

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 563

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike ““Go Montgomery!”” and substitute “Local Vehicle Surcharge -”; strike beginning with “- Vehicle” in line 2 down through “Surcharge” in line 3; strike beginning with “requiring” in line 5 down through “County” in line 14 and substitute “authorizing the County Council for Montgomery County to impose a local surcharge on certain motor vehicles owned by Montgomery County residents; requiring Montgomery County to deposit certain money in a special fund to be used to finance certain transportation-related initiatives in Montgomery County; requiring the Motor Vehicle Administration to provide certain information by a certain time; prohibiting the Motor Vehicle Administration from registering or transferring certain registrations under certain circumstances; requiring the Motor Vehicle Administration in cooperation with Montgomery County to adopt procedures necessary to implement this Act; providing for the collection of a certain fee; defining certain terms; providing for the termination of this Act; and generally relating to a local surcharge on vehicles in Montgomery County to be used to finance certain transportation-related initiatives in Montgomery County”; strike in their entirety lines 15 through 19, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article - Transportation

Section 11-113.1, 11-127.2, 11-143, 11-149, 13-815(a)(6), and 13-903

Annotated Code of Maryland

(2002 Replacement Volume)”;

and in line 22, strike “13-956” and substitute “13-1001 through 13-1006, inclusive, to be under the new subtitle “Subtitle 10. Local Vehicle Surcharge””.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through

(Over)

line 20 on page 4, inclusive, and substitute:

“11-113.1.

“Domicile” means the place of a person’s true, fixed, permanent home, without any present intention of completely abandoning that home, and to which he has the intention of returning whenever absent. Domicile does not include a temporary dwelling unless there is a present intention to abandon permanently or indefinitely the former domicile.

11-127.2.

(a) “Lease intended as security” means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee is provided the option to purchase the leased vehicle; and

(2) Under the terms of the purchase option, the lessee becomes or has the option to become the owner of the vehicle for:

(i) No additional consideration; or

(ii) 1. In the case of a new vehicle, a nominal consideration of:

A. 20 percent or less of the “value at consummation” of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18); or

B. If the value at consummation is not stated in the lease, 20 percent or less of the Monrone sticker price for the vehicle; or

2. In the case of a used vehicle, a nominal consideration of 20 percent or less of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer’s Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

(b) “Lease not intended as security” means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee may return the motor vehicle at the end of the lease term with no financial obligations other than payments required under, and disclosed in, the lease for excess wear and tear and excess mileage charges and for administration, disposition, and similar costs incurred at the end of the lease; and

(2) The lessee is provided the option to purchase the leased vehicle for:

(i) In the case of a new vehicle, a consideration in excess of:

1. 20 percent of the “value at consummation” of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18); or

2. If the value at consummation is not stated in the lease, 20 percent of the Monrone sticker price for the vehicle; or

(ii) In the case of a used vehicle, a consideration in excess of 20 percent of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer’s Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

11-143.

“Owner”, as used in reference to a vehicle:

(1) Means a person who has the property in or title to the vehicle;

(2) Includes a person who, subject to a security interest in another person, is entitled to the use and possession of the vehicle;

(3) Does not include a lessee under a lease not intended as security; and

(4) Includes a lessee under a lease intended as a security.

11-149.

(Over)

“Resident” means any person:

(1) Who is domiciled in this State;

(2) (i) Who owns, leases, or rents a primary place of residence in this State;

and

(ii) Who regardless of the person's domicile resides in this State for more than a year;

(3) (i) Who maintains a main or branch office or warehouse facility in this State; and

(ii) Who bases and operates motor vehicles intrastate in this State; or

(4) Who has filed as a Maryland resident for income tax purposes.

13-815.

(a) (6) “Qualified hybrid vehicle” means an automobile that:

(i) Meets all applicable regulatory requirements;

(ii) Meets the current vehicle exhaust standard set under the National Low-Emission Vehicle Program for gasoline-powered passenger cars; and

(iii) Can draw propulsion energy from both of the following on-board sources of stored energy:

1. Gasoline or diesel fuel; and

2. A rechargeable energy storage system.

13-903.

- (a) The following vehicles are exempt from the registration fees specified in this subtitle:
- (1) A vehicle that is owned and operated by the United States, this State, or any political subdivision of this State;
 - (2) A vehicle that is owned by a volunteer fire company incorporated in this State or by a rescue squad and that is used for fire-fighting or ambulance purposes;
 - (3) A canteen wagon of a recognized fire buff organization, as certified by the International Fire Buffs Association;
 - (4) A vehicle owned and operated by the Civil Air Patrol;
 - (5) A vehicle owned and operated by a unit of a national veterans' organization;
 - (6) A vehicle owned and operated by a Maryland chapter of the American Red Cross;
 - (7) A motor vehicle and trailer known as the "40-8 box car" that is owned and operated only for social or charitable purposes by any voiture of the Forty and Eight of the American Legion, Department of Maryland;
 - (8) A vehicle owned and personally used by a veteran who:
 - (i) As designated or classified by the Veterans' Administration, has lost the use of a hand, arm, or leg, or is totally disabled; or
 - (ii) Has a permanent impairment of both eyes so that:
 1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye;

(9) A vehicle owned and personally used by an individual who is at least 65 years old and is the surviving spouse of a deceased disabled veteran, as defined under § 7-208 of the Tax - Property Article; and

(10) A Type I or Type II school vehicle owned and operated by a religious organization.

(b) The Administration may exempt from the registration fees specified in this subtitle any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(c) (1) Each registered vehicle that is exempt from registration fees under subsection (a) of this section shall display a special identification marker approved by the Administrator.

(2) The special identification marker for a motor vehicle and trailer exempt under subsection (a)(7) of this section shall bear the number of the organization and the number of the local voiture, reading "40-8-(local number)".

(3) The special identification marker for a vehicle exempt under subsection (a)(8)(i) of this section shall indicate that the Veterans' Administration has designated or classified the veteran as having lost the use of a hand, arm, or leg or as being totally disabled.

(d) A disabled veteran whose vehicle is eligible for exemption under subsection (a)(8) of this section may, if eligible, receive the special registration number and special registration plates provided under § 13-616, § 13-617, § 13-618, § 13-619, § 13-619.1, or § 13-619.2 of this title without payment of the registration fees specified in this subtitle.

SUBTITLE 10. LOCAL VEHICLE SURCHARGE.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COUNTY COUNCIL” MEANS THE COUNTY COUNCIL FOR MONTGOMERY COUNTY.

(C) “COUNTY” MEANS MONTGOMERY COUNTY.

(D) “FUND” MEANS THE MONTGOMERY COUNTY DEDICATED TRANSPORTATION FUND ESTABLISHED UNDER § 13-1003 OF THIS SUBTITLE.

(E) “RESIDENT OF MONTGOMERY COUNTY” MEANS A PERSON WHO:

(1) IS DOMICILED IN THE COUNTY;

(2) (I) OWNS, LEASES, OR RENTS A PRIMARY PLACE OF RESIDENCE IN THE COUNTY; AND

(II) REGARDLESS OF THE PERSON’S DOMICILE, RESIDES IN THE COUNTY FOR MORE THAN 1 YEAR;

(3) (I) MAINTAINS A MAIN OR BRANCH OFFICE OR WAREHOUSE FACILITY IN THE COUNTY; AND

(II) AS PART OF THE OPERATIONS OF THE OFFICE OR WAREHOUSE FACILITY, BASES AND OPERATES MOTOR VEHICLES IN THE COUNTY;
OR

(4) FILES AS A MARYLAND RESIDENT FOR INCOME TAX PURPOSES AND DESIGNATES THE COUNTY FOR COUNTY INCOME TAX PURPOSES.

13-1002.

(Over)

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL MAY IMPOSE A LOCAL SURCHARGE, NOT TO EXCEED THE VEHICLE REGISTRATION FEE SET BY THE STATE, ON ANY MOTOR VEHICLE OWNED BY A RESIDENT OF THE COUNTY FOR WHICH THE OWNER MUST PAY A REGISTRATION FEE UNDER THIS TITLE.

(B) A LOCAL SURCHARGE UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE IMPOSED ON:

(1) A QUALIFIED ELECTRIC VEHICLE AS DEFINED IN § 30 OF THE INTERNAL REVENUE CODE; OR

(2) A QUALIFIED HYBRID VEHICLE AS DEFINED UNDER § 13-815 OF THIS TITLE.

13-1003.

(A) THE COUNTY SHALL COLLECT AND DEPOSIT ALL REVENUE GENERATED BY THE LOCAL SURCHARGE IN A SPECIAL FUND TO BE KNOWN AS THE MONTGOMERY COUNTY DEDICATED TRANSPORTATION FUND.

(B) (1) SUBJECT TO APPROPRIATION BY THE COUNTY COUNCIL AND PARAGRAPH (2) OF THIS SUBSECTION, THE FUND SHALL BE USED TO FINANCE TRANSPORTATION-RELATED INITIATIVES IN THE COUNTY, INCLUDING MASS TRANSIT INITIATIVES, HIGHWAY CONSTRUCTION PROJECTS, HIKER-BIKER TRAILS, AND PEDESTRIAN SAFETY PROGRAMS THAT ARE DESIGNED TO:

(I) ALLEVIATE TRAFFIC CONGESTION AND PREVENT GRIDLOCK ON HIGHWAYS IN THE COUNTY;

(II) OPTIMIZE THE USE OF TECHNOLOGY TO ASSIST IN THE MONITORING AND REGULATION OF TRAFFIC;

(III) IMPROVE AIR QUALITY IN THE WASHINGTON

METROPOLITAN AREA BY MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH TRANSPORTATION; AND

(IV) CONTRIBUTE TO THE DEVELOPMENT OF A COMPREHENSIVE TRANSPORTATION SYSTEM IN MONTGOMERY COUNTY THAT IS SAFE, EFFICIENT, AND ENVIRONMENTALLY SOUND.

(2) THE FUND SHALL BE USED TO SUPPLEMENT COUNTY EXPENDITURES FOR TRANSPORTATION COSTS AND MAY NOT SUPPLANT STATE CONSTRUCTION FUNDING FOR TRANSPORTATION INITIATIVES IN THE COUNTY.

13-1004.

(A) IN ORDER TO ALLOW THE COUNTY TO IMPLEMENT THIS SUBTITLE, THE ADMINISTRATION SHALL PROVIDE THE FOLLOWING INFORMATION TO THE COUNTY:

(1) THE NAME AND ADDRESS OF ANY RESIDENT OF THE COUNTY WHO HAS REGISTERED A VEHICLE THAT IS SUBJECT TO A REGISTRATION FEE UNDER THIS TITLE; AND

(2) THE MANUFACTURER, MODEL, AND VEHICLE REGISTRATION NUMBER OF ANY VEHICLE REGISTERED BY A RESIDENT OF THE COUNTY THAT IS SUBJECT TO A REGISTRATION FEE UNDER THIS SUBTITLE.

(B) (1) NO LATER THAN JULY 1, 2003, THE ADMINISTRATION SHALL PROVIDE TO THE COUNTY THE INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.

(2) AFTER JULY 1, 2003, ON THE FIRST DAY OF EACH MONTH, THE ADMINISTRATION SHALL PROVIDE TO THE COUNTY ANY INFORMATION REGARDING CHANGES OR UPDATES TO THE INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.

(Over)

13-1005.

IF THE ADMINISTRATION RECEIVES NOTICE FROM THE COUNTY THAT A PERSON HAS FAILED TO PAY A LOCAL SURCHARGE IMPOSED UNDER § 13-1002 OF THIS SUBTITLE, THE ADMINISTRATION MAY NOT REGISTER OR TRANSFER THE REGISTRATION OF THE VEHICLE.

13-1006.

(A) IN COOPERATION WITH THE COUNTY, THE ADMINISTRATION SHALL ADOPT PROCEDURES REGARDING THE EXCHANGE OF INFORMATION BETWEEN THE COUNTY AND THE ADMINISTRATION TO FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE BY BOTH THE COUNTY AND ADMINISTRATION.

(B) THE ADMINISTRATION MAY COLLECT FROM THE COUNTY A FEE TO COVER THE COSTS ASSOCIATED WITH ADMINISTERING THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 4, in line 22, strike “October” and substitute “June”; and in line 23, strike “September 30” and substitute “May 31”.