

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Transportation  
(DLS Control No. 20-062)**

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**Overview and Legal and Fiscal Impact**

This regulation establishes standards for the Motor Vehicle Administration (administration) to designate a low speed vehicle as an overweight low speed vehicle. In addition, the regulation requires the administration to determine the number of overweight low speed vehicles that a single entity may own.

The regulation presents one legal issue of concern of which the administration has been notified. Please see the *Legal Issues* section of the Legal Analysis below for a discussion of this issue.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Transportation:**

Motor Vehicle Administration – Vehicle Registration: Low Speed Vehicles:  
COMAR 11.15.32.11

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**Legal Analysis**

**Background**

A low speed vehicle is a four-wheeled vehicle that has a maximum speed capability that exceeds 20 miles per hour but is less than 25 miles per hour. A low speed vehicle is classified as a Class R vehicle for registration purposes.

A person may not drive a low speed vehicle (1) on a highway where the posted maximum speed limit exceeds 30 miles per hour; (2) on any expressway or other controlled access highway with a sign prohibiting low speed vehicles; (3) on a highway where low speed vehicles are prohibited by county or municipal ordinance; or (4) across a highway where the posted maximum speed exceeds 45 miles per hour, except at an intersection controlled by a traffic control signal or with a stop sign at each approach to the intersection. The administration has adopted regulatory restrictions and safety standards for low speed vehicles. A local authority, in the reasonable exercise of its police powers, may restrict the use of a low speed vehicle on a highway.

## **Summary of Regulation**

New regulation .11A authorizes the administration to designate a vehicle as an overweight low speed vehicle. To qualify as an overweight low speed vehicle, new regulation .11B authorizes the owner to apply to the administration and certify that the overweight low speed vehicle meets the federal motor vehicle safety standards for a low speed vehicle except for the weight of the vehicle.

New regulation .11C requires that the overweight low speed vehicle: (1) weigh in excess of 3,000 GVWR but less than 10,000 GVWR; (2) meet the provisions of low speed vehicles set forth in regulation; and (3) meet any other safety limitations as specified by the administration including but not limited to geographic limitations on where the vehicles can operate, periodic safety reporting on vehicle performance, a pre-registration equipment review by the Maryland State Police, and periodic equipment safety review.

New regulation .11D requires the administration to determine the number of overweight low speed vehicles that can be owned by a single entity.

## **Legal Issues**

Chapter 366 of the Acts of 2005 required the administration to register and issue certificates of title for low speed vehicles and created a new registration class for low speed vehicles. In addition, Chapter 366 required the administration and the Department of State Police to adopt regulations establishing equipment, performance, and technical standards for low speed vehicles. Chapter 366 also authorized the administration to adopt regulations to require equipment beyond what is required under federal law.

Chapter 336 and subsequent amendments to the statutes related to low speed vehicles did not limit the number of vehicles an entity may own or authorize the administration to determine the number of vehicles an entity may own. Sections 22-101(e)(2)(ii)2. and 23-104(b)(2)(ii) of the Transportation Article authorize the administration to adopt regulations directly related to low speed vehicles; however these authorizations are limited to regulations related to equipment, performance, and technical standards.

New regulation .11D requires the administration to determine the number of overweight low speed vehicles that can be owned by a single entity. There is no specific statutory authority or an indication that the General Assembly intended for the administration to limit the number of overweight low speed vehicles that an entity is allowed own. The administration cites their broad general authority to 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.

The Joint Committee on Administrative, Executive, and Legislative Review may wish to consider whether the General Assembly intended for the administration to limit the number of overweight low speed vehicles that an entity may own.

## **Statutory Authority and Legislative Intent**

The administration cites §§ 12-104(b), 11-130.1, 13-101.1, 13-402, 13-403, and 21-1125 of the Transportation Article as statutory authority for the regulation.

Section 12-104(b) authorizes the administration to adopt rules and regulations to carry out those provisions of the Maryland Vehicle Law that relate to or are administered and enforced by the administration, and the provisions of any other law that the administration is authorized to administer and enforce. Section 11-130.1 defines a “low speed vehicle” to mean 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.

Section 13-101.1 requires the owner of each vehicle that is in this State and for which the administration has not issued a certificate of title to apply to the administration for a certificate of title for the vehicle. Section 13-402 requires that each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway be registered. Section 13-403(a)(1) requires the owner of a vehicle subject to registration to apply to the administration for the registration of the vehicle in a manner that the administration requires. Section 13-403(a)(2) requires that the application for registration of a low speed vehicle be made by electronic transmission. Section 21-1125 provides where a person may operate a low speed vehicle.

This authority is correct and complete. Except as noted in the *Legal Issues* section above, the regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The administration advises that the regulation has 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 administration advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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