

# SENATE BILL 92

Q5

9lr0026

(PRE-FILED)

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By: **Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)**

Requested: October 1, 2008

Introduced and read first time: January 14, 2009

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Carriers – Identification Markers – Forged Documents – Criminal**  
3 **Penalties**

4 FOR the purpose of prohibiting a ~~motor carrier~~ person from ~~falsifying, duplicating, or~~  
5 ~~attempting to falsify or duplicate certain~~ knowingly falsifying or using, holding,  
6 possessing, giving away, or selling certain falsified licenses, decals, or other  
7 official documents issued by the Comptroller; prohibiting a ~~motor carrier~~ person  
8 from ~~manufacturing, constructing, or possessing certain paraphernalia;~~  
9 ~~prohibiting a motor carrier from possessing, giving away, selling, or attempting~~  
10 ~~to sell certain items; prohibiting a motor carrier from holding or using~~  
11 ~~attempting to falsify or sell certain licenses or decals that have been falsified or~~  
12 ~~duplicated in violation of this Act;~~ specifying certain penalties for certain  
13 violations of this Act; defining certain terms; defining “falsify” for purposes of  
14 this Act to include alter, counterfeit, duplicate, manufacture, construct, or forge;  
15 and generally relating to the falsification or duplication of certain licenses,  
16 decals, or other official documents issued by the Comptroller.

17 BY adding to

18 Article – Tax – General

19 Section 9–223 and 13–1020(d)

20 Annotated Code of Maryland

21 (2004 Replacement Volume and 2008 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Tax – General**

4 **9-223.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6 MEANINGS INDICATED.

7 (2) “FALSIFY” INCLUDES ALTER, COUNTERFEIT, DUPLICATE,  
8 MANUFACTURE, CONSTRUCT, OR FORGE.

9 (3) “IFTA IDENTIFICATION MARKER” MEANS ANY LICENSE OR  
10 DECAL REQUIRED BY LAW TO BE POSSESSED BY A MOTOR CARRIER AND  
11 DISPLAYED ON A COMMERCIAL MOTOR VEHICLE.

12 ~~(B) A MOTOR CARRIER MAY NOT FALSIFY OR DUPLICATE, OR ATTEMPT~~  
13 ~~TO FALSIFY OR DUPLICATE, ANY IFTA IDENTIFICATION MARKER OR ANY OTHER~~  
14 ~~OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER.~~

15 ~~(C) A MOTOR CARRIER MAY NOT MANUFACTURE, CONSTRUCT, OR~~  
16 ~~POSSESS ANY PARAPHERNALIA FOR USE IN ANY FALSIFICATION OR~~  
17 ~~DUPLICATION PROHIBITED BY THIS SECTION.~~

18 ~~(D) A MOTOR CARRIER MAY NOT POSSESS, GIVE AWAY, SELL, OR~~  
19 ~~ATTEMPT TO SELL ANY ITEM FALSIFIED OR DUPLICATED IN VIOLATION OF THIS~~  
20 ~~SECTION.~~

21 ~~(E) A MOTOR CARRIER MAY NOT HOLD ANY IFTA IDENTIFICATION~~  
22 ~~MARKER DESCRIBED IN THIS SECTION THAT HAS BEEN FALSIFIED OR~~  
23 ~~DUPLICATED IN VIOLATION OF THIS SECTION.~~

24 ~~(F) A MOTOR CARRIER MAY NOT USE ANY FALSIFIED OR DUPLICATED~~  
25 ~~IFTA IDENTIFICATION MARKER DESCRIBED IN THIS SECTION.~~

26 (B) A PERSON MAY NOT KNOWINGLY:

27 (1) FALSIFY ANY IFTA IDENTIFICATION MARKER OR OTHER  
28 OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER;

29 (2) USE, HOLD, POSSESS, GIVE AWAY, OR SELL A FALSIFIED IFTA  
30 IDENTIFICATION MARKER OR OTHER OFFICIAL DOCUMENT ISSUED BY THE  
31 COMPTROLLER; OR

1                   **(3) ATTEMPT TO FALSIFY OR SELL ANY IFTA IDENTIFICATION**  
2 **MARKER OR OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER.**

3 13-1020.

4                   **(D) A MOTOR CARRIER WHO VIOLATES A PROVISION OF § 9-223 OF THIS**  
5 **ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A**  
6 **FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR**  
7 **BOTH.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.