

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
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		Document Number
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1. Desired date of publication in Maryland Register: 9/4/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

11 15 14 02 - .15

3. Name of Promulgating Authority

Department of Transportation

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Title 11
DEPARTMENT OF TRANSPORTATION
Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE
REGISTRATION

11.15.14 Certificates of Title

Authority: Transportation Article, §§12-104(b), 13-106 and 13-110, Annotated Code of Maryland

Notice of Proposed Action

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The Administrator of the Motor Vehicle Administration proposes to amend Regulation .02— .15 under COMAR 11.15.14 Certificates of Title.

Statement of Purpose

The purpose of this action is to amend current regulatory language based on the results of the Regulatory Review action. This action will clarify and update existing language making the regulations consistent with current practices regarding certificates of titles.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through October 4, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
Transportation Trust funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
This action has no economic impact since they only clarify and update regulatory requirements to make the regulations consistent with current practices

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

There is no economic impact on small businesses since this action only clarifies and updates regulatory requirements to make the regulations consistent with current practices

G. Small Business Worksheet:

a. Intended Beneficiaries: N/A

b. Intended Beneficiaries: Households: N/A

c. Intended Beneficiaries: Businesses: N/A

d. Other Direct or Indirect Impacts: Adverse: N/A

e. Other Direct or Indirect Impacts: Positive: N/A

f. Long-Term Impacts: N/A

g. Estimates of Economic Impact: N/A

Attached Document:

11.15.14

(06/18/13)

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

Chapter 14 Certificates of Title

Authority: Transportation Article, §§12-104(b), 13-106 and 13-110, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1) —(4) (text unchanged)
- (5) "Certificate of title" means a document evidencing ownership and commonly associated with motor vehicles *not including a salvage certificate*.
- (6) —(7) (text unchanged)
- (8) "Vehicle identification number (VIN)" has the meaning stated in Transportation Article, §11-177, Annotated Code of Maryland.

.03 New Vehicles.

- A. An applicant for a *certificate of title for a new vehicle* [title] shall provide the Administration with:
 - (1) —(5) (text unchanged)
- B. (text unchanged)
- C. The Administration shall refuse to issue a certificate of title if:
 - (1) —(3) (text unchanged)
 - (4) [A] *If a transaction involves a bankruptcy*, a copy of the court appointment for [a] *the* bankruptcy trustee is not furnished;
 - (5) [A] *If a transaction involves a legal dependent*, a copy of a court appointment for [a] *the* legal guardian is not furnished;
 - (6) —(7) (text unchanged)
 - (8) The vehicle is an unrecovered stolen vehicle and a letter from the insurance company requesting issuance of a title *in order* to satisfy the claim is not furnished;
 - (9) —(10) (text unchanged)
 - (11) [A] *For a mobile home*, a receipt from the Compliance Division of the Comptroller of the Treasury, which shows that the retail sales tax has been paid on a mobile home, is not furnished;
 - (12) The vehicle is an import and the following documents are not furnished:
 - (a) One of the following:
 - (i) Appropriate U.S. Customs forms [or Canadian immigration visa], or
 - (ii) (text unchanged)
 - (b) (text unchanged)
 - (13) The applicant has requested a replacement [vehicle identification number (VIN)] *VIN* but has not:
 - (a) —(b) (text unchanged)
 - (14) —(15) (text unchanged)

.04 Used Vehicles Sold by a Dealer.

- A. An applicant for a *certificate of title* to be issued for a used vehicle sold by a dealer shall provide the Administration with:
 - (1) A properly assigned *certificate of title* or other acceptable ownership document from the jurisdiction in which the vehicle was last registered;
 - (2) —(3) (text unchanged)
 - (4) A dealer's bill of sale;
 - (5) [A] *Except for C(14)*, a Maryland safety inspection certificate; and
 - (6) (text unchanged)
- B. (text unchanged)
- C. The Administration shall refuse to issue a certificate of title if:
 - (1) —(3) (text unchanged)
 - (4) [A] *If a transaction involves a bankruptcy*, a copy of the court appointment for [a] *the* bankruptcy trustee is not furnished;
 - (5) [A] *If a transaction involves a legal dependent*, a copy of a court appointment for [a] *the* legal guardian is not furnished;
 - (6) [The documents furnished contain an] *An error or alteration in the documents furnished has occurred* and [letters] *a letter of explanation or certified [statements do] statement does* not clarify the [errors] *error* or [alterations] *alteration* to the satisfaction of the Administration;
 - (7) —(9) (text unchanged)
 - (10) The owner or purchaser is deceased and the personal representative, legatee, distributee, legal heir, or surviving spouse has not provided [as required]:
 - (a) —(c) (text unchanged)
 - (11) [A] *For a mobile home*, a receipt from the Compliance Division of the Comptroller of the Treasury, which shows that the retail sales tax has been paid on a mobile home sold before January 1, 1989, is not furnished;
 - (12) The vehicle is an import and the following documents are not furnished:
 - (a) One of the following:
 - (i) Appropriate U.S. Customs forms [or Canadian immigration visa], or
 - (ii) (text unchanged)
 - (b) (text unchanged)

- (13) The vehicle was subject to a security interest and a proper termination statement is not furnished [on a]:
 - (a) *On a* Maryland Notice of Security Interest Filing form;
 - (b) *On a* Title; [or]
 - (c) *On a* [Letter] letter on the lien holder's letterhead; or
 - (d) *By electronic transmission from an approved vendor*;
- (14) —(15) (text unchanged)
- (16) The applicant has requested a replacement [vehicle identification number (VIN)] VIN but has not:
 - (a) —(b) (text unchanged)
- (17) (text unchanged)

.05 Used Vehicles Sold or Transferred from Someone Other Than a Dealer.

A. An applicant for a *certificate of title* for a used vehicle transferred from someone other than a dealer shall provide the Administration with a:

- (1) —(2) (text unchanged)

B. The Administration shall refuse to issue a certificate of title if:

- (1) —(3) (text unchanged)

(4) [A] *If a transaction involves a bankruptcy*, a copy of the court appointment for [a] *the* bankruptcy trustee is not furnished;

(5) [A] *If a transaction involves a legal dependent*, a copy of a court appointment for [a] *the* legal guardian is not furnished;

- (6) —(10) (text unchanged)

(11) [A] *For a mobile home*, a receipt from the Compliance Division of the Comptroller of the Treasury, which shows that the retail sales tax has been paid on a mobile home sold before January 1, 1989, is not furnished;

(12) The vehicle is an import and the following documents are not furnished:

(a) One of the following:

- (i) Appropriate U.S. Customs forms [or Canadian immigration visa], or
- (ii) (text unchanged)

(b) (text unchanged)

(13) The vehicle was subject to a security interest and a proper termination statement is not furnished [on a]:

- (a) *On a* Maryland Notice of Security Interest Filing form;
- (b) *On a* Title; [or]
- (c) *On a* [Letter] letter on the lien holder's letterhead; or
- (d) *By electronic transmission from an approved vendor*;

(14) (text unchanged)

(15) The applicant has requested a replacement [vehicle identification number (VIN)] VIN but has not:

- (a) —(b) (text unchanged)

(16) —(22) (text unchanged)

.06 Used Vehicles Transferred from Another Jurisdiction to Maryland.

A. An applicant for a *certificate of title* for a used vehicle presently titled in the applicant's name in another jurisdiction and who is now applying for a Maryland *certificate of title* shall provide the Administration with an:

- (1) —(2) (text unchanged)

B. The Administration shall refuse to issue a certificate of title if:

- (1) —(6) (text unchanged)

(7) The vehicle previously had a salvage certificate issued in this State or another state and a [vehicle identification number] VIN inspection has not been completed by a police officer of this State authorized to inspect salvage vehicles;

(8) (text unchanged)

(9) The vehicle is an import and the following documents are not furnished:

(a) One of the following:

- (i) Appropriate U.S. Customs forms [or Canadian immigration visa], or
- (ii) (text unchanged)

(b) (text unchanged)

(10) The applicant has requested a replacement [vehicle identification number (VIN)] VIN but has not:

- (a) —(b) (text unchanged)

(11) —(13) (text unchanged)

.07 Vehicles Being Titled Because of Repossessions.

A. An applicant for a *certificate of title* for a vehicle which has been repossessed shall provide the Administration with:

- (1) —(7) (text unchanged)

B. (text unchanged)

.08 Vehicles Being Titled Because of Mechanic's Lien.

A. An applicant for a *certificate of title* for a vehicle being titled due to a mechanic's lien shall provide the Administration with:

- (1) (text unchanged)
- (2) A certification by the garage owner or the person having the lien, and the auctioneer, *and the odometer disclosure certification as required by COMAR 11.13.06*, on a form provided by the Administration, that the auction was held in compliance with Commercial Law Article, Title 16, Annotated Code of Maryland;
- (3) A *digital photograph of the VIN* [pencil tracing of the vehicle identification number or an affidavit of the vehicle identification number];
- (4) A certification that a newspaper advertisement has run once a week for the 2 *consecutive* weeks immediately preceding the sale, in a newspaper of general circulation in the county or city where the vehicle was [sold] *repaired or originally stored*, with the last advertisement appearing the week immediately preceding the sale;
- (5) —(6) (text unchanged)
- (7) Signed receipts for a certified or registered letter [or letters] *in a format prescribed by the Administration* sent to the individual who left the vehicle for repairs, the vehicle owner, [and] the lien holder, *and the MVA* or the unopened, undeliverable certified or registered letter or letters; and
- (8) [An odometer disclosure certification as required by COMAR 11.13.06]*The national vehicle history report.*

B. The Administration shall refuse to issue a certificate of title if:

- (1) —(3) (text unchanged);
- (4) The [National Crime Information Center (NCIC)] *provided national vehicle history* report shows that the vehicle was stolen and the reporting police agency has not issued a recover report;
- (5) —(7) (text unchanged)
- (8) The *digital photograph* [pencil tracing of the vehicle identification number] *VIN* is illegible [and the shop owner does not furnish an affidavit of the vehicle identification number];
- (9) (text unchanged)
- (10) The vehicle description by year, make, and [vehicle identification number] *VIN* in the newspaper advertisement is different than in the supporting documents furnished;
- (11) The newspaper advertisement does not contain the time, date, place of auction, and description of the vehicle by year, make, and [vehicle identification number] *VIN*;
- (12) The vehicle was previously salvaged in this State or another state[, as verified through the Interstate Teletype System,] and the applicant fails to furnish a certification by a police officer in this State who is authorized to inspect salvage vehicles;
- (13) The vehicle was previously [issued a salvage certificate] *salvaged* in this State or another state, [as verified through the Interstate Teletype System, containing the] *with a brand reflecting "Not Rebuildable-----Parts Only-----Not To Be Retitled"* or an equivalent brand; or
- (14) (text unchanged)

.09 Vehicles Being Titled Due to a Sheriff's Sale.

A. An applicant for a certificate of title for a vehicle being titled due to a sheriff's sale shall provide the Administration with:

- (1) —(4) (text unchanged)
- B. The Administration shall refuse to issue a certificate of title if:
- (1) —(3) (text unchanged)
 - (4) [A] *If a transaction involves a bankruptcy, a copy of the court appointment for [a] the bankruptcy trustee* is not furnished;
 - (5) [A] *If a transaction involves a legal dependent, a copy of a court appointment for [a] the legal guardian* is not furnished;
 - (6) —(10) (text unchanged)
 - (11) [A] *For a mobile home, a receipt from the Compliance Division of the Comptroller of the Treasury, which shows that the retail sales tax has been paid on a used mobile home sold before January 1, 1989, is not furnished;*
 - (12) The applicant has requested a replacement [vehicle identification number (VIN)] *VIN* but has not:
 - (a) —(b) (text unchanged)
 - (13) —(14) (text unchanged)

.10 Vehicles Being Titled Because of Court Orders.

A. (text unchanged)

B. The Administration shall refuse to issue a certificate of title if:

- (1) —(2) (text unchanged)
- (3) The vehicle is not fully described by year, make, and [vehicle identification number] *VIN*;
- (4) (text unchanged)
- (5) A salvage certificate had been previously issued containing the brand "Not Rebuildable-----Parts Only-----Not To Be Retitled" or an equivalent term.

.11 Reconstructed Vehicles.

- A. An applicant for a *certificate of title* for a reconstructed vehicle shall provide the Administration with:
- (1) (text unchanged)
 - (2) An application for an assigned [vehicle identification number] *VIN*;
 - (3) —(6) (text unchanged)
- B. (text unchanged)

.12 Glider Kits and Kit Cars.

- A. An applicant for a *certificate of title* for a vehicle constructed from a glider kit or a car kit shall provide the Administration with:
- (1) —(5) (text unchanged)
 - (6) An application for an assigned [vehicle identification number] *VIN*; and
 - (7) (text unchanged)
- B. (text unchanged)

.13 Homemade Trailers.

- A. An applicant for a *certificate of title* for a homemade trailer shall provide the Administration with:
- (1) —(3) (text unchanged)
 - (4) An application for an assigned [vehicle identification number (VIN)] *VIN*; and
 - (5) (text unchanged)
- B. (text unchanged)

.14 Kit Trailer.

- A. An applicant for a *certificate of title* for a kit trailer shall provide the Administration with:
- (1) —(3) (text unchanged)
- B. (text unchanged)

.15 Vehicle Titled by Survivor When Co-owner is Deceased.

- A. A joint tenant or joint tenants applying for a *certificate of title* by right of survivorship shall provide the Administration with:
- [A.] (1) [A] *If the Department of Health and Mental Hygiene has not made electronic notification to the Administration of the deceased, a certified death certificate for the deceased co-owner;*
- [B.] (2) *A completed application for certificate of title; and*
- [C.] (3) *The title from the Administration bearing the names of the decedent and the applicant or applicants as co-owners.*
- B. *The Administration shall refuse to issue a title if the:*
- (1) *Required documents and information are not furnished or are incomplete; or*
 - (2) *Applicant's signature is signed by an individual to whom power of attorney is granted and the power of attorney is not furnished.*

MILT CHAFFEE

Administrator

Motor Vehicle Administration