

SENATE BILL 324

R6

1lr1322

By: **Senators Manno and Pugh**

Introduced and read first time: February 2, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Fee–Setting Authority – Miscellaneous Fees**
3 **and Vehicle Emissions Inspection Fees**

4 FOR the purpose of repealing the requirement that the Motor Vehicle Administration,
5 before the start of a fiscal year, alter the levels of certain miscellaneous fees for
6 the upcoming fiscal year if a certain projected cost recovery exceeds a certain
7 amount; increasing the maximum fee that the Administration may set for
8 vehicle emissions inspection and testing under the Vehicle Emissions Inspection
9 Program; establishing a certain maximum fee that the Administration may set
10 for the emissions inspection and testing of a vehicle owned by a senior citizen,
11 an active duty member of the armed forces, or a veteran; providing for the
12 allocation of certain fee revenues; repealing obsolete language; defining certain
13 terms; and generally relating to fees set by the Motor Vehicle Administration.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 12–120 and 23–205
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 23–201(a) and (i)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2010 Supplement)

24 BY adding to
25 Article – Transportation
26 Section 23–201(j) and (k)
27 Annotated Code of Maryland
28 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 12–120.

5 (a) In this section, “miscellaneous fees” means all fees collected by the
6 Administration under this article other than:

7 (1) The vehicle titling tax; and

8 (2) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this
9 article.

10 (b) Except as provided in this section, the Administration may not alter the
11 miscellaneous fees that the Administration is authorized under this article to
12 establish.

13 (c) **[(1)]** Subject to the limitations under subsection (d) of this section,
14 before the start of any fiscal year the Administration by regulation may alter, effective
15 beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the
16 Administration is authorized under this article to establish.

17 **[(2)]** The Administration shall alter the levels of miscellaneous fees for
18 the upcoming fiscal year if the projected cost recovery under subsection (d) of this
19 section exceeds 100%.]

20 (d) The Administration shall set the levels of miscellaneous fees so that the
21 total amount of projected revenues from all miscellaneous fees for the upcoming fiscal
22 year is at least 95 percent **[but does not exceed 100 percent]** of the sum of:

23 (1) The operating budget of the Administration for that fiscal year as
24 approved by the General Assembly in the annual State budget;

25 (2) The average annual capital program of the Administration as
26 reported in the 6–year Consolidated Transportation Program described in § 2–103.1 of
27 this article; and

28 (3) The Administration’s portion of the cost for that fiscal year of the
29 Department’s data center operations, except for the cost of data center operations
30 attributable to other administrations’ activities.

31 (e) (1) The Administration may not alter miscellaneous fees more than
32 once in any fiscal year.

1 (2) The Administration need not reduce fees for the upcoming fiscal
2 year if legislative budget modifications cause the projected cost recovery percentage to
3 exceed 100 percent.

4 (3) The level of a miscellaneous fee set by the Administration remains
5 in effect until again altered by the Administration as provided under this section.

6 23–201.

7 (a) In this subtitle the following words have the meanings indicated.

8 (i) “Secretary” means the Secretary of the Environment.

9 **(J) “SENIOR CITIZEN” MEANS AN INDIVIDUAL WHO IS AT LEAST 65**
10 **YEARS OLD.**

11 **(K) “VETERAN” MEANS AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY**
12 **IN THE ARMED FORCES OF THE UNITED STATES AND WHO WAS DISCHARGED OR**
13 **RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.**

14 23–205.

15 (a) (1) Subject to paragraph (2) of this subsection, the Administration and
16 the Secretary shall set the fee to be charged for each vehicle to be inspected and tested
17 by a facility.

18 (2) **(I) [The] SUBJECT TO PARAGRAPH (II) OF THIS**
19 **SUBSECTION, THE** fee established under this subsection[:

20 (i) During the period from January 1, 1995 through May 31,
21 1997, may not exceed \$12; and

22 (ii) During the period after May 31, 1997,] may not exceed [\$14]
23 **\$28.**

24 **(II) FOR A VEHICLE OWNED BY A SENIOR CITIZEN, AN**
25 **INDIVIDUAL SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED**
26 **STATES, OR A VETERAN, THE FEE SET BY THE ADMINISTRATION FOR THE**
27 **VEHICLE TO BE INSPECTED AND TESTED MAY NOT EXCEED \$21.**

28 (b) The fee shall be collected in a manner established by the Administration
29 and the Secretary.

30 (c) **(1)** A specific portion of the fee shall be paid to or retained by the
31 Administration to cover the cost of administration and enforcement of the emissions
32 control program, as provided in the contract between the contractor and the State.

1 **(2) IF THE FEES COLLECTED UNDER THIS SECTION EXCEED THE**
2 **COST OF ADMINISTRATION AND ENFORCEMENT OF THE EMISSIONS CONTROL**
3 **PROGRAM, THE BALANCE SHALL BE PAID TO THE TRANSPORTATION TRUST**
4 **FUND ESTABLISHED UNDER § 3-216 OF THIS ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2011.