It is impossible to determine with reasonable certainty the identity and address of each secured party; or

(4) The certified mail notice required by § 25-204 of this subtitle is returned as undeliverable.

(b) Under one of the conditions described in subsection (a) of this section, a police department that takes an abandoned vehicle into custody shall give the required notice by posting a notice complying with the provisions of subsection (c) of this section in the circuit court of the county where the abandoned vehicle was found.

(c) The notice:

(1) May contain multiple listings of abandoned vehicles;

(2) Shall contain the information required by § 25-204 of this subtitle; and

(3) Shall be posted:

(i) Within 15 days of the taking into custody of the vehicle; or

(ii) If the notice by posting under this section is made because of the return as undeliverable of a prior notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, within 7 days of the return of that prior notice.

§25–206.

(a) If the owner or secured party fails to reclaim an abandoned vehicle within 3 weeks after notice is given under this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

(b) In Baltimore City and Montgomery County, if the owner or secured party fails to reclaim an abandoned vehicle within 11 working days after receipt of notice given under § 25-204(b)(4)(ii) of this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

§25–206.1.

(a) This section applies to any vehicle sold by a police department of Baltimore City, Prince George's County, Montgomery County, or a municipal corporation in Prince George's County or Montgomery County under this subtitle as an abandoned vehicle, and to any vehicle sold pursuant to an ordinance of the Mayor and City Council of Baltimore, an ordinance or local law enacted by Prince George's County or Montgomery County, or an ordinance enacted by a municipal corporation in Prince George's County or Montgomery County governing vehicles that are:

(1) Abandoned and unclaimed;

(2) Reported stolen, recovered, and subsequently unclaimed; or

(3) Involved in an accident, removed by police, and subsequently unclaimed.

(b) If the money collected from the sale of a vehicle subject to this section is not

enough to reimburse a police department or its agent for the costs of towing, preserving, and storing the vehicle and for the expenses of sale, including all publication and notice costs, the last registered owner shall be liable to the police department or its agent for the deficiency. For purposes of this subsection, the costs chargeable to an owner for the preservation and storage of a vehicle may not exceed $300.

(c) If a vehicle subject to this section is transferred by the registered owner after it has been towed or impounded and before its sale at auction, and the transferee is given a copy of the notice required under § 25-204 of this subtitle, by the transferor or by the towing or impounding agency, then the transferee shall be liable for the costs provided by this section.

(d) The liability provided by this section does not apply to the registered owner of a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its being towed or impounded. The registered owner has the burden of showing that a bona fide sale or gift of the vehicle has occurred.

(e) The liability provided by this section does not apply in any case in which notice as required by § 25-204(c) of this subtitle has not been provided.

§25–206.2.

(a) The Administration may not renew the registration of any vehicle subject to this section if it is notified by a police department of Baltimore City, Prince George's County, Montgomery County, or a municipal corporation in Prince George's County or Montgomery County that the applicant has failed to satisfy a liability arising under § 25-206.1 of this subtitle to the police department or its agent.

(b) (1) The restriction provided by this section shall apply to all vehicles registered to the applicant at the time that notification is made by a police department as provided in subsection (a) of this section.

(2) The restriction provided by this section may not apply solely to those vehicles provided for under § 25-206.1 of this subtitle.

(c) The Administration shall continue to refuse an application as required by subsection (a) of this section until it is notified by the police department that the applicant is no longer subject to the restriction imposed by this section.

(d) The penalty provided in this section does not apply to the registered owner of a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its being towed or impounded. The registered owner has the burden of showing that a bona fide sale or gift of the vehicle has occurred.

(e) The penalty provided by this section does not apply in any case in which notice as required by § 25-204(c) of this subtitle has not been provided.

(f) The Administration shall adopt procedures by which a police department

shall notify it of any restriction or rescission of a restriction under this section on a person's ability to register or transfer the registration of a vehicle.

(g) The restrictions and procedures provided by this section are in addition to any other penalty provided by law for the abandonment of, or failure to reclaim impounded vehicles.

§25–207.

(a) Except as provided in subsection (e) of this section, if an abandoned vehicle is not reclaimed as provided for in this subtitle, the police department shall sell the vehicle at public auction.

(b) The buyer of the vehicle at auction:

(1) Takes ownership of the vehicle free and clear of any claim of ownership or lien of any other person;

(2) Is entitled to a sales receipt, on a form that is approved by the Administration, from the police department;

(3) Is entitled to obtain a salvage certificate for the vehicle; and

(4) May obtain a certificate of title under § 13-507 of this article.

(c) The sales receipt, on a form that is approved by the Administration, is sufficient title for transferring the vehicle to an automotive dismantler and recycler or scrap processor for dismantling, destroying, or scrapping, in which case, a certificate of title is not required.

(d) Except as otherwise provided in this subtitle:

(1) From the proceeds of the sale of an abandoned vehicle, the police department shall reimburse itself for the costs of towing, preserving, and storing the vehicle and the expenses of the auction, including all notice and publication costs incurred under this subtitle; and

(2) Any remaining proceeds of the sale shall be held for 90 days for the owner of the vehicle and any entitled secured party, after which the remaining proceeds revert to:

(i) The treasury of the county in which the sale was made; or

(ii) In the case of a municipality that conducts the sale, the treasury of the municipality.

(e) (1) After satisfying the requirements for obtaining a certificate of title for an abandoned vehicle under § 25-207.1 of this subtitle, a police department may retain

and use the vehicle for public purposes without any further notice or consent of the owner other than a lessor as provided in paragraph (2) of this subsection.

(2) (i) If there is a secured party with an interest in the vehicle as shown on the records of the Administration, the police department may not retain the vehicle for public purposes without the written consent of the secured party.

(ii) If the vehicle is owned by a lessor under a lease not intended as security, the police department may not retain the vehicle for public purposes without the written consent of the lessor.

(f) A vehicle retained for public purposes under subsection (e) of this section:

(1) May be dismantled or disassembled for the purpose of using its component parts; and

(2) When no longer usable for public purposes, may at the discretion of the police department, without further notice, be sold at public auction as provided in this subtitle or transferred by the police department to a scrap processor licensed under § 15-502 of this article.

§25–207.1.

(a) This section applies to any vehicle:

(1) Which is impounded by a police department either as abandoned or pursuant to other State or local law;

(2) From which the engine or vehicle serial number has been removed or defaced; and

(3) Of which neither the owner nor any secured party can be identified from records of the Administration or other reasonable steps taken by the police department.

(b) The police department on whose authority the vehicle was impounded may apply to the Administration for an assignment of an identification number under §§ 13-106.1 and 14-107 of this article.

(c) The police department on whose authority the vehicle was impounded may apply to the Administration for a certificate of title to a vehicle, and shall submit as evidence of ownership:

(1) A copy of the return receipt or certified mail notice returned as undeliverable, received under § 25-204 of this subtitle; or

(2) A copy of the notice published under § 25-205 of this subtitle.

(d) Notwithstanding the provisions of § 25-207 of this subtitle, the police department, after satisfying the requirements of subsections (b) and (c) of this section, may retain and use the vehicle for public purposes.

(e) Any vehicle retained for use under this section:

(1) May not be dismantled or disassembled for the purpose of using its component parts; and

(2) When no longer usable for public purposes, shall be transferred by the police department to a scrap processor licensed under § 15-502 of this article.

§25–208.

(a) In this section, "abandoned" means abandoned in a garage, as described in § 25-201(b)(4), (5), or (6) of this subtitle.

(b) (1) A garage keeper shall report any vehicle abandoned in the garage to the appropriate police department.

(2) Any garage keeper who fails to report the vehicle within 10 days after it becomes abandoned no longer has any claim for servicing, storage, or repair of the vehicle.

(c) The police department may take the abandoned vehicle into custody and sell it in accordance with the procedures set forth in this subtitle, unless:

(1) The vehicle is reclaimed by the owner or secured party; and

(2) The garage keeper is paid.

(d) As to the proceeds of the sale:

(1) They shall be applied, first, to the garage keeper's charges for servicing, storage, or repair; and

(2) Any surplus proceeds shall be distributed in accordance with § 25-207(d) of this subtitle.

(e) This section does not impair any:

(1) Lien of a garage keeper under the laws of this State; or

(2) The right of any secured party to foreclose.

§25–209.

(a) A person who owns a vehicle, on whose property is found an abandoned vehicle, or who has lawful, documented possession of a vehicle for which the certificate

of title is defective, lost, or destroyed, may apply to a law enforcement agency for the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor.

(b) The application shall be made under penalty of perjury and shall include:

(1) The name and address of the applicant;

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying features of the vehicle;

(3) A concise statement of the facts about the abandonment of the vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

(4) An affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) If a law enforcement agency finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the law enforcement agency may:

(i) If the applicant appears to be the rightful owner, approve the request on verification of the information in the application; or

(ii) If the application is made by a person other than the rightful owner, follow the notification procedures of §§ 25–204 and 25–205 of this subtitle.

(c–1) If the applicant submits with the application documentary proof that the notification procedures of §§ 25–204 and 25–205 of this subtitle already have been complied with, the law enforcement agency shall accept the document as proof of compliance and the agency is not required to provide this notification.

(d) (1) If an abandoned vehicle is not reclaimed in the time required by this subtitle or notice has already been provided to the owner and any secured party, the law enforcement agency shall give the applicant a certificate of authority to transfer the vehicle to:

(i) Any automotive dismantler and recycler for:

1. Dismantling, destroying, or scrapping; or

2. Salvaging as authorized under § 13–506 of this article; or

(ii) Any scrap processor for dismantling, destroying, or scrapping.

(2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.

(3) The automotive dismantler and recycler may apply for a salvage certificate as provided in § 13–506 of this article.

§25–301.

Article I
Parties and Title

This agreement shall be known as the Potomac River Bridges Towing Compact and the parties to this agreement are the Commonwealth of Virginia, the State of Maryland, and the District of Columbia.

Article II
Findings and Purpose

The Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge and American Legion Bridge all pass through the territorial jurisdiction of two or more of the three parties. Experience has shown that traffic back ups often prevent state troopers, state police officers, or police officers of the appropriate jurisdiction from arriving at the scene of a disabled or abandoned vehicle to take corrective action. The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all three parties jurisdiction to exercise appropriate authority anywhere on the bridges.

Article III
Authority to Direct Traffic and Authorize Removal of Vehicle

The parties hereby give one another all necessary power and authority to have their respective state troopers, state police officers, or local law enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers, or the parts or contents thereof, from any part of the Potomac River bridges, to the same extent and in the same manner that such state troopers, state police officers, and law enforcement officers may exercise such authority in their own jurisdictions. However, no party, acting through its state troopers, state police officers, or local law enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of a state trooper, state police officer, or law enforcement officer of the destination jurisdiction has been first obtained.

Article IV
Disposition of Towed Vehicles

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

Article V
No Agency Relationship

Each of the parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the parties.

Article VI
Effective Date

The provisions of this Compact shall take effect thirty days after the legislative bodies of parties having jurisdiction over one or several of the bridges identified in Article II have enacted compacts substantially identical to this Compact.

Article VII
Termination

The Governor of the Commonwealth of Virginia or the State of Maryland, or the Mayor of the District of Columbia may withdraw from this Compact at any time upon thirty days written notice to the other parties.

§26–101.

(a) Any person who commits a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

(b) Any person who attempts to commit a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

(c) Any person who conspires to commit a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

(d) Any person who aids another in the commission of a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

(e) Any person who abets another in the commission of a violation of the Maryland Vehicle Law, whether as a principal, agent, or accessory, is guilty of the violation.

(f) Any person who intentionally induces another to commit a violation of the Maryland Vehicle Law is guilty of the violation.

(g) Any person who intentionally causes another to commit a violation of the Maryland Vehicle Law is guilty of the violation.

(h) Any person who intentionally coerces another to commit a violation of the Maryland Vehicle Law is guilty of the violation.

(i) Any person who intentionally permits another to commit a violation of the Maryland Vehicle Law is guilty of the violation.

(j) Any person who intentionally directs another to commit a violation of the

Maryland Vehicle Law is guilty of the violation.

§26–102.

(a) A person who owns a vehicle may not require or knowingly permit the operation of the vehicle on a highway in any manner contrary to law.

(b) A person who employs or otherwise directs the driver of a vehicle may not require or knowingly permit the operation of the vehicle on a highway in any manner contrary to law.

§26–103.

Subject to the exemptions specified in the Maryland Vehicle Law, the following titles of this article apply to the driver of any vehicle owned or operated by the United States, this State, or any political subdivision of this State:

(1) Title 20, "Accidents and Accident Reports";

(2) Title 21, "Rules of the Road";

(3) Title 22, "Equipment of Vehicles";

(4) Title 23, "Inspection of Used Vehicles and Warnings for Defective Equipment"; and

(5) Title 24, "Size, Weight, and Load; Highway Preservation".

§26–201.

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

(1) The Maryland Vehicle Law, including any regulation adopted under any of its provisions;

(2) A traffic law or ordinance of any local authority;

(3) Title 9, Subtitle 2 of the Tax – General Article;

(4) Title 9, Subtitle 3 of the Tax – General Article;

(5) Title 10, Subtitle 4 of the Business Regulation Article;

(6) § 10–323 of the Business Regulation Article; or

(7) § 10–323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) A notice in boldface type that, if the citation is a payable violation:

(i) The person must comply with one of the following within 30 days after receipt of the citation:

1. Pay the full amount of the preset fine;

2. Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

3. Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

(ii) 1. If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may take action to suspend the person's driver's license; and

2. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or

(2) If the citation is for a must–appear violation, a notice that:

(i) The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

(ii) A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

(3) The name and address of the person;

(4) The number of the person's license to drive, if applicable;

(5) The State registration number of the vehicle, if applicable;

(6) The violation or violations charged;

(7) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1–605 of the Courts Article;

(8) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(9) Any other necessary information.

(d) If a citation is marked "you have the right to stand trial":

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

(ii) Request a trial; and

(iii) Request a "guilty with an explanation" hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the "return to court" copy of the citation shall include in boldface type a check–off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

§26–202.

(a) A police officer may arrest without a warrant a person for a violation of the Maryland Vehicle Law, including any rule or regulation adopted under it, or for a violation of any traffic law or ordinance of any local authority of this State, if:

(1) The person has committed or is committing the violation within the view or presence of the officer, and the violation is any of the following:

(i) A violation of § 21–1411 or § 22–409 of this article, relating to vehicles transporting hazardous materials; or

(ii) A violation of § 24–111 or § 24–111.1 of this article, relating to the failure or refusal to submit a vehicle to a weighing or to remove excess weight from it;

(2) The person has committed or is committing the violation within the view or presence of the officer, and either:

(i) The person does not furnish satisfactory evidence of identity; or

(ii) The officer has reasonable grounds to believe that the person will disregard a traffic citation;

(3) The officer has probable cause to believe that the person has committed the violation, and the violation is any of the following offenses:

(i) Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

(ii) Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance;

(iii) Failure to stop, give information, or render reasonable assistance, as required by §§ 20–102 and 20–104 of this article, in the event of an accident resulting in bodily injury to or death of any person;

(iv) Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;

(v) Failure to stop or give information, as required by §§ 20–103 through 20–105 of this article, in the event of an accident resulting in damage to a vehicle or other property;

(vi) Any offense that caused or contributed to an accident resulting in bodily injury to or death of any person;

(vii) Fleeing or attempting to elude a police officer;

(viii) Driving or attempting to drive a vehicle in violation of § 16–101 of this article;

(ix) A violation of § 14–110(b), (c), (d), or (e) of this article; or

(x) A violation of § 21–1116(a) of this article that results in serious bodily injury to another person;

(4) The person is a nonresident and the officer has probable cause to believe that:

(i) The person has committed the violation; and

(ii) The violation contributed to an accident; or

(5) The officer has probable cause to believe that the person has committed the violation, and, subject to the procedures set forth in § 26–203 of this subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by signature.

(b) An arrest under this section shall be made in the same manner as, and without more force than, in misdemeanor cases.

(c) A person arrested under this section shall be taken without unnecessary delay before a District Court commissioner, as specified in § 26-401 of this title, unless the arresting officer in his discretion releases the individual upon the individual's written promise to appear for trial.

§26–203.

(a) This section applies to all traffic citations issued under this subtitle, unless:

(1) The person otherwise is being arrested under § 26–202(a)(1), (2), (3), or (4) of this subtitle;

(2) The person is incapacitated or otherwise unable to comply with the provisions of this section;

(3) The citation is being issued to an unattended vehicle in violation of § 21–1003 of this article; or

(4) The citation is being issued to an unattended motor vehicle in violation of § 13–402 of this article.

(b) On issuing a traffic citation, the police officer:

(1) Shall ask the person to acknowledge receipt of a copy of the citation, as required under § 1–605 of the Courts Article; and

(2) If the person refuses to do so, shall advise the person that failure to acknowledge receipt may lead to the person's arrest.

(c) (1) On being advised that failure to acknowledge receipt of a copy of a citation may lead to arrest, the person may not refuse to acknowledge receipt.

(2) If the person continues to refuse to do so, the police officer may arrest the person for violation of this section or, as provided in § 26–202(a)(5) of this subtitle, for the original charge, or both.

§26–204.

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

(i) Appearance in person;

(ii) Appearance by counsel; or

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation; and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with a notice under § 26–201(c)(1) of this

subtitle, a notice for a hearing date issued in accordance with a request made under § 26–201(c)(1)(i)2 of this subtitle, a writ or trial notice issued in accordance with a request made under § 26–201(c)(1)(i)3 of this subtitle, or a notice to appear under § 26–201(c)(2) of this subtitle, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the person's driving privileges shall be suspended unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; or

(2) Posts bond or a penalty deposit and requests a new date for a trial or a hearing on sentencing and disposition.

(e) If a person fails to pay the fine or post the bond or penalty deposit under subsection (d) of this section, the Administration may suspend the driving privileges of the person.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after:

(1) The expiration of the time period required to comply with § 26–201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding sentencing and disposition or a trial date; or

(2) The original trial date if a trial has been scheduled in response to a request under § 26–201(c)(1)(i)3 of this subtitle.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out those provisions of this section that relate to the suspension of driving privileges.

§26–206.

(a) If a person fails to comply with a notice to appear in U.S. District Court contained in a traffic citation issued to him under federal traffic laws or regulations for a violation occurring in Maryland, the U.S. District Court may notify the Administration of the noncompliance.

(b) On receipt of a notice of noncompliance from the U.S. District Court, and

after giving the person 10 days' written notice, the Administration may suspend the driving privileges of the person.

(c) With the cooperation of the U.S. District Court, the Administration shall develop procedures to carry out the provisions of this section that relate to the suspension of driving privileges.

§26–207.

(a) If a person holding a commercial driver's license fails to comply with a notice to appear in court or a notice for failure to pay a fine for a traffic citation issued to the person under the laws or regulations of another state, and the other state's driver licensing authority notified the Administration of the noncompliance, on receipt of the notice of noncompliance and after giving the person 10 days' written notice, the Administration shall suspend the driving privileges of the person until receipt of a notice of compliance from the other state.

(b) In cooperation with other states' driver licensing authorities, the Administration shall develop procedures to carry out the provisions of this section that relate to the suspension of driving privileges.

§26–301.

(a) In this subtitle, "officer" means a police officer or a person other than a police officer who is authorized to issue a citation for a violation of an ordinance or regulation that is adopted under this section.

(b) Subject to subsection (c) of this section, any State agency authorized by law and any political subdivision of this State may adopt ordinances or regulations that:

(1) Regulate the parking of vehicles;

(2) Provide for the impounding of vehicles parked in violation of the ordinances or regulations;

(3) Regulate the towing of vehicles from publicly owned and privately owned parking lots; and

(4) Provide for the issuance of a citation by an officer for a violation of an ordinance or regulation that is adopted under this section.

(c) A political subdivision may not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter.

(d) (1) In this subsection, "rental vehicle" means a vehicle that is rented or leased for a period not exceeding 180 days.

(2) If a parking citation is issued for a rental vehicle, the owner is not liable for any penalty in excess of the original fine for a parking violation unless the owner fails to pay the fine or file a notice of intention to stand trial for the violation within the time specified in a notice of the infraction mailed to the business address of the owner.

(3) If a political subdivision or State agency receives payment for a parking violation from both the owner of the vehicle and the person who had possession of the rental vehicle at the time the parking citation was issued, the political subdivision or State agency shall reimburse the owner of the vehicle for the amount paid by the owner for the violation.

(e) Any State agency authorized by law and any political subdivision of the State may establish public outreach efforts to educate law enforcement officers, businesses, medical practitioners, and the general public as to parking laws and regulations, including:

(1) The authority of law enforcement officers to enter private parking lots used by the public; and

(2) Specific eligibility criteria for, and requirements for the lawful use of, special registration plates and placards issued under Title 13, Subtitle 6 of this article for individuals with disabilities.

§26–301.1.

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

(2) "Funding" includes any form of assurance, guarantee, grant payment, credit, tax credit, or other assistance.

(3) "Vehicle parking facility" has the meaning stated in § 4–101 of this article.

(b) A vehicle parking facility shall allow motorcycles to park in the facility, subject to the charges established by the facility, if:

(1) The facility is owned, operated, or leased by the State or a political subdivision of the State; or

(2) The facility receives funding from the State or a political subdivision of the State.

§26–302.

(a) An officer who discovers a vehicle parked in violation of an ordinance or regulation adopted under this subtitle shall:

(1) Deliver a citation to the driver or, if the vehicle is unattended, attach

a citation to the vehicle in a conspicuous place; and

(2) Keep a copy of the citation, bearing his certification under penalty of perjury that the facts stated in the citation are true.

(b) In the absence of the driver, the registered owner of the vehicle is presumed to be the person receiving the citation.

§26–303.

(a) (1) The person receiving a citation under this subtitle shall:

(i) Pay for the parking violation directly to the political subdivision or State agency serving the citation; or

(ii) Elect to stand trial for the violation.

(2) An election to stand trial shall be made by sending a notice of intention to stand trial to the political subdivision or State agency at least 5 days before the payment date specified in the citation.

(b) (1) If a person elects to stand trial and desires the presence at trial of the officer who issued the citation, he shall so notify the political subdivision or State agency at the time the notice of intention to stand trial is given.

(2) If proper notification is not given, the officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.

§26–304.

(a) The Chief Judge of the District Court shall adopt procedures for the trial of parking violations under this subtitle.

(b) The procedures adopted under this section shall include provisions for notifying the person receiving a citation of:

(1) The date of trial, which may not be less than 15 days from the date on which the notice of intention of the person to stand trial is received;

(2) The place of trial; and

(3) The time of trial.

§26–305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction

of the U.S. government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of this article, or a violation of the Illegal Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or § 21–810 of this article, or § 10–110 or § 10–112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of the person's intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a parking violation under this subtitle or a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government if notified in accordance with subsection (a) of this section that the violator is a chronic offender.

(2) The Administration may adopt rules and regulations to define chronic offender and develop procedures to carry out the suspension of registration as authorized by this subsection.

(c) The Administration shall continue the suspension and refusal to register or transfer a registration of the vehicle until:

(1) If the suspension or refusal was required under subsection (a)(1) or (b)(1) of this section, the political subdivision or State agency notifies the Administration that the charge has been satisfied;

(2) If the suspension or refusal was required under subsection (a)(2) or (b)(1) of this section, the District Court notifies the Administration that the person cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

(3) If the suspension or refusal was required under subsection (a)(3) or (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has been satisfied.

(d) (1) If the registration of the vehicle has been suspended in accordance with subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this State.

(2) A person convicted under paragraph (1) of this subsection is subject to the penalty set forth in § 27–101(b) of this article.

(e) The procedures specified in this section are in addition to any other penalty provided by law for the failure to pay a fine or stand trial for a parking violation.

(f) The Administration shall adopt procedures by which the political subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it of any restrictions and any rescission of restrictions placed on the registration of vehicles under this section.

(g) (1) In addition to any other fee or penalty provided by law, an owner of a vehicle who is denied registration of the vehicle under the provisions of this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee described under paragraph (1) of this subsection:

(i) May be distributed in part to a political subdivision acting as an agent of the Administration in the registration of a vehicle under § 13–404 of this article if, based upon information provided to the Administration by the political subdivision under this section, the vehicle's prior registration was suspended or the vehicle's registration renewal was denied; and

(ii) Except as provided under item (i) of this paragraph, shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

§26–306.

Any State, county, or municipal corporation, or any of its agencies, which mistakenly or otherwise wrongfully authorizes the towing, impoundment, or storage of a privately owned motor vehicle shall reimburse the owner of the vehicle for all reasonable towing and storage costs incurred by the owner as a result of the mistaken or wrongful action.

§26–401.

If a person is taken before a District Court commissioner or is given a traffic citation or a civil citation under § 21–202.1, § 21–809, § 21–810, § 21–1414, or § 24–111.3 of this article containing a notice to appear in court, the commissioner or court shall be one that sits within the county in which the offense allegedly was committed.

§26–402.

(a) This section does not apply if the alleged offense is any of the offenses enumerated in § 26–202(a)(3)(i), (ii), (iii), and (iv) of this title.

(b) If a police officer arrests a person and takes the person before a District Court commissioner as provided in this title, the person shall be released on issuance of a citation if:

(1) A commissioner is not available;

(2) A judge, clerk, or other public officer, authorized to accept bail for the court is not available; and

(3) The person charged gives the person's written promise to appear in court.

§26–403.

A District Court commissioner may not set bail in an amount greater than the maximum allowed as a fine for the alleged offense.

§26–404.

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

(2) "Guaranteed arrest bond certificate" means any certificate that is issued under this section by an insurance company or motor club to provide bail bond services to any of its insureds or members.

(3) "Insurance company" means an insurance company that is authorized to write automobile liability insurance in this State.

(4) "Motor club" has the meaning stated in § 26-101 of the Insurance Article.

(5) "Surety company" means any company designated as a surety company under Title 21 of the Insurance Article.

(b) Within the limitations of this section, the following persons may issue a guaranteed arrest bond certificate:

(1) Any insurance company that is also a surety company; or

(2) If acting in conjunction with a surety company, any other insurance company or any motor club.

(c) A guaranteed arrest bond certificate shall:

(1) Specify its expiration date; and

(2) Contain printed statements that:

(i) The issuer and surety company guarantee the court appearance of the person to whom the certificate is issued; and

(ii) If the person fails to appear in court at the time of the trial, it will pay any fine or forfeiture that is imposed on the person and does not exceed $1,000.

(d) Any surety company may become surety for persons posting guaranteed arrest bond certificates by filing an undertaking to become surety with the Insurance Administration.

(e) (1) A guaranteed arrest bond certificate may not be delivered or issued for delivery in this State unless the form has been filed with and approved by the Insurance Commissioner.

(2) Unless the Insurance Commissioner affirmatively approves or disapproves the form within 30 days after it is filed with him, he is considered to have approved it.

(3) An order of the Insurance Commissioner disapproving the form or withdrawing a previous approval shall state the reasons for the action taken.

(f) A guaranteed arrest bond certificate may not be accepted:

(1) As a part of a surety undertaking or bail bond requirement of more than $1,000; or

(2) To guarantee the appearance of any person in a court of this State, if the offense charged is:

(i) Driving or attempting to drive while under the influence of alcohol or while impaired by alcohol;

(ii) Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance; or

(iii) Any felony.

(g) (1) Except as provided in subsection (f) of this section, if the offense allegedly was committed before the expiration date of the certificate, the posting of a guaranteed arrest bond certificate by the person to whom it was issued shall be accepted, instead of cash bail or other bond, to guarantee the appearance in any court in this State, at a time designated by the court, of any person arrested for a violation of:

(i) Any provision of the Maryland Vehicle Law; or

(ii) Any traffic law or ordinance of any political subdivision of this State.

(2) A guaranteed arrest bond certificate posted as bail bond is subject to forfeiture if the person who posted it fails to appear in court at the time of the trial.

(3) The provisions of this section apply to both residents and nonresidents of this State.

§26–405.

If a person is charged with a violation of § 21-901.1 of this article ("Reckless and negligent driving") or § 21-902 of this article ("Driving while under the influence of alcohol, while under the influence of alcohol per se, while impaired by alcohol, or while impaired by a drug, a combination of drugs, a combination of one or more drugs and alcohol, or while impaired by a controlled dangerous substance"), the court may find the person guilty of any lesser included offense under any subsection of the respective section.

§26–405.1.

(a) The disposition of a penalty deposit posted under § 26-204(d) of this title shall be as provided in this section.

(b) If the defendant does not appear on the trial date set, the deposit shall be forfeited in full as the fine on the original charge.

(c) If the defendant does appear on the trial date set:

(1) First, the deposit shall be applied to any fine that the court imposes on the original charge; and

(2) Then, the balance of the deposit not applied to the fine shall be returned to the defendant.

§26–407.

(a) This section does not affect or modify the procedures established under Subtitle 3 of this title as to violations of parking ordinances or regulations adopted under that subtitle.

(b) Each police officer who issues a traffic citation to an alleged violator of any State or local law:

(1) Shall file an electronic or written copy of the citation promptly with the District Court;

(2) If the person charged acknowledges receipt on a written copy of the citation, shall keep that copy to produce as evidence in court if required; and

(3) Shall dispose of the other copies of the citation in accordance with the regulations adopted by the Administration.

(c) After the copy of a traffic citation is filed with the District Court, the citation may be disposed of only by:

(1) Trial, dismissal of the charges, or other official action by a judge of the court;

(2) Forfeiture of the collateral, if authorized by the court; or

(3) Payment of a fine by the person to whom the traffic citation has been issued.

(d) This section does not prohibit the entry of a "nol pros" or "stet".

(e) For each traffic citation issued by a police officer under the police officer's jurisdiction, the chief executive officer of each traffic enforcement agency shall keep a record of the disposition of the charge by the District Court.

(f) (1) Subject to the requirements of this section and in consultation with the Chief Judge of the District Court, the Administration shall adopt regulations:

(i) To govern the distribution and disposition of written and electronic traffic citation forms; and

(ii) To specify the records and reports required to be made of the disposition of charges.

(2) These regulations apply to each traffic enforcement agency and police officer with authority to issue traffic citations for a violation of a State or local law.

(3) Each police officer and the chief executive officer of each traffic enforcement agency shall make the records and reports required by these regulations.

(g) (1) No police officer or other public employee may dispose of a traffic citation, its copies, or the record of the issuance of a traffic citation in any manner other than as required by this section and the regulations adopted by the Administration.

(2) In addition to being unlawful, a violation of this subsection constitutes

official misconduct.

§26–408.

(a) A person may not cancel a traffic citation in any manner other than as provided in this subtitle.

(b) A person may not solicit another person to cancel a traffic citation in any manner other than as provided in this subtitle.

§26–409.

(a) The form of traffic citation provided for under § 1–605 of the Courts Article is a sufficient charging document for the prosecution of any offense for which a traffic citation may be issued under this title if:

(1) It includes the information required under the laws of this State;

(2) It is executed by the police officer issuing the citation as required under § 1–605 of the Courts Article; and

(3) It is filed with the District Court as required under § 1–605 of the Courts Article.

(b) The trial court may try a case for which a charge is made under this title only on:

(1) A traffic citation that meets the requirements of a charging document under subsection (a) of this section;

(2) A warrant, information, or indictment; or

(3) Any other charging document authorized by a rule adopted by the Court of Appeals with the concurrence of the Administration.

§26–410.

Notwithstanding any local law to the contrary, a sheriff is not entitled to any fee for services rendered in connection with a prosecution under the vehicle laws of this State in excess of the fees prescribed for sheriffs by § 7-402 of the Courts Article.

§26–411.

A constable or police officer is not entitled to any fee for testifying as a witness in any case involving a violation of the vehicle laws of this State.

§26–412.

If a provision of this title and a provision of Title 4 of the Courts Article conflict,

the provision in the Courts Article prevails.

§27–101.

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

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

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

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

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both:

(1) § 12–301(e) or (f) ("Special identification cards: Unlawful use of identification card prohibited");

(2) § 14–102 ("Taking or driving vehicle without consent of owner");

(3) § 14–104 ("Damaging or tampering with vehicle");

(4) § 14–107 ("Removed, falsified, or unauthorized identification number or registration card or plate");

(5) § 14–110 ("Altered or forged documents and plates");

(6) § 15–312 ("Dealers: Prohibited acts – Vehicle sales transactions");

(7) § 15–313 ("Dealers: Prohibited acts – Advertising practices");

(8) § 15–314 ("Dealers: Prohibited acts – Violation of licensing laws");

(9) § 15–411 ("Vehicle salesmen: Prohibited acts");

(10) § 16–113(j) ("Violation of alcohol restriction");

(11) § 16–301, except § 16–301(a) or (b) ("Unlawful use of license");

(12) § 16–303(h) ("Licenses suspended under certain provisions of Code");

(13) § 16–303(i) ("Licenses suspended under certain provisions of the traffic laws or regulations of another state");

(14) Repealed.

(15) § 20–103 ("Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property");

(16) § 20–104 ("Duty to give information and render aid");

(17) § 20–105 ("Duty on striking unattended vehicle or other property");

(18) § 20–108 ("False reports prohibited");

(19) § 21–206 ("Interference with traffic control devices or railroad signs and signals");

(20) As to a pedestrian in a marked crosswalk, § 21–502(a) ("Pedestrians' right–of–way in crosswalks: In general"), if the violation contributes to an accident;

(21) As to another vehicle stopped at a marked crosswalk, § 21–502(c) ("Passing of vehicle stopped for pedestrian prohibited"), if the violation contributes to an accident;

(22) Except as provided in subsections (f) and (q) of this section, § 21–902(b) ("Driving while impaired by alcohol");

(23) Except as provided in subsections (f) and (q) of this section, § 21–902(c) ("Driving while impaired by drugs or drugs and alcohol");

(24) § 21–902.1 ("Driving within 12 hours after arrest");

(25) Title 21, Subtitle 10A ("Towing or Removal of Vehicles from Parking Lots"); or

(26) § 27–107(d), (e), (f), or (g) ("Prohibited acts – Ignition interlock systems").

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 6 months or both:

(1) § 18–104 ("Renting motor vehicle with incorrect odometer");

(2) § 22–405.1 ("Regrooved tires");

(3) § 22–415 ("Tampering with or altering odometer");

(4) For each vehicle for which there is a violation, § 23–109 ("Inspections of used vehicles and warnings for defective equipment: Prohibited activities"); or

(5) Except as provided in subsection (i) of this section and § 27–101.2 of

this title, Title 15, Subtitle 5 of this article.

(e) Any person who is convicted of a violation of any of the provisions of § 21–1411 of this article ("Transportation of hazardous materials") is subject to:

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

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

(f) (1) A person is subject to a fine not exceeding $500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(i) A violation of § 14–103 of this article ("Possession of motor vehicle master key"); or

(ii) Except as provided in subsection (q) of this section, a second violation of:

1. § 21–902(b) of this article ("Driving while impaired by alcohol"); or

2. § 21–902(c) of this article ("Driving while impaired by drugs or drugs and alcohol").

(2) Except as provided in subsection (q) of this section, a person who is convicted of a third or subsequent violation of § 21–902(b) or (c) of this article is subject to a fine not exceeding $3,000 or imprisonment not exceeding 3 years or both.

(3) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(b) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (c), or (d) of this article shall be considered a conviction of § 21–902(b) of this article.

(4) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(c) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (b), or (d) of this article shall be considered a conviction of § 21–902(c) of this article.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than $1,000:

(1) § 13–704 ("Fraud in application");

(2) § 21–706 ("Overtaking and passing school vehicle"); or

(3) § 21–901.1(a) ("Reckless driving").

(h) Any person who is convicted of a violation of any of the provisions of § 16–113(k) of this article ("Ignition Interlock System Program participant driving vehicle without ignition interlock"), § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled, suspended, refused, or revoked"), § 17–107 of this article ("Prohibitions"), or § 17–110 of this article ("Providing false evidence of required security") is subject to:

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

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

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

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

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

(j) (1) In this subsection, "imprisonment" includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of § 21–902(a) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(a) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of § 21–902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under § 21–902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(5) A person who is convicted of an offense under § 21–902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive drug abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(6) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21–902(a) of this article ("Driving while under the influence of alcohol or under the influence of alcohol per se") or § 21–902(d) of this article ("Driving while impaired by controlled dangerous substance"):

(i) For a first offense, shall be subject to a fine of not more than

$1,000, or imprisonment for not more than 1 year, or both;

(ii) For a second offense, shall be subject to a fine of not more than $2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than $3,000, or imprisonment for not more than 3 years, or both.

(2) For the purpose of second or subsequent offender penalties for violation of § 21–902(a) of this article provided under this subsection, a prior conviction under § 21–902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21–902(a) of this article, shall be considered a conviction under § 21–902(a) of this article.

(3) For the purpose of second or subsequent offender penalties for violation of § 21–902(d) of this article provided under this subsection, a prior conviction under § 21–902(a), (b), or (c) of this article, within 5 years of the conviction for a violation of § 21–902(d) of this article, shall be considered a conviction under § 21–902(d) of this article.

(l) Any person who is convicted of a violation of any of the provisions of § 22–409 of this article ("Transportation of hazardous materials"), § 23–403(b) of this article (Obeying signs to stop for a diesel emissions test), § 24–111(d) or (e) of this article (Obeying signs to stop for inspection), § 24–111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles), or § 25–111 of this article (Motor carrier safety violations) is subject to a fine of:

(1) Not more than $1,000 for a first offense;

(2) Not more than $2,000 for a second offense; and

(3) Not more than $3,000 for a third or subsequent offense.

(m) Any person who is convicted of a violation of any of the provisions of § 21–802.1 of this article (Exceeding speed limit within highway work zone) is subject to a fine of not more than $1,000.

(n) If a different penalty for the violation of any provision of the Maryland Vehicle Law is provided for in the Maryland Vehicle Law or in any other law of this State, the specific penalty prevails over the penalty provided for in this section.

(o) (1) Any person who is convicted of a violation of § 20–102(a) of this article is subject to a fine of not more than $3,000 or imprisonment for not more than 1 year or both.

(2) Any person who is convicted of a violation of § 20–102(b) of this article is subject to a fine of not more than $5,000 or imprisonment for not more than 5 years or both.

(p) (1) Except as otherwise provided in this subsection, any person who is convicted of a violation of any of the provisions of § 21–904 of this article ("Fleeing or eluding police") is subject to:

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

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

(2) Any person who is convicted of a violation of § 21–904(d)(1) of this article is subject to a fine of not more than $5,000, or imprisonment for not more than 3 years, or both.

(3) Any person who is convicted of a violation of § 21–904(d)(2) of this article is subject to a fine of not more than $5,000, or imprisonment for not more than 10 years, or both.

(4) Any person who is convicted of a violation of § 21–904(e) of this article is subject to a fine of not more than $5,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or (d)(2) of this article is subject to:

(i) For a first offense, a fine of not more than $2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than $3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than $4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3) of this article is subject to:

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

(ii) For a second offense, a fine of not more than $2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than $4,000 or imprisonment for not more than 4 years or both.

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of §

21–902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

(r) Any person who is convicted of a violation of § 21–803.1(e) of this article (Fines doubled for speeding within school zones) is subject to a fine of not more than $1,000.

(s) (1) Any person who is convicted of a violation of § 16–808(a) of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(2) Any person who is convicted of a violation of § 16–808(c) of this article is subject to:

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

(ii) For a second offense, a fine of not more than $2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than $3,000 or imprisonment for not more than 2 years or both.

(3) Any person who is convicted of a violation of § 16–813.1 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(t) Except as provided in subsection (f) of this section, any person who is convicted of a violation of any provisions of § 16–807(a) of this article ("Commercial driver's license requirements") or § 16–815(e) of this article ("Additional endorsements") is subject to:

(1) For a first offense, a fine of not more than $500 or imprisonment for not more than 2 months or both;

(2) For a second offense, a fine of not more than $1,000 or imprisonment for not more than 6 months or both; and

(3) For a third or subsequent offense, a fine of not more than $2,000 or imprisonment for not more than 1 year or both.

(u) Any person who is convicted of a violation of § 24–112 of this article is subject to:

(1) For the first offense, a fine of not more than $1,000;

(2) For a second offense, a fine of not more than $2,000; and

(3) For a third or subsequent offense, a fine of not more than $3,000.

(v) Any person who is convicted of a violation of § 15–302 of this article is subject to a fine of not more than $5,000 or imprisonment for not more than 1 year or both.

(w) Any person who is convicted of committing a violation of § 21–1003(j) of this article while operating a commercial motor vehicle in Anne Arundel County is subject to:

(1) For a first offense, a fine of $100;

(2) For a second offense, a fine of $250; and

(3) For a third or subsequent offense, a fine of $500.

(x) (1) In this section, "test" has the meaning stated in § 16–205.1 of this article.

(2) The penalties in this subsection are in addition to any other penalty under this title imposed for a violation of § 21–902 of this article.

(3) Subject to paragraph (4) of this subsection, if a person is convicted of a violation of § 21–902 of this article and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a test arising out of the same circumstances as the violation, the person is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both.

(4) A court may not impose an additional penalty under this subsection unless the State's Attorney serves notice of the alleged test refusal on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial in a circuit court or 5 days before trial in the District Court, whichever is earlier.

(y) Any person who is convicted of a violation of § 16–101 of this article ("Drivers must be licensed") is subject to:

(1) For a first offense, a fine of not more than $500 or imprisonment for not more than 60 days or both; and

(2) For a second or subsequent offense, a fine of not more than $500 or imprisonment for not more than 1 year or both.

(z) Any person who is convicted of a violation of § 21–1126 or § 21–1127 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(aa) Any person who is convicted of a violation of § 22–611 of this article is subject to:

(1) For a first offense, a fine of not less than $250 and not more than $1,000; and

(2) For a second or subsequent offense, a fine of not less than $500 and not more than $1,000.

(bb) Any person who is convicted of a violation of § 24–107 of this article that results in serious bodily injury as defined in § 27–113 of this title or death is subject to a fine of not more than $1,000.

(cc) Any person who is convicted of a violation of § 12–301(c) or (d) of this article ("Fraud or misrepresentation in obtaining or application for an identification card") or § 16–301(a) or (b) of this article ("Fraud or misrepresentation in obtaining or application for a license") is subject to a fine of not more than $2,500 or imprisonment for not more than 3 years or both.

(dd) (1) Any person who is convicted of a violation of § 21–1128 of this article is subject to a fine of not more than $1,000 or imprisonment for not more than 90 days or both.

(2) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other law, if a minor is the defendant or child respondent in a proceeding under § 21–1128 of this article, the court may order that a fine imposed under this subsection be paid by:

1. The minor;

2. The parent or guardian of the minor; or

3. Both the minor and the minor's parent or guardian.

(ii) 1. A court may not order a parent or guardian of a minor to pay a fine under this paragraph unless the parent or guardian has been given a reasonable opportunity to be heard and to present evidence.

2. A hearing under this subparagraph may be held as part of the sentencing or disposition hearing.

(ee) Any person who is convicted of a violation of § 21–1116(a) of this article that results in serious bodily injury to another person as defined in § 27–113 of this title is subject to a fine of not more than $1,000 or imprisonment for not more than 1 year or both.

§27–101.1.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16-812(i) of this article, a driver who is convicted of violating an out-of-service order shall be subject to the civil penalties specified by regulation by the United States

Secretary of Transportation.

(b) An employer who is convicted of violating § 16-806(b)(4) or (5) of this article shall be subject to the civil penalties specified by regulation by the United States Secretary of Transportation.

§27–101.2.

A person who knowingly makes a false statement on an affidavit of lawful possession under § 15–509 of this article or on an application for a certificate of authority under § 25–209 of this article is guilty of a felony and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 10 years or both.

§27–102.

Except as provided in § 21–1207.1 of this article, any person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates any rule or regulation adopted under any provision of the Maryland Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty provided for in the Maryland Vehicle Law, is subject to the penalties provided for in § 27–101(b) or (c) of this title or, if greater, to the same penalties as are provided for a violation of the statute for or under which the restriction is imposed or the rule or regulation adopted.

§27–103.

(a) If a person fined under the Maryland Vehicle Law or under any federal traffic law or regulation for a violation occurring in Maryland does not pay the fine in accordance with the court's directive:

(1) The court may so certify to the Administration; and

(2) On such certification, after giving the person 10 days advance written notice, the Administration may suspend the driving privileges or license of the person until the fine has been paid.

(b) With the cooperation of the District Court and the U. S. District Court, the Administration shall develop procedures to carry out the provisions of this section.

§27–104.

(a) The State Comptroller shall reimburse a defendant for any forfeited bond or collateral that has been received by the Comptroller after a District Court judge has stricken out the forfeiture, if the defendant is found not guilty of the offense charged.

(b) If the defendant is found guilty of the offense charged, but his fine is less than the amount of the forfeited bond or collateral, the State Comptroller shall reimburse the defendant for any amount received by the Comptroller that is in excess of the fine.

§27–105.

(a) (1) This section applies to any person charged with a violation of the Maryland Vehicle Law for exceeding, as to any vehicle or combination of vehicles:

(i) The maximum registered weight limit for which the vehicle or combination is registered;

(ii) Any statutory weight limit set forth in the Maryland Vehicle Law; or

(iii) The maximum weight limit imposed by signs which have been placed to regulate the weight of any vehicle passing over any bridge or culvert as provided for in § 24–206 of this article, provided that signs posting the restriction are located at the bridge or culvert and also prior to the last available alternate route that bypasses the bridge or culvert.

(2) On conviction of any person for a violation of any of these limits, fines shall be imposed as provided in this section.

(b) Except on interstate highways, a loading error or tolerance of 1,000 pounds over a registered weight limit, statutory weight limit, or weight limit imposed by signs is allowed and only weight in excess of this tolerance is a violation provided that:

(1) An overall gross weight may not exceed 80,000 pounds, including any enforcement or statutory tolerances; or

(2) The vehicle is being operated under a valid permit for gross weight in excess of 80,000 pounds.

(c) Subject to subsection (d) of this section, the following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight limit, or weight limit imposed by signs, and for weight violations that occur on any highway of this State, including interstate highways:

(1) 1 cent for each pound for the first 1,000 pounds of weight over any allowable weight;

(2) 5 cents for each pound of excess weight over 1,000 pounds, but less than 5,001 pounds;

(3) 12 cents for each additional pound of excess weight over 5,000 pounds and less than 10,001 pounds;

(4) 20 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(5) 40 cents for each additional pound of excess weight over 20,000 pounds.

(d) The following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight limit, or weight limit imposed by signs, and to any other weight violations that occur on the William Preston Lane, Jr. Memorial (Chesapeake Bay) Bridge or its appurtenant approaches under the jurisdiction of the Maryland Transportation Authority:

(1) 1 cent for each pound for the first 1,000 pounds over any allowable weight;

(2) 5 cents for each additional pound of excess weight over 1,000 pounds but less than 2,001 pounds;

(3) 10 cents for each additional pound of excess weight over 2,000 pounds but less than 5,001 pounds;

(4) 24 cents for each additional pound of excess weight over 5,000 pounds but less than 10,001 pounds;

(5) 40 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(6) 80 cents for each additional pound of excess weight over 20,000 pounds.

(e) Notwithstanding any other provision of law, on conviction for a violation, no fine may be suspended or reduced. However, in computing the fine, a credit for any excess weight caused by an accumulation of cinders, snow, or ice shall be given.

(f) (1) If the vehicle being operated at the time the offense is committed is registered outside of this State, or if the person responsible for the violation or the person operating the vehicle is a nonresident of this State, further proceedings shall be had as to the person under Title 26 of this article or the vehicle shall be impounded until the fine is paid or acceptable collateral posted.

(2) The impounding of the vehicle does not include the cargo, and the cargo may not be held.

(3) If, after 90 days from the date the vehicle was impounded, the fine has not been paid or acceptable collateral posted, the vehicle may be sold at public auction under the jurisdiction of the court to satisfy the fine, accrued interest, and costs.

(g) The provisions of this section do not apply to an "emergency vehicle", as defined in § 11–118 of this article, when responding to an emergency.

§27–106.

(a) Any person who is convicted of a violation of § 22–404.4 of this article shall be fined $250.

(b) Any person who is convicted of a violation of § 21–1003(u) or (dd) of this article is subject to a fine of $25.

§27–107.

(a) In this section, "ignition interlock system" means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver's blood alcohol level; and

(2) Prevents a motor vehicle ignition from starting if a driver's blood alcohol level exceeds the calibrated setting on the device.

(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21-902(a) of this article ("Driving while under the influence of alcohol or under the influence of alcohol per se"), or § 21-902(b) of this article ("Driving while impaired by alcohol"), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or a condition of probation, the court:

(1) Shall state on the record the requirement for, and the period of the use of the system, and so notify the Administration;

(2) Shall direct that the records of the Administration reflect:

(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and

(ii) Whether the court has expressly permitted the person to operate a motor vehicle without an ignition interlock system under subsection (g)(2) of this section;

(3) Shall direct the Administration to note in an appropriate manner a restriction on the person's license imposed under paragraph (2)(i) or (ii) of this subsection;

(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;

(5) Shall require the person to have the system monitored for proper use and accuracy by an entity approved by the Administration at least semiannually, or more frequently as the circumstances may require; and

(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and

(ii) May establish a payment schedule.

(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person attempt to start or start a motor vehicle equipped with an ignition interlock system.

(e) A person may not attempt to start or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.

(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:

1. The person has not been convicted of:

A. A violation of § 21–902(a) of this article more than once within a 5–year period;

B. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

C. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article; and

2. The court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that

is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16–404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:

1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and

2. The person has not been convicted of:

A. A violation of § 21–902(a) of this article more than once within a 5–year period;

B. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

C. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.

§27–108.

(a) (1) The Administration shall certify or cause to be certified ignition interlock systems for use in the State and adopt rules and regulations for the certification of the ignition interlock systems.

(2) The regulations adopted under paragraph (1) of this subsection shall include requirements that ignition interlock systems:

(i) Do not impede the safe operation of the vehicle;

(ii) Minimize opportunities to be bypassed;

(iii) Correlate accurately with established measures of blood alcohol levels;

(iv) Work accurately and reliably in an unsupervised environment;

(v) Require a proper and accurate measure of blood alcohol levels;

(vi) Are installed in a tamper proof manner and provide evidence of attempted tampering;

(vii) Are difficult to circumvent, and require premeditation to circumvent;

(viii) Minimize inconvenience to a sober user;

(ix) Are manufactured by a party responsible for installation, user training, service, and maintenance;

(x) Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;

(xi) Are manufactured by a person who is adequately insured for products liability;

(xii) Provide the option for an electronic log of the driver's experience with the system; and

(xiii) Are certified by a qualified laboratory approved by the Administration.

(3) (i) The Administration shall design and adopt a warning label to be affixed to an ignition interlock system on installation.

(ii) The warning label shall state that a person tampering with, circumventing, or otherwise misusing the ignition interlock system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.

(4) (i) The Administration shall publish a list of certified ignition interlock systems.

(ii) A manufacturer of an ignition interlock system that seeks to sell or lease the ignition interlock system to persons subject to the provisions of § 27–107 of this title in the State shall pay the costs of obtaining the required certification.

(b) A person may not sell or lease or offer to sell or lease an ignition interlock system to a person subject to the provisions of § 27–107 of this title in the State unless:

(1) The system has been certified by the Administration; and

(2) A warning label approved by the Administration is affixed to the system stating that a person who tampers, circumvents, or otherwise misuses the system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.

(c) A person who sells or leases an ignition interlock system in the State shall:

(1) Monitor the use of the system as required by the court; and

(2) Issue a report of the results of the monitoring to the appropriate office of the Division of Parole and Probation.

(d) The Administration shall adopt regulations establishing minimum

standards for the certification of an approved service provider, including:

(1) The minimum qualifications described under § 16–404.1 of this article; and

(2) A requirement that an approved service provider shall maintain service and installation records and provide these records for inspection on the request of the Administration.

§27–109.

Any person who is convicted of a violation of § 22-404.5 of this article is subject to a fine of not more than $1,000.

§27–110.

(a) The Administration shall refuse or suspend the registration of any motor vehicle incurring a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner has been served with a citation in accordance with § 21–1414 of this article and:

(i) Has failed to pay the video toll and the civil penalty for the toll violation by the date specified in the citation; or

(ii) Has failed to contest liability for the toll violation by the date identified and in the manner specified in the citation; or

(2) It is notified by the Maryland Transportation Authority or the District Court that a person who elected to contest liability for a toll violation under § 21–1414 of this article has failed to appear for trial or has been determined to be guilty of the toll violation and has failed to pay the video toll and related civil penalty.

(b) In conjunction with the Maryland Transportation Authority, the Administration may adopt regulations and develop procedures to carry out the refusal or suspension of a registration as authorized by this section.

(c) The procedures specified in this section are in addition to any other penalty provided by law for toll violations under § 21–1414 of this article.

(d) The provisions of this section may be applied to enforce a reciprocal agreement entered into by the State and another jurisdiction in accordance with § 21–1415 of this article.

§27–111.

(a) In this section, "police department" has the same meaning indicated in §

25-201 of this article.

(b) (1) For the purpose of impounding or immobilizing a vehicle under this section, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of paragraph (2) of this subsection, use other persons, equipment, and facilities for immobilizing vehicles or removing, preserving, and storing impounded vehicles.

(2) A police department may not authorize the use of a tow truck under paragraph (1) of this subsection unless the tow truck is registered under § 13-920 of this article.

(c) (1) As a sentence, a part of a sentence, or a condition of probation, a court may order, for not more than 180 days, the impoundment or immobilization of a solely owned vehicle used in the commission of a violation of § 16-303(c) or (d) of this article if, at the time of the violation:

(i) The owner of the vehicle was driving the vehicle; and

(ii) The owner's license was suspended or revoked under § 16-205 of this article.

(2) Among the factors that a court may consider in determining whether to order an impoundment or immobilization of a vehicle is whether the vehicle is the primary means of transportation available for the use of the individual's immediate family.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, impoundment or immobilization of a vehicle may not be ordered under this section, if the registered owner of the vehicle made a bona fide sale, gift, or other transfer of the vehicle to another person before the date of the finding of a violation of § 16-303(c) or (d) of this article.

(ii) The registered owner of the vehicle has the burden of proving that a bona fide sale, gift, or other transfer of the vehicle has occurred.

(d) (1) The registered owner of a vehicle impounded or immobilized under this section is responsible for all actual costs incurred as a result of the immobilizing of the vehicle, or the towing, preserving, and storing of the impounded vehicle.

(2) The court may require the registered owner of a vehicle impounded or immobilized under this section to post a bond or other adequate security to equal the actual costs of immobilizing the vehicle, or towing, preserving, and storing the vehicle, and providing the notices required under subsection (f) of this section.

(3) Subject to the provisions of this section, a police department that impounds a vehicle by taking the vehicle into custody or immobilizes a vehicle under this section promptly shall return possession or use of the vehicle to the registered

owner of the vehicle on payment of all actual costs of immobilizing the vehicle, or towing, preserving, and storing the impounded vehicle, and providing the notices required under subsection (f) of this section.

(e) If a court orders the impoundment or immobilization of a vehicle under this section, the court shall provide for the execution of the impoundment or immobilization by a police department.

(f) (1) If a court orders the impoundment or immobilization of a vehicle under this section, the police department that executes the immobilization, or the impoundment by taking the vehicle into custody, shall, as soon as reasonably possible and within 7 days after the police department executes the court order, send a notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) Each registered owner of the vehicle as shown in the records of the Administration; and

(ii) Each secured party, as shown in the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been immobilized, or impounded by being taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Provide the location of where the vehicle is immobilized or the location of the facility where the vehicle is impounded;

(iv) Include the amount of the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle;

(v) Include the amount of the actual costs of the notices required under this paragraph; and

(vi) Provide that, if an impounded vehicle is not reclaimed as required under this subsection, within 10 days after the date specified in the court order, the impounded vehicle will be considered an abandoned vehicle and subject to the provisions of Title 25, Subtitle 2 of this article.

(3) If an impounded vehicle is not reclaimed within 10 days after the date specified in a court order under this section, the vehicle shall be considered an abandoned vehicle subject to the provisions of Title 25, Subtitle 2 of this article.

(g) (1) This section may not be construed to prohibit a lienholder from

exercising its rights under applicable law, including the right to sell a vehicle that has been impounded or immobilized under this section, in the event of a default in the obligation giving rise to the lien.

(2) (i) A lienholder exercising the right to sell a vehicle that has been impounded or immobilized under this section shall notify, in writing, the police department with custody of the vehicle of the lienholder's intention to sell the vehicle.

(ii) The notice shall be accompanied by copies of documents giving rise to the lien and shall include an affidavit under oath by the lienholder that the underlying obligation is in default and the reasons for the default.

(iii) On request of the lienholder and on payment of all costs required under this section, the vehicle shall be released to the lienholder.

(3) Except as provided in paragraph (4) of this subsection, the rights and duties provided by law to the lienholder for the sale of collateral securing an obligation in default shall govern the repossession and sale of the vehicle.

(4) (i) The lienholder may not be required to take possession of the vehicle before a sale of the vehicle.

(ii) The proceeds of any sale shall be applied first to the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle, and the actual costs of the notices required under subsection (f) of this section, then as provided by law for distribution of proceeds of a sale by the lienholder.

(5) (i) If the interest of the owner in the vehicle is redeemed, the lienholder shall, within 10 days after the redemption, mail a notice of the redemption to the police department who impounded or immobilized the vehicle.

(ii) If the vehicle has been repossessed or otherwise lawfully taken by the lienholder and the time specified by a court order under this section has not expired, the lienholder shall return the vehicle within 21 days after the redemption to the police department who impounded or immobilized the vehicle.

(h) This section does not affect the requirements of Title 25, Subtitle 2 of this article regarding abandoned vehicles.

§27–112.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16-812 of this article, a driver or owner who is convicted of violating § 25-112 of this article is subject to a fine of not more than $500 or imprisonment for not more than 6 months or both.

(b) The Administration may not register or transfer the registration of any vehicle involved in a violation under § 25-112 of this article until final disposition of

the violation.

(c) The penalties specified in this section are in addition to any other penalty provided by law for a violation of § 25-112 of this article.

§27–113.

(a) In this section, "serious bodily injury" means an injury that:

(1) Creates a substantial risk of death;

(2) Causes serious permanent or serious protracted disfigurement;

(3) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or

(4) Causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

(b) A person who violates § 20-102 of this article ("Driver to remain at scene -- Accident resulting in bodily injury or death") and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 5 years or a fine of not more than $5,000 or both.

(c) A person who violates § 20-102 of this article ("Driver to remain at scene -- Accident resulting in bodily injury or death") and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 10 years or a fine of not more than $10,000 or both.

§27–114.

(a) If a person violates any provision of Title 21, Subtitle 4 of this article and the violation contributes to an accident that results in the death or, as defined in § 27–113 of this title, serious bodily injury of another, the person is guilty of a misdemeanor and on conviction:

(1) The person is subject to a fine of not more than $1,000; and

(2) The Administration may suspend the person's license for not more than 180 days.

(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this section.

§27–115.

(a) A person who violates § 21–1124.3 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 1 year or a fine of not more than $5,000 or both.

(b) A sentence imposed under this section shall be separate from and concurrent with a sentence for another crime based in whole or part on the act establishing the violation of § 21–1124.3 of this article.