

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Pugh, Gladden, and Forehand”; in line 2, strike “Registration,”; in line 7, strike “and registered”; strike beginning with “requiring” in line 9 down through “scooters” in line 16 and substitute “requiring an application for a certificate of title for a motor scooter or moped to be submitted electronically; requiring the Administration to issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued; requiring an owner of a motor scooter or moped to display the decal in a certain manner; requiring a decal to display a unique number sequence assigned by the Administration; requiring the Administration to establish a certain fee for the decal and adopt certain regulations; prohibiting a person from operating a motor scooter or moped unless the motor scooter or moped displays the decal in a certain manner; establishing a certain fee for a certificate of title issued for a motor scooter or moped; establishing the criteria for determining the fair market value of a motor scooter or a moped for the purpose of determining the excise tax under certain circumstances; requiring the owner of a motor scooter or moped to certify at the time of titling that the vehicle is covered by a certain security; requiring the operator of a motor scooter or moped to carry evidence of a certain required security when operating the motor scooter or moped”; and strike beginning with “providing” in line 26 down through “scooters;” in line 28 and substitute “requiring the Motor Vehicle Administration to waive certain fees associated with titling a moped or motor scooter for certain individuals under certain circumstances;”.

On page 2, in line 8, strike “13-101.1, 13-402(a)(1), 17-104(a) and (b),”; in line 9, strike “23-101(a),” and substitute “and”; in the same line, strike “, 23-107(a)(1), 23-202(a)(1), and 23-206(a)”; in line 14, strike “11-135, 11-176, 13-403, 13-954,” and substitute “13-102, 13-104(a), 13-106, 13-802, 13-809(a)(1), (2), and (3), and”; in the

(Over)

same line, strike “, 23-101(i)(3), and”; strike line 15 in its entirety; and in line 20, strike “13-939.3” and substitute “17-104.1”.

AMENDMENT NO. 2

On page 3, in line 16, strike “motor”; in line 18, after the second bracket, insert “:

(1)”;

and in line 20, after “ARTICLE” insert “;

(2) A MOPED; AND

(3) A MOTOR SCOOTER”.

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 18 on page 4 through line 20 on page 7, inclusive, and substitute:

“13–102.

A certificate of title is not required for:

(1) A vehicle owned and used by the United States, unless it is registered in this State;

(2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13–621 of this title;

(3) A vehicle used by a manufacturer only for testing;

(4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;

(6) A vehicle moved only by human or animal power;

(7) A bicycle, **EXCEPT FOR A MOPED;**

(8) A vehicle in which interest has passed to a secured party on default of the owner;

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self-propelled invalid;

(i) Wheelchair; or

(ii) Tricycle;

(12) A trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less; or

(13) An off-highway recreational vehicle purchased before October 1, 2010.

13-104.

(Over)

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, A MOTOR SCOOTER, OR A MOPED shall be made by electronic transmission under § 13-610 of this title.

(3) THE OWNER OF A MOTOR SCOOTER OR MOPED SHALL CERTIFY AT THE TIME OF TITLING THAT THE MOTOR SCOOTER OR MOPED IS COVERED BY THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS ARTICLE.

13-106.

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14–1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14–1502(f)(2) of the Commercial Law Article; and

(3) A manufacturer's disclosure form provided to the Administration under § 14–1502(g) of the Commercial Law Article.

(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO THE OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED.

(2) AN OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE AS PRESCRIBED BY THE ADMINISTRATION.

(3) A DECAL SHALL DISPLAY A UNIQUE NUMBER SEQUENCE ASSIGNED BY THE ADMINISTRATION.

(4) THE ADMINISTRATION:

(I) SHALL ESTABLISH A FEE OF \$5 FOR A DECAL; AND

(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13-802.

(a) Except as provided in subsection (b) of this section and § 13-805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) For fiscal years 2012 through 2014 only, the fee for each certificate of title issued for a rental vehicle is \$50.

(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A MOTOR SCOOTER OR A MOPED IS \$20.

13-809.

(a) (1) In this section the following words have the meanings indicated.

(2) "Fair market value" means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. \$640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than \$500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or

2. If the total purchase price is \$500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price;

(iv) As to a used trailer, A MOTOR SCOOTER, A MOPED, or AN off-highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or

2. \$320; and

(v) In any other case, the valuation shown in a national publication of used car values adopted for use by the Department.

(Over)

(3) (i) Subject to subparagraph (ii) of this paragraph, “total purchase price” means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade-in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, “total purchase price” means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

17-104.1.

THE OWNER OF A MOPED OR MOTOR SCOOTER SHALL CARRY EVIDENCE OF THE REQUIRED SECURITY WHEN OPERATING THE MOPED OR MOTOR SCOOTER.”.

AMENDMENT NO. 4

On page 8, in line 18, strike “**ESTABLISHED BY THE ADMINISTRATOR**” and substitute “**PROVIDED UNDER 49 C.F.R § 571.218**”.

AMENDMENT NO. 5

On page 10, strike in their entirety lines 4 through 8, inclusive; and strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 6

On page 11, strike in their entirety lines 1 through 5, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That, except for the decal fee established under this Act, the Motor Vehicle Administration shall waive all fees associated with titling a moped or motor scooter for an individual who owned the

moped or motor scooter on the effective date of this Act and titles the vehicle on or before October 1, 2013.”;

and in line 6, strike “2.” and substitute “3.”.