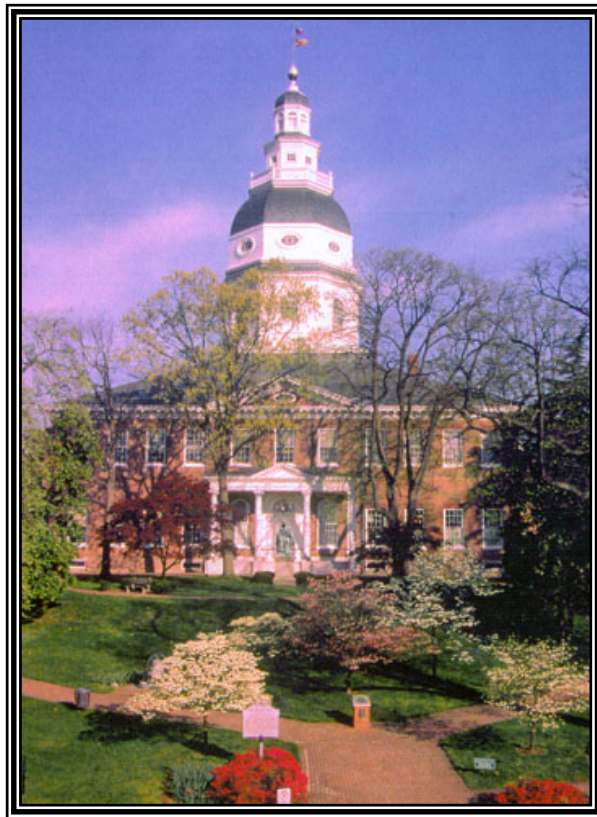


2009 LEGISLATIVE STATUS REPORT

MARYLAND/DELAWARE

INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION



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2009 LEGISLATIVE OVERVIEW

Maryland concluded its 426th General Assembly session at midnight on April 13, 2009. The 2009 legislative session was mostly consumed by the daunting task of dealing with the largest fiscal crisis in recent memory. At the start of the session Maryland was faced with an approximate \$2 billion deficit for the fiscal year starting July 1. There were talks of major furloughs for state employees, reduction in funds towards education and massive cuts to local governments. However, Maryland was a beneficiary of the federal economic stimulus package in which the state received over \$1.4 billion to assist in reducing the deficit. The federal monies thwarted many of the cuts that were originally proposed, but lawmakers had to adjust their plans again in mid-March when the state revenue estimates reported even more decreases in state revenues than projected. The legislature was able to continue to freeze tuition at state universities, but local governments will lose \$160 million in transportation monies. On the last day of session, the \$13.8 billion operating budget finally passed the General Assembly, however the long-term structural deficit continues and will be a major item facing the Governor and legislature for the foreseeable future. The final day provided long debates and discussion on a few major issues including driver's licenses for illegal immigrants, keeping the Preakness in Maryland and requiring septic upgrades. The most emotional and controversial issue dealt with the drivers licenses. Maryland had to pass legislation in order to comply with the federal Real ID Act. If not acted upon, Marylanders faced the possibility of having to have their licenses rejected at airports as a form of identification. Originally, the Senate proposal wanted all new and renewing drivers' license applicants to show proof of lawful presence, as the House proposed to permanently grandfather in illegal immigrants who already had a Maryland license. Under the compromise reached with only thirty minutes before the end of session any current holder of a Maryland license would not have to show proof that they are in the United States legally. Those licenses would be marked "not federally compliant" and would expire on July 1, 2015. All new license applications after June 1, 2009 would have to have documentation of lawful presence.

The bankruptcy filing of Magna Entertainment, owner of Laurel, Pimlico and Preakness also led to one of the final issues that the legislature dealt with at the end. Numerous developers expressed interest on bidding on the properties and some mentioned that they would redevelop Pimlico as a commercial center and sell the Preakness. This prompted the Governor to introduce legislation in the last week of the session that would give the administration the authority to purchase the assets of Magna Entertainment, including the Preakness and tracks, by using eminent domain if necessary. The General Assembly gave final approval on the legislation over the objections of some claiming that the law allowing the government to use condemnation in pursuit of the Preakness was a threat to private-property rights.

The other highly debated issue on the last day of session centered on septic systems and how they impact the Chesapeake Bay. The environmental community considered the passage of this legislation as a significant step in cleaning up the Bay. The law requires that special nitrogen removing septic systems would need to be installed for any new or replacement system within 1,000 feet of the Chesapeake Bay and its tributaries, as well as along the coastal bays is near Ocean City. Legislators from those regions, along with realtors and homebuilders, argued that the added costs of these enhanced systems would exacerbate an already crippled housing industry and unfairly burden rural homeowners. After long and intense debate the bill was passed by a close margin on the House and only one vote (24-23) on the Senate.

The General Assembly passed its fiscal package consisting of the Budget Bill (HB 100), the Budget Reconciliation and Financing Act (BRFA-HB 101), and the Maryland Consolidated Capital Bond Loan of 2009, also known as the capital budget (HB 102). As enacted, the \$32.3 billion Budget Bill increases spending by 3.5% and includes \$2.5 billion in federal stimulus funds for fiscal 2009 and fiscal 2010. The General Assembly made \$866 million in budget reductions, of which \$561 million are contingent upon language in BRFA, leaving a General Fund balance at the end of fiscal 2010 of \$96.2 million and a Rainy Day Fund balance of \$651.1 million.

Other gubernatorial and legislative initiatives, which were highly debated and generated considerable attention, included: a bill to repeal the death penalty (*failed*), however an amended version limited the death penalty to cases with DNA or biological evidence, a videotaped confession, or a oral videotape linking the suspect to a homicide (*passed*); global warming (*passed*); to write or send a text message while driving (*passed*); efforts to overhaul or privatize the Medevac Emergency Care program (*failed*); allow Maryland Stadium Authority to float bonds for a new soccer stadium in Prince Georges County (*failed*); a bill to fine and penalize employers who misclassify employees as independent contractors (*passed*); requiring teens to hold a learner's permit for nine months instead of six (*passed*); unemployment insurance to part-time workers (*passed*); give state regulators new tools to move back to regulated utility market (*failed*); allow for speed cameras statewide in work zones and school zones (*passed*); giving judges more authority to take firearms from people accused of domestic violence (*passed*); exemption from the inheritance tax on primary residences to domestic partners, including same-sex couples (*passed*); limit law enforcement authority to open undercover investigations of political activists (*passed*); increasing alcohol and cigarette taxes with revenue going to pay for the uninsured and disabled community (*failed*); allow direct shipment of wine to a citizens home (*failed*); prohibit the sale of lawn fertilizer that contains more than 5% of available phosphoric acid, and establishes labeling and reporting requirements (*passed*); requires MDE to include in the State recycling program by July 1, 2010, a system to recover aluminum, glass, paper, and plastic generated for disposal in State-operated office buildings in locations where it is determined to be practical and economically feasible (*passed*); restricting the sale of child care items that contain the chemical BPS (*failed*); "Rosa's Law," to change references to the term "mental retardation" in the Maryland Annotated Code to the term "intellectual disability." The change in terminology also renames any State facilities that include the terms "mentally retarded" or "mental retardation" (*passed*); mandating first time drunk driving offenders to install ignition interlock systems (*failed*); prohibit drivers from changing lanes on a roadway without signaling beforehand in situations where other motor vehicles would be affected by the movement (*failed*); allow AFSCME, the largest union for state workers, to negotiate service fees from nonmembers as part of their contract (*passed*); a measure to implement an early voting system approved by voters in a November referendum (*passed*); repealing specified provisions relating to contested case hearings and establishes new provisions regarding judicial review of certain permit determinations by the Maryland Department of the Environment (MDE) with respect to the issuance, denial, renewal, or revision of specified permits (*passed*).

At the close of the 90-day session on April 13, 2009, the General Assembly had considered over 2,600 bills and 21 joint resolutions. Of that number, 799 bills and one Senate Joint Resolution (SJ 2) were successful. On April 14, the Governor signed 168 of the passed bills into law at the traditional day after *sine die* signing. At a signing, each bill is given a chapter number (abbreviated as Ch.) in the order in which the bill is signed, denoting that the bill is a part of the 2009 *Laws of Maryland*. With two bills signed earlier in the session (SB 107, Ch. 1 and SB 307, Ch. 2), the number of new

laws now totals 170. **Further bill signings are scheduled for 10:00 a.m. in the Governor's Reception Room, Maryland State House, on Thursday, May 7 and Thursday, May 21.**

In Maryland, the Governor must sign or veto legislation by June 1, or allow it to become law without his signature. Most tax and revenue bills take effect July 1. Other bills usually take effect October 1. The veto power granted to the Governor by the Maryland Constitution is limited in that the legislature may override a veto by a 3/5 majority of each chamber at the next regular or special session. In addition, the Governor may not veto the annual Budget Bill or proposed amendments to the Maryland Constitution. The Governor does, however, have line-item veto power over items in the annual capital budget (the general consolidated capital bond loan) for construction and renovation of State buildings and facilities.

2009 Legislative Bills

(104 Bills Monitored)

- HB 4** **Small Business Health Insurance Expansion Act**
Bill is in the House – Passed Third Reading
Altering a specified eligibility requirement for small employers under the Small Employer Health Benefit Plan Premium Subsidy Program; and altering participation requirements that a carrier may impose on a small employer.
- HB 13** **Workplace Religious Freedom Act**
Unfavorable Report by Economic Matters
Authorizing employees of specified employers to use specified leave for observance of religious beliefs under specified circumstances; establishing that an employer is not required to pay specified premium wages or benefits under specified circumstances; providing that an employee who uses leave under the Act must comply with the terms of a collective bargaining agreement or employment policy; providing a specified exemption for an undue hardship; etc.
- HB 14** **Environment - Brominated Flame Retardants - Decabrominated Diphenyl Ether - Prohibition**
Bill is in the Senate – First Reading Education, Health & Environmental Affairs
Prohibiting, on or after January 1, 2010, the manufacturing, processing, selling, or distributing of a new product or a flame- retardant part of a new product that contains a specified amount of decabrominated diphenyl ether; and providing that the prohibition does not apply to specified processing of specified recyclables, specified manufacturer replacement service parts or other products, specified vehicles, or specified products or parts for use in vehicles.
- HB 16** **Labor and Employment - Shift Breaks**
Unfavorable Report by Economic Matters
Requiring employers to provide a specified nonworking or working shift break to an employee under specified circumstances; requiring that a shift break count towards an employee's work hours for a specified day; providing for civil penalties; authorizing the Commissioner of Labor and Industry to provide specified exemptions by regulation; etc.
- HB 23** **Junk Dealers and Scrap Metal Processors – Required Records**
Bill is in the Senate – Senate Conference Committee Appointed
Altering the requirements for records that all junk dealers and scrap metal processors must keep for each purchase of specified junk or scrap metal in the State; providing that the Act applies to specified automotive dismantlers and scrap metal processors; providing for the applicability of the record keeping requirements; providing for the form and content of the records; requiring that specified records be kept electronically; etc.
- HB 27** **Transportation - Intercounty Connector - Elimination of Funding**
Unfavorable Report by Appropriations
Requiring the Governor to include a specified appropriation to the Transportation Trust Fund under specified circumstances; prohibiting the Department of Transportation and the Maryland Transportation Authority from financing the Intercounty Connector; requiring the Authority to retire specified bonds secured by a pledge of future federal aid

in a specified manner; repealing provisions of law concerning the financing of the Intercounty Connector; etc.

HB 72 The Delegate John Arnick Electronic Communications Traffic Safety Act

Returned Passed

Prohibiting a person from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway; specifying exceptions for use of a global positioning system, or text messaging to contact a 9-1-1 system; etc.

HB 108 Tax Amnesty Program

Bill is in the Senate – Re-referred Budget & Taxation

Requiring the Comptroller to declare an amnesty period for delinquent taxpayers from September 1, 2009, through October 31, 2009, for penalties attributable to nonpayment, non-reporting, or underreporting of State or local income tax, withholding tax, sales and use tax, and admissions and amusement tax that is paid during the amnesty period; providing for the distribution of the receipts from the amnesty program; etc.

HB 121 Maryland Task Force to Study Changes to the Automotive Warranty Enforcement Act

Unfavorable Report by Economic Matters

Establishing the Task Force to Study Changes to the Automotive Warranty Enforcement Act; providing for the membership, appointment of the chair, and staffing of the Task Force; requiring the Task Force to study and make recommendations on specified topics; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before December 1, 2009; etc.

HB 195 Vehicle Laws - Proof of Lawful Presence Act of 2009

Bill is in the House – First Reading Judiciary

Requiring specified documentation be provided certifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law before the Motor Vehicle Administration may issue an identification card, a driver's license, or a moped operator's permit; requiring an applicant for a driver's license who is not eligible for a Social Security number to provide the Administration with specified documentation; etc.

HB 207 Junk Dealers and Scrap Metal Processors - Required Records

Unfavorable Report by Economic Matters

Altering the requirements for records that junk dealers and scrap metal processors must keep for each purchase or sale of specified junk or scrap metal in the State; providing for the applicability of the record-keeping requirements; providing for the form and contents of the records; requiring that specified records be kept in electronic form; requiring junk dealers and scrap metal processors to hold specified items for a specified period of time; establishing penalties; making the Act an emergency measure; etc.

HB 224 Vehicle Laws - Motor Vehicle and Bicycle Racing Events - Sunset Repeal

Returned Passed

Repealing a specified termination provision relating to motor vehicle and bicycle racing events; etc.

- HB 241** **State Finance - Purchasing and Use of Motor Vehicles**
Unfavorable Report by Health & Government Operations
Requiring that the standards for the purchase of motor vehicles for State use be based on a specified determination by the Secretary of Budget and Management; prohibiting the purchase of motor vehicles for State use under specified circumstances; requiring specified regulations to prohibit the use of State-owned vehicles for specified purposes; and requiring specified regulations to require the sale of State-owned vehicles under specified circumstances.
- HB 310** **Unemployment Insurance - Eligibility - Part-Time Work**
Became Law – Chapter 6
Authorizing an individual who is able to work only part time to be deemed eligible for specified benefits under specified circumstances; clarifying that the Secretary of Labor, Licensing, and Regulation may not use disability as a reason to find an individual is not available for work, actively seeking work, or eligible for benefits; etc.
- HB 315** **Greenhouse Gas Emissions Reduction Act of 2009**
Returned Passed
Requiring the Department of the Environment to publish and update an inventory of statewide greenhouse gas emissions for calendar year 2006; requiring the State to reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020; requiring the State to develop and adopt a specified plan, adopt specified regulations, and implement specified programs to reduce greenhouse gas emissions; altering specified requirements; providing for the termination of a specified provision of the Act; etc.
- HB 337** **Streamlined Sales and Use Tax Agreement**
Bill is in the House – First Reading Ways & Means
Removing a provision making the State's adoption of the Streamlined Sales and Use Tax Agreement contingent on the enactment by the U.S. Congress of legislation consenting to the Agreement; and requiring the Comptroller by October 1, 2009, to prepare and submit draft legislation and proposed regulations relating to the implementation of the Agreement to the Governor, the Senate Budget and Taxation Committee, and the House Committee on Ways and Means.
- HB 344** **Vehicle Consumer Protection - Sale or Distribution of Personal Information - Limitations**
Bill Withdrawn
Prohibiting specified businesses from disclosing, for compensation, specified information obtained in a specified manner; providing that a violation of specified provisions of the Act is an unfair or deceptive trade practice; providing that a waiver of specified provisions of the Act is contrary to public policy and is void and unenforceable; prohibiting units of State government from selling or distributing specified mailing lists under specified circumstances; etc.
- HB 406** **Maryland Automobile Insurance Fund - Acceptance of Premiums on Installment Basis**
Bill is in the House – First Reading Economic Matters
Authorizing the Maryland Automobile Insurance Fund to accept premiums on an installment basis under specified circumstances; requiring the Maryland Insurance Commissioner to ensure specified provisions of the Fund's installment payment plan; prohibiting the Fund from discriminating among insureds in a specified manner;

prohibiting the Fund from paying a higher commission to specified producers; requiring specified written and electronic communications to include a specified statement under specified circumstances; etc.

HB 408 Automotive Dismantlers, Recyclers, and Scrap Processors - Notice of Vehicle Acquisition

Passed Enrolled

Expanding the exception to the requirement that an automotive dismantler and recycler or scrap processor provide notice of vehicle acquisition to the Motor Vehicle Administration to include vehicles obtained through an out-of-state salvage certificate; and making the Act an emergency measure.

HB 423 Motor Fuel Tax - Indexing

Bill is in the House - First Reading Ways and Means

Providing for increases in the motor fuel tax rates for motor fuels other than aviation gasoline or turbine fuel over specified periods of time based on specified increases in the construction cost index; requiring the Comptroller to make determinations and announcements; and providing for the payment of specified taxes on tax-paid motor fuel held as of specified dates.

HB 430 Vehicle Laws - Single Registration Plate

Unfavorable Report by Environmental Matters

Requiring the Motor Vehicle Administration to issue a single registration plate to all classes of vehicles; requiring that the registration plate be attached on the front of tractors and on the rear of all other vehicles; and authorizing the publisher of the Annotated Code to make specified corrections.

HB 447 Landfills - Disposal of Motor Vehicle Oil Filters

Bill is in the House – First Reading Environmental Matters

Prohibiting the disposal of oil filters in landfills; authorizing the Department of the Environment to grant a waiver of this prohibition on the basis of economic hardship; and providing for a delayed effective date of October 1, 2010.

HB 547 Vehicle Laws - Advertising Practices - Prohibited Acts

Returned Passed

Prohibiting a vehicle dealer or an agent or employee of a dealer from stating the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding specified taxes, fees, and charges; requiring the full delivered purchase price in a vehicle advertisement to be printed using the largest size of type in the advertisement; etc.

HB 558 Rental Car Parking Ticket Fairness Act

Bill is in the House – First Reading Environmental Matters

Providing that the owner of a rental vehicle for which a parking citation is issued is not liable for payment of the fine or for any penalty in excess of the fine under specified circumstances; etc.

HB 592 Vehicle Laws - Off-Highway Recreational Vehicles - Titling

Bill is in the Senate – First Reading Judicial Proceedings

Defining "off-highway recreational vehicle"; requiring the owner of an off-highway recreational vehicle purchased on or after October 1, 2009 to apply for a certificate of

title by electronic transmission; imposing an excise tax for a certificate of title issued for an off-highway recreational vehicle for which sales and use tax is not collected; providing that an off-highway recreational vehicle is not required to be inspected when ownership is transferred; etc.

HB 629 Transportation - Used Vehicle Sales - Notice of Defects and Responsibility for Repairs

Bill Withdrawn

Requiring contracts for the sale of used vehicles to include a notice to the buyer that lists specified defects of the used vehicle sold to the buyer; requiring dealers of used vehicles to be responsible for the cost of specified repairs to the used vehicle; specifying the repairs that must be included in the notice to the buyer; etc.

HB 633 Labor and Employment - Employee Leave - Parent-Teacher Conferences

Unfavorable Report by Economic Matters

Authorizing employees of specified employers that provide leave with pay to use leave with pay to attend parent-teacher conferences under specified circumstances; authorizing employees of specified employers that do not provide leave with pay to use leave without pay to attend parent-teacher conferences under specified circumstances; limiting the cumulative amount of leave that can be used each calendar year under the Act; etc.

HB 649 Labor and Employment - Independent Contractor - Definition

Bill is in the House – First Reading Economic Matters

Defining "independent contractor" as an individual who is not an employee for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act, based on application of the 20 factors set forth in a specified Internal Revenue Service Revenue Ruling.

HB 650 Vehicle Laws - Motor Scooters - Licensing, Titling, Registration, and Insurance

Bill Withdrawn

Requiring a motor scooter in the State to be titled and registered by the Motor Vehicle Administration; requiring an operator of a motor scooter in the State to be licensed and insured; providing for the registration classification of motor scooters; establishing an annual registration fee for motor scooters; providing that specified vehicle equipment and inspection requirements do not apply to motor scooters; etc.

HB 651 Labor and Employment - Shift Breaks

Unfavorable Report by Economic Matters

Requiring employers to provide a specified nonworking or working shift break to an employee under specified circumstances; requiring that a shift break count towards an employee's work hours for a specified day; providing that during a certain shift break an employer shall hold the employer harmless against any and all claims and indemnify the employer under specified circumstances; authorizing specified civil actions under specified circumstances; etc.

- HB 652 Gasohol and Gasoline Products Marketing Act - Exclusion of Independent Jobbers - Repeal**
Bill Withdrawn
Repealing the exclusion of independent jobbers, who purchase gasohol and gasoline products from a wholesaler for resale to a dealer, from the Maryland Gasohol and Gasoline Products Marketing Act; etc.
- HB 678 Motor Vehicles - Television-Type Receiving Equipment - Operation**
Bill is in the House – First Reading Environmental Matters
Altering the areas in a motor vehicle where television-type receiving equipment may be located; prohibiting a person from driving a motor vehicle while operating television-type receiving equipment that is visible to the driver; and providing that restrictions on the operation of television-type receiving equipment while driving do not apply to the use of specified electronic display equipment.
- HB 704 Motor Vehicle Excise Tax - Suspension - New Vehicles**
Bill is in the House – First Reading Ways & Means
Suspending for a period of 90 days after enactment of the Act the motor vehicle excise tax on the issuance of a certificate of title for a new motor vehicle with a certificate of origin from the United States; defining specified terms; and making the Act an emergency measure.
- HB 746 Motor Fuel Tax - Increase**
Bill is in the House – First Reading Ways & Means
Altering the motor fuel tax rates for specified motor fuels; and providing for the payment of specified motor fuel taxes by a specified date.
- HB 797 Consumer Protection - Damages for Violations of the Maryland Consumer Protection Act**
Bill is in the House – First Reading Economic Matters
Authorizing a court to award statutory damages in an amount not less than \$500 or more than \$5,000 and treble damages under specified circumstances to a person who is injured by a violation of the Maryland Consumer Protection Act.
- HB 819 Workplace Fraud Act of 2009**
Bill is in the Senate – First Reading Finance
Prohibiting specified employers from failing to properly classify individuals who perform work for remuneration paid by the employer; authorizing the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred; requiring the Commissioner to enforce specified provisions; establishing the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances; etc.
- HB 846 Worcester County - Motorcycle Dealers - Sunday Operations**
Returned Passed
Authorizing in Worcester County a motorcycle dealer to sell, barter, deliver, give away, show, or offer for sale a motorcycle or a certificate of title for a motorcycle on Sunday; and making the Act effective July 1, 2009.

- HB 891** **Motor Vehicle Excise Tax - Tax Credit for Electric Vehicles**
Bill is in the House – First Reading Ways & Means
Allowing a tax credit against the motor vehicle excise tax for qualified electric vehicles; repealing an obsolete tax credit against the motor vehicle excise tax for qualified hybrid vehicles and electric vehicles; and providing for a delayed effective date.
- HB 902** **Maryland Family and Medical Leave Act**
Unfavorable Report by Economic Matters
Requiring employers in the State that are subject to the federal Family and Medical Leave Act of 1993 to provide specified leave to an eligible employee with respect to the eligible employee's brother, sister, grandparent, grandchild, or domestic partner and the son or daughter of the eligible employee's domestic partner; providing that an eligible employee who takes leave provided under the Act is entitled to specified protections and rights; etc.
- HB 978** **Task Force to Study Motor Vehicle Towing Practices - Extension**
Returned Passed
Extending the expiration date for the Task Force to Study Motor Vehicle Towing Practices to December 31, 2009; and extending the due date by which the Task Force is required to report its findings and recommendations to the Governor and General Assembly to December 31, 2009.
- HB 992** **Driver Relief Act of 2009**
Bill Withdrawn
Requiring specified plans and programs to provide for air quality improvement by attaining a specified performance objective of reducing the statewide average of vehicle miles traveled (VMT) by a specified amount by January 1, 2036; requiring a specified schedule for reducing VMT; requiring the Department of the Environment to review and evaluate specified plans and programs for compliance with the Act; and authorizing the Department to adopt specified regulations.
- HB 1004** **Transportation - Parking Facilities - Towing Prohibited Unless Parking Payment Options Available**
Unfavorable Report by Environmental Matters
Prohibiting the owner or other person in charge of a parking facility from using towing to enforce specified parking restrictions unless the facility allows customers the option to pay for parking using currency or credit, debit, or charge cards; and providing that the Act does not apply to publicly owned or controlled metered parking spaces.
- HB 1048** **Commercial Law - Consumer Contracts - Prohibited Provisions**
Unfavorable Report by Finance
Prohibiting a person from including specified provisions in specified consumer contracts; prohibiting a consumer contract from waiving rights or protections provided under the Act; providing that a provision included in a consumer contract in violation of the Act is void and unenforceable; providing that a violation of the Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to specified enforcement and penalty; etc.

- HB 1070** **Labor and Employment - Misclassification of Employees as Independent Contractors**
Bill Withdrawn
Prohibiting employers from misclassifying employees as independent contractors under specified circumstances; allowing the Commissioner of Labor and Industry to investigate alleged employee misclassification under specified circumstances; establishing specified penalties that may be imposed in specified proceedings relating to employment standards and conditions, workers' compensation, unemployment insurance, and income tax payment and withholding; etc.
- HB 1074** **Consumer Protection - Free Trial Period for Consumer Goods and Services Sold over the Internet - Charges to Credit Card**
Bill Withdrawn
Prohibiting a person that sells consumer goods or consumer services over the Internet and provides a trial period during which a consumer may use the consumer goods or consumer services for free from automatically charging the consumer's credit card for the consumer goods or consumer services at the expiration of the free trial period; requiring the person to require the consumer to resubmit the consumer's credit card information at the expiration of the free trial period before taking a specified action; etc.
- HB 1165** **Motor Vehicle Excise Tax - Vehicle Manufacturer's Rebates - Exemptions**
Bill is in the House – First Reading Ways & Means
Exempting motor vehicle manufacturer's rebates from the determination of the fair market value for motor vehicles for the purpose of imposing the motor vehicle excise tax; etc.
- HB 1192** **State Funding Accountability Act**
Passed Enrolled
Requiring a for profit or nonprofit entity or association that receives specified State aid to submit reports to the Department of Information Technology by September 1 after the close of specified fiscal years; requiring nonpublic institutions of higher education to submit specified reports; requiring the Department, in consultation with the Department of Budget and Management, to develop and operate a searchable website; authorizing the Office of Legislative Audits to conduct specified audits; etc.
- HB 1214** **Motor Fuel Tax - Rate**
Bill is in the House – First Reading Ways & Means
Increasing the motor fuel tax rate.
- HB 1217** **Vehicle Laws - Mandatory Use of Ignition Interlock System**
Bill is in the House – First Reading Judiciary
Altering the Motor Vehicle Administration's authority to establish an Ignition Interlock System Program to require the Administration to establish the Program; requiring rather than authorizing the Administration to establish a protocol for the Program by specified regulations; requiring individuals who are in the Program to participate in the Ignition Interlock System Program for specified periods of time; etc.

- HB 1222** **Sales and Use Tax - Nonprofit Charitable Organizations**
Bill Withdrawn
Exempting from the sales and use tax a sale to a nonprofit charitable organization if the organization makes the purchase to donate the property to other nonprofit charitable organizations; etc.
- HB 1226** **Vehicle Laws - Lawful Presence - Identification Card, Moped Operator's Permit, or Driver's License**
Bill is in the House – First Reading Judiciary
Requiring an applicant for an identification card, moped operator's permit, or driver's license to provide documentation of U.S. citizenship or lawful presence; providing for the effective term of an identification card, moped operator's permit, or driver's license issued to specified applicants; and requiring the Motor Vehicle Administration to issue an identification card, moped operator's permit, or driver's license with specified distinguishing features to specified applicants.
- HB 1249** **Maryland Wage and Hour Law - Payment of Overtime - Exemptions**
Bill is in the House - First Reading Economic Matters
Exempting specified employers from the requirement to pay a specified wage for overtime; and altering the manner in which a wage for overtime is computed by employers for employees.
- HB 1250** **Vehicle Laws - Manufacturers, Distributors, and Factory Branches - Prohibited Acts**
Bill is in the House - First Reading Environmental Matters
Establishing that a manufacturer, distributor, or factory branch may not take specified actions through an affiliate; requiring a sales objective or other program for measuring the performance of vehicle dealers to be fair and based on specified factors under specified circumstances; prohibiting a manufacturer, distributor, or factory branch from denying specified benefits to a dealer under specified circumstances; etc.
- HB 1251** **Vehicle Dealers - Dealer Processing Charges - Posted Notice**
Unfavorable Report by Environmental Matters
Requiring a vehicle dealer who charges a dealer processing charge to post a "Notice of Dealer Processing Charge" in the vehicle dealer's dealership in a prominent location that is clearly visible to customers; requiring the posted notice required under the Act to be printed in 72 point type or larger and to state specified information, including the amount of the dealer processing charge and the services included in the charge; etc.
- HB 1263** **Mercury Switch Removal from Vehicles**
Passed Enrolled
Requiring motor vehicle manufacturers, individually or as a group, to develop and submit to the Department of the Environment by September 30, 2009, a mercury minimization plan that includes information on mercury switch removal from motor vehicles; establishing requirements for a mercury minimization plan; requiring vehicle manufacturers to pay specified costs associated with mercury switch removal; authorizing the Department to review the plan and determine the plan's adequacy within 90 days after receipt; etc.

- HB 1270** **Corporations and Associations - Address and Principal Office - Definitions**
Bill Withdrawn
Altering the definition of "address" for business entities; requiring entities to state a specified location in the address; altering the definition of "principal office" to include a specified "address"; etc.
- HB 1288** **Labor and Employment - Maryland Wage and Hour Law - Damages**
Unfavorable Report by Economic Matters
Allowing an employee to recover damages under specified circumstances; and requiring a court to allow specified costs against an employer for a specified recovery in a specified action.
- HB 1294** **Credit and Debit Card Fraud Prevention Act**
Unfavorable Report by Economic Matters
Prohibiting a person from accepting a payment by credit card or debit card of \$500 or more under specified circumstances unless the person verifies the identity of the cardholder by requiring the cardholder to produce a specified government-issued photo identification card; authorizing the Attorney General to initiate a civil action against a person who violates the Act to recover a civil penalty not exceeding \$100 for each violation; etc.
- HB 1303** **Vehicle Emissions Inspection Program - Transfer of Ownership of Vehicle**
Bill Withdrawn
Requiring specified vehicles that have been in operation for at least 5 years from the vehicles' model year or first registration date, whichever is later, to be inspected and tested in accordance with specified provisions of law governing the Vehicle Emissions Inspection Program within 10 business days after a transfer of ownership; requiring the Motor Vehicle Administration to adopt specified regulations; etc.
- HB 1571** **Motor Vehicles - Medium Speed Vehicles - Standards and Requirements**
Bill is in the House – Re-referred Environmental Matters
Establishing that the Motor Vehicle Administration may issue certificates of title for, and register, medium speed vehicles; defining "medium speed vehicle"; establishing an annual registration fee for medium speed vehicles; prohibiting a person from driving a medium speed vehicle on specified highways; requiring a medium speed vehicle to comply with specified federal standards; clarifying that a requirement that specified vehicles display a slow moving vehicle emblem does not apply to medium speed vehicles; etc.
- SB 26** **Landfills - Disposal of Motor Vehicle Oil Filters**
Bill Withdrawn
Prohibiting the disposal of oil filters in landfills; authorizing the Department of the Environment to grant a waiver of this prohibition on the basis of economic hardship; and providing for a delayed effective date of October 1, 2010.
- SB 32** **Junk Dealers and Scrap Metal Processors - Required Records**
Bill is in the Senate – Third Reading Passed
Altering the requirements for records that junk dealers and scrap metal processors must keep for each purchase or sale of specified junk or scrap metal in the State; providing for the applicability of the record-keeping requirements; providing for the form and contents

of the records; requiring that specified records be kept in electronic form; providing that junk dealers and scrap metal processors are not required to incur specified additional record submission expenses; making the Act an emergency measure; etc.

SB 67 Corporations and Associations - Proof of Good Standing for Foreign Business Entities

Returned Passed

Requiring foreign business entities that are required to register or qualify to do business in Maryland to provide the State Department of Assessments and Taxation proof acceptable to the Department of good standing in the jurisdictions where the foreign business entities currently are organized.

SB 69 Vehicle Laws - Air-Conditioning Equipment Specifications and Requirements

Returned Passed

Requiring motor vehicles of model year 2011 or any model year thereafter to contain only specified types of air-conditioning refrigerants; providing for consultation between the Department of the Environment and the Motor Vehicle Administrator in the adoption of regulations; prohibiting the sale and equipping of vehicles of model year 2011 or thereafter if the requirements of the Act are not met; repealing a prohibition against use of a motor vehicle with specified air-conditioning equipment; etc.

SB 93 Motor Fuel Taxes - Special Fuel User - Biodiesel Fuel

Bill is in the Senate – Senate Conference Committee Appointed

Requiring a person to be licensed by the Comptroller before the person may buy, produce, acquire, receive, or store biodiesel fuel on which the motor fuel tax has not been paid and use it in specified motor vehicles; defining "biodiesel fuel" and altering definitions under the motor fuel tax law; etc.

SB 94 Sales and Use Tax - Gross Negligence Penalty for Underpayment

Bill is in the Senate - First Reading Budget & Taxation

Requiring the Comptroller to assess a 25% penalty for the underpayment of 25% or more of the sales and use tax due, if the underpayment of 25% or more is due to gross negligence; and providing that an underpayment of 25% or more of the sales and use tax due is prima facie evidence of gross negligence.

SB 133 Consumer Protection - Automotive Warranty Enforcement Act - Warranty Period

Returned Passed

Altering the definition of "manufacturer's warranty period" for purposes of the Automotive Warranty Enforcement Act to extend the warranty period.

SB 143 Vehicle Laws - Use of Wireless Communication Devices While Driving - Prohibitions

Unfavorable Report by Judicial Proceedings

Prohibiting a driver of a specified school vehicle from using wireless communication devices; prohibiting a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older from driving a motor vehicle while using wireless communication devices; prohibiting a driver of a motor vehicle that is in motion from using the driver's hands to use wireless communication devices; providing exceptions to the prohibitions; etc.

- SB 157** **Campaign Finance - Affiliated Business Entities - Attribution of Contributions**
Bill is in the Senate – First Reading Education, Health & Environmental Affairs
Requiring that campaign finance contributions by two or more business entities be attributed to one business entity if one is a wholly-owned subsidiary of another or if the business entities are owned or controlled by at least 80% of the same individuals; defining the term "business entity" to include a corporation, a general or limited partnership, a limited liability company, or a real estate investment trust; and applying the Act prospectively.
- SB 184** **Environment - Brominated Flame Retardants - Decabrominated Diphenyl Ether - Prohibition**
Bill is in the Senate – First Reading Education, Health & Environmental Affairs
Prohibiting, on or after January 1, 2010, the manufacturing, processing, selling, or distributing of a new product or a flame- retardant part of a new product that contains a specified amount of decabrominated diphenyl ether; and providing that the prohibition does not apply to specified processing of specified recyclables, specified manufacturer replacement service parts or other products, specified vehicles, or specified products or parts for use in vehicles.
- SB 239** **Maryland Antitrust Act - Establishment of Minimum Sale Price for Commodities or Services - Prohibited**
Became Law – Chapter 43
Providing that a contract, combination, or conspiracy that establishes a minimum price below which a retailer, wholesaler, or distributor may not sell a commodity or service is an unreasonable restraint of trade or commerce under a specified provision of the Maryland Antitrust Act.
- SB 244** **Vehicle Laws - Drivers' Licenses, Identification Cards, and Moped Operators' Permits - Proof of Lawful Presence**
Bill is in the Senate – First Reading Judicial Proceedings
Requiring the Motor Vehicle Administration to issue an identification card or moped operator's permit to an individual who, in addition to meeting specified other requirements, provides specified documentation certifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; prohibiting the Administration from issuing a driver's license to an individual who cannot provide specified documentation; etc.
- SB 252** **Rental Vehicle Parking Ticket Fairness Act**
Bill is in the Senate – First Reading Judicial Proceedings
Providing that the owner of a rental vehicle for which a parking citation is issued is not liable for payment of the fine or for any penalty in excess of the fine if the rental vehicle was in the possession of a lessee of the vehicle at the time the parking citation was issued and if, within 30 days of receiving a mailed notice of the infraction, the owner electronically sends specified information to the appropriate political subdivision or State agency; etc.
- SB 253** **Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exceptions**
Bill is in the Senate – First Reading Judicial Proceedings
Providing exceptions to the prohibition against operating or riding on a motorcycle without protective headgear.

- SB 270 Unemployment Insurance - Eligibility - Part-Time Work**
Became Law – Chapter 5
Authorizing an individual who is able to work only part time to be deemed eligible for specified benefits under specified circumstances; clarifying that the Secretary of Labor, Licensing, and Regulation may not use disability as a reason to find an individual is not available for work, actively seeking work, or eligible for benefits; etc.
- SB 277 Vehicle Laws - Speed Monitoring Systems - Statewide Authorization and Use in Highway Work Zones**
Returned Passed
Authorizing in all counties and municipalities in the State and in specified highway work zones the use of speed monitoring systems to enforce specified highway speed laws under specified standards and procedures; limiting the operation of a speed monitoring system in a school zone; requiring that revenues from civil fines collected through use of a work zone speed control systems under the Act be distributed to a specified special fund to be used only for specified purposes; etc.
- SB 278 Greenhouse Gas Emissions Reduction Act of 2009**
Passed Enrolled
Requiring the Department of the Environment to publish and update an inventory of statewide greenhouse gas emissions for calendar year 2006; requiring the State to reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020; requiring the State to develop and adopt a specified plan, adopt specified regulations, and implement specified programs to reduce greenhouse gas emissions; altering specified requirements; providing for the termination of a specified provision of the Act; etc.
- SB 288 Vehicle Laws - Prohibition Against Smoking in Vehicle Containing Young Child**
Unfavorable Report by Judicial Proceedings
Prohibiting a driver of a motor vehicle in which a person who is under the age of 8 is a passenger from smoking a tobacco product or allowing a passenger to smoke in the motor vehicle; establishing a \$50 fine for a violation of the Act; etc.
- SB 292 Vehicle Laws - Motor Vehicle and Bicycle Racing Events - Sunset Repeal**
Returned Passed
Repealing a specified termination provision relating to motor vehicle and bicycle racing events; etc.
- SB 296 Automotive Dismantlers, Recyclers, and Scrap Processors - Notice of Vehicle Acquisition**
Returned Passed
Expanding the exception to the requirement that an automotive dismantler and recycler or scrap processor provide notice of vehicle acquisition to the Motor Vehicle Administration to include vehicles obtained through an out-of-state salvage certificate; and making the Act an emergency measure.
- SB 369 Vehicle Laws - Proof of Lawful Presence Act of 2009**
Bill is in the House – Re-referred Judiciary
Requiring specified documentation be provided verifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law and that the individual has a valid Social Security number or is not eligible for a Social Security number before the Motor Vehicle Administration may issue an

identification card, a driver's license, or a moped operator's permit; altering the expiration dates for an identification card, a moped operator's permit, and specified drivers' licenses; etc.

SB 383 Creation of a State Debt - Baltimore County - Automotive Vocational Training Center

Bill is in the Senate – First Reading Budget & Taxation

Authorizing the creation of a State debt not to exceed \$350,000, the proceeds to be used as a grant to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the planning, design, construction, and capital equipping of the Automotive Vocational Training Center in Baltimore; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.

SB 392 Business Regulation - Registration of Retail Service Station Dealers and Sale of Gasoline Products

Became Law – Chapter 61

Eliminating the expiration date of the conditional prohibition against the Comptroller on the issuance of a certificate of registration to a retail service station dealer who markets motor fuel through a retail service station that has been altered, enlarged, or structurally modified; etc.

SB 419 Maryland Automobile Insurance Fund - Acceptance of Premiums on Installment Basis

Bill is in the Senate - First Reading Finance

Authorizing the Maryland Automobile Insurance Fund to accept premiums on an installment basis under specified circumstances; requiring the Maryland Insurance Commissioner to ensure specified provisions of an installment payment plan; prohibiting the Fund from discriminating among insureds in a specified manner; prohibiting the Fund from paying a higher commission to specified producers; requiring the Maryland Insurance Commissioner to study the enforcement of eligibility criteria for coverage in the Fund; etc.

SB 452 Labor and Employment - Maryland Wage and Hour Law - Damages

Bill is in the Senate - First Reading Finance

Allowing an employee to recover damages under specified circumstances; and requiring a court to allow specified costs against an employer for a specified recovery in a specified action.

SB 507 Maryland Locksmiths Act

Returned Passed

Requiring a specified business to be licensed by the Secretary of Labor, Licensing, and Regulation before the business may provide locksmith services; providing for the purpose of the Act; providing that the Act does not limit the rights of specified individuals to engage in locksmith services; authorizing the Secretary to adopt regulations for the licensure and regulation of locksmiths; requiring a national and State criminal history records check for specified individuals; etc.

- SB 510** **Motor Vehicle Excise Tax - Vehicle Manufacturer's Rebates - Exemptions**
Bill is in the Senate – First Reading Budget & Taxation
Exempting motor vehicle manufacturer's rebates from the determination of the fair market value for motor vehicles for the purpose of imposing the motor vehicle excise tax; etc.
- SB 521** **Vehicle Laws - Off-Highway Recreational Vehicles - Titling**
Unfavorable Report by Judicial Proceedings
Defining "off-highway recreational vehicle"; requiring the owner of an off-highway recreational vehicle purchased on or after October 1, 2009 to apply for a certificate of title by electronic transmission; imposing an excise tax for a certificate of title issued for an off-highway recreational vehicle for which sales and use tax is not collected; providing that an off-highway recreational vehicle is not required to be inspected when ownership is transferred; etc.
- SB 539** **Driver Relief Act of 2009**
Bill is in the Senate - First Reading Education, Health & Environmental Affairs
Requiring specified plans and programs to provide for air quality improvement by attaining a specified performance objective of reducing the statewide average of vehicle miles traveled (VMT) by a specified amount by January 1, 2036; requiring a specified schedule for reducing VMT; requiring the Department of the Environment to review and evaluate specified plans and programs for compliance with the Act; and authorizing the Department to adopt specified regulations.
- SB 562** **Labor and Employment - Flexible Leave**
Returned Passed
Altering a provision so as to prohibit an employer from discharging, demoting, suspending, disciplining, or otherwise discriminating or threatening to take any of those actions against an employee because an employee has taken specified leave, has opposed an unlawful practice, or has participated in a specified proceeding; establishing that the purpose for provisions of the Flexible Leave Act is to allow an employee to use specified leave under specified conditions to care for a family member who is ill; etc.
- SB 622** **Streamlined Sales and Use Tax Agreement**
Bill is in the Senate – First Reading Budget & Taxation
Removing a provision making the State's adoption of the Streamlined Sales and Use Tax Agreement contingent on the enactment by the U.S. Congress of legislation consenting to the Agreement; and requiring the Comptroller by October 1, 2009, to prepare and submit draft legislation and proposed regulations relating to the implementation of the Agreement to the Governor, the Senate Budget and Taxation Committee, and the House Committee on Ways and Means.
- SB 660** **Labor and Employment - Shift Breaks**
Bill is in the Senate - First Reading Finance
Requiring employers to provide a specified nonworking or working shift break to an employee under specified circumstances; requiring that a shift break count towards an employee's work hours for a specified day; providing for civil penalties; authorizing the Commissioner of Labor and Industry to provide specified exemptions by regulation; etc.

- SB 668** **Vehicle Laws - Manufacturers, Distributors, and Factory Branches - Prohibited Acts**
Passed Enrolled
Establishing that a manufacturer, distributor, or factory branch may not take specified actions through an affiliate; requiring a sales objective or other program for measuring the performance of vehicle dealers to be fair and based on specified factors under specified circumstances; prohibiting a manufacturer, distributor, or factory branch from denying specified benefits to a dealer under specified circumstances; etc.
- SB 670** **Discrimination in Employment - Expansion of Disability Rights**
Returned Passed
Altering the definition of disability applicable to provisions prohibiting discrimination in employment; prohibiting an employer from failing or refusing to make reasonable accommodations for known disabilities of otherwise qualified employees; providing that an employer is not required to reasonably accommodate an employee's disability if the accommodation would cause undue hardship on the employer's business; and prohibiting retaliation against specified individuals.
- SB 701** **Vehicle Laws - Stolen Registration Plates, Registration Card, or Validation Tabs - Waiver of Fee for Replacement**
Unfavorable Report by Judicial Proceedings
Requiring the Motor Vehicle Administration to waive the fee for specified replacement registration plates, replacement registration cards, or replacement validation tabs if the registration plates, registration card, or affixed validation tabs were stolen and the owner of the vehicle submits proof that a police report regarding the theft was filed in a timely manner.
- SB 722** **Tax General - Motor Fuel Tax - Sales and Use Tax**
Bill is in the Senate - First Reading Budget & Taxation
Increasing the motor fuel tax rate; altering the distribution of motor fuel tax revenue to the Transportation Trust Fund and the Gasoline and Motor Vehicle Revenue Account; altering the distribution of sales and use tax revenue; and altering the distribution of highway user revenues to Baltimore City.
- SB 735** **Vehicle Laws - Mandatory Use of Ignition Interlock System**
Bill is in the House – First Reading House Rules
Altering the Motor Vehicle Administration's authority to establish an Ignition Interlock System Program to require the Administration to establish the Program; requiring rather than authorizing the Administration to establish a protocol for the Program by specified regulations; requiring individuals who are granted probation for an alcohol-related driving offense to participate in the Ignition Interlock System Program for specified periods of time; etc.
- SB 793** **Vehicle Laws - Motor Scooters - Licensing, Titling, Registration, and Insurance**
Bill Withdrawn
Requiring a motor scooter in the State to be titled and registered by the Motor Vehicle Administration; requiring an operator of a motor scooter in the State to be licensed and insured; providing for the registration classification of motor scooters; establishing an annual registration fee for motor scooters; providing that specified vehicle equipment and inspection requirements do not apply to motor scooters; etc.

- SB 820** **Employee Opportunity to Purchase Act**
Unfavorable Report by Finance
Requiring business entities in the State to give their employees the option to purchase the business entity through an offer of sale when the business entity is sold, closed, or relocated out of the State; requiring the business entities subject to the Act to include specified statements in the offers of sale; requiring the business entities subject to the Act to give their employees the option to purchase the facilities and capital equipment of their business locations through an offer of sale; etc
- SB 831** **Maryland Wage and Hour Law - Payment of Overtime - Exemptions**
Bill is in the Senate - First Reading Finance
Exempting specified employers from the requirement to pay a specified wage for overtime; and altering the manner in which a wage for overtime is computed by employers for employees.
- SB 859** **Vehicle Laws - Advertising Practices - Prohibited Acts**
Passed Enrolled
Prohibiting a vehicle dealer or an agent or employee of a dealer from stating the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding specified taxes, fees, and charges; requiring the full delivered purchase price in a vehicle advertisement to be printed using the largest size of type in the advertisement; etc.
- SB 909** **Workplace Fraud Act of 2009**
Passed Enrolled
Prohibiting specified employers from failing to properly classify individuals who perform work for remuneration paid by the employer; authorizing the Commissioner of Labor and Industry to initiate an investigation under specified circumstances to determine whether specified violations occurred; requiring the Commissioner to enforce specified provisions; establishing the method of determining whether an employer-employee relationship exists for purposes of proper classification under specified circumstances; etc.
- SB 1006** **Labor and Employment - Independent Contractor - Definition**
Bill is in the Senate – Re-referred Finance
Defining "independent contractor" as an individual who is not an employee for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act, based on application of the 20 factors set forth in a specified Internal Revenue Service Revenue Ruling.
- SB 1071** **Sales and Use Tax - Online Sales Presumption**
Bill is in the Senate – Re-referred Budget & Taxation
Providing that for purposes of the definition of "engage in the business of an out-of-state vendor" under the sales and use tax law a seller shall be presumed under specified circumstances to have an agent, canvasser, representative, salesman, or solicitor operating in the State for the purpose of selling or taking orders; providing that the presumption may be rebutted by specified proof; etc.