

HOUSE BILL 375

R4
HB 960/08 – ENV

9lr1434

By: **Delegates Weir, Ali, Boteler, Carr, Glenn, Hucker, Niemann, Shewell, and Sossi**

Introduced and read first time: February 2, 2009

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 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 for certain purposes and in accordance with the State budget; creating
10 an Off-Highway Vehicle Trails Advisory Committee; providing for the
11 membership and duties of the Committee; providing for the appointment of the
12 chair and vice chair of the Committee; providing for the staffing of the
13 Committee; prohibiting a member of the Committee from receiving certain
14 compensation or reimbursement; defining “off-highway vehicle”; providing that
15 an off-highway vehicle that is purchased before a certain date does not need a
16 certificate of title until after a certain date unless the vehicle is transferred to a
17 new owner; requiring an off-highway vehicle to be registered with the Motor
18 Vehicle Administration; exempting certain off-highway vehicles from
19 registration requirements; requiring that certain information be included with
20 an application for registration of an off-highway vehicle; requiring the dealer of
21 an off-highway vehicle to take certain actions if the vehicle is transferred to
22 someone other than a licensed dealer; requiring the Administration to issue to
23 the owner of a registered off-highway vehicle a registration decal; requiring
24 that certain information be included on the registration decal; prohibiting an
25 individual from operating an off-highway vehicle unless a registration decal
26 and any validation tab issued is attached to and displayed on the vehicle;
27 providing for the expiration of registration decals; requiring the Administration
28 to adopt regulations to govern the issuance, display, and expiration of
29 registration decals; requiring registration decals to be issued and displayed in
30 accordance with a schedule established by the Administration; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Administration to refund a registration fee under certain circumstances; authorizing the Administration to design temporary registration decals and provide them to certain licensed dealers; authorizing certain entities to transmit electronically titling and registration information and issue permanent registration decals; authorizing the Administration to establish the amount of the registration fee for an off-highway vehicle; requiring the Administration to retain a certain portion of the revenues from the registration of an off-highway vehicle; requiring the Administration to remit certain funds to the Comptroller for deposit into the Off-Highway Vehicle Fund; requiring a certain person who sells an off-highway vehicle to provide certain information to the buyer; prohibiting an individual from operating an off-highway vehicle on a highway with a certain exception; prohibiting an individual from operating an off-highway vehicle on a controlled access highway; establishing certain requirements for the operation of an off-highway vehicle on private property; providing that an off-highway vehicle is not required to be inspected when ownership is transferred; repealing certain provisions of law that authorize counties to regulate the operation of, require registration for, and impose a registration fee for off-the-road motorcycles; providing that, for purposes of determining a certain excise tax, the fair market value of a new or used off-highway vehicle is the total purchase price as verified to the satisfaction of the Administration by certain documents; requiring the Department of Transportation and the Department of Natural Resources to submit certain reports; providing for the construction of this Act; and generally relating to off-highway vehicles.

BY adding to

Article – Natural Resources
Section 5–209.1 and 5–209.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to

Article – Transportation
Section 11–140.1, 13–411.2, 13–937.2, and 21–1127
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 13–101.1, 13–402(b), and 13–808
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–102, 13–402(a) and (c), 13–403, 13–410(a) and (b), 13–412, 13–413, 13–601, 13–610, 13–809, 15–112, and 23–106
Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing

Article – Transportation

Section 25–102.1

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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

Article – Natural Resources

5–209.1.

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

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

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

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

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

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

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

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

(3) ANY INVESTMENT EARNINGS GENERATED BY THE FUND;

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

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

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

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

(I) THE DEPARTMENT, IN ACCORDANCE WITH § 2-1246 OF THE STATE
GOVERNMENT ARTICLE, SHALL REPORT TO THE GENERAL ASSEMBLY
ANNUALLY BEGINNING ON OR BEFORE DECEMBER 15, 2010, ON THE
DEPARTMENT'S EFFORTS AND STATUS IN THE ACQUISITION, CONSTRUCTION,
AND MAINTENANCE OF NEW AND ADDITIONAL TRAILS IN THE STATE FOR USE OF
OFF-HIGHWAY VEHICLES AND IN PROVIDING ACCESS TO THOSE TRAILS.

5-209.2.

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

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

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

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

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

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

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

(II) A REPRESENTATIVE OF ABATE OF MARYLAND;

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

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

5 (V) A REPRESENTATIVE OF THE MARYLAND FARM
6 BUREAU;

7 (VI) A REPRESENTATIVE OF THE MARYLAND TOURISM
8 COUNCIL;

9 (VII) A REPRESENTATIVE OF THE MARYLAND MOTORCYCLE
10 DEALERS ASSOCIATION;

11 (VIII) TWO REPRESENTATIVES OF NATURAL RESOURCES
12 CONSERVATION ORGANIZATIONS IN THE STATE;

13 (IX) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION
14 OF COUNTIES; AND

15 (X) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL
16 LEAGUE.

17 (D) THE GOVERNOR SHALL APPOINT THE CHAIR AND VICE CHAIR FROM
18 AMONG THE MEMBERS OF THE COMMITTEE.

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

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

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

23 (F) THE COMMITTEE SHALL ACT IN AN ADVISORY CAPACITY AND
24 SHALL:

25 (1) REVIEW EXISTING AND PROPOSED REGULATIONS,
26 STANDARDS, AND PROCEDURES FOR ALL TRAIL ACQUISITION, CONSTRUCTION,
27 DEVELOPMENT, AND MAINTENANCE;

28 (2) MAKE RECOMMENDATIONS ON TRAIL SITES, TRAIL SITE
29 ACQUISITIONS, AND THE ALLOCATION AND USE OF FUNDS;

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

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

8 (I) THE CHARACTERISTICS OF DIFFERENT TYPES OF
9 OFF-HIGHWAY VEHICLES AND THE PARTICULAR SKILLS AND EXPERIENCE
10 REQUIRED TO OPERATE EACH TYPE OF OFF-HIGHWAY VEHICLE SAFELY UNDER
11 VARIED TERRAIN AND WEATHER CONDITIONS;

12 (II) POTENTIAL ENFORCEMENT PROBLEMS ASSOCIATED
13 WITH REQUIRING A SAFETY PROGRAM OR COURSE FOR AN APPLICANT FOR
14 REGISTRATION OF AN OFF-HIGHWAY VEHICLE; AND

15 (III) ANY OTHER FACTORS THAT THE COMMITTEE CHOOSES.

16 (G) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION
17 SHALL PROVIDE STAFFING FOR THE COMMITTEE.

18 (H) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION
19 FOR SERVING ON THE COMMITTEE OR REIMBURSEMENT FOR EXPENSES.

20 Article – Transportation

21 11-140.1.

22 (A) “OFF-HIGHWAY VEHICLE” MEANS A VEHICLE THAT IS:

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

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

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

26 (III) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE
27 VEHICLE ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE
28 OPERATOR OR IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE
29 AND ONE PASSENGER; AND

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

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

(3) A SNOWMOBILE.

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

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

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

13-101.1.

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

13-102.

A certificate of title is not required for:

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

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

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

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

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

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

(7) A bicycle;

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

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self-propelled invalid:

(i) Wheelchair; or

(ii) Tricycle; [or]

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

(13) AN OFF-HIGHWAY VEHICLE PURCHASED BEFORE OCTOBER 1, 2009, UNTIL THE EARLIER OF:

(I) OCTOBER 1, 2014; OR

(II) THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS FIRST TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2009.

13-402.

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

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

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

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

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

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

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

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

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

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

10 (ii) Under a temporary registration card issued by the
11 Administration;

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

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

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

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

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

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

24 (8) New vehicles being operated as part of a shuttle, as defined in §
25 13-626 of this title, while following a registered vehicle displaying a shuttle permit
26 issued by the Administration;

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

29 (10) [A snowmobile which is operated on highways and roadways as
30 prescribed by § 25-102(a)(14) of this article] **AN OFF-HIGHWAY VEHICLE**
31 **PURCHASED BEFORE OCTOBER 1, 2009, UNTIL THE EARLIER OF:**

32 (I) **OCTOBER 1, 2014; OR**

1 **(II) THE DATE ON WHICH THE OFF-HIGHWAY VEHICLE IS**
2 **FIRST TRANSFERRED TO A NEW OWNER ON OR AFTER OCTOBER 1, 2009;**

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

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

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

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

13 **(15) AN OFF-HIGHWAY VEHICLE OPERATED IN AN ORGANIZED**
14 **COMPETITIVE OR NONCOMPETITIVE EVENT ON PUBLICLY OR PRIVATELY**
15 **OWNED OR LEASED LAND, IF THE AGENCY EXERCISING JURISDICTION OVER THE**
16 **LAND SPECIFICALLY AUTHORIZED THE ORGANIZED COMPETITIVE OR**
17 **NONCOMPETITIVE EVENT; OR**

18 **(16) AN OFF-HIGHWAY VEHICLE USED BY A DEALER OR**
19 **MANUFACTURER OR AN AUTHORIZED DESIGNEE OF A DEALER OR**
20 **MANUFACTURER FOR OFF-HIGHWAY VEHICLE OPERATOR EDUCATION OR**
21 **SAFETY PROGRAMS.**

22 13-403.

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

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

29 (b) (1) The application shall contain the information that the
30 Administration reasonably requires to determine if the vehicle is entitled to
31 registration.

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

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

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

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

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

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

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

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

14 (1) **OBTAIN FROM THE TRANSFEREE A COMPLETED**
15 **APPLICATION;**

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

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

21 13-410.

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

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

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

28 **(III) Two registration plates for every other vehicle.**

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

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

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

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

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

13-411.2.

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

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

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

13-412.

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

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

(2) A temporary authorization certificate:

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

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

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

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

13-413.

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

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

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

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

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

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

13-601.

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

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

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

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

13-610.

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

(2) “Fleet” means 10 or more vehicles.

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

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

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

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

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

(c) The Administration shall adopt regulations to:

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

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

13–808.

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

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

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

13–809.

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

(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) of this paragraph, as to any
10 other used vehicle that is sold by any person other than a licensed dealer:

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

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

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

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

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

25 1. The total purchase price; or

26 2. \$320; [and]

27 (v) **IN THE CASE OF A NEW OR USED OFF-HIGHWAY**
28 **VEHICLE REGARDLESS OF THE AGE OF THE VEHICLE, THE TOTAL PURCHASE**
29 **PRICE AS VERIFIED TO THE SATISFACTION OF THE ADMINISTRATION BY A BILL**
30 **OF SALE OR OTHER ACCEPTABLE DOCUMENTATION; AND**

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

(3) (i) Subject to subparagraph (ii) of this paragraph, “total purchase price” means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade-in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, “total purchase price” means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

(4) “Trailer” has the meaning stated in § 11–169 of this article.

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

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

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

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

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

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

(c) (1) Except as provided in subsection (b)(2) of this section, the tax imposed by this section is 6 percent of the fair market value of the vehicle.

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

(3) (i) 1. In this subparagraph, “military” includes the Commissioned Corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.

2. If the vehicle was formerly titled and registered in another state and the present owner has paid a sales or excise tax to that state at a rate less than that imposed by this State, then the tax imposed shall apply but at a

1 rate measured by the difference only between the tax rate paid to the other state and
2 the tax rate imposed by this section, if the present owner:

3 A. Has not been a Maryland resident for more than 60
4 days;

5 B. Is a member of the military on active duty and has not
6 been a Maryland resident for more than 1 year; or

7 C. Is a Maryland resident who is a member of the
8 military returning to Maryland from, or on, active duty and who applies for titling and
9 registration in Maryland no more than 1 year after returning.

10 (ii) If the vehicle was formerly titled and registered in another
11 state and the present owner requests to transfer the vehicle in accordance with
12 § 13–810(c)(1) of this subtitle, the Administration shall change or correct the names
13 contained in the certificate of title:

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

16 2. Without issuing multiple certificates of title or
17 charging additional fees.

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

20 (d) Each applicant for a certificate of title or for registration under
21 § 13–109(c) of this title shall submit to the Administration:

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

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

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

27 1. Canceled checks;

28 2. Money order receipts;

29 3. Loan documents; or

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

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

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

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

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

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

(f) The Administration shall adopt regulations to implement the provisions of this section.

13-937.2.

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

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

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

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

15-112.

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

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

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

21-1127.

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

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

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

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

23-106.

(a) This section does not apply to:

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

(2) Any transfer between:

(i) Spouses;

(ii) A parent and child; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 [25-102.1.

1 (a) (1) In this section, “off-the-road motorcycle” means a motorcycle not
2 otherwise registered under this article.

3 (2) “Off-the-road motorcycle” includes motorcycles designed for
4 off-the-road operation, motorcycles not otherwise eligible for registration under this
5 article, and motorcycles commonly referred to as “dirt bikes”.

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
10 construed to supersede the provisions of any law of any county or political subdivision
11 of the State not relating to the classification, titling, registration, and identification of
12 off-highway vehicles as defined in this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
14 Transportation shall report to the General Assembly, in accordance with § 2-1246 of
15 the State Government Article, on or before December 15, 2010. The report shall
16 provide a full accounting of the sales of off-highway vehicles in the State and the
17 amount of revenue generated annually by the sale of off-highway vehicles since the
18 effective date of this Act.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.