
By: **Senator Hafer**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Vehicle Registration Plates for Nonprofit Organizations**
3 **Promoting Maryland**

4 FOR the purpose of authorizing the Motor Vehicle Administration to develop and
5 issue for certain vehicles certain special registration plates; authorizing
6 nonprofit organizations to apply to the Administration for the development of
7 certain special registration plates; requiring the Administration to require
8 certain nonprofit organizations to post a bond of a certain amount before
9 developing certain special registration plates under this Act; providing for the
10 forfeiture and cancellation of the bond required by this Act; authorizing the
11 Administration to limit the production of, recall, or cease issuing certain special
12 registration plates; authorizing certain owners of certain motor vehicles to apply
13 to the Administration for the issuance of certain special registration plates;
14 authorizing the Administration to issue and continue certain special registration
15 plates if certain applicants provide certain proof satisfactory to the
16 Administration; requiring recipients of certain special registration plates under
17 this Act to pay a certain additional fee; providing for the use of the additional fee
18 required by this Act; exempting certain vehicles from the additional fee required
19 by this Act; requiring the Administration to adopt certain regulations; altering a
20 certain definition to exclude certain fees under this Act from certain
21 miscellaneous fees that may be altered by the Administration subject to certain
22 requirements; and generally relating to special registration plates for nonprofit
23 organizations promoting Maryland.

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 12-120
27 Annotated Code of Maryland
28 (2002 Replacement Volume and 2004 Supplement)

29 BY adding to
30 Article - Transportation
31 Section 13-619.3
32 Annotated Code of Maryland

1 (2002 Replacement Volume and 2004 Supplement)

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

4 **Article - Transportation**

5 12-120.

6 (a) In this section, "miscellaneous fees" means all fees collected by the
7 Administration under this article other than:

8 (1) The vehicle titling tax; [and]

9 (2) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this
10 article; AND

11 (3) SPECIAL REGISTRATION PLATE FEES UNDER § 13-619.3(G) OF THIS
12 ARTICLE.

13 (b) Except as provided in this section, the Administration may not alter the
14 miscellaneous fees that the Administration is authorized under this article to
15 establish.

16 (c) (1) Subject to the limitations under subsection (d) of this section, before
17 the start of any fiscal year the Administration by regulation may alter, effective
18 beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the
19 Administration is authorized under this article to establish.

20 (2) The Administration shall alter the levels of miscellaneous fees for the
21 upcoming fiscal year if the projected cost recovery under subsection (d) of this section
22 exceeds 100%.

23 (d) The Administration shall set the levels of miscellaneous fees so that the
24 total amount of projected revenues from all miscellaneous fees for the upcoming fiscal
25 year is at least 95 percent but does not exceed 100 percent of the sum of:

26 (1) The operating budget of the Administration for that fiscal year as
27 approved by the General Assembly in the annual State budget;

28 (2) The average annual capital program of the Administration as
29 reported in the 6-year consolidated transportation program described in § 2-103.1 of
30 this article; and

31 (3) The Administration's portion of the cost for that fiscal year of the
32 Department's data center operations, except for the cost of data center operations
33 attributable to other administrations' activities.

34 (e) (1) The Administration may not alter miscellaneous fees more than once
35 in any fiscal year.

1 (2) The Administration need not reduce fees for the upcoming fiscal year
2 if legislative budget modifications cause the projected cost recovery percentage to
3 exceed 100 percent.

4 (3) The level of a miscellaneous fee set by the Administration remains in
5 effect until again altered by the Administration as provided under this section.

6 13-619.3.

7 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE ADMINISTRATION
8 MAY DEVELOP AND MAKE AVAILABLE FOR QUALIFYING VEHICLES SPECIALLY
9 DESIGNED REGISTRATION PLATES REQUESTED BY A NONPROFIT ORGANIZATION
10 UNDER SUBSECTION (B) OF THIS SECTION.

11 (B) A NONPROFIT ORGANIZATION MAY APPLY TO THE ADMINISTRATION FOR
12 THE DEVELOPMENT OF SPECIAL REGISTRATION PLATES WITH A BACKGROUND
13 SCENE THAT:

14 (1) RELATES TO THE NONPROFIT ORGANIZATION; AND

15 (2) PROMOTES THE STATE'S:

16 (I) HERITAGE;

17 (II) ACCREDITED PRIVATE AND PUBLIC INSTITUTIONS OF HIGHER
18 LEARNING;

19 (III) GEOGRAPHIC REGIONS;

20 (IV) MILITARY ORGANIZATIONS; OR

21 (V) AMATEUR OR PROFESSIONAL ATHLETIC TEAMS.

22 (C) (1) BEFORE DEVELOPING SPECIAL REGISTRATION PLATES FOR A
23 NONPROFIT ORGANIZATION UNDER THIS SECTION, THE ADMINISTRATION SHALL
24 REQUIRE THE NONPROFIT ORGANIZATION APPLYING UNDER SUBSECTION (B) OF
25 THIS SECTION TO POST A BOND OF AT LEAST \$25,000.

26 (2) A BOND POSTED BY A NONPROFIT ORGANIZATION UNDER THIS
27 SUBSECTION SHALL BE FORFEITED TO THE ADMINISTRATION IF BY 2 YEARS AFTER
28 THE DATE THE BOND WAS POSTED, THE ADMINISTRATION HAS RECEIVED FEWER
29 THAN 1,000 REQUESTS FOR SPECIAL REGISTRATION PLATES PROMOTING THE
30 NONPROFIT ORGANIZATION.

31 (3) A BOND POSTED BY A NONPROFIT ORGANIZATION UNDER THIS
32 SUBSECTION SHALL BE CANCELED IF, BY 2 YEARS AFTER THE DATE THE BOND WAS
33 POSTED THE ADMINISTRATION RECEIVES AT LEAST 1,000 REQUESTS FOR SPECIAL
34 REGISTRATION PLATES PROMOTING THE NONPROFIT ORGANIZATION.

35 (D) THE ADMINISTRATION MAY AT ANY TIME:

1 (1) LIMIT PRODUCTION OF SPECIAL REGISTRATION PLATES UNDER THIS
2 SECTION;

3 (2) RECALL SPECIAL REGISTRATION PLATES ISSUED UNDER THIS
4 SECTION; OR

5 (3) CEASE ISSUING SPECIAL REGISTRATION PLATES UNDER THIS
6 SECTION.

7 (E) THE OWNER OF A MOTOR VEHICLE, OR A LESSEE OF A VEHICLE UNDER A
8 LEASE NOT INTENDED AS SECURITY, OR A DIRECTOR, OFFICER, EMPLOYEE, OR
9 PARTNER OF A BUSINESS ENTITY THAT OWNS A VEHICLE AND THAT IS A MEMBER,
10 OR, SUBJECT TO SUBSECTION (F)(2) OF THIS SECTION, THE SURVIVING SPOUSE OF A
11 MEMBER OF A NONPROFIT ORGANIZATION FOR WHICH SPECIAL REGISTRATION
12 PLATES HAVE BEEN DEVELOPED UNDER THIS SECTION MAY APPLY TO THE
13 ADMINISTRATION FOR THE ASSIGNMENT OF ORIGINAL OR SUBSTITUTE SPECIAL
14 REGISTRATION PLATES UNDER THIS SECTION IF THE VEHICLE IS INCLUDED IN ONE
15 OF THE FOLLOWING CLASSES:

16 (1) A CLASS A (PASSENGER) VEHICLE;

17 (2) A CLASS D (MOTORCYCLE) VEHICLE;

18 (3) A CLASS E (TRUCK) VEHICLE WITH A MANUFACTURER'S RATED
19 CAPACITY OF 1 TON OR LESS; AND

20 (4) A CLASS M (MULTIPURPOSE) VEHICLE.

21 (F) THE ADMINISTRATION MAY ISSUE AND CONTINUE ORIGINAL OR
22 SUBSTITUTE SPECIAL REGISTRATION PLATES UNDER THIS SECTION IF:

23 (1) THE OWNER OF THE MOTOR VEHICLE:

24 (I) SUBMITS WITH THE ORIGINAL APPLICATION PROOF
25 SATISFACTORY TO THE ADMINISTRATION THAT THE OWNER OF THE VEHICLE IS A
26 MEMBER OF A NONPROFIT ORGANIZATION FOR WHICH THE ADMINISTRATION HAS
27 DEVELOPED SPECIAL REGISTRATION PLATES UNDER THIS SECTION; AND

28 (II) COMPLIES WITH THE REGULATIONS ADOPTED BY THE
29 ADMINISTRATION UNDER SUBSECTION (H) OF THIS SECTION; OR

30 (2) IN THE CASE OF AN OWNER WHO IS APPLYING AS A SURVIVING
31 SPOUSE, THE OWNER SUBMITS PROOF SATISFACTORY TO THE ADMINISTRATION
32 THAT AT THE TIME OF DEATH OF THE OWNER'S SPOUSE, THE DECEASED SPOUSE
33 WAS THE HOLDER OF SPECIAL REGISTRATION PLATES ISSUED UNDER THIS SECTION.

34 (G) (1) IN ADDITION TO THE ANNUAL REGISTRATION FEE OTHERWISE
35 REQUIRED UNDER THIS TITLE, THE OWNER OF A VEHICLE ISSUED SPECIAL
36 REGISTRATION PLATES UNDER THIS SECTION SHALL PAY A FEE DETERMINED BY

1 THE ADMINISTRATION EACH TIME NEW REGISTRATION PLATES ARE ISSUED FOR THE
2 VEHICLE.

3 (2) THE FEE:

4 (I) MAY NOT EXCEED THE AMOUNT REQUIRED TO ENABLE THE
5 ADMINISTRATION TO RECOVER ITS COSTS UNDER THIS SECTION;

6 (II) SHALL BE RETAINED BY THE ADMINISTRATION FOR THE
7 PURPOSE OF RECOVERING ITS COSTS UNDER THIS SECTION; AND

8 (III) MAY NOT BE CREDITED TO THE GASOLINE AND MOTOR
9 VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8-403 OR § 8-404 OF THIS
10 ARTICLE.

11 (3) THE ADDITIONAL FEE REQUIRED UNDER THIS SUBSECTION IS NOT
12 REQUIRED FOR SPECIAL REGISTRATION PLATES FOR A VEHICLE THAT IS EXEMPT
13 UNDER § 13-903 OF THIS TITLE.

14 (H) THE ADMINISTRATION SHALL ADOPT REGULATIONS NOT INCONSISTENT
15 WITH THE MARYLAND VEHICLE LAW TO GOVERN THE ISSUANCE OF SPECIAL
16 REGISTRATION PLATES UNDER THIS SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2005.