

CHAPTER 221

(Senate Bill 209)

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

FOR the purpose of prohibiting a person from making a certain claim for a refund of motor fuel tax for motor fuel used to operate a farm truck under certain provisions of this Act; authorizing the State Highway Administration to request the use of certain farm trucks to assist in snow removal under certain circumstances; authorizing the owner of a farm truck to refuse to allow the Administration to use the farm truck; prohibiting the owner of a farm truck from allowing the farm truck to be used to assist in snow removal outside of the county in which the farm truck is registered; requiring the Administration to compensate the owner of a farm truck that is used by the Administration for snow removal; providing that the provisions of this Act apply only if a farm truck meets certain minimum requirements; authorizing the Administration to adopt certain regulations; defining certain terms; and generally relating to the use of farm trucks by the State Highway Administration for snow removal.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 13-901(f)(1)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – Tax – General

Section 13-901(f)(3)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 13-1030

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8-602

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–921
 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 – Tax – General

13–901.

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

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

1. dispensed to aircraft by an aircraft manufacturing company located in the State; or

2. used:

A. by a person who engages in agricultural activities; and

B. in an aircraft that is used for agricultural purposes at least 70% of the time that the aircraft is used; or

(ii) motor fuel, as defined in § 9–101 of this article, that:

1. is used to operate:

A. a bus that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on regular schedules between fixed termini, as defined in Title 11 of the Transportation Article;

B. farm equipment that is used for an agricultural purpose and is not registered to operate on a public highway;

C. fire or rescue apparatus or vehicles by a volunteer fire company or nonprofit volunteer rescue company incorporated in the State;

D. an internal combustion engine that is installed permanently at a fixed location; or

E. a vehicle that is owned and used by a Maryland chapter of the American Red Cross or a bona fide unit of a national veterans' organization;

2. is bought by:

A. the United States or a unit of the United States government;

B. the Department of General Services for use by State agencies; or

C. a person who is required to pay a tax on the same fuel to another state;

3. except for any operation of a motor vehicle on a public highway in the State, is used for a commercial purpose, including:

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

B. commercial cleaning; or

C. commercial dyeing;

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

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

B. a motor fuel delivery vehicle;

C. a solid waste compacting vehicle;

D. a well-drilling vehicle; or

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

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

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

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

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

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

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

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

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

13-1030.

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

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

Article - Transportation

8-602.

(a) The Administration shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13-921.

(a) In this section, "farm truck" means a farm vehicle that:

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

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

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

(1) That the applicant is a farmer; and

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

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

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.