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By: **Senator Hafer**

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 16, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

27 BY repealing and reenacting, with amendments,

1 Article - Transportation  
2 Section 12-120  
3 Annotated Code of Maryland  
4 (2002 Replacement Volume and 2004 Supplement)

5 BY adding to  
6 Article - Transportation  
7 Section 13-619.3  
8 Annotated Code of Maryland  
9 (2002 Replacement Volume and 2004 Supplement)

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

12 **Article - Transportation**

13 12-120.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 13-619.3.

15 ~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE ADMINISTRATION~~  
 16 ~~MAY DEVELOP AND MAKE AVAILABLE FOR QUALIFYING VEHICLES SPECIALLY~~  
 17 ~~DESIGNED REGISTRATION PLATES REQUESTED BY A NONPROFIT ORGANIZATION~~  
 18 ~~UNDER SUBSECTION (B) OF THIS SECTION.~~

19 (A) THE ADMINISTRATION MAY DEVELOP, PRODUCE, AND ISSUE SPECIAL  
 20 REGISTRATION PLATES WITH A BACKGROUND SCENE THAT PROMOTES THE STATE'S:

21 (1) HERITAGE;

22 (2) ACCREDITED PRIVATE AND PUBLIC INSTITUTIONS OF HIGHER  
 23 LEARNING;

24 (3) GEOGRAPHIC REGIONS;

25 (4) MILITARY ORGANIZATIONS; OR

26 (5) AMATEUR OR PROFESSIONAL ATHLETIC TEAMS.

27 (B) A CIVIC OR NONPROFIT ORGANIZATION MAY APPLY TO THE  
 28 ADMINISTRATION FOR THE DEVELOPMENT, PRODUCTION, AND ISSUANCE OF  
 29 SPECIAL REGISTRATION PLATES WITH A BACKGROUND SCENE THAT:

30 (1) RELATES TO THE CIVIC OR NONPROFIT ORGANIZATION; AND

31 (2) PROMOTES THE STATE'S:

32 (I) HERITAGE;

33 (II) ACCREDITED PRIVATE AND PUBLIC INSTITUTIONS OF HIGHER  
 34 LEARNING;

- 1 (III) GEOGRAPHIC REGIONS;
- 2 (IV) MILITARY ORGANIZATIONS; OR
- 3 (V) AMATEUR OR PROFESSIONAL ATHLETIC TEAMS.

4 (C) BEFORE DEVELOPING, PRODUCING, OR ISSUING A SPECIAL  
 5 REGISTRATION PLATE UNDER THIS SECTION, THE ADMINISTRATION SHALL APPROVE  
 6 THE DESIGN OF THE PLATE, SUBJECT TO THE PROVISIONS OF SUBSECTION (A) OF  
 7 THIS SECTION.

8 ~~(C)~~ (D) (1) BEFORE DEVELOPING SPECIAL REGISTRATION PLATES FOR A  
 9 CIVIC OR NONPROFIT ORGANIZATION UNDER SUBSECTION (B) OF THIS SECTION, THE  
 10 ADMINISTRATION SHALL REQUIRE THE ~~NONPROFIT ORGANIZATION APPLYING~~  
 11 ~~UNDER SUBSECTION (B) OF THIS SECTION~~ TO POST A BOND OF AT LEAST \$25,000.

12 (2) A BOND POSTED BY A CIVIC OR NONPROFIT ORGANIZATION UNDER  
 13 THIS SUBSECTION SHALL BE FORFEITED TO THE ADMINISTRATION IF BY 2 YEARS  
 14 AFTER THE DATE THE BOND WAS POSTED, THE ADMINISTRATION HAS RECEIVED  
 15 FEWER THAN 1,000 REQUESTS FOR SPECIAL REGISTRATION PLATES PROMOTING THE  
 16 ~~NONPROFIT ORGANIZATION.~~

17 (3) A BOND POSTED BY A CIVIC OR NONPROFIT ORGANIZATION UNDER  
 18 THIS SUBSECTION SHALL BE CANCELED IF, BY 2 YEARS AFTER THE DATE THE BOND  
 19 WAS POSTED THE ADMINISTRATION RECEIVES AT LEAST 1,000 REQUESTS FOR  
 20 SPECIAL REGISTRATION PLATES PROMOTING THE ~~NONPROFIT ORGANIZATION.~~

21 ~~(D)~~ (E) THE ADMINISTRATION MAY AT ANY TIME:

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

24 (2) RECALL SPECIAL REGISTRATION PLATES ISSUED UNDER THIS  
 25 SECTION; OR

26 (3) CEASE ISSUING SPECIAL REGISTRATION PLATES UNDER THIS  
 27 SECTION.

28 ~~(E)~~ (F) THE OWNER OF A MOTOR VEHICLE, OR A LESSEE OF A VEHICLE  
 29 UNDER A LEASE NOT INTENDED AS SECURITY, OR A DIRECTOR, OFFICER, EMPLOYEE,  
 30 OR PARTNER OF A BUSINESS ENTITY THAT OWNS A VEHICLE ~~AND THAT IS A MEMBER,~~  
 31 ~~OR, SUBJECT TO SUBSECTION (F)(2) OF THIS SECTION, THE SURVIVING SPOUSE OF A~~  
 32 ~~MEMBER OF A NONPROFIT ORGANIZATION FOR WHICH SPECIAL REGISTRATION~~  
 33 ~~PLATES HAVE BEEN DEVELOPED UNDER THIS SECTION~~ CONSIDERED ELIGIBLE BY  
 34 THE ADMINISTRATION MAY APPLY TO THE ADMINISTRATION FOR THE ASSIGNMENT  
 35 OF ORIGINAL OR SUBSTITUTE SPECIAL REGISTRATION PLATES UNDER THIS SECTION  
 36 IF THE VEHICLE IS INCLUDED IN ONE OF THE FOLLOWING CLASSES:

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

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

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

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

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

7 ~~(1) THE OWNER OF THE MOTOR VEHICLE:~~

8 ~~(1) SUBMITS WITH THE ORIGINAL APPLICATION PROOF  
9 SATISFACTORY TO THE ADMINISTRATION THAT THE OWNER OF THE VEHICLE IS A  
10 MEMBER OF A NONPROFIT ORGANIZATION FOR WHICH THE ADMINISTRATION HAS  
11 DEVELOPED SPECIAL REGISTRATION PLATES UNDER THIS SECTION; AND~~

12 ~~(II) COMPLIES WITH THE REGULATIONS ADOPTED BY THE  
13 ADMINISTRATION UNDER SUBSECTION (H) OF THIS SECTION; OR~~

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

18 ~~(G) (1) IN ADDITION TO THE ANNUAL REGISTRATION FEE OTHERWISE  
19 REQUIRED UNDER THIS TITLE, THE OWNER OF A VEHICLE ISSUED SPECIAL  
20 REGISTRATION PLATES UNDER THIS SECTION SHALL PAY A FEE DETERMINED BY  
21 THE ADMINISTRATION EACH TIME NEW REGISTRATION PLATES ARE ISSUED FOR THE  
22 VEHICLE.~~

23 ~~(2) THE FEE:~~

24 ~~(1) MAY NOT EXCEED THE AMOUNT REQUIRED TO ENABLE THE  
25 ADMINISTRATION TO RECOVER ITS COSTS UNDER THIS SECTION;~~

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

28 ~~(III) MAY NOT BE CREDITED TO THE GASOLINE AND MOTOR  
29 VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8 403 OR § 8 404 OF THIS  
30 ARTICLE.~~

31 (G) (1) IN ADDITION TO THE REGISTRATION FEE OTHERWISE REQUIRED  
32 UNDER THIS TITLE, AN OWNER OF A VEHICLE ASSIGNED SPECIAL REGISTRATION  
33 PLATES UNDER THIS SECTION SHALL PAY:

34 (1) WHEN INITIALLY ISSUED THE SPECIAL REGISTRATION PLATES,  
35 A FEE SET BY THE ADMINISTRATION TO RECOVER THE ADMINISTRATION'S COSTS  
36 UNDER THIS SECTION; AND

1                   (II)     WHEN INITIALLY ISSUED THE SPECIAL REGISTRATION PLATES,  
2 AND EACH TIME THE SPECIAL REGISTRATION PLATES ARE RENEWED, AN  
3 ADDITIONAL FEE SET BY THE ADMINISTRATION.

4                   (2)     ANY SURPLUS MONEYS REMAINING AFTER THE ADMINISTRATION  
5 HAS RECOVERED THE COSTS OF ISSUING SPECIAL REGISTRATION PLATES UNDER  
6 THIS SECTION SHALL BE DISBURSED BY THE ADMINISTRATION TO THE  
7 TRANSPORTATION TRUST FUND.

8                   (3)     NO PORTION OF THE FEE COLLECTED UNDER THIS SECTION MAY BE  
9 CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT FOR  
10 DISTRIBUTION UNDER § 8-403 OR § 8-404 OF THIS ARTICLE.

11                  (3)     (4)     THE ADDITIONAL FEE REQUIRED UNDER THIS SUBSECTION IS  
12 NOT REQUIRED FOR SPECIAL REGISTRATION PLATES FOR A VEHICLE THAT IS  
13 EXEMPT UNDER § 13-903 OF THIS TITLE.

14                  (H)     THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF  
15 STATE POLICE, SHALL ADOPT REGULATIONS NOT INCONSISTENT WITH THE  
16 MARYLAND VEHICLE LAW TO GOVERN THE APPROVAL, DEVELOPMENT,  
17 PRODUCTION, AND ISSUANCE OF SPECIAL REGISTRATION PLATES UNDER THIS  
18 SECTION.

19                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 ~~October 1, 2005~~ January 1, 2006.