

Approved May 7, 1973.

-----

CHAPTER 239

(Senate Bill 718)

AN ACT to repeal and re-enact, with amendments, Sections 38A(b) and 43 of Article 89B of the Annotated Code of Maryland ([1969 Replacement Volume and] 1972 Supplement), title "State Roads," subtitle "Distribution and Use of Special Funds," to correct certain errors in the laws relating generally to highway user revenues and permits for digging up highways.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 38A(b) and 43 of Article 89B of the Annotated Code of Maryland ([1969 Replacement Volume and] 1972 Supplement), title "State Roads," subtitle "Distribution and Use of Special Funds," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

38A.

(b) As used herein "highway user revenues" shall mean the funds credited to the gasoline and motor vehicle revenue account of the Transportation Trust Fund except the net proceeds of the tax collected under § 136(h) of Article 56, and shall include motor vehicle gasoline tax, motor vehicle titling tax, motor vehicle registration fees, fines credited to the Motor Vehicle Revenue Fund prior to July 1, 1971, operators' license fees, titling fees, and miscellaneous revenues of the Motor Vehicle Administration credited to the Motor Vehicle REVENUE Fund prior to July 1, 1971, and fees from overweight and oversized permits issued by the State Highway Administration after deductions provided prior to July 1, 1971, in Article 56, Article 66-1/2 and Article 81 of the Annotated Code (1957 Edition as amended).

43.

No opening shall be made in any such highway, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or renewed except in accordance with a permit from the Commission, which shall exercise complete control over such highways, except as herein otherwise provided. No State highway shall be dug up for laying or placing pipes, sewers, poles or wires or railways, or for other purposes, and no trees shall be planted or removed or obstructions placed thereon without the written permit of the State Roads Commission, or its duly authorized agent, and then only in accordance with the regulations of said Commission; and the work shall be done under the supervision and to the satisfaction of said Commission; and the entire expense of replacing the highway in as good condition as before shall be paid by the person to whom the permit was given or by whom the work was done; provided, however, that any municipal corporation not now by law required to obtain a permit as herein provided shall not be required to obtain a permit under the provisions of this section; provided, however, that no electric railway company in operation upon any public or private road or existing or abandoned turnpike, when acquired hereunder shall be disturbed in its operation or in the maintenance of its roadbed and overhead construction, and all necessary repairs, together with the maintenance of the space between its tracks and two feet on each side thereof shall be performed by such railroad company under the supervision and to the satisfaction of said Commission. And provided further, that whenever any State highway shall be