

# HOUSE BILL 1165

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CF SB 510

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By: **Delegates Myers, Beitzel, Boteler, Eckardt, Frank, Kelly, Krebs, Miller, Serafini, Stifler, Stull, Walkup, and Weldon**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Excise Tax – Vehicle Manufacturer’s Rebates – Exemptions**

3 FOR the purpose of exempting certain motor vehicle manufacturer’s rebates from the  
4 determination of the fair market value of certain motor vehicles for the purpose  
5 of imposing of the motor vehicle excise tax; altering a certain definition; defining  
6 a certain term; and generally relating to manufacturer’s rebates for certain  
7 vehicles and the motor vehicle excise tax.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 13–809  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2008 Supplement)

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

15 **Article – Transportation**

16 13–809.

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

18 (2) “Fair market value” means:

19 (i) As to the sale of any new or used vehicle by a licensed  
20 dealer, the total purchase price, as certified by the dealer;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 1. The total purchase price; or

5 2. \$640;

6 (iii) Except as provided in item (iv) of this paragraph, as to any  
7 other used vehicle that is sold by any person other than a licensed dealer:

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

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

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

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

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

22 1. The total purchase price; or

23 2. \$320; and

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

26 **(3) "MANUFACTURER'S REBATE" MEANS A CASH PAYMENT MADE**  
27 **BY A MANUFACTURER OF A VEHICLE TO A BUYER WHO:**

28 **(I) HAS PURCHASED OR AGREED TO PURCHASE THE**  
29 **MANUFACTURER'S VEHICLE FROM A LICENSED DEALER; AND**

30 **(II) USES THE CASH PAYMENT AT THE TIME OF PURCHASE**  
31 **AS A DOWN PAYMENT OR REDUCTION IN THE RETAIL VALUE OF THE VEHICLE TO**  
32 **WHICH THE REBATE APPLIES.**

1            ~~[(3)]~~ (4) (i) Subject to subparagraph (ii) of this paragraph, “total  
2 purchase price” means the price of a vehicle agreed on by the buyer and the seller,  
3 including any dealer processing charge, less an allowance for trade-in **AND LESS THE**  
4 **AMOUNT OF ANY MANUFACTURER’S REBATE**, but with no allowance for other  
5 nonmonetary consideration.

6            (ii) As to a person trading in a nonleased vehicle to enter into a  
7 lease for a period of more than 180 consecutive days, “total purchase price” means the  
8 retail value of the vehicle as certified by the dealer, including any dealer processing  
9 charge, less an allowance for the trade-in of the nonleased vehicle **AND LESS THE**  
10 **AMOUNT OF ANY MANUFACTURER’S REBATE**, but with no allowance for other  
11 nonmonetary consideration.

12            ~~[(4)]~~ (5) “Trailer” has the meaning stated in § 11–169 of this article.

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

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

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

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

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

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

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

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

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

1                   2.     If the vehicle was formerly titled and registered in  
2 another state and the present owner has paid a sales or excise tax to that state at a  
3 rate less than that imposed by this State, then the tax imposed shall apply but at a  
4 rate measured by the difference only between the tax rate paid to the other state and  
5 the tax rate imposed by this section, if the present owner:

6                   A.     Has not been a Maryland resident for more than 60  
7 days;

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

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

13                  (ii)    If the vehicle was formerly titled and registered in another  
14 state and the present owner requests to transfer the vehicle in accordance with §  
15 13–810(c)(1) of this subtitle, the Administration shall change or correct the names  
16 contained in the certificate of title:

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

19                   2.     Without issuing multiple certificates of title or  
20 charging additional fees.

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

23                  (d)     Each applicant for a certificate of title or for registration under §  
24 13–109(c) of this title shall submit to the Administration:

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

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

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

30                   1.     Canceled checks;

31                   2.     Money order receipts;

32                   3.     Loan documents; or

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

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

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

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

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

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

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

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 July 1, 2009.