

HOUSE BILL 963

R4
HB 1370/06 – ENV

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CF 71r2326

By: **Delegates Weir, Beidle, Boteler, Donoghue, Holmes, McConkey, McKee, Minnick, Shank, Sossi, and Stull**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Off-Highway Vehicles – Titling and Registration**

3 FOR the purpose of creating an Off-Highway Vehicle Fund in the Department of
4 Natural Resources; establishing the purpose of the Fund; requiring the
5 Secretary of Natural Resources to administer the Fund; providing that the Fund
6 is a continuing, nonlapsing special fund not subject to certain provisions of law;
7 requiring the Fund to be administered in a certain manner; providing for the
8 composition of the Fund; providing that expenditures from the Fund may only
9 be used in accordance with the State budget; creating an Off-Highway Vehicle
10 Trails Advisory Committee; providing for the membership and duties of the
11 Committee; providing for the appointment of the Chair and Vice Chair of the
12 Committee; providing for the staffing of the Committee; prohibiting a member of
13 the Committee from receiving certain compensation or reimbursement; defining
14 “off-highway vehicle”; providing that an off-highway vehicle that is purchased
15 before a certain date does not need a certificate of title until after a certain date
16 unless the vehicle is transferred to a new owner; requiring an off-highway
17 vehicle to be registered with the Motor Vehicle Administration; exempting
18 certain off-highway vehicles from registration requirements; requiring that
19 certain information be included with an application for registration of an
20 off-highway vehicle; requiring the dealer of an off-highway vehicle to take
21 certain actions if the vehicle is transferred to someone other than a licensed
22 dealer; requiring the Administration to issue to the owner of a registered
23 off-highway vehicle a registration decal; requiring that certain information be
24 included on the registration decal; prohibiting a person from operating an
25 off-highway vehicle unless a registration decal and any validation tab issued is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 attached to and displayed on the vehicle; providing for the expiration of
2 registration decals; requiring the Administration to adopt regulations to govern
3 the issuance, display, and expiration of registration decals; requiring
4 registration decals to be issued and displayed in accordance with a schedule
5 established by the Administration; requiring the Administration to refund a
6 registration fee under certain circumstances; authorizing the Administration to
7 design temporary registration decals and provide them to certain licensed
8 dealers; authorizing certain entities to electronically transmit titling and
9 registration information and issue permanent registration decals; authorizing
10 the Administration to establish the amount of the registration fee for an
11 off-highway vehicle; requiring the Administration to retain a certain portion of
12 the revenues from the registration of an off-highway vehicle; requiring the
13 Administration to remit certain funds to the Comptroller for deposit into the
14 Off-Highway Vehicle Fund; requiring a certain person who sells an
15 off-highway vehicle to provide certain information to the buyer; prohibiting an
16 individual from operating an off-highway vehicle on a highway with a certain
17 exception; prohibiting an individual from operating an off-highway vehicle on a
18 controlled access highway; establishing certain requirements for the operation
19 of an off-highway vehicle on private property; providing that an off-highway
20 vehicle is not required to be inspected when ownership is transferred; repealing
21 certain provisions of law that authorize counties to regulate the operation of,
22 require registration for, and impose a registration fee for off-the-road
23 motorcycles; providing that, for purposes of determining a certain excise tax, the
24 fair market value of a new or used off-highway vehicle is the total purchase
25 price as verified to the satisfaction of the Administration by certain documents;
26 requiring the Department of Transportation and the Department of Natural
27 Resources to submit certain reports; providing for the construction of this Act;
28 providing for the effective date of certain provisions of this Act; providing for the
29 termination of certain provisions of this Act; and generally relating to
30 off-highway vehicles.

31 BY adding to
32 Article – Natural Resources
33 Section 5-209.1 and 5-209.2
34 Annotated Code of Maryland
35 (2005 Replacement Volume and 2006 Supplement)

36 BY adding to
37 Article – Transportation
38 Section 11-140.1, 13-411.2, 13-937.2, and 21-1127
39 Annotated Code of Maryland
40 (2006 Replacement Volume and 2006 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article – Transportation
3 Section 13–101.1, 13–402(b), and 13–808
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2006 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 13–102, 13–402(a) and (c), 13–403, 13–410(a) and (b), 13–412, 13–413,
9 13–601, 13–610, 13–809, 15–112, and 23–106
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2006 Supplement)

12 BY repealing
13 Article – Transportation
14 Section 25–102.1
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 13–809
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2006 Supplement)
22 (As enacted by Chapters 361 and 362 of the Acts of the General Assembly of
23 2001)

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

26 **Article – Natural Resources**

27 **5–209.1.**

28 (A) IN THIS SECTION, “FUND” MEANS THE OFF-HIGHWAY VEHICLE
29 FUND.

30 (B) THERE IS AN OFF-HIGHWAY VEHICLE FUND IN THE DEPARTMENT.

31 (C) THE PURPOSE OF THE FUND IS TO BUILD AND MAINTAIN TRAILS
32 FOR THE USE OF OFF-HIGHWAY VEHICLES, AS DEFINED IN § 11–140.1 OF THE
33 TRANSPORTATION ARTICLE.

1 **(D) THE SECRETARY SHALL ADMINISTER THE FUND.**

2 **(E) (1) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND**
3 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
4 **ARTICLE.**

5 **(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND**
6 **THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

7 **(3) THE FUND SHALL BE INVESTED AND REINVESTED IN THE**
8 **SAME MANNER AS OTHER FUNDS.**

9 **(F) UNLESS OTHERWISE PROVIDED, THE FUND CONSISTS OF:**

10 **(1) ANY FEES AND OTHER REVENUE COLLECTED BY THE**
11 **DEPARTMENT UNDER § 5-209 OF THIS SUBTITLE;**

12 **(2) REVENUES DISTRIBUTED TO THE FUND UNDER § 13-937.2 OF**
13 **THE TRANSPORTATION ARTICLE;**

14 **(3) ANY INVESTMENT EARNINGS GENERATED BY THE FUND;**

15 **(4) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

16 **AND**

17 **(5) ANY MONEY RECEIVED AND ACCEPTED AS GIFTS,**
18 **CONTRIBUTIONS, OR GRANTS.**

19 **(G) THE FUND MAY BE USED ONLY IN ACCORDANCE WITH § 5-209 OF**
20 **THIS SUBTITLE FOR THE ACQUISITION, CONSTRUCTION, AND MAINTENANCE OF**
21 **TRAILS FOR OFF-HIGHWAY VEHICLES AND TO PROVIDE ACCESS TO THOSE**
22 **TRAILS.**

23 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
24 **ACCORDANCE WITH THE STATE BUDGET.**

25 **5-209.2.**

1 (A) IN THIS SECTION, "COMMITTEE" MEANS THE OFF-HIGHWAY
2 VEHICLE TRAILS ADVISORY COMMITTEE.

3 (B) THERE IS AN OFF-HIGHWAY VEHICLE TRAILS ADVISORY
4 COMMITTEE.

5 (C) THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

6 (1) THE SECRETARY OR THE SECRETARY'S DESIGNEE;

7 (2) THE SECRETARY OF TRANSPORTATION, OR THE
8 SECRETARY'S DESIGNEE; AND

9 (3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR
10 FROM NOMINATIONS SUBMITTED BY THE ORGANIZATIONS OR INTEREST
11 GROUPS EACH MEMBER REPRESENTS:

12 (I) A RESIDENT OF THE STATE WHO REPRESENTS THE
13 AMERICAN MOTORCYCLE ASSOCIATION;

14 (II) A REPRESENTATIVE OF ABATE OF MARYLAND;

15 (III) TWO RESIDENTS OF THE STATE WHO REPRESENT
16 OFF-ROAD RIDERS AND ALL-TERRAIN VEHICLE CLUBS;

17 (IV) A RESIDENT OF THE STATE WHO REPRESENTS THE
18 OFF-HIGHWAY VEHICLE COUNCIL;

19 (V) A REPRESENTATIVE OF THE MARYLAND FARM
20 BUREAU;

21 (VI) A REPRESENTATIVE OF THE MARYLAND TOURISM
22 COUNCIL;

23 (VII) A REPRESENTATIVE OF THE MARYLAND MOTORCYCLE
24 DEALERS ASSOCIATION;

25 (VIII) TWO REPRESENTATIVES OF NATURAL RESOURCES
26 CONSERVATION ORGANIZATIONS IN THE STATE;

1 **(IX) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
2 **OF COUNTIES; AND**

3 **(X) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL**
4 **LEAGUE.**

5 **(D) THE GOVERNOR SHALL APPOINT THE CHAIR AND VICE CHAIR**
6 **FROM AMONG THE MEMBERS OF THE COMMITTEE.**

7 **(E) (1) THE TERM OF A MEMBER OF THE COMMITTEE IS 3 YEARS.**

8 **(2) A MEMBER MAY BE REAPPOINTED FOR ADDITIONAL TERMS.**

9 **(3) A PERSON APPOINTED TO FILL A VACANCY SHALL SERVE FOR**
10 **THE UNEXPIRED TERM AND IS ELIGIBLE FOR REAPPOINTMENT.**

11 **(F) THE COMMITTEE SHALL ACT IN AN ADVISORY CAPACITY AND**
12 **SHALL:**

13 **(1) REVIEW EXISTING AND PROPOSED REGULATIONS,**
14 **STANDARDS, AND PROCEDURES FOR ALL TRAIL ACQUISITION, CONSTRUCTION,**
15 **DEVELOPMENT, AND MAINTENANCE;**

16 **(2) MAKE RECOMMENDATIONS ON TRAIL SITES, TRAIL SITE**
17 **ACQUISITIONS, AND THE ALLOCATION AND USE OF FUNDS;**

18 **(3) ADVISE AS TO THE USE AND OPERATION OF OFF-HIGHWAY**
19 **VEHICLES ON PUBLIC AND PRIVATE LAND, INCLUDING PROVIDING FOR THE**
20 **SEASONAL DESIGNATION OF TRAILS AND INNOVATIVE RECREATIONAL TRAIL**
21 **SHARING TO ACCOMMODATE MOTORIZED TRAIL USE; AND**

22 **(4) MAKE RECOMMENDATIONS ON ANY APPROPRIATE SAFETY**
23 **PROGRAMS OR COURSES THAT SHOULD BE REQUIRED FOR AN APPLICANT FOR**
24 **REGISTRATION OF AN OFF-HIGHWAY VEHICLE, CONSIDERING:**

25 **(I) THE CHARACTERISTICS OF DIFFERENT TYPES OF**
26 **OFF-HIGHWAY VEHICLES AND THE PARTICULAR SKILLS AND EXPERIENCE**

1 **REQUIRED TO OPERATE EACH TYPE OF OFF-HIGHWAY VEHICLE SAFELY UNDER**
2 **VARIED TERRAIN AND WEATHER CONDITIONS;**

3 **(II) POTENTIAL ENFORCEMENT PROBLEMS ASSOCIATED**
4 **WITH REQUIRING A SAFETY PROGRAM OR COURSE FOR AN APPLICANT FOR**
5 **REGISTRATION OF AN OFF-HIGHWAY VEHICLE; AND**

6 **(III) ANY OTHER FACTORS THAT THE COMMITTEE CHOOSES.**

7 **(G) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION**
8 **SHALL PROVIDE STAFFING FOR THE COMMITTEE.**

9 **(H) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION**
10 **FOR SERVING ON THE COMMITTEE OR REIMBURSEMENT FOR EXPENSES.**

11 **Article - Transportation**

12 **11-140.1.**

13 **(A) "OFF-HIGHWAY VEHICLE" MEANS A VEHICLE THAT IS:**

14 **(1) A MOTOR-ASSISTED OR MOTOR-DRIVEN VEHICLE THAT:**

15 **(I) HAS A DRY WEIGHT OF NOT MORE THAN 1,200 POUNDS;**

16 **(II) TRAVELS ON AT LEAST THREE LOW-PRESSURE TIRES;**

17 **(III) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE**
18 **VEHICLE ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE**
19 **OPERATOR OR IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE**
20 **AND ONE PASSENGER; AND**

21 **(IV) IS COMMONLY KNOWN AS AN ALL-TERRAIN VEHICLE;**

22 **(2) A MOTORCYCLE THAT IS DESIGNED FOR OFF-HIGHWAY**
23 **OPERATION AND IS NOT ELIGIBLE FOR REGISTRATION AS A CLASS D**
24 **(MOTORCYCLE) VEHICLE UNDER THIS ARTICLE, COMMONLY KNOWN AS A DIRT**
25 **BIKE; OR**

1 (3) **A SNOWMOBILE.**

2 **(B) “OFF-HIGHWAY VEHICLE” DOES NOT INCLUDE:**

3 (1) **A FARM VEHICLE AS DEFINED IN § 13-911 OF THIS ARTICLE**
4 **WHEN USED EXCLUSIVELY ON FARM PROPERTY BY A FARMER; OR**

5 (2) **ANY VEHICLE WHEN USED ON RESIDENTIAL PROPERTY FOR**
6 **THE PURPOSE OF LANDSCAPING, GARDENING, OR LAWN CARE.**

7 13-101.1.

8 Except as provided in § 13-102 of this subtitle, the owner of each vehicle that is
9 in this State and for which the Administration has not issued a certificate of title shall
10 apply to the Administration for a certificate of title of the vehicle.

11 13-102.

12 A certificate of title is not required for:

13 (1) A vehicle owned and used by the United States, unless it is
14 registered in this State;

15 (2) A new vehicle owned by a manufacturer or dealer and held for sale,
16 even though incidentally moved on the highway or used for purposes of testing or
17 demonstration or used as allowed under § 13-621 of this title;

18 (3) A vehicle used by a manufacturer only for testing;

19 (4) A vehicle owned by a nonresident of this State and not required by
20 law to be registered in this State;

21 (5) A vehicle regularly engaged in the interstate transportation of
22 people or property and for which a currently effective certificate of title has been
23 issued in another state;

24 (6) A vehicle moved only by human or animal power;

25 (7) A bicycle;

26 (8) A vehicle in which interest has passed to a secured party on
27 default of the owner;

1 (9) Farm equipment;

2 (10) Special mobile equipment;

3 (11) A self-propelled invalid:

4 (i) Wheelchair; or

5 (ii) Tricycle; [or]

6 (12) A trailer, other than a camping trailer, rated by the manufacturer
7 as having a gross vehicle weight of 2,500 pounds or less; **OR**

8 **(13) AN OFF-HIGHWAY VEHICLE PURCHASED BEFORE OCTOBER 1,**
9 **2007, UNTIL THE EARLIER OF:**

10 **(I) OCTOBER 1, 2012; OR**

11 **(II) THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS**
12 **FIRST TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2007.**

13 13-402.

14 (a) (1) Except as otherwise provided in this section or elsewhere in the
15 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven
16 on a highway shall be registered under this subtitle.

17 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN**
18 **OFF-HIGHWAY VEHICLE SHALL BE REGISTERED UNDER THIS SUBTITLE.**

19 **(3)** If a motor vehicle required to be registered under this subtitle is
20 not registered, a person may not park the unregistered motor vehicle on any:

21 (i) Public alley, street, or highway; or

22 (ii) Private property used by the public in general, including
23 parking lots of shopping centers, condominiums, apartments, or town house
24 developments.

1 ~~[(3)]~~ (4) The provisions of paragraph ~~[(2)]~~ (3) of this subsection do
2 not apply to a motor vehicle that is exempt from registration under this section or §
3 13-402.1 of this subtitle.

4 (b) Except as otherwise expressly authorized in this title, the Administration
5 may not register or renew the registration of a vehicle unless the Administration has
6 issued to the owner a certificate of title of the vehicle or has received an application for
7 the certificate of title.

8 (c) Registration under this subtitle is not required for:

9 (1) A vehicle that is driven on a highway:

10 (i) In conformity with the provisions of this title relating to
11 manufacturers, transporters, dealers, secured parties, owners or operators of special
12 mobile equipment, or nonresidents; or

13 (ii) Under a temporary registration card issued by the
14 Administration;

15 (2) A vehicle owned and used by the United States, unless an
16 authorized officer or employee of the United States requests registration of the vehicle;

17 (3) A farm tractor or any farm equipment;

18 (4) A vehicle the front or rear wheels of which are lifted from the
19 highway;

20 (5) A towed vehicle that is attached to the towing vehicle by a tow bar
21 and for which no driver is necessary;

22 (6) A vehicle owned by and in the possession of a licensed dealer for
23 purpose of sale;

24 (7) A vehicle owned by a new resident of this State during the first 60
25 days of residency provided the vehicle displays valid registration issued by the
26 jurisdiction of the resident's former domicile;

27 (8) New vehicles being operated as part of a shuttle, as defined in §
28 13-626 of this title, while following a registered vehicle displaying a shuttle permit
29 issued by the Administration;

1 (9) A vehicle operated in connection with maritime commerce
2 exclusively within any terminal owned or leased by the Maryland Port Administration;

3 (10) [A snowmobile which is operated on highways and roadways as
4 prescribed by § 25-102(a)(14) of this article] **AN OFF-HIGHWAY VEHICLE**
5 **PURCHASED BEFORE OCTOBER 1, 2007, UNTIL THE EARLIER OF:**

6 (I) **OCTOBER 1, 2012; OR**

7 (II) **THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS**
8 **FIRST TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2007;**

9 (11) A golf cart which is operated on a highway on Smith Island,
10 provided that the golf cart is equipped with lighting devices as required by the
11 Administration if it is operated on a highway between dusk and dawn;

12 (12) A golf cart which is operated on an Allegany County highway as
13 allowed by the County under § 25-102(a)(16) of this article; [or]

14 (13) A vehicle owned by an accredited consular or diplomatic officer of a
15 foreign government and operated for official or personal purposes when the vehicle
16 displays a valid diplomatic license plate issued by the United States government;

17 (14) **AN OFF-HIGHWAY VEHICLE USED STRICTLY ON THE**
18 **PROPERTY OF THE OWNER OF THE VEHICLE;**

19 (15) **AN OFF-HIGHWAY VEHICLE OPERATED IN AN ORGANIZED**
20 **COMPETITIVE OR NONCOMPETITIVE EVENT ON PUBLICLY OR PRIVATELY**
21 **OWNED OR LEASED LAND, IF THE AGENCY EXERCISING JURISDICTION OVER THE**
22 **LAND SPECIFICALLY AUTHORIZED THE ORGANIZED COMPETITIVE OR**
23 **NONCOMPETITIVE EVENT; OR**

24 (16) **AN OFF-HIGHWAY VEHICLE USED BY A DEALER OR**
25 **MANUFACTURER OR AN AUTHORIZED DESIGNEE OF A DEALER OR**
26 **MANUFACTURER FOR OFF-HIGHWAY VEHICLE OPERATOR EDUCATION OR**
27 **SAFETY PROGRAMS.**

28 13-403.

1 (a) (1) Except as provided in paragraph (2) of this subsection, the owner of
2 a vehicle subject to registration under this subtitle shall apply to the Administration
3 for the registration of the vehicle in a manner that the Administration requires.

4 (2) The application for registration of a low speed vehicle **OR AN**
5 **OFF-HIGHWAY VEHICLE** shall be made by electronic transmission under § 13-610 of
6 this title.

7 (b) (1) The application shall contain the information that the
8 Administration reasonably requires to determine if the vehicle is entitled to
9 registration.

10 (2) **THE APPLICATION FOR REGISTRATION OF AN OFF-HIGHWAY**
11 **VEHICLE SHALL CONTAIN PROOF ACCEPTABLE TO THE ADMINISTRATION THAT**
12 **THE APPLICANT IS:**

13 (I) **AT LEAST 18 YEARS OLD; AND**

14 (II) **THE OWNER OF AN OFF-HIGHWAY VEHICLE.**

15 (c) If a licensed dealer holds a low speed vehicle for sale and transfers the
16 vehicle to a person other than another licensed dealer, the dealer shall:

17 (1) Obtain from the transferee a completed application;

18 (2) Collect all fees required to register the low speed vehicle under this
19 subtitle; and

20 (3) Within 30 days of the date of delivery of the low speed vehicle,
21 electronically transmit the application and fees in accordance with § 13-610 of this
22 title.

23 (D) **IF A LICENSED DEALER HOLDS AN OFF-HIGHWAY VEHICLE FOR**
24 **SALE AND TRANSFERS THE VEHICLE TO A PERSON OTHER THAN ANOTHER**
25 **LICENSED DEALER, THE DEALER SHALL:**

26 (1) **OBTAIN FROM THE TRANSFEREE A COMPLETED**
27 **APPLICATION;**

28 (2) **COLLECT ALL FEES REQUIRED TO REGISTER THE**
29 **OFF-HIGHWAY VEHICLE UNDER THIS SUBTITLE; AND**

1 **(3) WITHIN 30 DAYS OF THE DATE OF DELIVERY OF THE**
2 **OFF-HIGHWAY VEHICLE, ELECTRONICALLY TRANSMIT THE APPLICATION AND**
3 **FEES IN ACCORDANCE WITH § 13-610 OF THIS TITLE.**

4 13-410.

5 (a) (1) Except as otherwise provided in this title, when it registers a
6 vehicle, the Administration shall issue to the owner:

7 (i) One registration plate, if the vehicle is a Class D
8 (motorcycle) vehicle, Class F (tractor) vehicle, or Class G (trailer) vehicle; [and]

9 (ii) **ONE REGISTRATION DECAL, IF THE VEHICLE IS A**
10 **CLASS O (OFF-HIGHWAY) VEHICLE; AND**

11 (III) Two registration plates for every other vehicle.

12 (2) However, as to temporary registration, the Administration may
13 provide for the issuance of only one temporary registration plate **OR DECAL** for any
14 vehicle.

15 (b) (1) Each registration plate **OR DECAL** shall display:

16 (i) The registration number assigned to the vehicle for which it
17 is issued; and

18 (ii) The name of this State, which may be abbreviated.

19 (2) The registration number may consist of letters, numerals, or both.

20 **13-411.2.**

21 **A PERSON MAY NOT OPERATE AN OFF-HIGHWAY VEHICLE REQUIRED TO**
22 **BE REGISTERED UNDER THIS TITLE UNLESS THERE IS ATTACHED TO THE**
23 **OFF-HIGHWAY VEHICLE AND DISPLAYED ON IT:**

24 **(1) A REGISTRATION DECAL ISSUED FOR THE CURRENT**
25 **REGISTRATION PERIOD; AND**

1 **(2) ANY VALIDATION TAB ISSUED FOR THE OFF-HIGHWAY**
2 **VEHICLE UNDER THIS SUBTITLE.**

3 13-412.

4 (a) Except as provided in subsection (b) of this section, unless current
5 validation tabs have been issued by the Administration and are displayed on the
6 plates **OR DECALS** as provided in this subtitle, the registration and the registration
7 plates **OR DECALS** issued under this title for them expire at midnight on the dates
8 indicated on the registration card issued by the Administration.

9 (b) (1) The Administration may issue a temporary authorization
10 certificate permitting a vehicle to be driven pending the issuance of current validation
11 tabs.

12 (2) A temporary authorization certificate:

13 (i) Shall be issued for a period determined by the
14 Administration not to exceed 15 days; and

15 (ii) Is not transferable and may not be used on another vehicle
16 other than the one to which it was issued.

17 (3) A fee for a temporary authorization certificate may be established
18 by the Administration.

19 (c) The Administration shall adopt rules and regulations to govern the
20 issuance, display, and expiration of registrations, registration cards, registration
21 plates **OR DECALS**, temporary authorization certificates, and validation tabs.

22 13-413.

23 (a) **(1)** Notwithstanding any other provision of this subtitle **AND**
24 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, the Administration may adopt
25 a system of multiyear registration.

26 **(2) THE ADMINISTRATION SHALL ADOPT A SYSTEM OF 2-YEAR**
27 **REGISTRATION FOR OFF-HIGHWAY VEHICLES.**

28 (b) Vehicle registration plates, **DECALS**, or validation tabs shall be issued
29 and displayed in accordance with a schedule established by the Administrator.

1 (c) The fee for a multiyear registration is the same as the annual
2 registration fee established under this title multiplied by the number of years for
3 which the registration is issued.

4 (d) The Administration shall refund the registration fees upon surrender of
5 the registration card and registration plates **OR DECAL** if the return is made before
6 the beginning of any 12-month registration year for which the application for refund
7 is made.

8 (e) The Administration may adopt regulations to carry out the provisions of
9 this section.

10 13-601.

11 (a) Except as provided in subsection (b) of this section, the Administration
12 may design temporary registration plates **OR DECALS** and furnish them to any
13 licensed dealer who:

14 (1) On the form that the Administration requires, applies for at least
15 five of these plates **OR DECALS**; and

16 (2) With the application, submits a fee established by the
17 Administration for each plate **OR DECAL**.

18 (b) A wholesale dealer may not apply for temporary registration plates **OR**
19 **DECALS**.

20 13-610.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Fleet" means 10 or more vehicles.

23 (3) "Qualified owner" means a person, partnership, firm, or
24 corporation, or an individual agent of a person, partnership, firm, or corporation,
25 authorized by the Administration to transmit electronically proper titling and
26 registration information and fees to the Administration.

27 (4) "Service provider" means a dealer or title service agent licensed
28 under Title 15 of this article or a qualified owner of a fleet.

29 (b) Subject to the approval of the Administration, a service provider may:

1 (1) Issue permanent registration plates **OR DECALS** to the transferee
2 or renew the registration of a vehicle if the service provider has electronically
3 transmitted the proper titling and registration information to the Administration, or
4 an agent designated by the Administration; and

5 (2) Charge the transferee or the registered owner of the vehicle a fee
6 for the actual cost to the service provider of the electronic transmission service
7 described in item (1) of this subsection.

8 (c) The Administration shall adopt regulations to:

9 (1) Govern the electronic transmission of titling and registration
10 information authorized under this section; and

11 (2) Determine the appropriate level of the fee that may be charged by
12 service providers for the electronic transmission service.

13 13-808.

14 The excise taxes imposed by this part for a vehicle shall be paid to the
15 Administration:

16 (1) Before the issuance of a certificate of title for that vehicle; or

17 (2) As to a vehicle registered under § 13-109(c) of this title without a
18 certificate of title, before the registration of that vehicle.

19 **13-937.2.**

20 (A) **WHEN REGISTERED WITH THE ADMINISTRATION, AN OFF-HIGHWAY**
21 **VEHICLE IS A CLASS O (OFF-HIGHWAY) VEHICLE.**

22 (B) **THE ADMINISTRATION SHALL ESTABLISH THE AMOUNT OF THE**
23 **REGISTRATION FEE FOR EACH CLASS O (OFF-HIGHWAY) VEHICLE.**

24 (C) (1) **FROM THE REVENUES COLLECTED UNDER THIS SECTION, THE**
25 **ADMINISTRATION SHALL RETAIN THOSE REVENUES NECESSARY TO RECOVER**
26 **THE COST OF ADMINISTERING THE REGISTRATION OF CLASS O (OFF-HIGHWAY)**
27 **VEHICLES, INCLUDING PROVIDING ANY NECESSARY STAFF AND COMPUTER**
28 **SYSTEM PROGRAMMING.**

1 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER**
2 **RECOVERING THE COSTS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION,**
3 **THE ADMINISTRATION SHALL REMIT THE BALANCE OF THE REVENUES**
4 **COLLECTED UNDER THIS SECTION TO THE COMPTROLLER FOR DEPOSIT INTO**
5 **THE OFF-HIGHWAY VEHICLE FUND ESTABLISHED UNDER § 5-209.1 OF THE**
6 **NATURAL RESOURCES ARTICLE.**

7 15-112.

8 (a) Any dealer or agent or employee of a dealer, any vehicle salesman, or any
9 other person who sells a motorized minibike shall inform the buyer in writing that a
10 motorized minibike may not be driven on a highway in the State.

11 (b) Any dealer or agent or employee of a dealer, any vehicle salesman, or any
12 other person who sells a motorized minibike shall inform the buyer in writing that
13 local law, ordinance, and regulation may limit the use of the motorized minibike.

14 **(C) ANY DEALER OR AGENT OR EMPLOYEE OF A DEALER, ANY VEHICLE**
15 **SALESMAN, OR ANY OTHER PERSON WHO SELLS AN OFF-HIGHWAY VEHICLE**
16 **SHALL INFORM THE BUYER THAT OPERATION OF THE OFF-HIGHWAY VEHICLE IS**
17 **SUBJECT TO §§ 13-403, 13-411.2, AND 21-1127 OF THIS ARTICLE.**

18 **21-1127.**

19 **(A) (1) EXCEPT WHEN CROSSING A HIGHWAY AT A RIGHT ANGLE, AN**
20 **INDIVIDUAL MAY NOT OPERATE AN OFF-HIGHWAY VEHICLE ON A HIGHWAY.**

21 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN**
22 **INDIVIDUAL MAY NOT OPERATE AN OFF-HIGHWAY VEHICLE ON A CONTROLLED**
23 **ACCESS HIGHWAY AS DEFINED IN § 21-101(D) OF THIS TITLE.**

24 **(B) (1) BEFORE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE**
25 **PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL OBTAIN THE**
26 **PERMISSION OF THE OWNER OF THE PRIVATE PROPERTY.**

27 **(2) WHILE OPERATING AN OFF-HIGHWAY VEHICLE ON PRIVATE**
28 **PROPERTY, THE OPERATOR OF THE OFF-HIGHWAY VEHICLE SHALL CARRY ANY**
29 **WRITTEN PERMISSION OBTAINED FROM THE OWNER OF THE PROPERTY OR**
30 **DISPLAY ANY EMBLEM REQUIRED BY THE PROPERTY OWNER.**

1 23-106.

2 (a) This section does not apply to:

3 (1) Any transfer of a used vehicle to any licensed dealer or to any
4 foreign dealer;

5 (2) Any transfer between:

6 (i) Spouses;

7 (ii) A parent and child; or

8 (iii) Co-owners of the vehicle to be transferred when a
9 co-owner's name is being removed from the title;

10 (3) Any transfer of a used vehicle that is not to be both titled and
11 registered in this State;

12 (4) Any transfer of a used vehicle among any agencies of the State;

13 (5) Any transfer of a used vehicle as described in § 13-503.2 of this
14 article;

15 (6) Any transfer of a used vehicle into a written inter vivos trust in
16 which the transferor is the primary beneficiary; [or]

17 (7) Any transfer of a used island vehicle, as defined in § 13-935 of this
18 article, registered, or to be registered, as a Class K (farm area/island) vehicle; **OR**

19 **(8) ANY TRANSFER OF AN OFF-HIGHWAY VEHICLE.**

20 (b) (1) Except as provided in paragraph (4) of this subsection, if any
21 licensed dealer that also is an inspection station transfers any used vehicle, it shall:

22 (i) Prepare and attach an inspection certificate to a window of
23 the vehicle; or

24 (ii) Have an inspection certificate prepared and attached to a
25 window of the vehicle by another inspection station.

1 (2) Except as provided in paragraphs (4) and (5) of this subsection, if
2 any other person transfers a used vehicle, the person shall obtain an inspection
3 certificate from an inspection station. The inspection certificate shall be issued
4 without charge and attached to a window of the vehicle.

5 (3) If a used vehicle is transferred other than by voluntary transfer or
6 is transferred by a political subdivision of the State after that subdivision obtains the
7 vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the
8 transferee shall obtain the inspection certificate from an authorized inspection station.
9 The inspection certificate shall be issued without charge and attached to a window of
10 the vehicle.

11 (4) In the case of a transfer of any used vehicle registered, or to be
12 registered, as a Class E (truck) exceeding three-fourths ton manufacturer's rated
13 capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump
14 service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain
15 the required inspection certificate.

16 (5) In the case of a transfer of any used vehicle registered or to be
17 registered, that is sold for dismantling or rebuilding purposes, the transferor or the
18 transferee of the vehicle may obtain the required inspection certificate.

19 (6) On applying for a certificate of title of the vehicle, the transferee
20 shall remove the inspection certificate from the vehicle and present it to the
21 Administration.

22 [25-102.1.

23 (a) (1) In this section, "off-the-road motorcycle" means a motorcycle not
24 otherwise registered under this article.

25 (2) "Off-the-road motorcycle" includes motorcycles designed for
26 off-the-road operation, motorcycles not otherwise eligible for registration under this
27 article, and motorcycles commonly referred to as "dirt bikes".

28 (b) Each county and Baltimore City may regulate the operation of
29 off-the-road motorcycles, require them to be registered, and impose a registration fee
30 for them.]

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
32 read as follows:

Article – Transportation

13–809.

(a) (1) In this section the following words have the meanings indicated.

(2) “Fair market value” means:

(i) Except as provided in [item (v)] **ITEMS (V) AND (VI)** of this paragraph, as to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in [item (iv)] **ITEMS (IV) AND (VI)** of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. \$640;

(iii) Except as provided in [item (iv)] **ITEMS (IV) AND (VI)** of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than \$500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or

2. If the total purchase price is \$500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price;

(iv) As to a used trailer that is sold by any person other than a licensed dealer, the greater of:

1 1. The total purchase price; or

2 2. \$320;

3 (v) As to the sale of any new or used motor home or travel
4 trailer by a licensed dealer, or a dealer licensed by another state or a foreign country,
5 the total purchase price, as defined in paragraph (4)(ii) of this subsection, as certified
6 by the dealer on a form acceptable to the Administration; [and]

7 (vi) **IN THE CASE OF A NEW OR USED OFF-HIGHWAY**
8 **VEHICLE, REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE**
9 **PRICE AS VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL**
10 **OF SALE OR OTHER ACCEPTABLE DOCUMENTATION; AND**

11 (VII) In any other case, the valuation shown in a national
12 publication of used car values adopted for use by the Department.

13 (3) “Motor home” has the meaning stated in § 11-134.3 of this article.

14 (4) “Total purchase price” means:

15 (i) Except as provided in item (ii) of this paragraph, the price of
16 a vehicle agreed on by the buyer and the seller, including any dealer processing
17 charge, with no allowance for trade-in or other nonmonetary consideration; and

18 (ii) In the case of a motor home or travel trailer, the price of the
19 motor home or travel trailer agreed on by the buyer and the seller less the value, not
20 to exceed the value shown in a national publication of used motor home and travel
21 trailer values adopted for use by the Department, of any motor home or travel trailer
22 that is traded in as part of the consideration of the sale.

23 (5) “Trailer” has the meaning stated in § 11-169 of this article.

24 (6) “Travel trailer” has the meaning stated in § 11-170 of this article.

25 (b) (1) Except as otherwise provided in this part, in addition to any other
26 charge required by the Maryland Vehicle Law, an excise tax is imposed:

27 (i) For each original and each subsequent certificate of title
28 issued in this State for a motor vehicle, trailer, or semitrailer; and

1 (ii) Except as provided in paragraph (2) of this subsection, for
2 each motor vehicle, trailer, or semitrailer that is in interstate operation and registered
3 under § 13–109(c) or (d) of this title without a certificate of title.

4 (2) (i) An excise tax of \$50 is imposed for the registration of a
5 trailer exempt from the titling requirement under § 13–102(12) of this title.

6 (ii) In a case where the fair market value as defined in
7 subsection (a)(2)(iii)2A of this section applies, the excise tax imposed under this part
8 may not be less than \$32.

9 (3) A political subdivision of the State may not impose a sales tax, a
10 use tax, or excise tax on the issuance of a motor vehicle certificate of title.

11 (c) (1) Except as provided in subsection (b)(2) of this section, the tax
12 imposed by this section is 5 percent of the fair market value of the vehicle.

13 (2) If the vehicle formerly was a vehicle exempt from the tax imposed
14 by this section, the tax shall be reduced by any amount previously paid by the present
15 owner as a sales and use tax on the vehicle under Title 11 of the Tax – General Article.

16 (3) (i) If the vehicle was formerly titled and registered in another
17 state and the present owner has not been a Maryland resident for more than 60 days
18 and has paid a sales or excise tax to that state at a rate less than that imposed by this
19 State, then the tax imposed shall apply but at a rate measured by the difference only
20 between the tax rate paid to the other state and the tax rate imposed by this section.

21 (ii) If the vehicle was formerly titled and registered in another
22 state and the present owner requests to transfer the vehicle in accordance with §
23 13–810(c)(1) of this subtitle, the Administration shall change or correct the names
24 contained in the certificate of title:

25 1. At the time the excise tax that is credited or imposed
26 under this section is paid and a new title is issued; and

27 2. Without issuing multiple certificates of title or
28 charging additional fees.

29 (iii) Except as provided in subsection (b)(2) of this section, the
30 minimum tax imposed under this section shall be \$100.

31 (d) Each applicant for a certificate of title or for registration under §
32 13–109(c) of this title shall submit to the Administration:

1 (1) The information that the Administration considers necessary as to:

2 (i) The time of purchase of the vehicle; and

3 (ii) The purchase price and other information relating to the
4 determination of the fair market value of the vehicle which may include, but is not
5 limited to:

6 1. Canceled checks;

7 2. Money order receipts;

8 3. Loan documents; or

9 4. A written description of the vehicle's condition; and

10 (2) If the excise tax is based on the total purchase price of the vehicle
11 as provided in subsection (a)(2)(iii)2A of this section, a notarized bill of sale that:

12 (i) Is designed by, and obtained from, the Administration;

13 (ii) Is signed by the buyer and the seller; and

14 (iii) Includes a statement explaining why the vehicle was sold at
15 the price stated in the bill of sale.

16 (e) Any person who fails to pay the excise tax as required in this section is
17 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
19 read as follows:

20 **Article – Transportation**

21 13–809.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Fair market value” means:

1 (i) [As] **EXCEPT AS PROVIDED IN ITEM (V) OF THIS**
2 **PARAGRAPH, AS** to the sale of any new or used vehicle by a licensed dealer, the total
3 purchase price, as certified by the dealer;

4 (ii) Except as provided in [item (iv)] **ITEMS (IV) AND (V)** of this
5 paragraph, as to a used vehicle that is sold by any person other than a licensed dealer
6 and that has a designated model year that is 7 years old or older, the greater of:

7 1. The total purchase price; or

8 2. \$640;

9 (iii) Except as provided in [item (iv)] **ITEMS (IV) AND (V)** of this
10 paragraph, as to any other used vehicle that is sold by any person other than a
11 licensed dealer:

12 1. The total purchase price, if the total purchase price is
13 less than \$500 below the retail value of the vehicle as shown in a national publication
14 of used car values adopted for use by the Department; or

15 2. If the total purchase price is \$500 or more below the
16 retail value of the vehicle as shown in a national publication of used car values
17 adopted for use by the Department:

18 A. The total purchase price, if verified to the satisfaction
19 of the Administration by a notarized bill of sale submitted in accordance with
20 subsection (d)(2) of this section; or

21 B. The valuation shown in the national publication of
22 used car values, if the Administration finds that the documentation submitted under
23 subsection (d)(2) of this section fails to verify the total purchase price;

24 (iv) As to a used trailer that is sold by any person other than a
25 licensed dealer, the greater of:

26 1. The total purchase price; or

27 2. \$320; [and]

28 (v) **IN THE CASE OF A NEW OR USED OFF-HIGHWAY**
29 **VEHICLE, REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE**

1 **PRICE AS VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL**
2 **OF SALE OR OTHER ACCEPTABLE DOCUMENTATION; AND**

3 (VI) In any other case, the valuation shown in a national
4 publication of used car values adopted for use by the Department.

5 (3) "Total purchase price" means the price of a vehicle agreed on by
6 the buyer and the seller, including any dealer processing charge, with no allowance for
7 trade-in or other nonmonetary consideration.

8 (4) "Trailer" has the meaning stated in § 11-169 of this article.

9 (b) (1) Except as otherwise provided in this part, in addition to any other
10 charge required by the Maryland Vehicle Law, an excise tax is imposed:

11 (i) For each original and each subsequent certificate of title
12 issued in this State for a motor vehicle, trailer, or semitrailer; and

13 (ii) Except as provided in paragraph (2) of this subsection, for
14 each motor vehicle, trailer, or semitrailer that is in interstate operation and registered
15 under § 13-109(c) or (d) of this title without a certificate of title.

16 (2) (i) An excise tax of \$50 is imposed for the registration of a
17 trailer exempt from the titling requirement under § 13-102(12) of this title.

18 (ii) In a case where the fair market value as defined in
19 subsection (a)(2)(iii)2A of this section applies, the excise tax imposed under this part
20 may not be less than \$32.

21 (3) A political subdivision of the State may not impose a sales tax, a
22 use tax, or excise tax on the issuance of a motor vehicle certificate of title.

23 (c) (1) Except as provided in subsection (b)(2) of this section, the tax
24 imposed by this section is 5 percent of the fair market value of the vehicle.

25 (2) If the vehicle formerly was a vehicle exempt from the tax imposed
26 by this section, the tax shall be reduced by any amount previously paid by the present
27 owner as a sales and use tax on the vehicle under Title 11 of the Tax – General Article.

28 (3) (i) If the vehicle was formerly titled and registered in another
29 state and the present owner has not been a Maryland resident for more than 60 days
30 and has paid a sales or excise tax to that state at a rate less than that imposed by this

1 State, then the tax imposed shall apply but at a rate measured by the difference only
2 between the tax rate paid to the other state and the tax rate imposed by this section.

3 (ii) If the vehicle was formerly titled and registered in another
4 state and the present owner requests to transfer the vehicle in accordance with §
5 13–810(c)(1) of this subtitle, the Administration shall change or correct the names
6 contained in the certificate of title:

7 1. At the time the excise tax that is credited or imposed
8 under this section is paid and a new title is issued; and

9 2. Without issuing multiple certificates of title or
10 charging additional fees.

11 (iii) Except as provided in subsection (b)(2) of this section, the
12 minimum tax imposed under this section shall be \$100.

13 (d) Each applicant for a certificate of title or for registration under §
14 13–109(c) of this title shall submit to the Administration:

15 (1) The information that the Administration considers necessary as to:

16 (i) The time of purchase of the vehicle; and

17 (ii) The purchase price and other information relating to the
18 determination of the fair market value of the vehicle which may include, but is not
19 limited to:

20 1. Canceled checks;

21 2. Money order receipts;

22 3. Loan documents; or

23 4. A written description of the vehicle's condition; and

24 (2) If the excise tax is based on the total purchase price of the vehicle
25 as provided in subsection (a)(2)(iii)2A of this section, a notarized bill of sale that:

26 (i) Is designed by, and obtained from, the Administration;

27 (ii) Is signed by the buyer and the seller; and

1 (iii) Includes a statement explaining why the vehicle was sold at
2 the price stated in the bill of sale.

3 (e) Any person who fails to pay the excise tax as required in this section is
4 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be
6 construed to supersede the provisions of any law of any county or political subdivision
7 of the State not relating to the classification, titling, registration, and identification of
8 off-highway vehicles as defined in this Act.

9 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of
10 Transportation shall report to the General Assembly, in accordance with § 2-1246 of
11 the State Government Article, on or before December 15, 2008. The report shall
12 provide a full accounting of the sales of off-highway vehicles in the State and the
13 amount of revenue generated annually by the sale of off-highway vehicles since the
14 effective date of this Act.

15 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
16 Natural Resources, in accordance with § 2-1246 of the State Government Article, shall
17 report to the General Assembly annually beginning on or before December 15, 2008,
18 on the Department's efforts and status in the acquisition, construction, and
19 maintenance of new and additional trails in the State for the use of off-highway
20 vehicles and in providing access to those trails.

21 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
22 take effect on the taking effect of the termination provision specified in Section 5 of
23 Chapters 361 and 362 of the Acts of the General Assembly of 2001. If that termination
24 provision takes effect, Section 2 of this Act shall be abrogated and of no further force
25 and effect. This Act may not be interpreted to have any effect on that termination
26 provision.

27 SECTION 8. AND BE IT FURTHER ENACTED, That, subject to the provisions
28 of Section 7 of this Act, this Act shall take effect October 1, 2007.