

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Transportation**
(DLS Control No. 15-161)

Overview and Legal and Fiscal Impact

These regulations make clarifying, stylistic, and conforming changes to various definitions and provisions relating to the issuance of certificates of titles by the Motor Vehicle Administration.

The regulations present no legal issues of concern.

There is no impact on State or local agencies.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Transportation:

Motor Vehicle Administration – Vehicle Registration: Certificates of Title:
COMAR 11.15.14.02 - .15

Legal Analysis

Background

The Regulatory Review and Regulation Act (§§ 10-130 through 10-139 of the State Government Article) requires each unit in the executive branch to periodically review its regulations to determine whether the regulations (1) continue to be necessary for the public interest; (2) continue to be supported by statutory authority and judicial opinions; and (3) are obsolete or otherwise are appropriate for amendment or repeal. These regulations are in response to the Motor Vehicle Administration's regulatory review action and make the regulations consistent with current practices regarding certificates of titles.

Summary of Regulations

To fit current business practice, the regulations remove a Canadian immigration visa as an accepted document for the issuance of a certificate of title for an imported vehicle. In addition, the regulations authorize the administration to accept a termination agreement for a security interest in a vehicle that is sent by an approved vendor via electronic transmission.

The regulations clarify and update various requirements that relate to vehicles being titled because of a mechanic's lien. Specifically, the regulations (1) replace the requirement to provide a pencil tracing of the vehicle identification number (VIN) or affidavit of the VIN with the requirement to provide a digital photograph of the VIN; (2) require that notice regarding a vehicle left for repairs be provided to the administration by certified or registered letter; (3) require the submission of signed receipts for a certified or registered letter or the unopened, undeliverable certified or registered letter in a format prescribed by the administration; (4) require a newspaper advertisement to run once a week for two consecutive weeks immediately preceding the sale in the county or city where the vehicle was repaired or originally stored; and (5) require submission of a national vehicle history report.

For a vehicle titled by a survivor when the co-owner is deceased, the regulations clarify that a certified death certificate for the deceased co-owner is required if the Department of Health and Mental Hygiene has not made an electronic notification to the administration of the deceased. The regulations also clarify that the administration must refuse to issue a title if (1) the required documents and information are not furnished or are incomplete or (2) the applicant's signature is signed by an individual to whom a power of attorney is granted and the power of attorney is not furnished.

In addition, the regulations alter the definition of "certificate of title" to exclude a salvage certificate and define "vehicle identification number (VIN)" to have the same meaning as the codified definition. The regulations also add § 13-106 of the Transportation Article as statutory authority for the regulations and make technical changes throughout the chapters.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Transportation cites §§ 12-104(b), 13-106, and 13-110 of the Transportation Article as statutory authority for the regulations. Section 12-104(b) grants the administration broad authority to adopt regulations to carry out provisions of law within its purview. Section 13-106 of the Transportation Article sets forth the requirements for the issuance of a certificate of title and the records that must be kept by the administration. Section 13-110 provides the grounds for refusing to issue a certificate of title by the administration.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The Department of Legislative Services contacted the department regarding several grammatical and stylistic errors in the chapters. The department indicates that it will address the necessary technical corrections.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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