SENATE BILL 573

By: Senators McCray and Beidle
Introduced and read first time: January 31, 2020
Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Sales and Use Tax – Short-Term Rental Vehicles and Peer-to-Peer Car Sharing
– Rate Alteration and Sunset Repeal

FOR the purpose of repealing the termination of certain provisions of law making sales and
charges related to peer-to-peer car sharing subject to a certain sales and use tax
rate; requiring the Comptroller to distribute revenue from the sales and use tax
imposed on peer-to-peer car sharing in a certain manner; altering the sales and use
tax rate imposed on certain short-term vehicle rentals and shared motor vehicles
used for peer-to-peer car sharing; repealing a certain obsolete provision; providing
for the effective dates of this Act; and generally relating to the sales and use tax on
short-term rental vehicles and peer-to-peer car sharing.

BY repealing and reenacting, with amendments,
Chapter 852 of the Acts of the General Assembly of 2018
Section 7

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1302.1 and 11–104(c) and (c–1)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–101(l)(4)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect July 1, 2018. [Section 3 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2020, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.]

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

Article – Tax – General

2–1302.1.

(a) Except as otherwise provided in this section, after making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article ON SHORT–TERM VEHICLE RENTALS AND PEER–TO–PEER CAR SHARING, the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; and

(2) the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) For each fiscal year beginning on or before July 1, 2015, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) to the General Fund of the State:

(i) $9,249,199 for the fiscal year beginning July 1, 2014; and

(ii) $8,639,632 for the fiscal year beginning July 1, 2015; and

(2) the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.]

11–101.

(l) (4) “Taxable price” includes all sales and charges, including insurance, freight handling, equipment and supplies, delivery and pickup, cellular telephone, and other accessories, but not including sales of motor fuel subject to the motor fuel tax, made
in connection with:

(i) a short–term vehicle rental, as defined in § 11–104(c) of this subtitle; or

(ii) a shared motor vehicle used for peer–to–peer car sharing and made available on a peer–to–peer car sharing program, as defined in § 19–520 of the Insurance Article.

11–104.

(c) (1) In this subsection:

(i) “short–term vehicle rental” means a rental of a passenger car, as defined in § 11–144.2 of the Transportation Article, or a vehicle that may be registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of the Transportation Article, for a period of 180 days or less under the following terms:

1. the vendor does not provide a driver for the vehicle as a part of the rental; and

2. if the vehicle is a passenger car, as defined in § 11–144.2 of the Transportation Article, a multipurpose passenger vehicle, or a motorcycle, the vehicle is not to be used to transport individuals or property for hire; and

(ii) “short–term vehicle rental” does not include a rental of:

1. a dump truck, as described in § 13–919 of the Transportation Article;

2. a tow truck, as described in § 13–920 of the Transportation Article;

3. a farm vehicle exempt from the sales and use tax under § 11–201(a) of this title; or

4. a shared motor vehicle used for peer–to–peer car sharing and made available on a peer–to–peer car sharing program, as defined in § 19–520 of the Insurance Article and that is subject to sales and use tax under subsection (c–1) of this section.

(2) The sales and use tax rate for a short–term vehicle rental [for a taxable price of $2 or more] is:

(i) 10% OF THE TAXABLE PRICE, if the vehicle is a passenger car, a multipurpose passenger vehicle, or a motorcycle:
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1. 23 cents for each exact multiple of $2; and

2. for that part of $2 in excess of an exact multiple of $2:

   A. 1 cent if the excess over an exact multiple of $2 is at least
   B. 2 cents if the excess over an exact multiple of $2 is at least
   C. 3 cents if the excess over an exact multiple of $2 is at least
   D. 4 cents if the excess over an exact multiple of $2 is at least
   E. 5 cents if the excess over an exact multiple of $2 is at least
   F. 6 cents if the excess over an exact multiple of $2 is at least
   G. 7 cents if the excess over an exact multiple of $2 is at least
   H. 8 cents if the excess over an exact multiple of $2 is at least
   I. 9 cents if the excess over an exact multiple of $2 is at least
   J. 10 cents if the excess over an exact multiple of $2 is at least
   K. 11 cents if the excess over an exact multiple of $2 is at least
   L. 12 cents if the excess over an exact multiple of $2 is at least
   M. 13 cents if the excess over an exact multiple of $2 is at least
   N. 14 cents if the excess over an exact multiple of $2 is at least
   O. 15 cents if the excess over an exact multiple of $2 is at least
$1.22 but less than $1.31;

$1.31 but less than $1.40;

$1.40 but less than $1.48;

$1.48 but less than $1.57;

$1.57 but less than $1.66;

$1.66 but less than $1.74;

$1.74 but less than $1.83;

$1.83 but less than $1.92; and

$1.92 but less than $2.00]; or

8% OF THE TAXABLE PRICE, if the vehicle is a vehicle that may be registered as a Class E, F, or G vehicle under Title 13, Subtitle 9 of the Transportation Article:

1. 8 cents for each exact dollar; and

2. 2 cents for each 25 cents or part of 25 cents in excess of an exact dollar].

(1) 10% OF THE TAXABLE PRICE, IF THE VEHICLE IS A PASSENGER CAR, A MULTIPURPOSE PASSENGER VEHICLE, OR A MOTORCYCLE; OR

(2) 8% OF THE TAXABLE PRICE, IF THE VEHICLE IS A VEHICLE THAT MAY BE REGISTERED AS A CLASS E, F, OR G VEHICLE UNDER TITLE 13, SUBTITLE 9 OF THE TRANSPORTATION ARTICLE.
SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2020.