

SB0082/827673/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 82

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “accident;” insert “providing for the allocation of certain penalties among certain funds on or after a certain date; providing for the application of this Act;”; after line 13, insert:

“BY repealing and reenacting, with amendments,

Article - Transportation

Section 17-106(e)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“Article – Transportation

17–106.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

(ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.

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(iii) The penalty imposed under this subsection may not exceed \$2,500 for each violation in a 12-month period.

(2) (i) A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through [(iv)] (VI) of this paragraph; and

2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(ii) For the fiscal year beginning July 1, 2001, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, the Transportation Trust Fund, and the General Fund as follows:

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;

2. \$600,000 to the School Bus Safety Enforcement Fund;

3. \$2,000,000 to the Vehicle Theft Prevention Fund;

4. \$9,600,000 to the Transportation Trust Fund; and

5. The balance to the General Fund.

(iii) For the fiscal year beginning July 1, 2002, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, and the General Fund as follows:

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
2. \$600,000 to the School Bus Safety Enforcement Fund;
3. \$2,000,000 to the Vehicle Theft Prevention Fund;
4. \$2,000,000 to the Maryland Automobile Insurance Fund; and
5. The balance to the General Fund.

(iv) For each fiscal year beginning on or after July 1, 2003, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Bus Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School Bus Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;
3. The amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer

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Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics to the Maryland Automobile Insurance Fund; and

4. The balance to the General Fund.

(v) FOR EACH FISCAL YEAR BEGINNING ON JULY 1, 2013, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE SCHOOL BUS SAFETY ENFORCEMENT FUND, THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, AND THE GENERAL FUND AS FOLLOWS:

1. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND;
2. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND;
3. \$3,400,000 TO THE MARYLAND AUTOMOBILE INSURANCE FUND; AND
4. THE BALANCE TO THE GENERAL FUND.

(vi) FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2014, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE SCHOOL BUS SAFETY ENFORCEMENT FUND, THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, AND THE GENERAL FUND AS FOLLOWS:

1. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND;

2. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND;

3. TO THE MARYLAND AUTOMOBILE INSURANCE FUND, THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX – ALL URBAN CONSUMERS – MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS; AND

4. THE BALANCE TO THE GENERAL FUND.

(3) If the Administration assesses a vehicle owner or co-owner with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or co-owned by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned or co-owned by that person.

(4) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of

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this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle's registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

(5) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.”;

before line 31, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to claims filed based on accidents that occurred on or after October 1, 2012.”;

and in line 31, strike “2.” and substitute “3.”.