

# HOUSE BILL 1091

R4, M1

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CF SB 1030

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By: **Delegates Folden, Beitzel, and Anderton**

Introduced and read first time: February 7, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Off-Highway Recreational Vehicle Fund – Establishment**

3 FOR the purpose of establishing the Off-Highway Recreational Vehicle Fund in the  
4 Department of Natural Resources; establishing the purpose of the Fund; requiring  
5 the Department to administer the Fund; providing that the Fund is a special,  
6 nonlapsing fund not subject to certain provisions of law; providing that the Fund  
7 consists of certain money and certain revenues; requiring the Fund to be used for the  
8 acquisition, construction, and maintenance of trails for use by off-highway  
9 recreational vehicles, and certain administrative costs; requiring the State  
10 Treasurer to invest the money of the Fund in a certain manner; providing that  
11 expenditures from the Fund may be made only in accordance with the State budget;  
12 requiring the Motor Vehicle Administration to remit to the Comptroller a certain  
13 percentage of the revenues collected for the off-highway recreational vehicle titling  
14 fee for deposit into the Fund; altering the fees collected as miscellaneous fees for  
15 certain purposes by the Administration; defining a certain term and altering a  
16 certain definition; and generally relating to the establishment of the Off-Highway  
17 Recreational Vehicle Fund.

18 BY adding to

19 Article – Natural Resources  
20 Section 5–209.1  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2017 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – State Finance and Procurement  
25 Section 6–226(a)(1) and (2)(i)  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2017 Supplement)

28 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement  
2 Section 6–226(a)(2)(ii)101. and 102.  
3 Annotated Code of Maryland  
4 (2015 Replacement Volume and 2017 Supplement)

5 BY adding to  
6 Article – State Finance and Procurement  
7 Section 6–226(a)(2)(ii)103.  
8 Annotated Code of Maryland  
9 (2015 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 11–140.1  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 12–120 and 13–802  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2017 Supplement)

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

22 **Article – Natural Resources**

23 **5–209.1.**

24 **(A) IN THIS SECTION, “FUND” MEANS THE OFF–HIGHWAY RECREATIONAL**  
25 **VEHICLE FUND.**

26 **(B) THERE IS AN OFF–HIGHWAY RECREATIONAL VEHICLE FUND IN THE**  
27 **DEPARTMENT.**

28 **(C) THE PURPOSE OF THE FUND IS TO ACQUIRE, CONSTRUCT, AND**  
29 **MAINTAIN TRAILS FOR THE USE OF OFF–HIGHWAY RECREATIONAL VEHICLES, AS**  
30 **DEFINED IN § 11–140.1 OF THE TRANSPORTATION ARTICLE.**

31 **(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.**

32 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
33 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

1           **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
2 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3           **(F) THE FUND CONSISTS OF:**

4           **(1) ANY FEES AND OTHER REVENUE COLLECTED BY THE**  
5 **DEPARTMENT UNDER § 5-209 OF THIS SUBTITLE;**

6           **(2) REVENUES DISTRIBUTED TO THE FUND FROM OFF-HIGHWAY**  
7 **RECREATIONAL VEHICLE TITLING FEES COLLECTED UNDER § 13-802 OF THE**  
8 **TRANSPORTATION ARTICLE;**

9           **(3) ANY INVESTMENT EARNINGS GENERATED BY THE FUND;**

10           **(4) MONEY APPROPRIATED IN THE STATE BUDGET FOR THE FUND;**  
11 **AND**

12           **(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
13 **THE BENEFIT OF THE FUND.**

14           **(G) THE FUND MAY BE USED ONLY FOR:**

15           **(1) THE ACQUISITION, CONSTRUCTION, AND MAINTENANCE OF**  
16 **TRAILS FOR USE BY OFF-HIGHWAY RECREATIONAL VEHICLES IN ACCORDANCE WITH**  
17 **§ 5-209 OF THIS SUBTITLE; AND**

18           **(2) ADMINISTRATIVE COSTS CALCULATED IN ACCORDANCE WITH §**  
19 **1-103(B)(2) OF THIS ARTICLE.**

20           **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**  
21 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

22           **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**  
23 **THE FUND.**

24           **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
25 **WITH THE STATE BUDGET.**

26                           **Article – State Finance and Procurement**

27           6-226.

28           (a) (1) Except as otherwise specifically provided by law or by regulation of the  
29 Treasurer, the Treasurer shall credit to the General Fund any interest on or other income

1 from State money that the Treasurer invests.

2 (2) (i) Notwithstanding any other provision of law, and unless  
3 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
4 terms of a gift or settlement agreement, net interest on all State money allocated by the  
5 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
6 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
7 Fund of the State.

8 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
9 to the following funds:

10 101. the Advance Directive Program Fund; [and]

11 102. the Make Office Vacancies Extinct Matching Fund; AND

12 **103. THE OFF-HIGHWAY RECREATIONAL VEHICLE FUND.**

13 **Article – Transportation**

14 11-140.1.

15 (a) “Off-highway recreational vehicle” means a vehicle that is:

16 (1) A motor-assisted or motor-driven vehicle that:

17 (i) Is designed to carry only the operator of the vehicle on a seat or  
18 saddle designed to be straddled by the operator or is designed to carry only the operator of  
19 the vehicle and one passenger; and

20 (ii) Is commonly known as an all-terrain vehicle;

21 (2) A motor-assisted or motor-driven vehicle that:

22 (i) Travels on four or more tires;

23 (ii) Is intended for use by one or more persons;

24 (iii) Has the following features:

25 1. A steering wheel for steering control;

26 2. A roll-over protective structure;

27 3. An occupant retention system;

28 4. Nonstraddle seating;



1 authorized under this article to establish.

2 (2) The Administration shall alter the levels of miscellaneous fees for the  
3 upcoming fiscal year if the projected cost recovery under subsection (d) of this section  
4 exceeds 100%.

5 (d) The Administration shall set the levels of miscellaneous fees so that the total  
6 amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at  
7 least 95 percent but does not exceed 100 percent of the sum of:

8 (1) The operating budget of the Administration for that fiscal year as  
9 approved by the General Assembly in the annual State budget;

10 (2) The average annual capital program of the Administration as reported  
11 in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article;  
12 and

13 (3) The Administration's portion of the cost for that fiscal year of the  
14 Department's data center operations, except for the cost of data center operations  
15 attributable to other administrations' activities.

16 (e) (1) The Administration may not alter miscellaneous fees more than once in  
17 any fiscal year.

18 (2) The Administration need not reduce fees for the upcoming fiscal year if  
19 legislative budget modifications cause the projected cost recovery percentage to exceed 100  
20 percent.

21 (3) The level of a miscellaneous fee set by the Administration remains in  
22 effect until again altered by the Administration as provided under this section.

23 13-802.

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

26 (b) (1) The fee for each certificate of title issued for a rental vehicle is \$50.

27 (2) (I) The fee for each certificate of title issued for an off-highway  
28 recreational vehicle is \$35.

29 (II) THE ADMINISTRATION SHALL REMIT TO THE  
30 COMPTROLLER:

31 1. ONE-HALF OF THE REVENUES COLLECTED UNDER  
32 THIS PARAGRAPH FOR DEPOSIT INTO THE OFF-HIGHWAY RECREATIONAL VEHICLE

1 **FUND UNDER § 5–209.1 OF THE NATURAL RESOURCES ARTICLE; AND**

2 **2. ONE–HALF OF THE REVENUES COLLECTED UNDER**  
3 **THIS PARAGRAPH FOR DEPOSIT INTO THE TRANSPORTATION TRUST FUND UNDER §**  
4 **3–216 OF THIS ARTICLE.**

5 (3) The fee for each certificate of title issued for a motor scooter or a moped  
6 is \$20.

7 (4) On the death of a joint owner of a vehicle, the Administration may not  
8 charge a fee for a new certificate of title issued for the vehicle to another joint owner who  
9 is the surviving spouse.

10 (c) The Administration may not charge a fee for a certificate of title issued for a  
11 vehicle that is transferred to a trust or from a trust to one or more beneficiaries in  
12 accordance with § 14.5–1001 of the Estates and Trusts Article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2018.