

SENATE BILL 624

R4, R5

2lr2845
CF HB 569

By: **Senators Forehand and Montgomery**
Introduced and read first time: February 3, 2012
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Motor Scooters, Mopeds, and Off-Highway Recreational**
3 **Vehicles – Titling and Required Use of Protective Headgear**

4 FOR the purpose of requiring a motor scooter or moped in the State to be titled by the
5 Motor Vehicle Administration; requiring an application for a certificate of title
6 for a motor scooter or moped to be submitted electronically; requiring the
7 Administration to issue a permanent decal to the owner of a motor scooter, a
8 moped, or an off-highway recreational vehicle for which a certificate of title is
9 issued; requiring an owner of a motor scooter, a moped, or an off-highway
10 recreational vehicle to display the decal in a certain manner; requiring a decal
11 to display a unique number sequence assigned by the Administration; requiring
12 the Administration to establish a certain fee for the decal and adopt certain
13 regulations; prohibiting a person from operating a motor scooter, a moped, or
14 an off-highway recreational vehicle unless the motor scooter, moped, or
15 off-highway vehicle displays the decal in a certain manner; establishing a
16 certain fee for a certificate of title issued for a motor scooter, a moped, or an
17 off-highway recreational vehicle; establishing the criteria for determining the
18 fair market value of a motor scooter or a moped for the purpose of determining
19 the excise tax under certain circumstances; prohibiting a person from operating
20 or riding on a motor scooter or an off-highway recreational vehicle unless the
21 person is wearing certain protective headgear; altering certain definitions;
22 clarifying that the defined term “bicycle” includes a moped; clarifying certain
23 language; providing for a delayed effective date for this Act; and generally
24 relating to vehicle titling and the required use of protective headgear for owners
25 of motor scooters, mopeds, and off-highway recreational vehicles.

26 BY repealing and reenacting, with amendments,
27 Article – Transportation
28 Section 11-104, 11-176, 13-102, 13-104(a), 13-106, 13-802, 13-809(a)(2),
29 21-1202, 21-1207.1, and 21-1207.2
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Transportation
4 Section 11–134.1, 11–134.5, 11–135, 13–101.1, and 13–809(a)(1)
5 Annotated Code of Maryland
6 (2009 Replacement Volume and 2011 Supplement)

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

9 **Article – Transportation**

10 11–104.

11 **(A)** “Bicycle” means a vehicle that:

- 12 (1) Is designed to be operated by human power;
- 13 (2) Has two or three wheels, of which one is more than 14 inches in
14 diameter; and
- 15 (3) Has a drive mechanism other than by pedals directly attached to a
16 drive wheel.

17 **(B)** **“BICYCLE” INCLUDES A MOPED.**

18 11–134.1.

19 “Moped” means a bicycle that:

- 20 (1) Is designed to be operated by human power with the assistance of a
21 motor;
- 22 (2) Is equipped with pedals that mechanically drive the rear wheel or
23 wheels;
- 24 (3) Has two or three wheels, of which one is more than 14 inches in
25 diameter; and
- 26 (4) Has a motor with a rating of 1.5 brake horsepower or less and, if
27 the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston
28 displacement or less.

29 11–134.5.

30 (a) “Motor scooter” means a nonpedal vehicle that:

- 1 (1) Has a seat for the operator;
- 2 (2) Has two wheels, of which one is 10 inches or more in diameter;
- 3 (3) Has a step-through chassis;
- 4 (4) Has a motor:
 - 5 (i) With a rating of 2.7 brake horsepower or less; or
 - 6 (ii) If the motor is an internal combustion engine, with a
7 capacity of 50 cubic centimeters piston displacement or less; and
- 8 (5) Is equipped with an automatic transmission.

9 (b) “Motor scooter” does not include a vehicle that has been manufactured for
10 off-road use, including a motorcycle and an all-terrain vehicle.

11 11–135.

12 (a) (1) “Motor vehicle” means, except as provided in subsection (b) of this
13 section, a vehicle that:

14 (i) Is self-propelled or propelled by electric power obtained
15 from overhead electrical wires; and

16 (ii) Is not operated on rails.

17 (2) “Motor vehicle” includes a low speed vehicle.

18 (b) “Motor vehicle” does not include:

19 (1) A moped, as defined in § 11–134.1 of this subtitle; or

20 (2) A motor scooter, as defined in § 11–134.5 of this subtitle.

21 11–176.

22 (a) (1) “Vehicle” means, except as provided in subsection (b) of this
23 section, any device in, on, or by which any individual or property is or might be
24 transported or towed on a highway.

25 (2) “Vehicle” includes [a]:

26 (I) A low speed vehicle [and an];

- 1 **(II) A MOPED;**
2 **(III) A MOTOR SCOOTER; AND**
3 **(IV) AN off-highway recreational vehicle.**

4 (b) "Vehicle" does not include an electric personal assistive mobility device as
5 defined in § 21-101(j) of this article.

6 13-101.1.

7 Except as provided in § 13-102 of this subtitle, the owner of each vehicle that is
8 in this State and for which the Administration has not issued a certificate of title shall
9 apply to the Administration for a certificate of title of the vehicle.

10 13-102.

11 A certificate of title is not required for:

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

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

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

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

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

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

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

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

27 (9) Farm equipment;

28 (10) Special mobile equipment;

1 (11) A self-propelled invalid:

2 (i) Wheelchair; or

3 (ii) Tricycle;

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

6 (13) An off-highway recreational vehicle purchased before October 1,
7 2010.

8 13-104.

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

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

14 13-106.

15 (a) The Administration shall:

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

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

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

20 (ii) It has received the required fees.

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

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

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

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

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

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

3 (2) A notice from a manufacturer or factory branch under §
4 14–1502(f)(2) of the Commercial Law Article; and

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

7 **(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO**
8 **THE OWNER OF A MOTOR SCOOTER, A MOPED, OR AN OFF–HIGHWAY**
9 **RECREATIONAL VEHICLE FOR WHICH A CERTIFICATE OF TITLE IS ISSUED.**

10 **(2) AN OWNER OF A MOTOR SCOOTER, A MOPED, OR AN**
11 **OFF–HIGHWAY RECREATIONAL VEHICLE FOR WHICH A CERTIFICATE OF TITLE IS**
12 **ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE AS PRESCRIBED BY THE**
13 **ADMINISTRATION.**

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

16 **(4) THE ADMINISTRATION:**

17 **(I) SHALL ESTABLISH A FEE FOR A DECAL; AND**

18 **(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
19 **SECTION.**

20 13–802.

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

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

25 **(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A**
26 **MOTOR SCOOTER, A MOPED, OR AN OFF–HIGHWAY RECREATIONAL VEHICLE IS**
27 **\$20.**

28 13–809.

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

1 (2) “Fair market value” means:

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

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

7 1. The total purchase price; or

8 2. \$640;

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

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

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

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

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

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

26 1. The total purchase price; or

27 2. \$320; and

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

30 21-1202.

1 **(A)** Every person operating a bicycle or a motor scooter in a public bicycle
2 area has all the rights granted to and is subject to all the duties required of the driver
3 of a vehicle by this title, including the duties set forth in § 21–504 of this title, except:

4 (1) As otherwise provided in this subtitle; and

5 (2) For those provisions of this title that by their very nature cannot
6 apply.

7 **(B) A PERSON MAY NOT OPERATE A MOTOR SCOOTER, A MOPED, OR**
8 **AN OFF–HIGHWAY RECREATIONAL VEHICLE UNLESS THE MOTOR SCOOTER,**
9 **MOPED, OR OFF–HIGHWAY RECREATIONAL VEHICLE DISPLAYS A TITLE DECAL**
10 **IN ACCORDANCE WITH § 13–106(D) OF THIS ARTICLE.**

11 21–1207.1.

12 (a) (1) The provisions of this section apply:

13 (i) At all times while a bicycle, **A MOTOR SCOOTER, OR**
14 **AN OFF–HIGHWAY RECREATIONAL VEHICLE** is being operated on any highway,
15 bicycle way, or other property open to the public or used by the public for pedestrian or
16 vehicular traffic; and

17 (ii) To a person under the age of 16 who is riding on a [bicycle,]
18 **BICYCLE OR ANY PERSON WHO IS RIDING ON A MOTOR SCOOTER OR**
19 **AN OFF–HIGHWAY RECREATIONAL VEHICLE**, including a person under the age of 16
20 who is a passenger on a bicycle **OR ANY PASSENGER ON A MOTOR SCOOTER OR AN**
21 **OFF–HIGHWAY RECREATIONAL VEHICLE:**

22 1. In a restraining seat attached to the bicycle, **MOTOR**
23 **SCOOTER, OR OFF–HIGHWAY RECREATIONAL VEHICLE;** or

24 2. In a trailer being towed by the bicycle, **MOTOR**
25 **SCOOTER, OR OFF–HIGHWAY RECREATIONAL VEHICLE.**

26 (2) The provisions of this section do not apply to passengers in
27 commercial bicycle rickshaws.

28 (b) This section does not apply in the town of Ocean City, Maryland, on the
29 boardwalk between the Ocean City inlet and 27th Street, during the hours in which
30 bicycles are permitted by local ordinance to be operated on the boardwalk.

31 (c) A person to whom this section applies may not operate or ride as a
32 passenger on a bicycle, **A MOTOR SCOOTER, OR AN OFF–HIGHWAY RECREATIONAL**
33 **VEHICLE** unless the person is wearing a helmet that meets or exceeds the standards

1 of the American National Standards Institute, the Snell Memorial Foundation, or the
2 American Society for Testing and Materials for protective headgear for use in
3 bicycling.

4 (d) This section shall be enforced by the issuance of a warning that informs
5 the offender of the requirements of this section and provides educational materials
6 about [bicycle] **PROTECTIVE** helmet use.

7 21-1207.2.

8 (a) An individual under the age of 16 years may not ride on a scooter or on
9 in-line skates on any highway, bicycle way, sidewalk, or other property open to the
10 public or used by the public for pedestrian or vehicular traffic, unless the individual is
11 wearing a helmet that meets or exceeds the standards of the American National
12 Standards Institute, the Snell Memorial Foundation, or the American Society for
13 Testing and Materials for protective headgear for use in bicycling or in-line skating.

14 (b) This section shall be enforced by the issuance of a warning that informs
15 the offender of the requirements of this section and provides educational materials
16 about **PROTECTIVE** helmet use.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 January 1, 2013.