

HOUSE BILL 1256

R2

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By: **Delegates Barkley, Bronrott, Elmore, Frush, Lafferty, Reznik, Rice, Simmons, and Stein**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – E-ZPass Account Maintenance Charge**
3 **– Prohibition**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from imposing
5 an E-ZPass account maintenance charge; defining a certain term; and generally
6 relating to restricting charges that the Authority may impose on E-ZPass
7 account holders.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 4–312
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

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

15 **Article – Transportation**

16 4–312.

17 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
18 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be
19 continued to be charged on the John F. Kennedy Memorial Highway and any project
20 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
21 of Chapter 608 of the Acts of the General Assembly of 1976.

22 (2) As to all or any part of any transportation facilities project, the
23 Authority may:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and
2 other charges and revenues for its use or for its services; and

3 (ii) Contract with any person who desires its use for any
4 purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or
5 revenues for this use.

6 (b) The rentals, rates, fees, tolls, and other charges and revenues designated
7 as security for any bonds issued under this subtitle shall be fixed and adjusted from
8 time to time, either with respect to a particular transportation facilities project or in
9 respect of the aggregate of the charges and revenues from other transportation
10 facilities projects under the control of the Authority, as may be specified by law or in
11 any applicable resolution or trust agreement, so as to provide funds that, together
12 with any other available revenues, are sufficient as long as the bonds are outstanding
13 and unpaid to:

14 (1) Pay the costs of maintaining, repairing, and operating the
15 transportation facilities project or projects financed in whole or in part by one or more
16 series of outstanding and unpaid bonds, to the extent that payment is not otherwise
17 provided;

18 (2) Pay the principal of and the interest on these bonds as they become
19 due and payable;

20 (3) Create reasonable reserves that are anticipated will be needed for
21 these purposes; and

22 (4) Provide funds for paying the cost of replacements, renewals, and
23 improvements.

24 (c) (1) Except as otherwise provided in this subsection, the rentals, rates,
25 fees, tolls, and other charges and revenues are not subject to supervision or regulation
26 by any instrumentality, agency, or unit of this State or any of its political subdivisions.

27 (2) This subtitle does not permit the exercise of any power or the
28 undertaking of any activity that would conflict with the provisions and limitations of
29 the federal Urban Mass Transportation Act of 1964.

30 (3) Tolls for the use of the bridge carrying the John F. Kennedy
31 Memorial Highway over the Susquehanna River may not be less than the comparable
32 tolls charged for the use of the Susquehanna River Bridge.

33 (4) Prior to fixing or revising tolls on any part of any transportation
34 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State
35 Government Article, to the Senate Budget and Taxation Committee, Senate Finance
36 Committee, House Appropriations Committee, and House Ways and Means
37 Committee information on the proposed toll charges, including:

- 1 (i) The annual revenues generated by the toll charges;
- 2 (ii) The proposed use of the revenues; and
- 3 (iii) The proposed commuter discount rates.

4 **(5) (I) IN THIS PARAGRAPH, “E-ZPASS ACCOUNT**
5 **MAINTENANCE CHARGE” MEANS A CHARGE IMPOSED BY THE AUTHORITY IN AN**
6 **EQUAL AMOUNT ON ALL E-ZPASS ACCOUNT HOLDERS ON A REGULARLY**
7 **RECURRING BASIS TO RECOVER AGGREGATE COSTS INCURRED BY THE**
8 **AUTHORITY RELATED TO ADMINISTERING AND MAINTAINING E-ZPASS**
9 **ACCOUNTS.**

10 **(II) THE AUTHORITY MAY NOT IMPOSE AN E-ZPASS**
11 **ACCOUNT MAINTENANCE CHARGE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2010.