
By: **Delegate DeCarlo (Task Force to Study the Comprehensive Licensing of
Automotive-Related Industries)**

Introduced and read first time: January 17, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Automotive-Related Industries - Regulation**

3 FOR the purpose of requiring automotive repair facilities and vehicle storage facilities
4 to maintain certain records; requiring that certain records, vehicles, and vehicle
5 parts be made available for inspection by the Motor Vehicle Administration
6 (MVA) or by certain law enforcement officers during certain hours; establishing
7 civil penalties for violation of certain regulatory requirements applicable to
8 certain automotive-related industries; authorizing certain employees of the
9 MVA to issue citations pertaining to certain business practices regulated under
10 the Maryland Vehicle Law; authorizing the MVA to sue for injunctive relief
11 under specified circumstances; modifying a prohibited act pertaining to
12 operation of tow trucks; modifying the maximum criminal penalty applicable to
13 certain unlicensed business activities; modifying the jurisdiction of the District
14 Court; prescribing certain procedures pertaining to enforcement of certain
15 business regulatory provisions and collection of certain penalties; defining
16 certain terms; and generally relating to the regulation of certain
17 automotive-related industries and business practices under the Maryland
18 Vehicle Law.

19 BY repealing and reenacting, with amendments,
20 Article - Courts and Judicial Proceedings
21 Section 4-401(11)
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 12-104.1, 12-108, 13-920(j), 15-113, and 27-101(h) and (i)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 1999 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article - Transportation

1 Section 13-920(a), 15-502(a), and 27-101(a) and (b)
 2 Annotated Code of Maryland
 3 (1999 Replacement Volume and 1999 Supplement)

4 BY adding to
 5 Article - Transportation
 6 Section 15-113.1, 15-115, and 15-116
 7 Annotated Code of Maryland
 8 (1999 Replacement Volume and 1999 Supplement)

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

11 **Article - Courts and Judicial Proceedings**

12 4-401.

13 Except as provided in § 4-402 of this subtitle, and subject to the venue
 14 provisions of Title 6 of this article, the District Court has exclusive original civil
 15 jurisdiction in:

16 (11) A proceeding for adjudication of a civil penalty for any violation under
 17 § 5-1001 of the Environment Article, § 15-113, § 15-113.1, § 21-1122 [of the
 18 Transportation Article], OR § 21-1414 of the Transportation Article, or Article 41, §
 19 2-101(c-1) of the Code or any rule or regulation issued pursuant to those sections;

20 **Article - Transportation**

21 12-104.1.

22 (a) The Administrator may designate employees of the Investigative Division
 23 of the Administration to exercise the powers specified in subsection (b) of this section.

24 (b) (1) An employee appointed under this section may issue citations to the
 25 extent authorized by the Administrator for violations of:

26 (i) Those provisions of Title 13 of this article relating to:

- 27 1. The vehicle excise tax;
- 28 2. Vehicle titling and registration;
- 29 3. Special registration plates for individuals with disabilities;
- 30 and
- 31 4. Parking permits for individuals with disabilities;

32 (ii) Those provisions of Title 17 of this article relating to required
 33 security;

1 (iii) Those provisions of Title 14 of this article relating to falsified,
2 altered, or forged documents and plates;

3 (iv) Those provisions of Title 16 of this article relating to unlawful
4 application for a license and vehicle operation during periods of cancellation,
5 revocation, and suspension of a driver's license; [and]

6 (v) Those provisions of Title 21 of this article relating to special
7 residential parking permits issued by the Administration; AND

8 (VI) THOSE PROVISIONS OF TITLE 15 OF THIS ARTICLE RELATING
9 TO:

10 1. MAINTENANCE OF AND ACCESS TO REQUIRED BUSINESS
11 RECORDS; AND

12 2. UNLICENSED BUSINESS ACTIVITY.

13 (2) The issuance of citations under this section shall comply with the
14 requirements of § 26-201 of this article.

15 (c) The Administrator shall adopt regulations establishing:

16 (1) Qualifications for employees appointed under this section including
17 prerequisites of character, training, experience, and education; and

18 (2) Standards for the performance of the duties assigned to employees
19 appointed under this section.

20 12-108.

21 (a) In any matter subject to its jurisdiction, the Administration may subpoena
22 any person or documents and take the testimony of any person, in the same manner
23 and with the same fees and mileage as provided for by law in civil cases.

24 (b) If any person fails to comply with a lawful order or subpoena issued by the
25 Administration, the Administration may petition a court of competent jurisdiction to
26 compel obedience to the subpoena or order and to compel the production of relevant
27 documents and other evidence.

28 (C) (1) IF THE ADMINISTRATION CONCLUDES THAT CONTINUING CONDUCT
29 OF A PERSON ALLEGED TO BE IN VIOLATION OF TITLE 15 OF THIS ARTICLE MAY
30 RESULT IN SUBSTANTIAL HARM TO ANY OTHER PERSON, THE ADMINISTRATION MAY
31 SUE FOR INJUNCTIVE RELIEF AGAINST THE CONDUCT.

32 (2) IF THE ADMINISTRATION SUES FOR INJUNCTIVE RELIEF UNDER
33 THIS SUBSECTION AGAINST A PERSON WHO IS ALLEGED TO HAVE ENGAGED IN
34 CONDUCT THAT REQUIRES A LICENSE UNDER TITLE 15 OF THIS ARTICLE, BUT WHO
35 DOES NOT HAVE A LICENSE, THE ADMINISTRATION NEED NOT:

36 (I) POST BOND; OR

1 (II) SHOW THAT NO ADEQUATE REMEDY AT LAW EXISTS.

2 (3) A SUIT UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE
3 CIRCUIT COURT FOR THE COUNTY WHERE:

4 (I) THE ALLEGED VIOLATION OCCURS; OR

5 (II) THE PRINCIPAL PLACE OF BUSINESS OF THE ALLEGED
6 VIOLATOR IS LOCATED.

7 13-920.

8 (a) (1) In this section "tow truck" means a vehicle that:

9 (i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry
10 a vehicle by a hoist or mechanical apparatus;

11 (ii) Has a manufacturer's gross vehicle weight rating of 10,000
12 pounds or more; and

13 (iii) Is equipped as a tow truck or designed as a rollback as defined
14 in § 11-151.1 of this article.

15 (2) In this section "tow truck" does not include a truck tractor as defined
16 in § 11-172 of this article.

17 (j) (1) This subsection applies only to a vehicle required to be registered in
18 the State.

19 (2) [A] SUBJECT TO SUBSECTION (G) OF THIS SECTION, A person may
20 not operate a tow truck [for hire] unless the tow truck is registered under this
21 section.

22 (3) A person convicted of operating a tow truck in violation of this
23 subsection shall be subject to a fine of up to \$3,000.

24 15-113.

25 (a) Each person who conducts auctions as a business in this State of motor
26 vehicles of a type required to be registered under this article shall keep a record of:

27 (1) The name and address of the consignor;

28 (2) The date on which it was consigned;

29 (3) The year, make, model, and serial number of each vehicle consigned;

30 (4) The title number and state where the vehicle was last registered;

31 (5) The odometer mileage reading at the time of consignment;

- 1 (6) The name and address of the person to whom the vehicle was sold;
- 2 (7) The selling price; and
- 3 (8) The date of sale.

4 (b) During business hours, the records shall be open to inspection by the
5 Administration, BY THE DEPARTMENT OF STATE POLICE, OR BY A LAW
6 ENFORCEMENT OFFICER WITH A COUNTY POLICE DEPARTMENT OR SHERIFF'S
7 OFFICE WHO IS ASSIGNED TO AN ANTITHEFT UNIT.

8 (c) The records required by this section shall be kept for at least 3 years after
9 the transaction to which it applies.

10 (D) A PERSON WHO FAILS TO COMPLY WITH ANY REQUIREMENT UNDER
11 SUBSECTIONS (A) THROUGH (C) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY
12 NOT EXCEEDING:

- 13 (1) FOR A FIRST OFFENSE, \$500; OR
- 14 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, \$1,000.

15 15-113.1.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) (I) "AUTOMOTIVE REPAIR FACILITY" MEANS A FACILITY WHERE
19 MALFUNCTIONS OF A MOTOR VEHICLE ARE DIAGNOSED OR CORRECTED FOR
20 COMPENSATION.

21 (II) "AUTOMOTIVE REPAIR FACILITY" INCLUDES A BODY SHOP.

22 (3) "MAJOR COMPONENT PART" MEANS:

- 23 (I) AN AIR BAG;
- 24 (II) A BUMPER;
- 25 (III) AN ENGINE;
- 26 (IV) A FRONT FENDER;
- 27 (V) A FRONT OR REAR SIDE DOOR;
- 28 (VI) A HOOD;
- 29 (VII) A PICKUP BOX OR CARGO BOX;
- 30 (VIII) A REAR QUARTER PANEL;

1 (IX) A REAR DOOR, DECK LID, HATCHBACK, OR TAILGATE;

2 (X) A SIDE ASSEMBLY;

3 (XI) A SLIDING OR CARGO DOOR; OR

4 (XII) A TRANSMISSION.

5 (4) "USED MAJOR COMPONENT PART" DOES NOT INCLUDE A:

6 (I) REMANUFACTURED PART THAT HAS NOT BEEN INSTALLED ON
7 A MOTOR VEHICLE SINCE REMANUFACTURE;

8 (II) CORE ELEMENT THAT IS HELD SOLELY FOR THE PURPOSE OF
9 BEING RETURNED FOR REMANUFACTURE; OR

10 (III) PART THAT IS UNSUITABLE FOR REUSE IN OR ON A MOTOR
11 VEHICLE.

12 (5) "VEHICLE STORAGE FACILITY" MEANS A FACILITY WHERE DISABLED
13 VEHICLES ARE STORED AT ANY TIME FOR COMPENSATION.

14 (B) A PERSON WHO OPERATES AN AUTOMOTIVE REPAIR FACILITY SHALL
15 KEEP ACCURATE AND COMPLETE RECORDS AT THE LOCATION WHERE MOTOR
16 VEHICLE REPAIRS ARE CONDUCTED OF:

17 (1) THE NAME AND ADDRESS OF THE OWNER OF EACH MOTOR VEHICLE
18 REPAIRED OR STORED AT THE AUTOMOTIVE REPAIR FACILITY;

19 (2) THE DATE A MOTOR VEHICLE WAS LEFT AT THE AUTOMOTIVE
20 REPAIR FACILITY;

21 (3) THE YEAR, MODEL, AND, WHEN REPAIRS INVOLVE A USED MAJOR
22 COMPONENT PART, THE VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE; AND

23 (4) FOR A USED MAJOR COMPONENT PART AT THE AUTOMOTIVE REPAIR
24 FACILITY, PROOF OF OWNERSHIP OR PROOF OF THE RIGHT OF POSSESSION,
25 INCLUDING, IF AVAILABLE, THE VEHICLE IDENTIFICATION NUMBER ON THE
26 COMPONENT PART.

27 (C) A PERSON WHO OPERATES A VEHICLE STORAGE FACILITY SHALL KEEP
28 ACCURATE AND COMPLETE RECORDS AT THE LOCATION WHERE VEHICLES ARE
29 STORED OF:

30 (1) THE NAME AND ADDRESS OF THE INDIVIDUAL WHO REQUESTED
31 STORAGE OF EACH VEHICLE;

32 (2) THE DATE THAT EACH VEHICLE WAS BROUGHT INTO THE VEHICLE
33 STORAGE FACILITY;

1 (3) THE YEAR, MODEL, AND, IF AVAILABLE, THE VEHICLE
2 IDENTIFICATION NUMBER OF EACH VEHICLE; AND

3 (4) THE DATE AND MANNER OF DISPOSITION OF EACH VEHICLE.

4 (D) (1) RECORDS REQUIRED UNDER SUBSECTION (B) OR (C) OF THIS
5 SECTION SHALL BE KEPT FOR AT LEAST 1 YEAR AFTER THE DATE:

6 (I) OF THE TRANSACTION TO WHICH THE RECORD APPLIES; OR

7 (II) ON WHICH A PART OR VEHICLE IS AT THE AUTOMOTIVE REPAIR
8 FACILITY OR VEHICLE STORAGE FACILITY.

9 (2) A PERSON WHO OPERATES AN AUTOMOTIVE REPAIR FACILITY OR
10 VEHICLE STORAGE FACILITY MAY SATISFY THE RECORD REQUIREMENT IF THE
11 REQUIRED RECORD IS A COMPUTERIZED RECORD THAT IS ACCESSIBLE AT THE
12 AUTOMOTIVE REPAIR FACILITY OR VEHICLE STORAGE FACILITY.

13 (E) (1) DURING BUSINESS HOURS OR OTHER HOURS OF OPERATION, AN
14 AUTOMOTIVE REPAIR FACILITY OR VEHICLE STORAGE FACILITY SHALL MAKE
15 AVAILABLE FOR INSPECTION BY THE ADMINISTRATION, BY THE DEPARTMENT OF
16 STATE POLICE, OR BY A LAW ENFORCEMENT OFFICER WITH A COUNTY POLICE
17 DEPARTMENT OR SHERIFF'S OFFICE WHO IS ASSIGNED TO AN ANTITHEFT UNIT:

18 (I) RECORDS REQUIRED UNDER THIS SECTION; AND

19 (II) USED MAJOR COMPONENT PARTS AND VEHICLES FOR WHICH
20 RECORDS ARE REQUIRED.

21 (2) IF AN AUTOMOTIVE REPAIR FACILITY OR A VEHICLE STORAGE
22 FACILITY IS UNABLE TO PRODUCE A RECORD REQUIRED UNDER THIS SECTION, THE
23 AUTOMOTIVE REPAIR FACILITY OR VEHICLE STORAGE FACILITY MAY PRODUCE
24 OTHER EVIDENCE SATISFACTORY TO THE ADMINISTRATION OR LAW ENFORCEMENT
25 OFFICER OF PROOF OF OWNERSHIP OR RIGHT OF POSSESSION.

26 (F) A PERSON WHO FAILS TO COMPLY WITH ANY REQUIREMENT UNDER THIS
27 SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

28 (1) FOR A FIRST OFFENSE, \$500; OR

29 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, \$1,000.

30 15-115.

31 (A) (1) A PERSON ISSUED A CITATION UNDER § 15-113 OR § 15-113.1 OF THIS
32 SUBTITLE SHALL COMPLY WITH A NOTICE TO APPEAR CONTAINED IN A CITATION OR
33 A TRIAL NOTICE ISSUED BY THE DISTRICT COURT.

34 (2) A PERSON MAY COMPLY WITH THE NOTICE TO APPEAR BY:

35 (I) APPEARANCE IN PERSON OR BY COUNSEL; OR

1 (II) PAYMENT OF THE CIVIL PENALTY AS PROVIDED IN THE
2 CITATION.

3 (B) A CITATION ISSUED FOR A VIOLATION UNDER § 15-113 OR § 15-113.1 OF
4 THIS SUBTITLE SHALL INCLUDE:

5 (1) INFORMATION ADVISING THE PERSON RECEIVING THE CITATION OF
6 THE MANNER IN WHICH LIABILITY MAY BE CONTESTED; AND

7 (2) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO
8 CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:

9 (I) IS AN ADMISSION OF LIABILITY AND WAIVER OF DEFENSES;
10 AND

11 (II) RESULTS IN AN ENTRY OF A DEFAULT JUDGMENT IN FAVOR OF
12 THE ADMINISTRATION AGAINST THE PERSON NAMED IN THE CITATION.

13 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DISTRICT
14 COURT SHALL:

15 (I) ENTER A DEFAULT JUDGMENT IN FAVOR OF THE
16 ADMINISTRATION IF A PERSON FAILS TO PAY A FINE OR COMPLY WITH A NOTICE TO
17 APPEAR; AND

18 (II) MAIL NOTICE OF THE DEFAULT JUDGMENT TO THE PERSON
19 NAMED IN THE CITATION.

20 (2) THE DEFAULT JUDGMENT SHALL TAKE EFFECT UNLESS, BY THE
21 END OF THE 15TH DAY AFTER THE DATE THAT NOTICE OF THE DEFAULT JUDGMENT
22 WAS MAILED, THE PERSON NAMED IN THE CITATION POSTS BOND OR A CIVIL
23 PENALTY DEPOSIT AND REQUESTS A NEW DATE FOR A TRIAL.

24 (D) THE ADMINISTRATION MAY COLLECT A CIVIL PENALTY AND
25 ADMINISTRATIVE EXPENSES BY CIVIL ACTION COMMENCED IN THE DISTRICT COURT
26 THAT SITS IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

27 15-116.

28 ANY PENALTY UNDER THIS SUBTITLE IS IN ADDITION TO ANY OTHER PENALTY
29 PROVIDED BY LAW.

30 15-502.

31 (a) A person may not conduct the business of an automotive dismantler and
32 recycler or a scrap processor, or engage in the business of acquiring or offering to
33 purchase or remove vehicles which are to be dismantled in whole or in part by that
34 person for the sale of usable parts, unless the person is licensed by the Administration
35 under this subtitle.

1 27-101.

2 (a) It is a misdemeanor for any person to violate any of the provisions of the
3 Maryland Vehicle Law unless the violation:

4 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
5 other law of this State; or

6 (2) Is punishable by a civil penalty under the applicable provision of the
7 Maryland Vehicle Law.

8 (b) Except as otherwise provided in this section, any person convicted of a
9 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
10 subject to a fine of not more than \$500.

11 (h) Any person who is convicted of a violation of any of the provisions of [§
12 15-502(a) of this article ("License required"), § 16-303(a), (b), (c), (d), (e), (f), or (g) of
13 this article ("Driving while license is canceled, suspended, refused, or revoked"), §
14 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
15 evidence of required security")] is subject to:

16 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
17 for not more than 1 year, or both; and

18 (2) For any subsequent offense, a fine of not more than \$1,000, or
19 imprisonment for not more than 2 years, or both.

20 (i) Any person who is convicted of a violation of any of the provisions of §
21 15-302 of this article ("Dealer's license required") [or], § 15-402 of this article
22 ("Vehicle salesman's license required"), OR § 15-502(A) OF THIS ARTICLE
23 ("AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR - LICENSE
24 REQUIRED") is subject to:

25 (1) For a first offense, a fine of not more than \$1,000 or imprisonment for
26 not more than 6 months or both; and

27 (2) For any subsequent offense, a fine of not more than \$2,000 or
28 imprisonment for not more than 1 year or both.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.