

Chapter 331

(Senate Bill 516)

AN ACT concerning

Transportation – Highway User Revenues – Distribution

FOR the purpose of altering the ~~percentages of~~ amounts of and process for appropriating highway user ~~revenues~~ funds that are required to be distributed to Baltimore City, counties, and municipalities in certain fiscal years; requiring that certain capital highway grants may be made only under certain circumstances; ~~altering the percentages in~~ requiring that in certain fiscal years ~~of~~ highway user revenues ~~that~~ are required to be used as authorized under the Transportation Trust Fund; repealing certain obsolete distributions and transfers of highway user revenues for certain fiscal years; repealing certain obsolete distributions of highway user revenues to Baltimore City, counties, and municipalities for certain fiscal years; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; making certain conforming changes; and generally relating to the ~~distribution~~ appropriation of highway user revenues.

BY repealing and reenacting, without amendments,

Article – Transportation
Section 8–401(a) and (d), 8–404, and 8–405
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section ~~8–402~~ 8–401(d), ~~8–402~~, and ~~8–403~~
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Transportation~~
~~Section 8–405~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2017 Supplement)~~

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

Article – Transportation

8–401.

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

(d) ~~(1)~~ “Highway user revenues” means the funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

~~(2) “HIGHWAY USER REVENUES” INCLUDES FUNDS USED FOR CAPITAL TRANSPORTATION GRANTS MADE UNDER § 8-403 OF THIS SUBTITLE.~~

8-402.

(a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.

(b) All revenues collected from the following, after deductions provided by law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

(1) All of the motor vehicle fuel tax;

(2) Except as otherwise provided by law, two-thirds of the vehicle titling tax;

(3) Except for revenues collected under Parts III and IV of Title 13, Subtitle 9 of this article, vehicle registration fees;

(4) The revenue disbursed to this Account under § 2-614 of the Tax – General Article; and

(5) 80 percent of the funds distributed on short-term vehicle rentals under § 2-1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales and use tax.

~~(e) [(1) Except as provided in paragraph (2) of this subsection, for each fiscal year] THE ACCOUNT SHALL BE DISTRIBUTED AS FOLLOWS:~~

~~[(i)] (1) (i) [90.4%] FOR FISCAL YEAR 2020, 88% of the revenue credited to the Account may be used as provided in § 3-216 of this article; and~~

~~(ii) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, 86.8% OF THE REVENUE CREDITED TO THE ACCOUNT MAY BE USED AS PROVIDED IN § 3-216 OF THIS ARTICLE; AND~~

~~[(ii)] (2) [The] IN EACH FISCAL YEAR, THE balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.~~

(c) (1) [Except as provided in paragraph (2) of this subsection, for each] FOR fiscal year 2019:

(i) 90.4% of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

(ii) The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

[(2) For fiscal years 2010 through 2013, the Account shall be distributed as follows:

(i) A portion to the General Fund of the State for fiscal years 2010 through 2012 as follows:

1. 19.5% for fiscal year 2010;
2. 23% for fiscal year 2011; and
3. 11.3% for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;
2. 68.5% for fiscal year 2011;
3. Subject to paragraph (3) of this subsection, 79.8% for fiscal year 2012; and
4. 90% for fiscal year 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) For fiscal year 2012, from the amount allocated to the Transportation Trust Fund under paragraph (2)(i)3 of this subsection, \$40,000,000 shall be transferred from the Transportation Trust Fund to the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article.]

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, REVENUE CREDITED TO THE ACCOUNT SHALL BE USED AS PROVIDED IN § 3–216 OF THIS ARTICLE.

8-403.

(a) Subject to §§ 3-307 and 3-308 of this article, ~~and except as provided in subsection (b) of this section, for each fiscal year~~ **FOR FISCAL YEAR 2019**, from the total highway user revenues:

(1) An amount equal to 7.7% of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8-407 of this subtitle, to be allocated as provided in § 8-404 of this subtitle, equal to 1.5% of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8-407 of this subtitle, to be allocated as provided in § 8-405 of this subtitle, equal to 0.4% of total highway user revenues.

~~(b) (1) For fiscal year [2010] 2020:~~

~~(i) The amount distributed to Baltimore City under this subtitle shall equal [8.6%] 8.3% of total highway user revenues;~~

~~(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and~~

~~(iii) The amount distributed to the municipalities under this subtitle shall equal [0.4%] 2.2% of total highway user revenues.~~

~~(2) For fiscal year [2011] 2021 AND EACH FISCAL YEAR THEREAFTER:~~

~~(i) The amount distributed to Baltimore City under this subtitle shall equal [7.9%] 8.9% of total highway user revenues;~~

~~(ii) The amount distributed to the counties under this subtitle shall equal [0.5%] 1.5% of total highway user revenues; and~~

~~(iii) The amount distributed to the municipalities under this subtitle shall equal [0.1%] 2.8% of total highway user revenues.~~

(B) (1) FOR SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEARS 2020 THROUGH 2024, THE FOLLOWING AMOUNTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS CAPITAL TRANSPORTATION GRANTS:

~~(I) 8.3% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO BALTIMORE CITY;~~

~~(II) 3.2% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8 404 OF THIS SUBTITLE; AND~~

~~(III) 2.0% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8 405 OF THIS SUBTITLE.~~

~~(2) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE FOLLOWING AMOUNTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS CAPITAL TRANSPORTATION GRANTS:~~

~~(I) 7.7% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO BALTIMORE CITY;~~

~~(II) 1.5% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8 404 OF THIS SUBTITLE; AND~~

~~(III) 0.4% OF THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER § 8 402(C)(2) OF THIS SUBTITLE TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8 405 OF THIS SUBTITLE. CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3-216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:~~

~~(I) AN AMOUNT EQUAL TO 8.3% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;~~

~~(II) AN AMOUNT EQUAL TO 3.2% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8-404 OF THIS SUBTITLE; AND~~

~~(III) AN AMOUNT EQUAL TO 2.0% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8-405 OF THIS SUBTITLE.~~

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, CAPITAL GRANTS SHALL BE APPROPRIATED FROM THE TRANSPORTATION TRUST FUND AS PROVIDED IN § 3-216 OF THIS ARTICLE BASED ON THE FOLLOWING CALCULATIONS:

(I) AN AMOUNT EQUAL TO 7.7% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO BALTIMORE CITY;

(II) AN AMOUNT EQUAL TO 1.5% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE COUNTIES TO BE DISTRIBUTED AS PROVIDED IN § 8-404 OF THIS SUBTITLE; AND

(III) AN AMOUNT EQUAL TO 0.4% OF FUNDS CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT SHALL BE APPROPRIATED TO THE MUNICIPALITIES TO BE DISTRIBUTED AS PROVIDED IN § 8-405 OF THIS SUBTITLE.

(3) THE CAPITAL GRANTS MADE UNDER THIS SUBTITLE SHALL BE APPROPRIATED ONLY IF ALL DEBT SERVICE REQUIREMENTS AND DEPARTMENTAL OPERATING EXPENSES HAVE BEEN FUNDED AND SUFFICIENT FUNDS ARE AVAILABLE TO FUND THE CAPITAL PROGRAM.

[(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.8% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.6% of total highway user revenues.

(4) For fiscal year 2013:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.1% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.]

8-404.

(a) Highway user revenues shall be allocated to the counties:

(1) One half on a county road mileage basis, as provided in subsection (b)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (b)(2) of this section.

(b) The Administration shall allocate for the account of each county, out of the highway user revenues to be distributed to the counties under § 8-403 of this subtitle, the county's share, to be determined by adding:

(1) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the county, not including the total mileage of county roads in eligible municipalities in the county, bears to the total mileage of county roads in all of the counties, not including the total mileage of county roads in eligible municipalities in the State; and

(2) The amount that results from applying to one half of these highway user revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the county, not including motor vehicles registered to owners having addresses in eligible municipalities in the county, bears to the total number of motor vehicles registered to owners in all the counties, not including motor vehicles registered to owners having addresses in eligible municipalities in the State.

8-405.

(a) An eligible municipality may request its share of the highway user revenues provided under this subtitle from the Administration. The request shall be made in writing at least 6 months before the start of the fiscal year in which the funds are desired.

(b) Highway user revenues shall be allocated to the eligible municipalities:

(1) One half on a municipal road mileage basis, as provided in subsection (c)(1) of this section; and

(2) One half on a motor vehicle registration basis, as provided in subsection (c)(2) of this section.

(c) The Administration shall allocate for the account of each eligible municipality, out of the highway user revenues to be distributed to the municipalities under § 8–403 of this subtitle the eligible municipality’s share, to be determined by adding:

(1) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total mileage of county roads in the eligible municipality bears to the total mileage of county roads located in eligible municipalities in the State; and

(2) The amount that results from applying to one half of the available revenues the ratio that, as of December 1 of the preceding calendar year, the total number of motor vehicles registered to owners having addresses in the eligible municipality bears to the total number of motor vehicles registered to owners having addresses in eligible municipalities in the State.

(d) For purposes of the mileage formula distributions under this section, each special improvement district in Prince George’s County in existence in January, 1953, shall be treated as a municipality, but the amounts distributed shall be:

(1) Paid to the county and retained by it as credits to the district; and

(2) Applied to the cost of maintaining the streets and roads in the district so long as the district has any indebtedness.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

8–401.

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

(d) “Highway user revenues” means the [funds credited to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund] CAPITAL GRANTS APPROPRIATED TO BALTIMORE CITY, COUNTIES, AND MUNICIPALITIES UNDER § 8–403(B) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2019.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.