
By: **Montgomery County Delegation**
Introduced and read first time: February 6, 2003
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 22, 2003

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - "~~Go Montgomery!~~" Local Vehicle Surcharge -**
3 **Transportation Fund - ~~Vehicle Registration Surcharge~~**
4 **MC 303-03**

5 FOR the purpose of ~~requiring motor vehicle owners who reside in Montgomery~~
6 ~~County to pay a certain annual surcharge; establishing the "Go Montgomery!"~~
7 ~~Transportation Fund for financing certain transportation projects in~~
8 ~~Montgomery County; requiring the Motor Vehicle Administration to administer~~
9 ~~the Fund; requiring that certain revenue be distributed to the Fund; requiring~~
10 ~~the Administration to distribute the money in the Fund to Montgomery County~~
11 ~~at certain times; defining certain terms; providing for the termination of this~~
12 ~~Act; and generally relating to requiring motor vehicle owners who reside in~~
13 ~~Montgomery County to pay a certain annual surcharge to be used for financing~~
14 ~~transportation projects in Montgomery County authorizing the County Council~~
15 ~~for Montgomery County to impose a local surcharge on certain motor vehicles~~
16 ~~owned by Montgomery County residents; requiring Montgomery County to~~
17 ~~deposit certain money in a special fund to be used to finance certain~~
18 ~~transportation-related initiatives in Montgomery County; requiring the Motor~~
19 ~~Vehicle Administration to provide certain information by a certain time;~~
20 ~~prohibiting the Motor Vehicle Administration from registering or transferring~~
21 ~~certain registrations under certain circumstances; requiring the Motor Vehicle~~
22 ~~Administration in cooperation with Montgomery County to adopt procedures~~
23 ~~necessary to implement this Act; providing for the collection of a certain fee;~~
24 ~~defining certain terms; providing for the termination of this Act; and generally~~
25 ~~relating to a local surcharge on vehicles in Montgomery County to be used to~~
26 ~~finance certain transportation-related initiatives in Montgomery County.~~

1 ~~BY repealing and reenacting, with amendments,~~

2 ~~Article - Transportation~~

3 ~~Section 13-954 and 13-955~~

4 ~~Annotated Code of Maryland~~

5 ~~(2002 Replacement Volume)~~

6 BY repealing and reenacting, without amendments,

7 Article - Transportation

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

9 Annotated Code of Maryland

10 (2002 Replacement Volume)

11 BY adding to

12 Article - Transportation

13 Section ~~13-956~~ 13-1001 through 13-1006, inclusive, to be under the new

14 subtitle "Subtitle 10. Local Vehicle Surcharge"

15 Annotated Code of Maryland

16 (2002 Replacement Volume)

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

19

Article - Transportation

20 ~~13-954.~~

21 (a) In this section, "motor vehicle" means a:

22 (1) Class A (passenger) vehicle;

23 (2) Class B (for hire) vehicle;

24 (3) Class C (funeral and ambulance) vehicle;

25 (4) Class D (motorcycle) vehicle;

26 (5) Class E (truck) vehicle;

27 (6) Class F (tractor) vehicle;

28 (7) Class H (school) vehicle;

29 (8) Class J (vanpool) vehicle;

30 (9) Class M (multipurpose) vehicle;

31 (10) Class P (passenger bus) vehicle;

1 (11) Class Q (limousine) vehicle; or

2 (12) Vehicle within any other class designated by the Administrator.

3 (b) In addition to the registration fee otherwise required by this title, the
4 owner of any motor vehicle registered under this title shall pay [a]:

5 (1) A surcharge of \$11 per year for each motor vehicle registered; AND

6 (2) IF THE OWNER RESIDES IN MONTGOMERY COUNTY, AN ADDITIONAL
7 SURCHARGE FOR EACH MOTOR VEHICLE REGISTERED, THE AMOUNT OF WHICH:

8 (I) SHALL BE SET BY THE GOVERNING BODY OF MONTGOMERY
9 COUNTY; AND

10 (II) SHALL NOT EXCEED THE REGISTRATION FEE.

11 ~~13-955.~~

12 (a) In this section, "Fund" means the Maryland Emergency Medical System
13 Operations Fund.

14 (b) (1) There is a Maryland Emergency Medical System Operations Fund.

15 (2) The Fund is a continuing, nonlapsing fund which is not subject to §
16 7-302 of the State Finance and Procurement Article.

17 (3) Interest and earnings on the Fund shall be separately accounted for
18 and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and
19 Procurement Article.

20 (c) The Fund consists of:

21 (1) Registration surcharges collected under [~~§ 13-954~~] § 13-954(B)(1) of
22 this subtitle; and

23 (2) All funds, including charges for accident scene transports and
24 interhospital transfers of patients, generated by an entity specified in subsection (c)
25 of this section that is a unit of State government.

26 (d) Expenditures from the Fund shall be made pursuant to an appropriation
27 approved by the General Assembly in the annual State budget or by the budget
28 amendment procedure provided under § 7-209 of the State Finance and Procurement
29 Article, provided that any budget amendment shall be submitted to and approved by
30 the Legislative Policy Committee prior to the expenditure or obligation of funds.

31 (e) The money in the Fund shall be used solely for:

32 (1) Medically oriented functions of the Department of State Police,
33 Special Operations Bureau, Aviation Division;

1 (2) The Maryland Institute for Emergency Medical Services Systems;

2 (3) The R Adams Cowley Shock Trauma Center at the University of
3 Maryland Medical System;

4 (4) The Maryland Fire and Rescue Institute;

5 (5) The provision of grants under the Senator William H. Amoss Fire,
6 Rescue, and Ambulance Fund in accordance with the provisions of Article 38A, §§ 45A
7 through 45D of the Code; and

8 (6) The Low Interest Revolving Loan Account under the Volunteer
9 Company Assistance Fund in accordance with the provisions of Article 38A, §§ 46E
10 through 46H of the Code.

11 13-956.

12 (A) ~~IN THIS SECTION, "FUND" MEANS THE "GO MONTGOMERY!"~~
13 ~~TRANSPORTATION FUND.~~

14 (B) ~~THERE IS A "GO MONTGOMERY!" TRANSPORTATION FUND.~~

15 (C) ~~THE PURPOSE OF THE FUND IS TO PROVIDE A DEDICATED SOURCE OF~~
16 ~~REVENUE TO FINANCE TRANSPORTATION RELATED PROJECTS IN MONTGOMERY~~
17 ~~COUNTY, INCLUDING MASS TRANSIT INITIATIVES AND CONSTRUCTION OF~~
18 ~~HIGHWAYS AND OTHER INFRASTRUCTURE IDENTIFIED IN COUNTY MASTER PLANS,~~
19 ~~THAT ARE DESIGNED TO:~~

20 (1) ~~ALLEVIATE TRAFFIC CONGESTION AND PREVENT GRIDLOCK ON~~
21 ~~HIGHWAYS IN MONTGOMERY COUNTY;~~

22 (2) ~~OPTIMIZE THE USE OF TECHNOLOGY TO ASSIST IN THE MONITORING~~
23 ~~AND REGULATION OF TRAFFIC;~~

24 (3) ~~IMPROVE AIR QUALITY IN THE WASHINGTON METROPOLITAN~~
25 ~~REGION BY MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH~~
26 ~~TRANSPORTATION; AND~~

27 (4) ~~CONTRIBUTE TO THE DEVELOPMENT IN MONTGOMERY COUNTY OF~~
28 ~~A COMPREHENSIVE TRANSPORTATION SYSTEM THAT IS SAFE, EFFICIENT, AND~~
29 ~~ENVIRONMENTALLY SOUND.~~

30 (D) ~~THE ADMINISTRATION SHALL ADMINISTER THE FUND.~~

31 (E) ~~THE FUND CONSISTS OF REGISTRATION SURCHARGES COLLECTED UNDER~~
32 ~~§13-954(B)(2) OF THIS SUBTITLE.~~

33 (F) ~~THE ADMINISTRATION SHALL DISTRIBUTE THE MONEY IN THE FUND TO~~
34 ~~MONTGOMERY COUNTY:~~

35 (1) ~~AT MONTHLY INTERVALS; OR~~

1 (2) ~~AT OTHER APPROPRIATE TIMES AS REASONABLY REQUESTED.~~

2 (G) ~~MONTGOMERY COUNTY MAY USE PROCEEDS FROM THE FUND FOR~~
3 ~~FINANCING TRANSPORTATION PROJECTS IN MONTGOMERY COUNTY CONSISTENT~~
4 ~~WITH THE PURPOSES OF THE FUND SPECIFIED IN SUBSECTION (C) OF THIS SECTION.~~
5 11-113.1.

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

11 11-127.2.

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

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

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

18 (i) No additional consideration; or

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

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

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

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

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

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

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

1 (i) In the case of a new vehicle, a consideration in excess of:
2 1. 20 percent of the "value at consummation" of the vehicle as
3 that term is defined in 12 C.F.R. § 213.2(a)(18); or

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

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

11 11-143.

12 "Owner", as used in reference to a vehicle:

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

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

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

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

18 11-149.

19 "Resident" means any person:

20 (1) Who is domiciled in this State;

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

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

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

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

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

30 13-815.

31 (a) (6) "Qualified hybrid vehicle" means an automobile that:

- 1 (i) Meets all applicable regulatory requirements;
- 2 (ii) Meets the current vehicle exhaust standard set under the
3 National Low-Emission Vehicle Program for gasoline-powered passenger cars; and
- 4 (iii) Can draw propulsion energy from both of the following
5 on-board sources of stored energy:
- 6 1. Gasoline or diesel fuel; and
- 7 2. A rechargeable energy storage system.
- 8 13-903.
- 9 (a) The following vehicles are exempt from the registration fees specified in
10 this subtitle:
- 11 (1) A vehicle that is owned and operated by the United States, this State,
12 or any political subdivision of this State;
- 13 (2) A vehicle that is owned by a volunteer fire company incorporated in
14 this State or by a rescue squad and that is used for fire-fighting or ambulance
15 purposes;
- 16 (3) A canteen wagon of a recognized fire buff organization, as certified by
17 the International Fire Buffs Association;
- 18 (4) A vehicle owned and operated by the Civil Air Patrol;
- 19 (5) A vehicle owned and operated by a unit of a national veterans'
20 organization;
- 21 (6) A vehicle owned and operated by a Maryland chapter of the American
22 Red Cross;
- 23 (7) A motor vehicle and trailer known as the "40-8 box car" that is owned
24 and operated only for social or charitable purposes by any voiture of the Forty and
25 Eight of the American Legion, Department of Maryland;
- 26 (8) A vehicle owned and personally used by a veteran who:
- 27 (i) As designated or classified by the Veterans' Administration, has
28 lost the use of a hand, arm, or leg, or is totally disabled; or
- 29 (ii) Has a permanent impairment of both eyes so that:
- 30 1. The central visual acuity is 20/200 or less in the better eye,
31 with corrective glasses; or

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

4 (9) A vehicle owned and personally used by an individual who is at least
5 65 years old and is the surviving spouse of a deceased disabled veteran, as defined
6 under § 7-208 of the Tax - Property Article; and

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

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

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

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

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

23 (d) A disabled veteran whose vehicle is eligible for exemption under subsection
24 (a)(8) of this section may, if eligible, receive the special registration number and
25 special registration plates provided under § 13-616, § 13-617, § 13-618, § 13-619, §
26 13-619.1, or § 13-619.2 of this title without payment of the registration fees specified
27 in this subtitle.

28 SUBTITLE 10. LOCAL VEHICLE SURCHARGE.

29 13-1001.

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

32 (B) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL FOR MONTGOMERY
33 COUNTY.

34 (C) "COUNTY" MEANS MONTGOMERY COUNTY.

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

1 (E) "RESIDENT OF MONTGOMERY COUNTY" MEANS A PERSON WHO:

2 (1) IS DOMICILED IN THE COUNTY;

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

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

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

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

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

13 13-1002.

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

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

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

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

25 13-1003.

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

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

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

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

3 (III) IMPROVE AIR QUALITY IN THE WASHINGTON METROPOLITAN
4 AREA BY MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH
5 TRANSPORTATION; AND

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

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

12 13-1004.

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

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

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

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

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

28 13-1005.

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

33 13-1006.

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 ~~October~~ June 1, 2003. It shall remain effective for a period of 10 years and, at the end
5 of ~~September 30~~ May 31, 2013, with no further action required by the General
6 Assembly, this Act shall be abrogated and of no further force and effect.