

SENATE BILL 209

R7, R1

(9lr1603)

ENROLLED BILL

—Finance / Environmental Matters—

Introduced by ~~Senator Stone~~ Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Highway Administration - Snow Removal - Use of Farm Trucks**

3 FOR the purpose of prohibiting a person from making a certain claim for a refund of
4 motor fuel tax for motor fuel used to operate a farm truck under certain
5 provisions of this Act; authorizing the State Highway Administration to request
6 the use of certain farm trucks to assist in snow removal under certain
7 circumstances; authorizing the owner of a farm truck to refuse to allow the
8 Administration to use the farm truck; prohibiting the owner of a farm truck
9 from allowing the farm truck to be used to assist in snow removal outside of the
10 county in which the farm truck is registered; requiring the Administration to
11 compensate the owner of a farm truck that is used by the Administration for
12 snow removal; providing that the provisions of this Act apply only if a farm
13 truck meets certain minimum requirements; authorizing the Administration to

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.

Italics indicate opposite chamber / conference committee amendments.



1 adopt certain regulations; defining certain terms; and generally relating to the
2 use of farm trucks by the State Highway Administration for snow removal.

3 BY repealing and reenacting, with amendments,

4 Article – Tax – General

5 Section 13–901(f)(1)

6 Annotated Code of Maryland

7 (2004 Replacement Volume and 2008 Supplement)

8 BY adding to

9 Article – Tax – General

10 Section 13–901(f)(3)

11 Annotated Code of Maryland

12 (2004 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Tax – General

15 Section 13–1030

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2008 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 8–602

21 Annotated Code of Maryland

22 (2008 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article – Transportation

25 Section 13–921

26 Annotated Code of Maryland

27 (2006 Replacement Volume and 2008 Supplement)

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

30 **Article – Tax – General**

31 13–901.

32 (f) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
33 SUBSECTION, A claim for refund of motor fuel tax may be filed by a claimant who pays
34 the tax on:

35 (i) aviation fuel, as defined in § 9–101 of this article, that is:

- 1 1. dispensed to aircraft by an aircraft manufacturing
2 company located in the State; or
- 3 2. used:
- 4 A. by a person who engages in agricultural activities; and
- 5 B. in an aircraft that is used for agricultural purposes at
6 least 70% of the time that the aircraft is used; or
- 7 (ii) motor fuel, as defined in § 9–101 of this article, that:
- 8 1. is used to operate:
- 9 A. a bus that is used only in the operation of a
10 transportation system of a political subdivision of the State to transport the public on
11 regular schedules between fixed termini, as defined in Title 11 of the Transportation
12 Article;
- 13 B. farm equipment that is used for an agricultural
14 purpose and is not registered to operate on a public highway;
- 15 C. fire or rescue apparatus or vehicles by a volunteer fire
16 company or nonprofit volunteer rescue company incorporated in the State;
- 17 D. an internal combustion engine that is installed
18 permanently at a fixed location; or
- 19 E. a vehicle that is owned and used by a Maryland
20 chapter of the American Red Cross or a bona fide unit of a national veterans'
21 organization;
- 22 2. is bought by:
- 23 A. the United States or a unit of the United States
24 government;
- 25 B. the Department of General Services for use by State
26 agencies; or
- 27 C. a person who is required to pay a tax on the same fuel
28 to another state;
- 29 3. except for any operation of a motor vehicle on a public
30 highway in the State, is used for a commercial purpose, including:

1 A. the operation of a vessel used only for commercial
2 purposes;

3 B. commercial cleaning; or

4 C. commercial dyeing;

5 4. is used in any of the following vehicles that have
6 pumping or other equipment mechanically or hydraulically driven by the engine that
7 propels the vehicle:

8 A. a concrete mixing motor vehicle or concrete pump
9 truck;

10 B. a motor fuel delivery vehicle;

11 C. a solid waste compacting vehicle;

12 D. a well-drilling vehicle; or

13 E. farm equipment registered as a vehicle for highway
14 use that is designed or adapted solely and used exclusively for bulk farm spreading of
15 agriculture liming materials, chemicals, or fertilizer;

16 5. is used by a system of transportation based in the
17 State, in a vehicle that is used to provide transportation to elderly or low income
18 individuals, or individuals with disabilities, if the system is operated by a nonprofit
19 organization for purposes relating to the charge for which the nonprofit organization
20 was established and the nonprofit organization:

21 A. is exempt for federal income tax purposes under §
22 501(c) of the Internal Revenue Code;

23 B. is funded to provide transportation to elderly or low
24 income individuals, or individuals with disabilities;

25 C. receives part of its operating funding from the
26 Maryland Department of Transportation or the Maryland Department of Health and
27 Mental Hygiene;

28 D. has stated in its charter or bylaws that operating
29 transportation services for elderly or low income individuals, or individuals with
30 disabilities, is one of the purposes for which it was established; and

31 E. is actively operating a system of transportation for
32 elderly or low income individuals, or individuals with disabilities; or

1 6. is lost as a result of fire, collision, or other casualty,
2 except for loss in ordinary transportation and storage.

3 **(3) A PERSON MAY NOT MAKE A CLAIM FOR A REFUND OF MOTOR**
4 **FUEL TAX UNDER PARAGRAPH (1)(II)1B OF THIS SUBSECTION FOR MOTOR FUEL**
5 **USED TO OPERATE A FARM TRUCK UNDER THE PROVISIONS OF § 8-602(C) OF**
6 **THE TRANSPORTATION ARTICLE.**

7 13-1030.

8 (a) A person who makes or assists another person to make a false claim for
9 refund of motor fuel tax is guilty of a misdemeanor and, on conviction, is subject to a
10 fine not exceeding \$1,000 or imprisonment in the county jail not exceeding 6 months or
11 both.

12 (b) A person who fraudulently obtains or assists another person to
13 fraudulently obtain a refund of motor fuel tax is guilty of a misdemeanor and, on
14 conviction, is subject to a fine not exceeding \$1,000 or imprisonment in the county jail
15 not exceeding 6 months or both.

16 Article – Transportation

17 8-602.

18 (a) The Administration shall:

19 (1) Keep all State highways reasonably clear of brush, snow, and other
20 debris; and

21 (2) Remove from a State highway, as soon as its presence is made
22 known to the Administration, any animal carcass that will impede traffic or
23 substantially endanger the safety of the traveling public.

24 (b) (1) In removing snow from highways in Garrett County, the
25 Administration:

26 (i) Shall avoid blocking completely the entrance to any home or
27 business adjacent to the highway; and

28 (ii) May not throw or pile snow against any building in any way
29 that interferes with the use of the building by its owner or occupant.

30 (2) If, in unusual circumstances, the entrance to any home or business
31 is blocked in the course of snow removal, the Administration shall unblock the
32 entrance within a reasonable time.

1 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
2 THE MEANINGS INDICATED.

3 (II) "FARM TRUCK" HAS THE MEANING STATED IN § 13-921
4 OF THIS ARTICLE.

5 (III) "LOCAL STATE OF EMERGENCY" MEANS A LOCAL STATE
6 OF EMERGENCY DECLARED UNDER § 14-111 OF THE PUBLIC SAFETY ARTICLE.

7 (IV) "STATE OF EMERGENCY" MEANS A STATE OF
8 EMERGENCY DECLARED UNDER § 14-107 OF THE PUBLIC SAFETY ARTICLE.

9 (2) IN THE EVENT OF A STATE OF EMERGENCY OR A LOCAL STATE
10 OF EMERGENCY, INCLUDING SNOW, HURRICANE, WINDSTORM, OR A SIMILAR
11 EVENT, THE ADMINISTRATION MAY REQUEST THAT THE OWNER OF A FARM
12 TRUCK ALLOW THE ADMINISTRATION TO USE THE FARM TRUCK TO ASSIST IN
13 SNOW REMOVAL.

14 (3) THE OWNER OF A FARM TRUCK MAY REFUSE A REQUEST
15 MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION TO ALLOW THE
16 ADMINISTRATION TO USE THE FARM TRUCK.

17 (4) THE OWNER OF A FARM TRUCK MAY NOT ALLOW THE FARM
18 TRUCK TO BE USED UNDER THIS SUBSECTION TO ASSIST IN SNOW REMOVAL
19 OUTSIDE OF THE COUNTY IN WHICH THE FARM TRUCK IS REGISTERED.

20 (5) THE ADMINISTRATION SHALL COMPENSATE THE OWNER OF A
21 FARM TRUCK THAT IS USED BY THE ADMINISTRATION FOR SNOW REMOVAL.

22 ~~(5)~~ (6) THIS SUBSECTION APPLIES ONLY IF THE FARM TRUCK
23 MEETS THE FOLLOWING MINIMUM REQUIREMENTS:

24 (I) THE FARM TRUCK PASSED ITS MOST RECENT
25 INSPECTION UNDER § 23-302 OF THIS ARTICLE;

26 (II) THE OPERATOR OF THE FARM TRUCK POSSESSES A
27 VALID COMMERCIAL DRIVER'S LICENSE AND A CURRENT MEDICAL CARD;

28 (III) THE OWNER OF THE FARM TRUCK MEETS MINIMUM
29 INSURANCE REQUIREMENTS; AND

30 (IV) THE FARM TRUCK USES ULTRA-LOW SULFUR DIESEL
31 FUEL WHILE BEING USED TO ASSIST THE ADMINISTRATION IN SNOW REMOVAL.

1 ~~(5) (6) (7)~~ **THE ADMINISTRATION MAY ADOPT REGULATIONS TO**
 2 **CARRY OUT THE PROVISIONS OF THIS SUBSECTION.**

3 13-921.

4 (a) In this section, “farm truck” means a farm vehicle that:

5 (1) Is a Class E (truck) vehicle; and

6 (2) Has a shipping weight of its chassis and battery, as certified by the
 7 manufacturer, of more than 3/4 ton.

8 (b) On application, the Administration shall issue a Class E “farm truck
 9 registration” to any applicant who certifies:

10 (1) That the applicant is a farmer; and

11 (2) That the vehicle for which the application is made is a farm truck,
 12 specifying its proposed use.

13 (c) For each vehicle registered under this section, the annual registration fee
 14 is based on the maximum gross vehicle weight, as follows:

15	Maximum Gross Weight	Fee (per 1,000 Pounds
16	Limit (in Pounds)	or Fraction Thereof)
17	10,000 (minimum) – 40,000	\$5.00
18	40,001 – 65,000 (maximum)	\$5.25

19 (d) **[A] EXCEPT AS PROVIDED IN § 8-602(C) OF THIS ARTICLE, A** vehicle
 20 registered under this section may not be used:

21 (1) **[for] FOR** hire except to haul farm products for another **[farmer.]**
 22 **FARMER; OR**

23 (e) A vehicle registered under this section may not be used]

24 (2) **[in] IN** any manner other than as a farm truck.

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