

# SENATE BILL 161

B1, R2

7lr0934

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By: **Senator Waugh**

Introduced and read first time: January 17, 2017

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Highway User Revenues – Allocation**

3 FOR the purpose of increasing, under certain circumstances, the portion of highway user  
4 revenues that is distributed to local governments; altering the allocation of the local  
5 share of highway user revenues among Baltimore City, counties, and municipalities;  
6 repealing obsolete language; and generally relating to the distribution of highway  
7 user revenues.

8 BY repealing and reenacting, with amendments,

9 Article – Transportation

10 Section 8–402 and 8–403

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2016 Supplement)

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

15 **Article – Transportation**

16 8–402.

17 (a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation  
18 Trust Fund.

19 (b) All revenues collected from the following, after deductions provided by law,  
20 shall be credited to the Gasoline and Motor Vehicle Revenue Account:

21 (1) All of the motor vehicle fuel tax;

22 (2) Except as otherwise provided by law, two-thirds of the vehicle titling  
23 tax;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Except for revenues collected under Parts III and IV of Title 13, Subtitle  
2 9 of this article, vehicle registration fees;

3 (4) The revenue disbursed to this Account under § 2-614 of the  
4 Tax – General Article; and

5 (5) 80 percent of the funds distributed on short-term vehicle rentals under  
6 § 2-1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales  
7 and use tax.

8 (c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal  
9 year:

10 (i) 90.4% of the revenue credited to the Account may be used as  
11 provided in § 3-216 of this article; and

12 (ii) The balance of the Account shall be used to pay the allocations of  
13 highway user revenues provided by this subtitle to the counties, municipalities, and  
14 Baltimore City.

15 [(2) For fiscal years 2010 through 2013, the Account shall be distributed as  
16 follows:

17 (i) A portion to the General Fund of the State for fiscal years 2010  
18 through 2012 as follows:

19 1. 19.5% for fiscal year 2010;

20 2. 23% for fiscal year 2011; and

21 3. 11.3% for fiscal year 2012;

22 (ii) A portion to be used as provided in § 3-216 of this article, as  
23 follows:

24 1. 70% for fiscal year 2010;

25 2. 68.5% for fiscal year 2011;

26 3. Subject to paragraph (3) of this subsection, 79.8% for fiscal  
27 year 2012; and

28 4. 90% for fiscal year 2013; and

29 (iii) The balance to be used to pay the allocations of highway user  
30 revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

1           (3) For fiscal year 2012, from the amount allocated to the Transportation  
2 Trust Fund under paragraph (2)(ii)3 of this subsection, \$40,000,000 shall be transferred  
3 from the Transportation Trust Fund to the Revenue Stabilization Account established  
4 under § 7–311 of the State Finance and Procurement Article.]

5           **(2) IF THE TRANSPORTATION TRUST FUND REVENUE FOR A FISCAL**  
6 **YEAR EXCEEDS THE MOST RECENT ESTIMATE OF THE BOARD OF REVENUE**  
7 **ESTIMATES FOR THAT FISCAL YEAR, THE PERCENT UNDER PARAGRAPH (1)(I) OF**  
8 **THIS SUBSECTION SHALL BE CHANGED TO:**

9           **(I) 87% FOR THE FISCAL YEAR FOLLOWING THE FIRST FISCAL**  
10 **YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND EACH**  
11 **FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE REVENUE**  
12 **EXCEEDS THE MOST RECENT ESTIMATE;**

13           **(II) 84% FOR THE FISCAL YEAR FOLLOWING THE SECOND**  
14 **FISCAL YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND**  
15 **EACH FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE**  
16 **REVENUE EXCEEDS THE MOST RECENT ESTIMATE;**

17           **(III) 81% FOR THE FISCAL YEAR FOLLOWING THE THIRD FISCAL**  
18 **YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND EACH**  
19 **FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE REVENUE**  
20 **EXCEEDS THE MOST RECENT ESTIMATE;**

21           **(IV) 79% FOR THE FISCAL YEAR FOLLOWING THE FOURTH**  
22 **FISCAL YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND**  
23 **EACH FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE**  
24 **REVENUE EXCEEDS THE MOST RECENT ESTIMATE;**

25           **(V) 76% FOR THE FISCAL YEAR FOLLOWING THE FIFTH FISCAL**  
26 **YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND EACH**  
27 **FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE REVENUE**  
28 **EXCEEDS THE MOST RECENT ESTIMATE;**

29           **(VI) 73% FOR THE FISCAL YEAR FOLLOWING THE SIXTH FISCAL**  
30 **YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND EACH**  
31 **FISCAL YEAR THEREAFTER UNTIL THE NEXT FISCAL YEAR IN WHICH THE REVENUE**  
32 **EXCEEDS THE MOST RECENT ESTIMATE; AND**

33           **(VII) 70% FOR THE FISCAL YEAR FOLLOWING THE SEVENTH**  
34 **FISCAL YEAR IN WHICH THE REVENUE EXCEEDS THE MOST RECENT ESTIMATE AND**  
35 **EACH FISCAL YEAR THEREAFTER.**

1 8-403.

2 (a) Subject to §§ 3-307 and 3-308 of this article, and except as provided in  
3 subsection (b) of this section, for each fiscal year, from the total highway user revenues:

4 (1) An amount equal to 7.7% of total highway user revenues shall be  
5 distributed to Baltimore City in monthly installments;

6 (2) An amount shall be distributed to the counties at the times specified in  
7 § 8-407 of this subtitle, to be allocated as provided in § 8-404 of this subtitle, equal to 1.5%  
8 of total highway user revenues; and

9 (3) An amount shall be distributed to the municipalities at the times  
10 specified in § 8-407 of this subtitle, to be allocated as provided in § 8-405 of this subtitle,  
11 equal to 0.4% of total highway user revenues.

12 (b) (1) For [fiscal year 2010] **A FISCAL YEAR IN WHICH THE PERCENT**  
13 **UNDER § 8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 87%:**

14 (i) The amount distributed to Baltimore City under this subtitle  
15 shall equal [8.6%] **10.4%** of total highway user revenues;

16 (ii) The amount distributed to the counties under this subtitle shall  
17 equal [1.5%] **2.1%** of total highway user revenues; and

18 (iii) The amount distributed to the municipalities under this subtitle  
19 shall equal [0.4%] **0.5%** of total highway user revenues.

20 (2) For [fiscal year 2011] **A FISCAL YEAR IN WHICH THE PERCENT**  
21 **UNDER § 8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 84%:**

22 (i) The amount distributed to Baltimore City under this subtitle  
23 shall equal [7.9%] **12.8%** of total highway user revenues;

24 (ii) The amount distributed to the counties under this subtitle shall  
25 equal [0.5%] **2.6%** of total highway user revenues; and

26 (iii) The amount distributed to the municipalities under this subtitle  
27 shall equal [0.1%] **0.6%** of total highway user revenues.

28 (3) For [fiscal year 2012] **A FISCAL YEAR IN WHICH THE PERCENT**  
29 **UNDER § 8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 81%:**

30 (i) The amount distributed to Baltimore City under this subtitle  
31 shall equal [7.5%] **15.2%** of total highway user revenues;

1 (ii) The amount distributed to the counties under this subtitle shall  
2 equal [0.8%] **3%** of total highway user revenues; and

3 (iii) The amount distributed to the municipalities under this subtitle  
4 shall equal [0.6%] **0.8%** of total highway user revenues.

5 (4) For [fiscal year 2013] **A FISCAL YEAR IN WHICH THE PERCENT**  
6 **UNDER § 8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 79%:**

7 (i) The amount distributed to Baltimore City under this subtitle  
8 shall equal [8.1%] **16.8%** of total highway user revenues;

9 (ii) The amount distributed to the counties under this subtitle shall  
10 equal [1.5%] **3.4%** of total highway user revenues; and

11 (iii) The amount distributed to the municipalities under this subtitle  
12 shall equal [0.4%] **0.8%** of total highway user revenues.

13 **(5) FOR A FISCAL YEAR IN WHICH THE PERCENT UNDER §**  
14 **8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 76%:**

15 **(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER**  
16 **THIS SUBTITLE SHALL EQUAL 19.2% OF TOTAL HIGHWAY USER REVENUES;**

17 **(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS**  
18 **SUBTITLE SHALL EQUAL 3.8% OF TOTAL HIGHWAY USER REVENUES; AND**

19 **(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES**  
20 **UNDER THIS SUBTITLE SHALL EQUAL 1% OF TOTAL HIGHWAY USER REVENUES.**

21 **(6) FOR A FISCAL YEAR IN WHICH THE PERCENT UNDER §**  
22 **8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 73%:**

23 **(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER**  
24 **THIS SUBTITLE SHALL EQUAL 21.6% OF TOTAL HIGHWAY USER REVENUES;**

25 **(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS**  
26 **SUBTITLE SHALL EQUAL 4.3% OF TOTAL HIGHWAY USER REVENUES; AND**

27 **(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES**  
28 **UNDER THIS SUBTITLE SHALL EQUAL 1.1% OF TOTAL HIGHWAY USER REVENUES.**

1                   **(7) FOR A FISCAL YEAR IN WHICH THE PERCENT UNDER §**  
2 **8-402(C)(1)(I) OF THIS SUBTITLE EQUALS 70%:**

3                   **(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER**  
4 **THIS SUBTITLE SHALL EQUAL 24% OF TOTAL HIGHWAY USER REVENUES;**

5                   **(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS**  
6 **SUBTITLE SHALL EQUAL 4.8% OF TOTAL HIGHWAY USER REVENUES; AND**

7                   **(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES**  
8 **UNDER THIS SUBTITLE SHALL EQUAL 1.2% OF TOTAL HIGHWAY USER REVENUES.**

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2017.