



Maryland Register

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Volume 37 • Issue 20 • Pages 1339—1420

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 7, 2010, 10:30 a.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of September 7, 2010.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Governor's Appointments to State Offices
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

Each COMAR title has a Table of Contents and Index. An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-974-2486.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$5.00 per issue, plus \$2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Gail S. Klakring**, Acting Administrator; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online; **Marcia M. Diamond**, Subscription Manager, COMAR; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.
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The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.sos.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

CLOSING DATES and ISSUE DATES through January 28, 2011

ISSUE DATE	Emergency and Proposed Regulations* 5 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
October 8	September 20	September 29	September 27
October 22**	October 4	October 13	October 8
November 5**	October 18	October 26	October 25
November 19**	November 1	November 9	November 8
December 3**	November 15	November 19	November 18
December 17	November 29	December 8	December 6
January 3***	December 13	December 20	December 17
January 14	December 27	January 5	January 3
January 28**	January 10	January 19	January 14

* Due date for documents containing 8 to 18 pages—48 hours before date shown

Due date for documents exceeding 18 pages—1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNTS REFLECT THIS FORMATTING REQUIREMENT.

** Note closing date changes

*** Note issue date change

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by "(err)". Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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 30.03.09.01—, .03 • 37:8 Md. R. 652 (4-9-10)
 30.08.01.02 • 37:18 Md. R. 1251 (8-27-10)
 30.08.04.05 • 37:8 Md. R. 650 (4-9-10)
 30.08.12.01—, .15 • 37:18 Md. R. 1251 (8-27-10)
 30.09.01.02 • 37:8 Md. R. 650 (4-9-10)
 30.09.08.06 • 37:8 Md. R. 650 (4-9-10)
 30.09.11.02, .04 • 37:8 Md. R. 650 (4-9-10)

31 MARYLAND INSURANCE ADMINISTRATION

31.04.14.03 • 37:16 Md. R. 1089 (7-30-10)
 31.09.15.05 • 37:19 Md. R. 1329 (9-10-10) (err)
 31.10.06.13, .28, .30 • 37:19 Md. R. 1324 (9-10-10)

PENDING PROPOSALS

1346

31.10.25.02,.04 • 37:4 Md. R. 376 (2-12-10)

37:16 Md. R. 1090 (7-30-10)

31.10.28.02,.05 • 37:4 Md. R. 377 (2-12-10)

37:16 Md. R. 1091 (7-30-10)

31.11.10.02,.04 • 37:4 Md. R. 377 (2-12-10)

37:16 Md. R. 1091 (7-30-10)

31.12.07.02,.04,.05 • 37:4 Md. R. 379 (2-12-10)

37:16 Md. R. 1092 (7-30-10)

33 STATE BOARD OF ELECTIONS

33.01.06.01—.05 • 37:15 Md. R. 1023 (7-16-10)

33.13.06.01—.05 • 37:15 Md. R. 1024 (7-16-10)

33.13.07.01—.05 • 37:15 Md. R. 1025 (7-16-10)

33.17.04.01,.03 • 37:14 Md. R. 968 (7-2-10)

33.17.05.02 • 37:14 Md. R. 968 (7-2-10)

34 DEPARTMENT OF PLANNING

34.04.02.05,.07 • 37:17 Md. R. 1196 (8-13-10)

The Governor

EXECUTIVE ORDER 01.01.2010.17

Declaration of Emergency

WHEREAS, Maryland is subject to a great variety of hazards or disasters, including but not limited to hurricanes, severe tropical rain and wind storms, storm surge, flooding, and power outages;

WHEREAS, The Maryland Emergency Management Agency has advised that as a result of severe weather generated by Hurricane Earl, an emergency exists within the State;

WHEREAS, The Maryland Emergency Management Agency has advised that resources and personnel may be needed to assist with disaster response and relief efforts, including but not limited to protective actions - evacuation and shelter - for impacted state citizens;

WHEREAS, Use of the resources of the Maryland National Guard may be required; and

WHEREAS, An Executive Order is appropriate in order to facilitate the deployment and use of requisite resources, and to implement the emergency powers of the Governor.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS WITHIN THE STATE OF MARYLAND. I CALL THE MARYLAND NATIONAL GUARD INTO STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 1st day of September, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[10-20-35]

EXECUTIVE ORDER 01.01.2010.18

Rescission of Executive Order 01.01.2010.17

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, having declared a State of Emergency by Executive Order 01.01.2010.17 due to the threat to the public health and safety caused by the impact of severe weather; and

WHEREAS, The emergency conditions caused by the storm no longer exist.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS HEREBY TERMINATED EFFECTIVE AT 1700 ON THIS DATE.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 3rd day of September, 2010.

MARTIN O'MALLEY
Governor

ATTEST:

JOHN P. MCDONOUGH
Secretary of State

[10-20-36]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by Order of this Court dated August 17, 2010, **HARVEY MALCOLM NUSBAUM**, 1700 Reisterstown Road, Suite 237, Baltimore, MD 21208, has been suspended, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760e).

* * * * *

This is to certify that by Opinion and Order of this Court dated August 25, 2010, **OZOEMENA MARYROSE NWADIKE**, 8701 Georgia Avenue, Suite 600, Silver Spring, MD 20910, has been disbarred from the further practice of law in this State and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-713).

* * * * *

This is to certify that by Order of this Court dated September 9, 2010, **SANDY YEH CHANG**, 1 Research Court, Suite 450, Rockville, MD 20850, has been reprimanded by consent.

* * * * *

This is to certify that by an Order of this Court dated September 9, 2010, **RICHARD GLENN SOLOMON**, 3280 Urbana Pike, Suite 105, Ijamsville, MD 21754, has been disbarred by consent from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-713).

[10-20-41]

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

Notice of Open Meeting

The Standing Committee on Rules of Practice and Procedure will hold an open meeting on Friday, October 15, 2010, in the Judiciary Education and Conference Center, 2011-D Commerce Park Drive, Annapolis, Maryland, commencing at 9:30 a.m., to consider any questions relating to rules changes as may be brought before the meeting. For further information contact Sandra F. Haines, Reporter, (410) 260-3630.

[10-20-30]

COURT OF SPECIAL APPEALS

Schedule for October 1, 4, 5, 6, 7, 8, 12, 13, 14, 15, 18, 2010

Friday, October 1, 2010

Courtroom No. 1

No. 01438/09 Sherri A. Wallmark vs. John M. Wallmark

No. 01443/09 Deborah Lynn Thacker-Fischer vs. William James Fischer

No. 01426/09 Earl R. Diggs vs. State Highway Administration
Courtroom No. 2

No. 01576/09 Bethesda Title & Escrow, Inc. vs. Robert Gochnour et al.

No. 02018/09 Marilyn Menger vs. Board of Appeals, Department of Labor, Licensing and Regulation
In Re: Hydia B.

No. 00182/10* No. 01428/09 Harbour Marina Village Condominium, Inc. et al. vs. Chesapeake Harbour Community Association Inc. et al.

No. 00728/09 No. 01016/09 Jeffery Carter, Sr. et al. vs. Jeanne Fisher et vir. Pamela M. Jackson vs. CRG Capital, LLC et al.

*8-207(a)

Monday, October 4, 2010

Courtroom No. 1

No. 01298/09 No. 01515/09 Cassandra Wilson et al. vs. Philip Bowman American Energy Restaurant Equipment, LLC vs. Larry Bledsoe

No. 01001/09 No. 01585/09 No. 01173/09 Oyekanmi Oworu et al. vs. JFY Enterprises, Inc. Ramez Ghazzaoui vs. Carolina Chelle Leslie Rush vs. Department of Labor, Licensing and Regulation et al.

Courtroom No. 2

No. 01427/09 No. 01898/09 No. 01250/09 No. 01437/09 No. 01480/09 Howard Vine vs. Lydia Vine Graham D. Russell vs. Kathleen Flynn Russell Roy Rowland vs. Sharon Rowland Nicco Settles vs. State of Maryland Bryan Sivells vs. State of Maryland

Tuesday, October 5, 2010

Courtroom No. 1

No. 01715/09 No. 01699/09 No. 01236/09 No. 01629/09 No. 01238/09 No. 01694/08 Mahmaud Shirazi, MD vs. Maryland State Board of Physicians R&D 2001, LLC. et al vs. Douglas Rice et al. Phillip Vecchioni vs. Kimberly Vecchioni Glenn Joseph Raynor vs. State of Maryland Kimberly L. Thomas vs. Wells Fargo Bank, N. A. Stanley Rochkind et al. vs. Danielle Finch, next friend of Tyaih Dodd, a minor

Courtroom No. 2

No. 00663/09 No. 01445/09 No. 00342/10* No. 01385/09 No. 01363/09 No. 01066/09 Sarah Daniel vs. Eddy & Eckhardt Architects, Inc. et al. James Whaley vs. Anne Arundel County, Maryland In Re: Adoption/Guardianship of Jordan F., Aaliyah C. and Nieasha W. James Otis Pullen, Jr. vs. State of Maryland Carl Eric Nelson vs. State of Maryland Bernard Odell Jeffers vs. Evelyn Faye Jeffers

*8-207(a)

Wednesday, October 6, 2010

Courtroom No. 1

No. 01244/09 No. 01097/09 Joann Gentile Kruelle vs. Martin Alan Kruelle Hillwood Manor Apartments Joint Venture, LLP vs. City of Takoma Park, Maryland

No. 01486/09 Pearl Sanders et al. vs. County Bank et al.
 No. 01440/09 Marco Difrancesco vs. Kathryn Difrancesco
 No. 01559/09 Leon Thomas Coleman, Jr. vs. State of Maryland

Courtroom No. 2

No. 01414/09 Larry A. Nichols, Sr. et ux. vs. Dennis Dale Trice et al.
 No. 00110/10* In Re: Kaleem P.
 No. 01575/09 Charlene Morganti et al. vs. Christopher Morganti et ux.
 No. 01687/09 Mills & Brady Enterprises, Inc. vs. Odenton Properties, LLC et al.
 No. 01607/09 Kevin Dwight Haynes vs. State of Maryland
 *8-207(a)

Thursday, October 7, 2010Courtroom No. 1

No. 01088/09 Linda L. Pixler et al., Co-Personal Representatives of the Estate of Floyd H. Johnson vs. Christine Pavlik, Guardian, et al.
 No. 01759/09 Christine Nuyen et al. vs. Chanveasna Keam et al.
 No. 01417/09 Michael John March, Sr. vs. Brenda Lee Decker f/k/a Brenda Lee March
 No. 01099/09 Harleigh Farm, LLC. vs. Robert Sterling et ux.
 No. 01416/09 Dean C. Paulos vs. Robin Richter

Courtroom No. 2

No. 01605/09 CR-RSC Tower I, LLC et al. vs. RSC Tower I, LLC et al.
 No. 02936/09* Ronald Meyr vs. Chona Meyr**
 No. 00362/10* Ronald Meyr vs. Chona Meyr**
 No. 01462/09 Maryland State Police vs. Anthony McLean et al.
 No. 01570/09 David Hoffman et ux. vs. Tauro, I.C.S.A.
 No. 01441/09 Vincent S. Serio vs. Baystate Properties, LLC

*8-207(a)

**Consolidated Cases

Friday, October 8, 2010Courtroom No. 1

No. 01642/09 Nicholas Sharp vs. Barry K. Downey et ux.
 No. 00321/09 Courtney Darnell Butler vs. State of Maryland
 No. 00620/09 Edward Butcher vs. State of Maryland
 No. 00953/09 Jennifer Gaither vs. Marquitta Jo Russell
 No. 01102/09 Veronica L. Redmond Personal Representative of the Estate of Crystal A. Way et al. vs. John Pugh et al.

Courtroom No. 2

No. 02545/09 Frank P. Ellis, IV et al. vs. Louis S. Petty et al.
 No. 01177/09 Philip J. Koppers et al. vs. Deborah Faulkner et al.
 No. 01916/09 State of Maryland vs. Daniel Lee Hudson
 No. 01302/09 David Simard vs. John S. Burson et al.
 No. 01442/09 Wachovia Dealer Services, Inc. f/k/a WFS Financial, Inc. vs. Pohanka Imports, Inc.

Tuesday, October 12, 2010Courtroom No. 1

No. 00699/09 Jones & Associates, P.C. vs. Blank Rome, LLP
 No. 01509/09 Zurich American Insurance Company vs. Uninsured Employers' Fund et al.
 No. 00378/09 Joseph F. Kuntz et al. vs. Countrywide Home Loans, Inc. et al.

No. 01465/09 Mayor and City Council of Baltimore vs. Arturo Alfaro
 No. 01493/09 Robert R. Freese vs. Laura E. Freese

Wednesday, October 13, 2010Courtroom No. 1

No. 01762/09 Radiosurgery Management Associates, LLC vs. Medstar-Georgetown Medical Center, Inc.
 No. 00706/09 Lorressa Dawn Welch vs. Joseph Robert Welch
 No. 02087/09 Harmony Place Associates, LLC vs. Prince George's County Council sitting as the District Council
 No. 01149/09 Virginia Ann Stubbs vs. State of Maryland

Thursday, October 14, 2010

All cases submitted on brief

Courtroom No. 1

No. 01566/09 Nicholas Case vs. Unisys Corporation et al.
 No. 02634/09* In re: Alijah Q.
 No. 03117/07 Jarmal Johnson vs. State of Maryland
 No. 01000/09 Nicholas Case vs. Unisys Corporation et al.
 No. 01383/09 Lamon Thomas vs. State of Maryland
 No. 01395/09 Lamont Duggins vs. State of Maryland
 No. 01273/09 Vernon Gilbert Anderson vs. State of Maryland
 No. 01413/09 Brian Mark Farmer vs. State of Maryland
 No. 01398/09 Michael Lee Owens vs. State of Maryland
 No. 01472/09 Robert Frazier vs. State of Maryland
 No. 01478/09 Dennis Fuhrer vs. State of Maryland
 *8-207(b)

Courtroom No. 2

No. 01686/09 Haole Corporation d/b/a Harborview Investigations et al. vs. Linda Nanline Awkard
 No. 00342/09 Duran Monroe Moss vs. State of Maryland
 No. 02149/09 James Edward Prince vs. State of Maryland
 No. 02350/08 Gary Leonce Qualo a/k/a Ralph Jerry Colas vs. State of Maryland
 No. 00685/09 Alphonso Eugene Streeter vs. State of Maryland
 No. 00383/09 Anthony Lafonte Green vs. State of Maryland
 No. 02401/08 Brian Matthew Cotter vs. State of Maryland
 No. 00505/09 Jeffrey Samuel Marcus vs. State of Maryland
 No. 02749/08 Roy Johnson vs. State of Maryland
 No. 02895/08 Charles David Richardson, IV vs. State of Maryland

Friday, October 15, 2010

All cases submitted on brief

Courtroom No. 1

No. 00230/09 William Emanuel Alton, III vs. State of Maryland
 No. 02123/08 Roger B. Hargrave vs. Yvette Cade
 No. 01333/09 Ramano M. Coates vs. State of Maryland
 No. 01374/09 Ramon Ruiz-Eguren vs. State of Maryland
 No. 01481/09 Kelvin Jones a/k/a Calvin Jones vs. State of Maryland
 No. 01502/09 Terrelle Hartley vs. State of Maryland
 No. 01534/09 William Louis Johnson, Jr. vs. State of Maryland
 No. 01536/09 Marcus A. Maddox vs. State of Maryland
 No. 01561/09 In Re: Alijah O.
 No. 01562/09 Craig Lamar Carter vs. State of Maryland
 No. 01652/09 Michael Wade Carter vs. State of Maryland

Courtroom No. 2

No. 01418/09 DC Development, LLC et al. vs. Debra McDonnell
 No. 01798/09 Liri Fusha vs. John Janack

THE JUDICIARY

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No. 02473/08 Pierre Omar Legrand vs. State of Maryland
No. 02973/08 Barbara Louise Hampton vs. State of Maryland
No. 01369/04 Bryant Keith Belle vs. State of Maryland
No. 00386/09 Tania Renee Wallace-Bey vs. State of Maryland
No. 00632/09 Bland Gatewood vs. State of Maryland
No. 00887/09 Kim Milo Lee vs. State of Maryland
No. 00684/09 Eric Lee West vs. State of Maryland
No. 00926/09 Merideth Myles a/k/a Meredith Myles vs. State of Maryland
No. 00940/09 Herbert T. Copeland vs. State of Maryland
No. 00014/10* In Re: Margarette B. Rogler, an Adult
*8-207(a)

Monday, October 18, 2010

All cases submitted on brief
Courtroom No. 1

No. 01354/09 Daniel Walker, Jr. vs. State of Maryland
No. 02419/09 Andrew D. Wilmore vs. State of Maryland
No. 01676/09 Jermaine Abdul Morris vs. State of Maryland
No. 01353/09 Joshua Andrew Johnson vs. State of Maryland
No. 01677/09 Christopher Andre Savage vs. State of Maryland
No. 01680/09 Kenneth Benjamin Alvira vs. State of Maryland
No. 01375/09 In Re: Shon M**
No. 02194/09 In Re: Shon M**
No. 01682/09 Melvin Eugene Riley vs. State of Maryland
No. 01720/09 Melvin Molden a/k/a Melvin Moulden vs. State of Maryland
No. 01879/09 Robert Lee Jackson vs. State of Maryland
No. 02232/09 In Re: Pete P.

**Consolidated Cases

Courtroom No. 2

No. 01520/09 Stephen Love vs. Alonda Love
No. 01255/09 David Jarrett vs. Maryland State Department of Natural Resources
No. 00268/09 Tavon Lamont Smith vs. State of Maryland
No. 00363/09 Ulyses Seawright vs. State of Maryland
No. 00947/09 Emily D.F. Butler vs. State of Maryland
No. 00344/09 Isaac E. Fields vs. State of Maryland
No. 01135/09 Richard Lee Owens vs. State of Maryland
No. 01138/09 Yannice Yamiko Nunez vs. State of Maryland
No. 01140/09 Caplise Randall vs. State of Maryland
No. 01204/09 Henry P. Angulo-Gil vs. State of Maryland
No. 01345/09 Terry Grant Hall vs. State of Maryland
No. 01384/09 Adam Claggett Brown vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk not later than 9 a.m. The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After October, 2010, the Court will recess until November, 2010.

LESLIE D. GRADET
Clerk

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of October be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in October, 2010.

Chief Judge's signature appears on original Administrative Order

Dated: August 30, 2009

[10-20-23]

ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE MEMORANDUM 10-3

ADMINISTRATIVE REGULATION XVII PRE-SET FINES — MOTOR VEHICLE AND/OR PENALTY DEPOSITS MOTOR VEHICLE LAWS

By direction of Chief Judge Robert M. Bell, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revision to the District Court Administrative Regulation to become effective October 1, 2010. The attached revision has been adopted by the Chief Judge of the District Court.

Frank Broccolina
State Court Administrator

September 1, 2010

NOTICE

Under the authority of Courts Article §7-301 of the Maryland Code, certain District Court Pre-Set Fines and or Penalty Deposits for Motor Vehicle Laws have been revised and are to be in force and effective October 1, 2010. Printed herewith are the revisions to DCAR XVII.

Ben C. Clyburn
Chief Judge
District Court of Maryland

September 1, 2010

**DCAR XVII
SCHEDULE OF PRESET FINES AND/OR PENALTY DEPOSITS
MOTOR VEHICLE LAWS**

[Brackets around text] indicate language deleted from existing fine schedule.
Underlined text indicate language added to existing fine schedule.

Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
7	705	a1	Failure to pay fare in required manner	[\$40.00] <u>\$50.00</u>	00	00	
7	705	a2i	Failure to pay applicable fare	[\$40.00] <u>\$50.00</u>	00	00	
7	705	a2ii	Failure to exhibit proof of payment	[\$40.00] <u>\$50.00</u>	00	00	
7	705	a2iii	Failure to provide truthful identification	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b1	Expectorating in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b2	Smoking or carrying lighted tobacco products in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b3	Consuming food or drink or carrying open food or beverage container in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b4	Discarding litter in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b5	Playing or operating radio, tape player, or similar electronic device in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b6	Carrying or possessing explosives, acids, concealed weapons or other dangerous articles in transit vehicle, transit facility or train	[\$520.00] <u>\$530.00</u>	00	00	
7	705	b7	Carrying or possessing live animals in transit vehicle, transit facility, or train	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b8	Boarding transit vehicle through rear door	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b9	Urinating or defecating in transit vehicle, transit facility or train	[\$140.00] <u>\$150.00</u>	00	00	
7	705	b10	Failure to move to rear of transit when requested to do so	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b11	Failure to vacate elderly or handicapped seat when requested to do so	[\$40.00] <u>\$50.00</u>	00	00	
7	705	b12	Soliciting the purchase of goods of services in transit vehicle, transit facility or train	[\$40.00] <u>\$50.00</u>	00	00	
8	409	e	Unlawful use of (foot paths, bicycle trails)	[\$80.00] <u>\$90.00</u>	00	00	
8	409	f	Unlawful use of bridle paths	[\$80.00] <u>\$90.00</u>	00	00	
8	409	h	Prohibited moped operation on (foot path, bicycle trail, bridle, horse trail)	[\$80.00] <u>\$90.00</u>	00	00	
8	409	i	Use of (foot paths, bicycle trails) by (sports cycles, trail bikes, minibikes)	[\$80.00] <u>\$90.00</u>	00	00	
12	117	a	(Interfering with, Soliciting for fee) any person doing business (in, near) Adm. Property	[\$80.00] <u>\$90.00</u>	00	00	
12	301	12	Failure to surrender MVA identification card upon cancellation	[\$60.00] <u>\$70.00</u>	00	00	
13	101.1		Owner failure to apply for title cert. for instate veh	[\$60.00] <u>\$70.00</u>	00	00	
13	111	a	Failure to apply promptly for duplicate upon loss of certificate of title	[\$60.00] <u>\$70.00</u>	00	00	
13	111	b	Failure to apply promptly for duplicate upon theft of certificate of title	[\$60.00] <u>\$70.00</u>	00	00	

THE JUDICIARY

Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
13	111	c	Failure to apply promptly for duplicate upon damage to certificate of title	[\$60.00] \$70.00	00	00	
13	111	e	Failure to surrender recovered original after issuance of duplicate	[\$60.00] \$70.00	00	00	
13	112	a	Failure to execute assignment, title warranty, title encumbrance statement on transfer	[\$60.00] \$70.00	00	00	
13	112	b	Failure of veh. owner to deliver title cert. to transferee	[\$60.00] \$70.00	00	00	
13	112	c	Failure of transferee of veh. to promptly apply for new title certificate	[\$60.00] \$70.00	00	00	
13	112	d	Failure to add taxi cab designation to title cert. on (sale, transfer, other disposition)	[\$60.00] \$70.00	00	00	
13	112	e	(Sale, Purchase) of used veh. not titled certified or registered	[\$60.00] \$70.00	00	00	
13	113	a	Failure of licensed veh. dealer to obtain title cert. executed by former owner	[\$130.00] \$140.00	00	00	
13	113	b	Failure of licensed veh. dealer to retain title cert. until (sale, transfer) of veh.	[\$130.00] \$140.00	00	00	
13	113	c	Failure of licensed veh. dealer to give access t title cert. to (Adm. rep., police)	[\$130.00] \$140.00	00	00	
13	113	d	Failure of licensed veh. dealer to execute title assignment to transferee dealer as required	[\$130.00] \$140.00	00	00	
13	113	e1	Failure of licensed veh. dealer to execute required title assignment and warranty to sale transferee	[\$130.00] \$140.00	00	00	
13	113	e2	Failure of licensed veh. dealer to obtain completed title application and collect taxes and fees	[\$130.00] \$140.00	00	00	
13	113	e3	Failure of lic. veh. dealer to deliver title cert. to transferee and transfer documents to Adm	[\$130.00] \$140.00	00	00	
13	113	e4	Failure of lic. veh. driver to deliver cert. to transferee for out of state titling	[\$130.00] \$140.00	00	00	
13	113	f	Failure of (auto dismantler, recycler) to execute title assignment and required encumbrances statement on transfer	[\$130.00] \$140.00	00	00	
13	113.1	a	Failure to give manf. cert. upon transfer of new veh. to dealer	[\$130.00] \$140.00	00	00	
13	113.1	b	Failure of motor veh. dealer to assign manf. cert. to dealer on transfer of new veh	[\$130.00] \$140.00	00	00	
13	113.1	c	Motor veh. dealer transfer of new veh. to other dealer when dealer lacks veh. make franchise	[\$130.00] \$140.00	00	00	
13	113.1	d	Motor veh. acceptance of new veh. from other dealer when dealer lacks veh. make franchise	[\$130.00] \$140.00	00	00	
13	113.2	c	First stage mfr. failure to give second-stage mfr. origin cert. and assignment on veh. Transfer	[\$130.00] \$140.00	00	00	
13	113.2	d	Second stage mfr. failure to give dealer assigned cert. of origin on transfer of veh	[\$130.00] \$140.00	00	00	
13	113.2	f	Failure of licensed veh. dealer holding new veh. to have franchise for make of one veh. Stage	[\$130.00] \$140.00	00	00	
13	113.2	g	Failure of lic. veh. dealer to furnish req. origin cert., title assignment and warranty on veh. Transfer	[\$130.00] \$140.00	00	00	
13	113.2	h	Failure of lic. veh. dealer to furnish req. title assignment, origin cert. and warranty of veh. Transfer	[\$130.00] \$140.00	00	00	
13	114	a	Failure of involuntary transferee of veh. to present last title cert. to Adm	[\$50.00] \$60.00	00	00	
13	114	b	Failure of involuntary transferee of veh. to apply for new title cert	[\$50.00] \$60.00	00	00	
13	117	a	Failure of veh. Owner to notify Adm. On required form of vehicle information change	[\$50.00] \$60.00	00	00	

THE JUDICIARY

Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
13	117	b	Failure of veh. Owner to apply to Adm. For revised cert. of title after veh. Information change	[\$50.00] \$60.00	00	00	
13	118	a	Failure to notify Adm. of name change by title cert. holder	[\$50.00] \$60.00	00	00	
13	118	b	Failure to apply for corrected title cert. upon name change	[\$50.00] \$60.00	00	00	
13	203	b	Owner failure to execute security interest info. on veh. title cert	[\$130.00] \$140.00	00	00	
13	203	c	Owner creating security interest in veh. failing to deliver title cert. and application to Adm	[\$130.00] \$140.00	00	00	
13	204	b1	Assignee of security interest failure to deliver to Adm. title cert. and assignment	[\$130.00] \$140.00	00	00	
13	205	a	Holder of veh. security interest failure to execute release on security interest satisfaction	[\$130.00] \$140.00	00	00	
13	205	b	Failure of secured party to deliver release of security interest to owner, Adm. and authorized dealer	[\$130.00] \$140.00	00	00	
13	206		Secured party failure to disclose pertinent info. on written request of owner	[\$130.00] \$140.00	00	00	
13	401	b	Operating unregistered motor vehicle	[\$280.00] \$290.00	00	00	
13	401	c	Allowing unreg. veh. to be driven on hwy	[\$280.00] \$290.00	00	00	
13	401	d	Driving veh. on hwy. with unpaid registration fee	[\$280.00] \$290.00	00	00	
13	401	e	Allowing vehicle to be driven on hwy. with unpaid registration fee	[\$280.00] \$290.00	00	00	
13	401	f	Driving veh. on hwy. with a canceled registration	[\$280.00] \$290.00	00	00	
13	401	g	Allowing veh. to be driven on hwy. with canceled registration	[\$280.00] \$290.00	00	00	
13	401	h	Driving veh. on hwy. with suspended registration	[\$140.00] \$150.00	00	00	
13	401	i	Allowing veh. to be driven on hwy. with suspended registration	[\$140.00] \$150.00	00	00	
13	401	j	Driving veh. on hwy. with revoked registration	[\$280.00] \$290.00	00	00	
13	401	k	Allowing veh. to be driven on hwy. with revoked registration	[\$280.00] \$290.00	00	00	
13	402	a1	Driving unregistered (motor vehicle, trailer, semitrailer or pole trailer) on hwy.	[\$280.00] \$290.00	00	00	
13	402	a2	Parking unregistered motor vehicle	[\$280.00] \$290.00	00	00	
13	402	d2	Failure to (carry, display) exemption permit for foreign registered seasonal worker transport veh	[\$280.00] \$290.00	00	00	
13	402.1	e1	Failure to obtain nonresident permit within required time period when maintaining or occupying dwelling over 30 days and under one year	[\$280.00] \$290.00	00	00	
13	402.1	e2	Failure to exempt nonresident to obtain permit in lieu of registration within 30 days	[\$280.00] \$290.00	00	00	
13	402.1	e6	Failure of nonresident to display permit on windshield of nonresident's exempt vehicle	[\$60.00] \$70.00	00	00	
13	403		Owner failure to apply to Adm. for reg. of veh. subject to reg.	[\$280.00] \$290.00	00	00	
13	409	a	Failure to carry registration card within vehicle	[\$40.00] \$50.00	00	00	
13	409	b	Failure to display registration card upon demand by police officer	[\$40.00] \$50.00	00	00	
13	410	c5	Owner displaying on reg. plate a county sticker other than owner's county of residence	[\$40.00] \$50.00	00	00	

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
13	410	c6	Placing a county sticker on a (special, commemorative) registration plate	[\$40.00] \$50.00	00	00	
13	410	e2	Failure to display tab on plates of veh. as required by Adm	[\$60.00] \$70.00	00	00	
13	411	a	Failure to attach veh. reg. plates at front and rear	[\$60.00] \$70.00	00	00	
13	411	b1	Failure to attach single registration plate on front of Class F vehicle	[\$60.00] \$70.00	00	00	
13	411	b2	Failure to attach single registration plate on rear of Class D or Class G vehicle	[\$60.00] \$70.00	00	00	
13	411	c	Failure to properly maintain and fasten veh. reg. plate in visible position	[\$60.00] \$70.00	00	00	
13	411	d	Driving veh. on hwy. w/o current registration plates and validation tabs	[\$60.00] \$70.00	00	00	
13	411	e	Permitting veh. to be driven on hwy. w/o current registration and validation tabs issued by Adm	[\$60.00] \$70.00	00	00	
13	411	f	Displaying expired registration plate(s) issued by any state	[\$60.00] \$70.00	00	00	
13	411	g	(Displaying, permitting to be displayed) reg. plate(s) issued (for other veh, to other person)	[\$60.00] \$70.00	00	00	
13	411	h	Improper display of current and vintage reg, plates	[\$60.00] \$70.00	00	00	
13	411.1	b	Selling or offering for sale a registration plate cover	[\$60.00] \$70.00	00	00	
13	411.1	c	Advertising for the purpose of promoting the sale of registration plate covers	[\$60.00] \$70.00	00	00	
13	414	a	Failure to notify Adm. of address change within 30 days	[\$50.00] \$60.00	00	00	
13	414	b	Failure to notify Adm. of name change within 30 days	[\$50.00] \$60.00	00	00	
13	415	a	Failure to apply for current reg. card replacement for lost card	[\$40.00] \$50.00	00	00	
13	415	b	Failure to apply for (duplicate reg. card, affixed tabs) to replace stolen (card, tabs)	[\$40.00] \$50.00	00	00	
13	415	c	Failure to apply for (duplicate reg. card, unaffixed tabs) to replace damage (card, tabs)	[\$40.00] \$50.00	00	00	
13	415	d	Failure to place and properly display temp. reg. plate after loss of current plate	[\$40.00] \$50.00	00	00	
13	415	e	Failure to place and properly display temp. reg. plate after theft of current plate	[\$40.00] \$50.00	00	00	
13	415	f	Failure to place and properly display temp. reg. plate after current reg. plate (damaged, made illegible)	[\$40.00] \$50.00	00	00	
13	415	g	Failure to apply within 48 hours for replacement of affixed (current reg., plate, tabs) after (loss, theft, damage)	[\$40.00] \$50.00	00	00	
13	415	h	Failure to surrender original veh. (reg. plate, validation tabs) upon receipt of replacements	[\$40.00] \$50.00	00	00	
13	420	a	Failure to reg. school type veh. used to daily transport students K thru 12	[\$60.00] \$70.00	00	00	
13	420	b	Failure of Type I school veh. to display school bus reg. plates and to comply with Adm. Reg	[\$60.00] \$70.00	00	00	
13	420	c	Failure of Type I school veh. to display school charter reg. plates	[\$60.00] \$70.00	00	00	
13	420	d	Failure of Type II school veh. to (display reg. plates, comply with school veh. regulations)	[\$60.00] \$70.00	00	00	
13	422	a	Failure to register veh. used in vanpool operation	[\$60.00] \$70.00	00	00	
13	422	d	Requiring employee participation in company organized vanpool	[\$60.00] \$70.00	00	00	

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Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
13	422	e	Discriminating against employee in use of company organized vanpool	[\$60.00] \$70.00	00	00	
13	423	a	Failure to reg. motor veh. where PSC permit is required	[\$60.00] \$70.00	00	00	
13	501	a	Failure of owner to remove reg. plates upon assignment and transfer of veh. title and interest	[\$60.00] \$70.00	00	00	
13	501	b	Unlawful use by transferee of existing reg. plates ten days after veh. Transfer	[\$60.00] \$70.00	00	00	
13	501	c	Failure to remove and return reg. plates 10 days after veh. Transfer	[\$60.00] \$70.00	00	00	
13	501	e	Unlawful possession of expired veh. reg. plates	[\$60.00] \$70.00	00	00	
13	502	a	Failure of transferee to apply for and obtain new reg. of veh. before driving on hwy	[\$60.00] \$70.00	00	00	
13	502	b	Transferee failure to apply for and obtain new veh. reg. before permitting veh. to be driven on hwy	[\$60.00] \$70.00	00	00	
13	503	b	Failure of dealer to issue to transferee permit authorizing 60 day use of other veh. reg. plates	[\$60.00] \$70.00	00	00	
13	503	c	Unlawful issuance of 45 day authorization for use of other veh. reg. plates	[\$60.00] \$70.00	00	00	
13	503	d	Failure of dealer to issue to transferee permit authorizing 60 day use of other veh. reg. plates	[\$60.00] \$70.00	00	00	
13	503	e	Failure of veh. transferee to carry and display 45 day permit after veh. transfer	[\$60.00] \$70.00	00	00	
13	504	a	Driving veh. on hwy. on expired reg. after involuntary transfer of title or interest	[\$60.00] \$70.00	00	00	
13	504	d	Failure to return reg. plates on request by (former owner, Adm.) after involuntary transfer	[\$60.00] \$70.00	00	00	
13	504	e	Unlawful poss. of reg. plates after involuntary transfer of veh. title or interest	[\$60.00] \$70.00	00	00	
13	505		Owner failure to return reg. card and plates to Adm. after veh. transfer for scrapping	[\$60.00] \$70.00	00	00	
13	506	cI	Insurance Co. failure to apply for salvage certificate on req. form for vehicle titled in the State	[\$60.00] \$70.00	00	00	
13	506	cIII	Insurance Co. failure to apply for salvage cert. electronically for vehicle titled in another state	[\$60.00] \$70.00	00	00	
13	506.1	a	Insurance Co. failure to notify Adm. Of (claim settlement made, owner retain poss. of) salvage veh.	[\$60.00] \$70.00	00	00	
13	602	a	Lic. dealer issuing more than one temp. reg. for veh	[\$130.00] \$140.00	00	00	
13	602	b	Lic. dealer issuing temp. reg. plate for veh. w/o completed buyer application.	[\$130.00] \$140.00	00	00	
13	602	[c] c1	[Lic. veh. dealer failure on issue day to send Adm. veh. buyer application copy for temp. plate] <u>Failure of lic. veh. dealer to send Adm. copy of temp. reg. plate application completed by buyer</u>	[\$130.00] \$140.00	00	00	
13	602	c2	<u>Failure of lic. veh. dealer to electronically transmit required info. to Adm.</u>	\$140.00	00	00	
13	603	a	Failure of lic. veh. dealer to send Adm. buyer's reg. application	[\$130.00] \$140.00	00	00	
13	603	b	Failure of lic. veh. dealer to send Adm. buyer's reg. fee	[\$130.00] \$140.00	00	00	
13	603	c	Failure of lic. veh. dealer to notify Adm. of buyer's failure to request reg	[\$130.00] \$140.00	00	00	
13	604	a	Failure of lic. veh. dealer to affix issuance and expiration dates on temp. reg. plate	[\$280.00] \$290.00	00	00	
13	604	b	Failure of lic. veh. dealer to affix veh. make and ID number on temp. reg. plate	[\$280.00] \$290.00	00	00	

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
13	604	c	Failure of lic. veh. dealer to attach temp. reg. plate to rear of veh	[\$280.00] \$290.00	00	00	
13	605		Failure to destroy temp. reg. plates upon expiration of temp. reg	[\$60.00] \$70.00	00	00	
13	606	a	Failure of lic. vehicle dealer to maintain records of temp. reg. plates delivered to dealer	[\$60.00] \$70.00	00	00	
13	606	b	Failure of lic. veh. dealer to maintain records of temp. reg. plates issued to dealer	[\$60.00] \$70.00	00	00	
13	606	c	Failure of dealer to maintain records of temp. reg. plates as required by Adm.	[\$60.00] \$70.00	00	00	
13	607	a	Issuance by person of temp. reg. plate containing misstatement of fact	[\$280.00] \$290.00	00	00	
13	607	b	Person knowingly inserting false information on temp. reg. plate	[\$280.00] \$290.00	00	00	
13	607	c	Dealer issuing temp. reg. plate to person possessing annual reg. plate for sold and exchanged veh	[\$280.00] \$290.00	00	00	
13	607	d	Dealer lending temp. reg. plate to any person	[\$280.00] \$290.00	00	00	
13	607	e	Dealer using temp. reg. plate on veh. dealer owns	[\$280.00] \$290.00	00	00	
13	607	f	Dealer issuing temp. reg. plate for unauthorized reason	[\$280.00] \$290.00	00	00	
13	616	i	Operating m/v with disability reg. (number, plates) if not (disabled, accompanied by the disabled)	[\$130.00] \$140.00	00	00	
13	616.1	f1	Failure to display disabled person parking placard in veh. as required	[\$130.00] \$140.00	00	00	
13	616.1	h2	Use of disabled person placard if not (disabled, accompanied by disabled person)	[\$130.00] \$140.00	00	00	
13	616.2	c2	Failure to return temporary parking placard for disabled to Adm. w/I 5 days of placard's expiration	[\$60.00] \$70.00	00	00	
13	616.2	d2	Unauthorized display of temporary parking placard	[\$60.00] \$70.00	00	00	
13	616.2	f1	(Fraud, Misrepresentation) in (certifying person's disability, applying for or using temporary parking placard)	[\$130.00] \$140.00	00	00	
13	620	b	Failure to properly display special reg. plate as required by TA 13-411	[\$280.00] \$290.00	00	00	
13	620	c	Use if special reg. plate on unauthorized veh	[\$280.00] \$290.00	00	00	
13	620	d	(Driving veh., Permitting veh. to be driven) with invalid special reg. plates.	[\$280.00] \$290.00	00	00	
13	621	c	Licensed veh. dealer unauthorized driving of veh. in his possession w/o veh. owner consent	[\$80.00] \$90.00	00	00	
13	622	b	Licensed auto dismantler unauthorized driving of veh. in his possession w/o veh. owner consent	[\$60.00] \$70.00	00	00	
13	622	c	Operating veh. out of state with special recycler reg. other than for auto dismantling, recycling or scrap processing	[\$60.00] \$70.00	00	00	
13	625	e	Transporter operating on expired transporter reg. plates	[\$80.00] \$90.00	00	00	
13	625	f	Transporter failure to give Adm. written notice of application address, business name and designation	[\$80.00] \$90.00	00	00	
13	626	d	Failure to display shuttle permit on dashboard of veh	[\$60.00] \$70.00	00	00	
13	626	f	Operating veh. in shuttle on hwy. not on direct route between authorized points	[\$60.00] \$70.00	00	00	
13	629		Unlawful veh. operation by common carrier with special reg. plates	[\$80.00] \$90.00	00	00	

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Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
13	701	a	Failure of veh. driver to (display current reg. plates, carry current reg. card)	[\$50.00] \$60.00	00	00
13	701	b	Owner knowingly permitting veh. to be driven on hwy. (w/o reg. plates, reg. card)	[\$50.00] \$60.00	00	00
13	702	a	Driving veh. on hwy. with (canceled, suspended, revoked) reg	[\$140.00] \$150.00	00	00
13	702	b	Owner knowingly permitting veh. to be driven on hwy. if reg. is (canceled, suspended, revoked)	[\$140.00] \$150.00	00	00
13	703	a	Knowingly permitting unauthorized use of cert. of title	[\$280.00] \$290.00	00	00
13	703	b	Knowingly permitting unauthorized use of reg. card	[\$280.00] \$290.00	00	00
13	703	c	Knowingly permitting unauthorized use of reg. plate	[\$280.00] \$290.00	00	00
13	703	d	Knowingly permitting use of special reg. plate	[\$280.00] \$290.00	00	00
13	703	e	Knowingly permitting unauthorized use of permit	[\$280.00] \$290.00	00	00
13	703	f	Unauthorized display and use of reg. card	[\$280.00] \$290.00	00	00
13	703	g	Unauthorized display and use of reg. plate	[\$280.00] \$290.00	00	00
13	703	h	Unauthorized display and use of permit	[\$280.00] \$290.00	00	00
13	708	a	Owner failure to return to Adm. (canceled, suspended, revoked)(title cert., reg.card)	[\$130.00] \$140.00	00	00
13	708	b	Person failure to return to Adm. (canceled, suspended, revoked)(title cert., reg. card)	[\$130.00] \$140.00	00	00
13	812	b	Lic. dealer failure to keep and preserve sales tax records on veh	[\$280.00] \$290.00	00	00
13	812	c	Failure of lic. dealer to allow (Adm. rep. police) access to veh. taxable sales records	[\$280.00] \$290.00	00	00
13	918	a	Operating Class E veh. with non – freight (trailer, semitrailer) not reg;. for wt. Class E veh	[\$130.00] \$140.00	00	00
13	918	b	Operating Class E veh. with freight (trailer, semitrailer) not reg. for combined wt	[\$130.00] \$140.00	00	00
13	920	g	Failure of tow truck operator to display Admin. authorized reg. plates	[\$130.00] \$140.00	00	00
13	920	[h] <u>h1</u>	Failure of tow truck owner or operator to obtain required liability insurance	[\$530.00] \$540.00	00	00
<u>13</u>	<u>920</u>	<u>h2</u>	<u>Failure of tow truck owner or operator to provide a federal employer identification number</u>	<u>\$140.00</u>	<u>00</u>	<u>00</u>
<u>13</u>	<u>920</u>	<u>h2i</u>	<u>Failure of tow truck owner or operator to provide a U.S. DOT motor carrier number</u>	<u>\$140.00</u>	<u>00</u>	<u>00</u>
<u>13</u>	<u>920</u>	<u>h2ii</u>	<u>Failure of tow truck owner or operator to provide an Interstate Commerce Commission number</u>	<u>\$140.00</u>	<u>00</u>	<u>00</u>
13	920	i	Operating a rollback in combination with a vehicle being towed without required registration	[\$3,020.00] \$3,030.00	00	00
13	920	j	Operating a tow truck for hire without required registration	[\$3,020.00] \$3,030.00	00	00
13	921	d1	Use of farm truck for hire	[\$50.00] \$60.00	00	00
13	921	d2	Use of farm truck for other use	[\$50.00] \$60.00	00	00
13	924	d	Use of farm truck tractor for hire	[\$80.00] \$90.00	00	00

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Transportation Article		Cont. to Accident				
Sec.	Para.	Charge	Fine	Points	Fine	Points
13	924	e Use of farm truck tractor for other use	[\$80.00] \$90.00	00		00
13	930	d Use of farm trailer/semitrailer for hire	[\$80.00] \$90.00	00		00
13	930	e Use of farm trailer/semitrailer for other use	[\$80.00] \$90.00	00		00
13	940	c Unauthorized use of Class 1A dealer reg. plate	[\$130.00] \$140.00	00		00
13	941	c Unlawful use of Class 1B reg. motorcycle plates	[\$130.00] \$140.00	00		00
13	942	c Unlawful use of class 1C trailer reg. plate on veh	[\$130.00] \$140.00	00		00
13	943	c Unlawful use of Class 2 recycler reg. plate on veh	[\$130.00] \$140.00	00		00
13	944	c Unlawful use of Class 3 finance company reg. plate	[\$130.00] \$140.00	00		00
13	945	c Unlawful use of Class 4 mobile equipment reg. plate	[\$130.00] \$140.00	00		00
13	946	c Unlawful use of Class 5 transporter reg. plate other than as permitted in 13-625	[\$130.00] \$140.00	00		00
14	105	a Failure of police officer to immediately report veh. Theft	[\$60.00] \$70.00	00		00
14	105	c Failure of police officer to report recovered stolen veh	[\$60.00] \$70.00	00		00
14	105	e Person failure to report recovered stolen veh	[\$60.00] \$70.00	00		00
14	105.1	a Failure of secured party taking veh. to inform police	[\$60.00] \$70.00	00		00
14	105.1	b Failure of secured party taking veh. to furnish veh. ID information to police	[\$60.00] \$70.00	00		00
14	106	a Person knowingly making false veh. theft report to police	[\$130.00] \$140.00	00		00
14	106	b Person knowingly making false veh. theft report to Adm	[\$130.00] \$140.00	00		00
14	108	a Fraudulent possession of veh. (ownership reg. plate, card, title cert., ID plates)	[\$280.00] \$290.00	00		00
14	108	b Fraudulent (giving, selling, attempting to sell) veh. (ownership reg., ID plates, reg. cards, reg. documents)	[\$280.00] \$290.00	00		00
15	105	a Failure to (conduct licensed activity, maintain records as required) at fixed specified dealer location	[\$280.00] \$290.00	00		00
15	105	b (Removing, Relocating) licensed dealer activity w/o supplemental license	[\$280.00] \$290.00	00		00
15	105	c Opening additional dealer licensed activity location w/o supplemental license	[\$280.00] \$290.00	00		00
15	106	a License failure to report obtained dealer license information change to Adm. within 30 days	[\$280.00] \$290.00	00		00
15	106	b License failure to report retained dealer license information change to Adm. within 30 days	[\$280.00] \$290.00	00		00
15	111	a Suspended license failure to return dealer license to Adm	[\$280.00] \$290.00	00		00
15	111	b Revoked license failure to return dealer license to Adm	[\$280.00] \$290.00	00		00
15	112	a Failure to inform motorized minibike buyer in writing of illegal hwy. Use	[\$280.00] \$290.00	00		00
15	112	b Failure to inform motorized minibike buyer in writing of illegal limits on use	[\$280.00] \$290.00	00		00
15	202	a Unlicensed manuf. transfer to (dealer, distributor) (new motor veh., truck component part)	[\$280.00] \$290.00	00		00

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
15	202	b	Unlicensed distributor transfer to dealer any (new motor veh., new two-stage veh.)	[\$280.00] \$290.00	00		00
15	202	c	Unlicensed person conducting business of a factory branch in new (motor vehs., two-stage vehs.)	[\$280.00] \$290.00	00		00
15	206.1	b	Failure of (Mfr. Distributor, Factory branch agent) to act in good faith in (franchise agreements, transactions)	[\$280.00] \$290.00	00		00
15	207	b	(Mfr., Distributor, Factory branch) coercing dealer to make agreement	[\$280.00] \$290.00	00		00
15	207	c	(Mfr., Distributor, Factory branch) coercing dealer to (order, accept) (unwanted veh., unrequired commodities)	[\$280.00] \$290.00	00		00
15	207	d1	(Mfr., Distributor, Factory branch) (requiring, coercing) dealer to eliminate use of dealership facilities	[\$280.00] \$290.00	00		00
15	207	d2	(Mfr., Distributor, Factory branch) (requiring, coercing) dealer to materially change (facilities, method of conducting business)	[\$280.00] \$290.00	00		00
15	207	e1	(Mfr., Distributor, Factory branch) (requiring, coercing) dealer to adhere to non-uniform performance standards	[\$280.00] \$290.00	00		00
15	207	e3	Failure of (Mfr., Distributor, Factory branch) to establish objectivity of survey process & provide info. to dealer on request	[\$280.00] \$290.00	00		00
15	207	f	(Mfr., Distributor, Factory branch) offering contract containing provision for dealer to pay attorney fees	[\$280.00] \$290.00	00		00
15	207	h2i	(Mfr., Distributor, Factory branch) unlawfully requiring dealer to alter or replace existing dealership facility	[\$280.00] \$290.00	00		00
15	207	h2ii	(Mfr., Distributor, Factory branch) (denying, threatening to deny) benefit generally available to all for dealer's failure to alter or replace dealership facility	[\$280.00] \$290.00	00		00
15	207	h3i	(Mfr., Distributor, Factory branch) (reducing price of motor vehicle, requiring different financing terms) in exchange for agreement to maintain exclusive sales or service facility	[\$280.00] \$290.00	00		00
15	207	h3ii	(Mfr., Distributor, Factory branch) (reducing price of motor vehicle, requiring different financing terms) in exchange for agreement to (build, alter) sales or service facility	[\$280.00] \$290.00	00		00
15	207	h3iii	(Mfr., Distributor, Factory branch) (reducing price of motor vehicle, requiring different financing terms) in exchange for agreement to participate in floor plan or other financing	[\$280.00] \$290.00	00		00
15	207	j	(Mfr., Distributor, Factory branch) discriminating among dealers in any program that provides assistance to its dealers	[\$280.00] \$290.00	00		00
15	208	a	Manuf. refusal to deliver to (dealer, distributor) new (motor veh., truck comp. part) advertised as available	[\$280.00] \$290.00	00		00
15	208	b	Distributor refusal to deliver to franchised dealer new advertised and available motor vehs	[\$280.00] \$290.00	00		00
15	209	a	Manufacturer unlawfully terminating dealer franchise	[\$280.00] \$290.00	00		00
15	209	b	Distributor unlawfully terminating dealer franchise	[\$280.00] \$290.00	00		00
15	209	c	Factory branch unlawfully terminating dealer franchise	[\$280.00] \$290.00	00		00
15	209	f	(Mfr., Distributor, Factory branch) failure to pay dealer fair value upon terminating franchise	[\$280.00] \$290.00	00		00
15	210	a	False, deceptive and misleading advertising by veh. Mfr	[\$280.00] \$290.00	00		00
15	210	b	False, deceptive and misleading advertising by veh. Distributor	[\$280.00] \$290.00	00		00
15	210	c	False, deceptive and misleading advertising by veh. factory branch	[\$280.00] \$290.00	00		00

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
15	211	a	Manufacturer/affiliate preventing transfer of veh. dealership interest	[\$280.00] \$290.00	00	00	
15	211	b	Distributor/affiliate preventing transfer of veh. dealership interest	[\$280.00] \$290.00	00	00	
15	211	c	Factory branch/affiliate preventing transfer of veh. dealership interest	[\$280.00] \$290.00	00	00	
15	211	d1	(Sale, Assignment, Transfer) of dealer veh. franchise right w/o manf. consent	[\$280.00] \$290.00	00	00	
15	211	e	Mfr. unreasonably withholding franchise transfer consent	[\$280.00] \$290.00	00	00	
15	211	f1	(Sale, Assignment, Transfer) of dealer veh. franchise right w/o distributor consent	[\$280.00] \$290.00	00	00	
15	211	g	Distributor unreasonably withholding veh. franchise transfer consent	[\$280.00] \$290.00	00	00	
15	211	h1	(Sale, Assignment, Transfer) of dealer veh. franchise right w/o factory branch consent	[\$280.00] \$290.00	00	00	
15	211	i	Factory branch unreasonably withholding veh. franchise transfer consent	[\$280.00] \$290.00	00	00	
15	211	j	(Mfr., Distributor, Factory branch) imposing condition on approval of sale, transfer of dealership in vio. of TR, Title 15, if imposed on dealer	[\$280.00] \$290.00	00	00	
15	211	k	(Mfr., Distributor, Factory branch) taking action to prevent/refuse (sale, transfer, assignment) of ownership of (dealership, franchise, management)	[\$280.00] \$290.00	00	00	
15	212.1	d	(Mfr., Distributor, Factory branch) (refusing to pay, claim reimbursement from) dealer for (sales, incentives, payments) related to sale of motor vehicle	[\$280.00] \$290.00	00	00	
[15]	[212.1]	[(e)(1)]	[(Mfr., Distributor, Factory branch) giving (incentive/reimbursement payment, cash, gift, other) over \$200 value directly to dealer employee in any calendar year]	[\$280.00]	[00]	[00]	
15	305	f	Unauthorized sale of new veh. to retail buyer	[\$280.00] \$290.00	00	00	
15	311	a	Dealer failure to clearly state in veh. sale contract sale amt., interest, processing charge and other charges	[\$280.00] \$290.00	00	00	
15	311	b	Dealer failure in new veh. sales contract to include base price, mfr. code, stock number and extras	[\$280.00] \$290.00	00	00	
15	311	c	Dealer failure on veh. delivery to advise buyer of uninstalled ordered extras	[\$280.00] \$290.00	00	00	
15	311	d	Dealer failure on veh. delivery to advise buyer of uninstalled unordered extras.	[\$280.00] \$290.00	00	00	
15	311	e	Dealer failure on veh. delivery to advise buyer of cost of extras	[\$280.00] \$290.00	00	00	
15	311.1	b1	Dealer charging processing charge that (is unreasonable, exceeds [\$100] and does not reflect usual expenses	[\$280.00] \$290.00	00	00	
15	311.1	b2	Dealer failing to provide written disclosure of services included in dealer processing charge on request	[\$280.00] \$290.00	00	00	
15	311.1	d	Dealer failing to disclose processing and freight charges on contract for sale of vehicle	[\$280.00] \$290.00	00	00	
15	311.1	e	Dealer failing to include processing and freight charges in advertised price of vehicle when required	[\$280.00] \$290.00	00	00	
15	311.1	f	Dealer failing to attach proper price statement to window of vehicle	[\$280.00] \$290.00	00	00	
15	311.2	b	Failure of provider offering mech. repair contracts to have adequate ins. Reserves	[\$280.00] \$290.00	00	00	
15	311.2	c	Failure to offer mech. repair contract in addition to express warrant	[\$280.00] \$290.00	00	00	
15	311.2	d	Failure to set date on contract when mech. repair warranty begins	[\$280.00] \$290.00	00	00	

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
15	311.2	e	Failure to set date or odometer reading when mech. repair warranty ends and name and address of insurer	[\$280.00] \$290.00	00		00
<u>15</u>	<u>313</u>	<u>e1</u>	<u>(Dealer, Dealer agent, Dealer employee) selling limited speed vehicle w/o permanently affixed emblem</u>	<u>MA</u>	<u>00</u>		<u>00</u>
<u>15</u>	<u>313</u>	<u>e2</u>	<u>(Dealer, Dealer agent, Dealer employee) fail to notify buyer of limited speed veh hwy restrictions</u>	<u>MA</u>	<u>00</u>		<u>00</u>
15	404	c	Dealer failure to notify Adm. of termination of salesman employment	[\$130.00] \$140.00	00		00
15	409		Lic. veh. salesman acting as salesman for person other than dealer named in salesman license	[\$130.00] \$140.00	00		00
15	410		Failure of veh. salesman to comply with sales contract requirements	[\$130.00] \$140.00	00		00
15	507	a	Failure to execute assignment and warranty of title upon transferring veh. to dismantler and recycler or scrap processor	[\$130.00] \$140.00	00		00
15	507	b	Failure to deliver veh. title to dismantler and recycler or scrap processor upon transfer	[\$130.00] \$140.00	00		00
15	509	c	Failure of dismantler and recycler or scrap processor to give 10 days notice of intent to dispose of veh	[\$130.00] \$140.00	00		00
15	509	e	Failure of dismantler and recycler or scrap processor to certify taking of veh. title after notice to Adm. within 5 days	[\$130.00] \$140.00	00		00
15	511	a	Auto dismantler and recycler failure to keep accurate and complete records of vehs. Acquired	[\$130.00] \$140.00	00		00
15	511	c	Failure of dismantler and recycler or scrap processor to notify Adm. Of acquired title w/I 30 days	[\$130.00] \$140.00	00		00
15	513	a	Veh. dismantler violating uncrushed veh. storage density limits	[\$130.00] \$140.00	00		00
15	513	b	Veh. dismantler violating crushed veh. storage density limits	[\$130.00] \$140.00	00		00
15	602		Conducting business of veh. title services agent w/o license	[\$280.00] \$290.00	00		00
15	606	a	Material misrepresentation to Adm. by veh. title service (agent, employee)	[\$280.00] \$290.00	00		00
15	606	b	Material misrepresentation in obtaining lic. by title service (agent, employee)	[\$280.00] \$290.00	00		00
15	606	c	Willful failure of title service (agent, employee) to notify Adm. of (ownership, management) change	[\$280.00] \$290.00	00		00
15	606	d	Title service (agent, employee) fail to (account for, remit) (title, related doc.) fees to Adm	[\$280.00] \$290.00	00		00
15	606	e	Title service (agent, employee) knowingly conducting title business (with, through) unlic. Person	[\$280.00] \$290.00	00		00
15	606	f	Title service (agent, employee) willfully violating veh. laws relating to title business .	[\$280.00] \$290.00	00		00
15	606	g	Title service (agent, employee) willfully failing to comply with Adm. rule, reg. or order	[\$280.00] \$290.00	00		00
15	702		Conducting driver's school w/o license	[\$280.00] \$290.00	00		00
15	802		Acting as driving instructor w/o license	[\$280.00] \$290.00	00		00
15	803	c	Driver school failure to notify Adm. of termination of employment of driving instructor	[\$130.00] \$140.00	00		00
16	105	b2	Holder of learner's permit driving with unauthorized person occupying front seat	[\$130.00] \$140.00	00		00
16	105	c	Holder of learner's permit for motorcycle driving with unauthorized rider	[\$130.00] \$140.00	00		00

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Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
16	111.1	f	Possessing more than one driver's license at any one time	[\$520.00] <u>\$530.00</u>	00	00	
16	112	b	Failure of individual driving on hwy. to have lic. with him	[\$40.00] <u>\$50.00</u>	00	00	
16	112	c	Failure of individual driving on hwy. to display lic. to uniformed police on demand	[\$40.00] <u>\$50.00</u>	00	00	
16	112	d	Failure of individual driving on hwy. to sign signature if requested by police	[\$40.00] <u>\$50.00</u>	00	00	
16	112	e	Veh. driver giving false and fictitious name to uniformed police	[\$280.00] <u>\$290.00</u>	00	00	
16	113	h	Driving veh. in violation of restricted license requirement	[\$60.00] <u>\$70.00</u>	00	00	
16	113	i	Driving veh. in violation of provisional license requirement	[\$60.00] <u>\$70.00</u>	00	00	
16	114	b	Licensee failure to apply for dup. lic. when lic. (lost, stolen, mutilated, destroyed)	[\$60.00] <u>\$70.00</u>	00	00	
16	114	d	Licensee failure to surrender recovered orig. lic. after dup. Issued	[\$60.00] <u>\$70.00</u>	00	00	
16	115	f	Driving veh. on hwy. on expired lic	[\$60.00] <u>\$70.00</u>	00	00	
16	115	g	Attempting to drive veh. on hwy. on expired lic	[\$60.00] <u>\$70.00</u>	00	00	
16	116	a	Failure of licensee to notify Adm. of change of address within 30 days	[\$40.00] <u>\$50.00</u>	00	00	
16	116	b	Failure of licensee to notify Adm. of change of name within 30 days	[\$40.00] <u>\$50.00</u>	00	00	
16	116	c	Failure of licensee on request by Adm. to surrender lic. after name change	[\$40.00] <u>\$50.00</u>	00	00	
16	201		Failure of licensee to surrender canceled lic. to Adm	[\$280.00] <u>\$290.00</u>	00	00	
16	810	d	Commercial driver failure to notify MVA within 30 days of (name, address) change	[\$280.00] <u>\$290.00</u>	00	00	
16	810	e	Holder of Commercial driver's must apply for Commercial drivers license within 30 days of establishing residency	[\$280.00] <u>\$290.00</u>	00	00	
16	813	a	Individual (driving, operating, in physical control of) commercial motor veh. with any alcohol concentration in blood or breath	[\$520.00] <u>\$530.00</u>	00	00	
17	104		Owner failure to maintain required security for veh. during reg. period	[\$280.00] <u>\$290.00</u>	00	00	
17	106	b	Insurer or provider of security failure to notify Adm. of termination of required security	[\$280.00] <u>\$290.00</u>	00	00	
17	106	d	Owner failure to surrender reg. evidences within 48 hours after notice of suspension	[\$280.00] <u>\$290.00</u>	00	00	
18	103	a	Renting (motor veh., trailer, semitrailer) to an unlicensed individual who will operate	[\$280.00] <u>\$290.00</u>	00	00	
18	103	c	Failure to keep required (motor veh., trailer, semitrailer) rental records	[\$280.00] <u>\$290.00</u>	00	00	
18	105	a	Knowingly renting motor veh. to person (under influence of alcohol; impaired by alcohol, drug(s), drug(s) and alcohol, controlled dangerous substance)	[\$520.00] <u>\$530.00</u>	00	00	
18	105	b	Renting motor veh. knowing that individual who will drive is (under influence of alcohol: impaired by alcohol, drug(s), drug(s) and alcohol, controlled dangerous substance)	[\$520.00] <u>\$530.00</u>	00	00	
20	105.1		Failure of veh. driver involved in accident to give insurance policy information	[\$130.00] <u>\$140.00</u>	00	00	
20	106		Driver failure to notify appropriate police after motor veh. strikes and injures domestic animal	[\$80.00] <u>\$90.00</u>	00	00	
21	104	b	(Animal riding, Driving animal drawn veh.) on (divided hwy. posted above 35 mph, controlled access hwy.)	[\$40.00] <u>\$50.00</u>	00	00	

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
[21]	[201]	[a2]	[(Drive across private property, Leave the roadway) for the purpose of avoiding traffic control device]	[\$90.00]	[01]	[\$130.00]	[03]
21	202	e	[Failure to yield intersection right-of-way after green arrow signal] <u>Failure to yield the right-of-way to pedestrian or bicycle after green arrow signal</u>	\$90.00	01	\$130.00	03
21	202	k	[Driver fail to yield intersection right-of-way to (pedestrian, veh.) after turn on red signal] <u>Driver fail to yield intersection right-of-way to (ped., veh., bicycle) after turn on red signal</u>	\$90.00	01	\$130.00	03
21	202	l	Pedestrian entering roadway against red traffic signal	[\$80.00] \$90.00	00		00
21	203	c	Pedestrian fail to obey (“don’t walk”, “upraised hand”) signal	[\$40.00] \$50.00	00		00
21	203	d	Pedestrian fail to obey “wait” signal	[\$40.00] \$50.00	00		00
21	205	a	Displaying unauthorized traffic control (device, sign, signal) in view of hwy	[\$130.00] \$140.00	00		00
21	205	b	Displaying unauthorized hwy. traffic (marker, device) directing traffic on hwy	[\$130.00] \$140.00	00		00
21	205	c	Obstruction of hwy. control (device, sign, signal)	[\$130.00] \$140.00	00		00
21	205	d	Displaying unauthorized hwy. (warning sign, signal, device)	[\$130.00] \$140.00	00		00
21	205	e	(Placing, Maintaining) hwy. traffic (sign, signal) with commercial advertising.	[\$130.00] \$140.00	00		00
21	304	c	[Driving off roadway while passing veh] <u>Driving motor vehicle off roadway while passing vehicle</u>	\$110.00	01	\$150.00	03
[21]	[405]	[e]	[Unsafe driving by emergency veh. driver] [If violation contributes to an accident that results in Death (Code 5) or Serious Injury (Code 4)]	[\$110.00]	[01]	[\$150.00] \$750.00]	[03] [03]
<u>21</u>	<u>405</u>	<u>e1</u>	Failure of driver to make lane change to available lane not immed. adjacent to stopped emerg. veh. <u>If violation contributes to an accident that results in Death (Code 5) or Serious Injury (Code 4)</u>	<u>\$110.00</u>	<u>01</u>	<u>\$150.00</u> \$750.00	<u>03</u>
<u>21</u>	<u>405</u>	<u>e2</u>	Failure of driver to slow to a reasonable and prudent speed while passing stopped emerg. veh. <u>If violation contributes to an accident that results in Death (Code 5) or Serious Injury (Code 4)</u>	<u>\$110.00</u>	<u>01</u>	<u>\$150.00</u> \$750.00	<u>03</u>
21	502	b	Pedestrian unsafely crossing in path of veh	[\$40.00] \$50.00	00		00
21	503	a	Pedestrian failure when not in crosswalk to yield right-of-way to approaching veh	[\$40.00] \$50.00	00		00
21	503	b	Pedestrian failure to yield right-of-way to veh. when unsafely crossing roadway	[\$40.00] \$50.00	00		00
21	503	c	Pedestrian crossing roadway between adjacent intersections having traffic control signal	[\$40.00] \$50.00	00		00
21	503	d	Pedestrian diagonally crossing roadway intersection w/o traffic device authorization	[\$40.00] \$50.00	00		00
21	505		Pedestrian failure to walk on right half crosswalk where practicable	[\$40.00] \$50.00	00		00
21	506	a	Pedestrian walking along and on adjacent roadway where sidewalk provided	[\$40.00] \$50.00	00		00
21	506	b	Pedestrian failure to walk on left shoulder and left side of roadway when sidewalk not provided	[\$40.00] \$50.00	00		00
21	507	a	Standing in roadway to solicit (ride, employment, business) from occupant of any veh	[\$60.00] \$70.00	00		00
21	507	b	Standing in roadway to solicit protection for parked veh	[\$60.00] \$70.00	00		00

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Transportation Article							Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points		
21	507	c Standing in (roadway, median divider, intersection) in (Carroll, Charles, Frederick, Harford, Washington) County to solicit donations from vehicle occupant to solicit donations from vehicle occupant	[\$60.00] <u>\$70.00</u>	00		00		
21	507	d2I Standing in Prince George's Cnty. Hwy to solicit money or donations of any kind from veh. Occupant	[\$60.00] <u>\$70.00</u>	00		00		
21	507	d2II Adult (causing, encouraging, allowing, petitioning) child under age 15 to violate TR § 21-507(d)(2)(I)	[\$60.00] <u>\$70.00</u>	00		00		
21	507	e2I Standing in hwy in Anne Arundel Co. to solicit donations from veh. occupant or advertise any message	[\$60.00] <u>\$70.00</u>	00		00		
21	507	f3 Standing in (road, median, intersection) in Cecil Co. to solicit donations w/o permit	[\$60.00] <u>\$70.00</u>	00		00		
21	507	h Standing in hwy in Howard County to solicit money or donations of any kind from veh. occupant	[\$60.00] <u>\$70.00</u>	00		00		
21	509	a Walking along controlled access hwy	[\$60.00] <u>\$70.00</u>	00		00		
21	509	b Walking on controlled access hwy	[\$60.00] <u>\$70.00</u>	00		00		
21	509	c Walking along controlled access hwy. Ramp	[\$60.00] <u>\$70.00</u>	00		00		
21	509	d Walking on controlled access hwy ramp	[\$60.00] <u>\$70.00</u>	00		00		
21	509	e Walking along controlled access hwy. access road	[\$60.00] <u>\$70.00</u>	00		00		
21	509	f Walking on controlled access hwy. access road	[\$60.00] <u>\$70.00</u>	03		03		
21	509	g Leaving movable veh. on controlled access hwy	[\$60.00] <u>\$70.00</u>	00		00		
21	509	h Leaving movable veh. on controlled access hwy ramp	[\$60.00] <u>\$70.00</u>	00		00		
21	509	i Leaving movable veh. on controlled access hwy. access ramp	[\$60.00] <u>\$70.00</u>	00		00		
21	510	a Pedestrian failure while crossing roadway to yield right-of-way to emergency veh. using signals	[\$40.00] <u>\$50.00</u>	00		00		
21	510	b Pedestrian failure while crossing roadway to yield right-of-way to police veh. using audible signal	[\$40.00] <u>\$50.00</u>	00		00		
21	510	c Emergency veh. driver failure to drive safely	[\$40.00] <u>\$50.00</u>	00		00		
21	703.1	Driver of commercial motor vehicle approaching railroad crossing failing to (slow down, stop, negotiate when clear, obey traffic control device, have sufficient undercarriage clearance)	[\$80.00] <u>\$90.00</u>					
<u>21</u>	<u>804</u>	<u>c Driving veh on hwy having max speed capability below posted speed limit of hwy by 5 mph or less</u>	<u>\$80.00</u>	<u>01</u>	<u>\$120.00</u>	<u>03</u>		
<u>21</u>	<u>805.1</u>	<u>a Driving limited speed veh. on hwy. w/o permanently affixed emblem</u>	<u>\$80.00</u>	<u>01</u>	<u>\$120.00</u>	<u>03</u>		
21	1001	a (Stopping, Parking, Leaving standing) veh. on hwy. outside business and residential district	[\$50.00] <u>\$60.00</u>	00		00		
21	1001	b Causing standing veh. to obstruct free veh. passage of roadway	[\$50.00] <u>\$60.00</u>	00		00		
21	1001	c Stopping veh. on hwy. with less than 200 ft. visibility	[\$60.00] <u>\$70.00</u>	00		00		
21	1003	b (Stopping, Standing, Parking) veh. in front of public driveway	[\$50.00] <u>\$60.00</u>	00		00		
21	1003	c (Stopping, Standing, Parking) veh. on sidewalk	[\$50.00] <u>\$60.00</u>	00		00		

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Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
21	1003	d (Stopping, Standing, Parking) veh. in intersection	[\$60.00] \$70.00	00		00
21	1003	e (Stopping, Standing, Parking) veh. on crosswalk	[\$50.00] \$60.00	00		00
21	1003	f Improper safety zone veh. (parking, stopping, standing)	[\$50.00] \$60.00	00		00
21	1003	g Improper (stopping, standing, parking) at hwy. excavation and obstruction	[\$50.00] \$60.00	00		00
21	1003	h (Stopping, Standing, Parking) veh. on (bridge, elevated structure)	[\$60.00] \$70.00	00		00
21	1003	i (Stopping, Standing, Parking) veh. in hwy. Tunnel	[\$60.00] \$70.00	00		00
21	1003	j (Stopping, Standing, Parking) veh. where prohibited by official sign	[\$50.00] \$60.00	00		00
21	1003	k (Stopping, Standing, Parking) veh. on hwy. Ramp	[\$60.00] \$70.00	00		00
21	1003	l (Standing, Parking) veh. in front of private driveway w/o owner's consent	[\$60.00] \$70.00	00		00
21	1003	m (Standing, Parking) veh. within 15 feet of the fire hydrant .	[\$50.00] \$60.00	00		00
21	1003	n (Standing, Parking) veh. within 20 feet of crosswalk(excludes Baltimore City).	[\$50.00] \$60.00	00		00
21	1003	o (Standing, Parking) veh. w/I 30 ft of (flashing signal, (stop, yield) sign, traffic control signal	[\$50.00] \$60.00	00		00
21	1003	p (Standing, Parking) veh. within prohibited fire station driveway entrance zone	[\$60.00] \$70.00	00		00
21	1003	q (Standing, Parking) veh. within prohibited by official sign	[\$50.00] \$60.00	00		00
21	1003	r Prohibited double (parking, standing)	[\$50.00] \$60.00	00		00
21	1003	s (Parking, Standing) veh. on roadway in no passing zone	[\$50.00] \$60.00	00		00
21	1003	t Parking within 50 feet of rail at railroad grade crossing	[\$50.00] \$60.00	00		00
21	1003	u Unauthorized stopping, standing, or parking in space restricted for use of individuals with disabilities	[\$50.00] \$60.00	00		00
21	1003	v Unauthorized parking on Mont. Co. (Bd. Education, Comm College) property	[\$40.00] \$50.00	00		00
21	1003	w Unauthorized parking on Balto. Co. (Bd. Education, Comm College) property	[\$40.00] \$50.00	00		00
21	1003	x Unauthorized parking on Wicomico Co. (Bd. Education, Comm College) property	[\$40.00] \$50.00	00		00
21	1003	y Unauthorized parking on Prince George's Co. (Bd. Education, Comm College) property	[\$40.00] \$50.00	00		00
21	1003	z Unauthorized parking on (Calvert, Charles, St. Mary's) Co. (Bd. Education, Comm College) property	[\$40.00] \$50.00	00		00
21	1003	aa Parking where prohibited by official signs	[\$40.00] \$50.00	00		00
21	1003	bb Person moving veh. not in his lawful control into prohibited areas	[\$40.00] \$50.00	00		00
21	1003	cc Person moving veh. not in his lawful control away from curb for unlawful distance	[\$40.00] \$50.00	00		00
21	1003	dd Stopping, standing, or parking vehicle in front of curb ramp designed for use of individuals with disabilities	[\$50.00] \$60.00	00		00
21	1003	ee (Stop, Stand or Park) in front of or on passenger loading zone designated for indiv. with disabilities	[\$60.00] \$70.00	00		00
21	1004	a Failure to (stop, park) veh. within 12 inches of right curb	[\$40.00] \$50.00	00		00

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
21	1004	b	Failure to (stop, park) veh. within 12 inches of curb on one-way road	[\$40.00] \$50.00	00	00	
21	1004	e	(Stopping, Standing, Parking) veh. on private property w/o permission	[\$40.00] \$50.00	00	00	
21	1004.1	b	Endangering health, safety, welfare of (cat, dog) by leaving (cat, dog) unattended in motor veh	[\$60.00] \$70.00	00	00	
21	1004.1	c	Use force to remove from motor vehicle (dog used by police, cat or dog in custody of Animal Control Unit)	[\$60.00] \$70.00	00	00	
21	1005	d	Failure to properly display disabled person's personal residential parking permit on veh	[\$80.00] \$90.00	00	00	
21	1005	f	Fraudulent use of disabled person's reserved parking space permit	[\$130.00] \$140.00	00	00	
21	1005	m	Parking in personal residential reserved space without display of permit	[\$80.00] \$90.00	00	00	
21	1006	a	Fail to (construct, alter) parking lot in conformance with the requirements of the Md. Access. Code	[\$130.00] \$140.00	00	00	
21	1006	b	Parking motor veh. in space for use of individual with disabilities w/o special reg. plate, windshield placard, or temporary windshield placard and authorization to use privileges	[\$130.00] \$140.00	00	00	
21	1007		Failure to provide an unobstructed entrance during business hours to individuals with disabilities	[\$130.00] \$140.00	00	00	
21	10A-03		(Towing, Removing from parking lot) veh. more than 10 miles from parking lot	[\$80.00] \$90.00	00	00	
21	10A-04	1	Charging more than allowed fee for (towing, storage)	[\$80.00] \$90.00	00	00	
21	10A-04	6	Employing spotters to report presence of unauthorized parked veh	[\$80.00] \$90.00	00	00	
21	10A-04	7	Tower paying remuneration to owner of parking lot	[\$80.00] \$90.00	00	00	
21	10A-05		Failure to immediately deliver towed veh. to storage facility	[\$80.00] \$90.00	00	00	
21	1109	b	Driver passing emergency vehicle in process of parking or backing within 100 feet of fire or rescue station entrance ramp	[\$60.00] \$70.00	00	00	
21	1113	a	Placement of hwy. traffic hazard for (selling, displaying) merchandise	[\$130.00] \$140.00	00	00	
21	1113	c	Failure to obey police order to (remove traffic hazard, cease display of merchandise)	[\$130.00] \$140.00	00	00	
21	1114	a	Driving on unopened roadway	[\$60.00] \$70.00	00	00	
21	1114	b	Walking on unopened roadway	[\$60.00] \$70.00	00	00	
21	1114	c	Willfully damaging a highway	[\$280.00] \$290.00	00	00	
21	1114	d	Willfully (injuring, damaging)(work, material, structure) used in hwy. Construction	[\$280.00] \$290.00	00	00	
21	1115	a	Unlawful movement of hwy. (signal light, guard) on closed hwy	[\$130.00] \$140.00	00	00	
21	1115	b	Unlawful removal of hwy. (signal light, signal guard) on closed hwy	[\$130.00] \$140.00	00	00	
21	1115	c	Unlawful altering position of hwy. (signal light, guard) on closes hwy	[\$130.00] \$140.00	00	00	
21	1122	c	(Operate, Permit the operation of) sound amplification system from vehicle that can be heard from 50' or more	[\$60.00] \$70.00	00	00	
<u>21</u>	<u>1124.2</u>	<u>c1</u>	<u>Driver of a Class H veh carrying passengers and in motion using handheld phone (Secondary Action)</u>				
			<u>First Offense</u>	<u>\$40.00</u>	<u>00</u>	<u>\$80.00 03</u>	
			<u>Second Offense</u>	<u>\$100.00</u>	<u>01</u>	<u>\$140.00 03</u>	

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Transportation Article						Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points		
21	1124.2	c2	<u>Holder of(learners permit, provisional license) driving veh using a handheld phone (Secondary Action)</u>	First Offense	\$40.00	00	\$80.00	03
				Second Offense	\$100.00	01	\$140.00	03
21	1124.2	d2	<u>Driver using hands to use handheld telephone while motor vehicle is in motion (Secondary Action)</u>	First Offense	\$40.00	00	\$80.00	03
				Second Offense	\$100.00	01	\$140.00	03
21	1128		<u>Driving veh (w/ TV-type receiving equip, video disp equip that is on and visible to the driver)on hwy</u>	\$60.00	01	\$100.00	03	
21	1128	c	<u>Person dispensing motor fuel into a dirt bike from a service station retail pump in Balto. City</u>	MA	00		00	
21	1201	a	(Parent, Guardian) authorizing (minor, ward) to violate (bicycle, play vehicle, motor scooter) laws	[\$40.00] \$50.00	00		00	
21	1201	b	(Parent, Guardian) knowingly permitting (minor, ward) to violate (bicycle, play vehicle., motor scooter) laws	[\$40.00] \$50.00	00		00	
21	1203	a	Failure of (bicycle, motor scooter) operator to ride on or astride permanent, regular seat securely attached	[\$40.00] \$50.00	00		00	
21	1203	b	Carrying passenger on bicycle not designed and equipped with securely attached passenger seat	[\$40.00] \$50.00	00		00	
21	1203	c	Carrying passenger on motor scooter not designed and equipped with (securely attached seat, footrests) for passenger	[\$40.00] \$50.00	00		00	
21	1204	b	(Bicycle, Motor scooter) rider attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	c	Play veh. rider attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	d	Coaster rider attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	e	Skateboard rider attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	f	Roller skater attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	g	Sledder attaching to veh. on roadway	[\$50.00] \$60.00	00		00	
21	1204	h	Toy veh. Rider attaching to veh. On roadway	[\$50.00] \$60.00	00		00	
21	1205	a	(Bicycle, Motor scooter) operator failure to ride to right of roadway while traveling at a speed less than traffic under specified cond.	[\$40.00] \$50.00	00		00	
21	1205	b	(Bicycle, Motor scooter) operator impeding traffic flow by operating two abreast on roadway	[\$80.00] \$90.00	00		00	
21	1205	c	(Bicycle, Motor Scooter) operator failure to exercise care on passing veh	[\$40.00] \$50.00	00		00	
21	1205.1	a	Riding (bicycle, motor scooter) on (roadway with max posted speed above 50 mph, expressway, controlled access hwy.)	[\$40.00] \$50.00	00		00	
21	1205.1	[b1] b2	Riding (bicycle, motor scooter) on roadway where smooth (bike lane, shoulder) available	[\$80.00] \$90.00	00		00	
21	1205.1	[b2] b3	(Bicycle, Motor scooter) operator leaving (bike lane, shoulder) when unsafe and without appropriate signal	[\$40.00] \$50.00	00		00	
21	1205.1	c	Operating motor scooter in excess of 30 mph	[\$40.00] \$50.00	00		00	
21	1205.1	d	Operating an EPAMD on roadway where (sidewalks are adjacent, speed limit exceeds 30 mph)	[\$40.00] \$50.00	00		00	
21	1205.1	e	Operating an EPAMD in excess of 15 mph	[\$40.00] \$50.00	00		00	

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
21	1206	a	(Bicycle, EPAMD, Motor scooter) operator carrying article preventing handlebar use by both hands	[\$40.00] \$50.00	00	00	
21	1206	b	(Bicycle, EPAMD, Motor scooter) operator carrying article interfering with view, balance) of operator	[\$40.00] \$50.00	00	00	
21	1206	c	(Riding on, Tampering with, Removing part of) (Bicycle, EPAMD, motor scooter) w/o owner permission	[\$40.00] \$50.00	00	00	
21	1207	a	Using (bicycle, motor scooter) on hwy. W/o functioning front light and rear reflector or light during unfavorable visibility conditions	[\$80.00] \$90.00	00	00	
21	1207	b	Using (bicycle, motor scooter) without audible signal device	[\$40.00] \$50.00	00	00	
21	1207	c	(Bicycle, Motor scooter) equipped with unauthorized (siren, whistle)	[\$40.00] \$50.00	00	00	
21	1207	d	(Bicycle, Motor scooter) equipped with improper brakes	[\$40.00] \$50.00	00	00	
21	1208	a	Securing (bicycle, EPAMD, motor scooter) to (fire hydrant, police box, fire callbox, traffic control device)	[\$40.00] \$50.00	00	00	
21	1208	b	Securing (bicycle, EPAMD, motor scooter) to (pole, meter, device) in (bus, taxi) loading zone	[\$40.00] \$50.00	00	00	
21	1208	c	Securing (bicycle, EPAMD, motor scooter) to (pole, meter, device) within 25 feet of intersection	[\$40.00] \$50.00	00	00	
21	1208	d	Securing (bicycle, EPAMD, motor scooter) to (pole, meter, device) where prohibited by posted notice	[\$40.00] \$50.00	00	00	
21	1208	e	Securing (bicycle, EPAMD, motorscooter) to any place causing obstruction, impeding of (vehicular, pedestrian) movement	[\$40.00] \$50.00	00	00	
21	1208	f	Securing (Bicycle, EPAMD, motor scooter) to parking meter w/o removing it from bed of street	[\$40.00] \$50.00	00	00	
21	1209	[a] <u>a1</u>	[Failure of vehicle driver to exercise care to avoid collision with (bicycle, EPAMD, motor scooter) operated by person] <u>Failure of veh. driver to use care to avoid collision w/ (bike, EPAMD, motor scooter) oper. by person</u>	[\$280.00] \$290.00	00	00	
<u>21</u>	<u>1209</u>	<u>a2</u>	<u>Failure of veh driver to pass safely at dist of at least 3ft when passing (bike, EPAMD, motor scooter)</u>	<u>\$80.00</u>	<u>01</u>	<u>\$120.00 03</u>	
21	1209	b	Throwing object (at, in direction of) person riding (bicycle, EPAMD, motor scooter)	[\$280.00] \$290.00	00	00	
21	1209	c	Intentional opening motor veh. Door to (strike, interfere with)(Bicycle, EPAMD, motor scooter) rider	[\$280.00] \$290.00	00	00	
<u>21</u>	<u>1209</u>	<u>d</u>	<u>Driver failure to yield right-of-way in bike lane/shoulder to rider of (bike, EPAMD, motor scooter)</u>	<u>\$80.00</u>	<u>01</u>	<u>\$120.00 03</u>	
21	1210	a	Operating (bicycle, EPAMD, motor scooter) on (hwy., roadway) wearing headset covering both ears	[\$50.00] \$60.00	00	00	
21	1210	b	Operating (bicycle, EPAMD, motor scooter) on (hwy., roadway) wearing ear plugs in both ears	[\$50.00] \$60.00	00	00	
21	1212		Failure of dealer to provide bicycle buyer with copy of reg. and laws regulating operation of bicycles	[\$130.00] \$140.00	00	00	
21	1305	a	Failure of motorcycle with passenger to have passenger footrest	[\$70.00] \$80.00	00	00	
21	1305	b	Operating motorcycle with handlebars in excess of max. height	[\$70.00] \$80.00	00	00	
21	1306	b	Individual (operating, riding) on motorcycle w/o wearing required headgear protection	[\$100.00] \$110.00	00	00	

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
21	1306	c	Person operating motorcycle w/o approved (eye protective device, windscreen)	[\$100.00] \$110.00	00		00
21	1404	a	[Failure to obey lawful sign at vehicular crossing] <u>Failure to obey lawful sign at authority highway</u>	\$70.00	01	\$110.00	03
21	1404	b	[Failure at vehicular crossing to obey lawful order of authorized employee of vehicular crossing] <u>Failure at authority highway to obey lawful order of authorized employee authority highway</u>	\$70.00	01	\$110.00	03
21	1404	c	[Failure at vehicular crossing to obey lawful signal of authorized employee] <u>Failure at authority highway to obey lawful signal of authorized employee</u>	\$70.00	01	\$110.00	03
21	1404	d	[Failure to obey lawful direction of authorized employee at vehicular crossing] <u>Failure to obey lawful direction of authorized employee at authority highway</u>	\$70.00	01	\$110.00	03
21	1405	a	[Vehicular crossing use by pedestrian] <u>Pedestrian using unauthorized authority highway</u>	[\$60.00] \$70.00	00		00
21	1405	b	[Vehicular crossing use by bicycle] <u>Use of bicycle on unauthorized authority highway</u>	[\$60.00] \$70.00	00		00
[21]	[1406]	[a]	[Motorist (picking up, discharging) person on vehicular crossing]	[\$60.00]	[00]		[00]
[21]	[1406]	[b]	[Hitchhiking on vehicular crossing] <u>(Hitchhike, Pickup, Discharge passengers) on authority highway</u>	[\$60.00] \$70.00	[00]		[00]
<u>21</u>	<u>1406</u>			<u>\$70.00</u>	<u>00</u>		<u>00</u>
21	1407		[(Stopping, Standing, Parking) on vehicular crossing when prohibited] <u>(Stopping, Standing, Parking) on authority highway when prohibited</u>	[\$60.00] \$70.00	00		00
21	1408	a	[Making vehicular turn on vehicular crossing where prohibited by signs] <u>Making vehicular turn on authority highway where prohibited by signs</u>	\$70.00	01	\$110.00	03
21	1408	b	[Making vehicular turn on vehicular crossing at emergency vehicle crossover] <u>Making vehicular turn on authority highway at emergency vehicle crossover</u>	\$70.00	01	\$110.00	03
21	1409		[Failure to maintain posted min. speed on vehicular crossing] <u>Failure to maintain posted min. speed on authority highway</u>	\$70.00	01	\$110.00	03
21	1410		[Driving veh. on vehicular crossing while (veh., veh. load) exceeds max. permitted (wt., width, ht.)] <u>Driving veh. on authority highway while (veh., veh. load) exceeds max. permitted (wt., width, ht.)</u>	\$70.00	01	\$110.00	03
21	1411		[Transporting prohibited dangerous substance across and through vehicular crossing] <u>Transporting prohibited dangerous substance across and through authority highway</u>	<u>MA</u>	03		03
21	1413	a	[(Failure, Refusal) to pay fixed toll at vehicular crossing] <u>(Failure, Refusal) to pay fixed toll at authority highway</u>	[\$60.00] \$70.00	00		00
21	1413	b	[Attempted evasion of fixed toll payment at vehicular crossing] <u>Attempted evasion of fixed toll payment at authority highway</u>	[\$60.00] \$70.00	00		00
22	101	a	(Driving, Causing to be driven, Knowingly permitting to be driven) unsafe veh. on hwy	[\$60.00] \$70.00	00		00
22	101	c	(Displaying for sale, Selling, Delivering) veh. equipment w/o required Adm. Approval	[\$60.00] \$70.00	00		00
22	101	d	(Displaying for sale, Selling, Delivering) veh. equipment for veh. use lacking approved trademark	[\$60.00] \$70.00	00		00
22	104		(Willfully, Intentional)(remove, alter) veh. safety device w/o Adm. Approval	[\$50.00] \$60.00	00		00

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Transportation Article					Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points
22	105	a	Operating veh. on hwy. with altered and dangerous bumper or suspension	[\$60.00] <u>\$70.00</u>	00	00
22	105	b	Operating veh. on hwy. if manufacturer's bumper or frame side rails are altered to exceed (1) 20 in. in Class A (passenger) veh.; (2) 28 in. in Class M (multipurpose) veh.; (3) 28 in. in Class E truck with a manufacturer's rating or gross reg. wt. of 10,000lbs. or less; or (4) In the case of a Class E truck with a manufacturer's rating or gross reg. wt. of more than 10,000 lbs. but not more than 18,000lbs.: (I) 30 in.; or (II) 32 in. if used for spraying agricultural crops	[\$60.00] <u>\$70.00</u>	00	00
22	201.1		Failure of veh. on hwy. to display (lighted head lamps, illuminating devices) in unfavorable visibility conditions	[\$50.00] <u>\$60.00</u>	00	00
22	201.2		Driving a motor vehicle without lighted head lamps or fog lights while operating windshield wipers	[\$40.00] <u>\$50.00</u>	00	00
22	203	b	Failure to properly equip and locate headlamps on motor veh	[\$60.00] <u>\$70.00</u>	00	00
22	203	c	Failure to equip motorcycle with required headlamps	[\$50.00] <u>\$60.00</u>	00	00
22	203	d	Failure to locate (motor veh., motor cycle) headlamp at required height	[\$50.00] <u>\$60.00</u>	00	00
22	204	a	(Motor veh., Trailer, Combination end veh.) mfrd. after June 1, 1971, w/o adequate tail lamps	[\$60.00] <u>\$70.00</u>	00	00
22	204	b	(Motor veh., Trailer, Combination end veh.) mfrd. before June 1, 1971, w/o adequate tail lamps	[\$60.00] <u>\$70.00</u>	00	00
22	204	d	Driving veh. with improperly mounted and spaced tail lamps	[\$60.00] <u>\$70.00</u>	00	00
22	204	e	Driving veh. in violation of tail lamp height requirement	[\$60.00] <u>\$70.00</u>	00	00
22	204	f	Driving veh. w/o adequate rear reg. plate illumination	[\$60.00] <u>\$70.00</u>	00	00
22	205	a	Failure to equip (motor veh., trailer, semitrailer, pole trailer, special mobile equipment being towed) with required rear reflectors	[\$60.00] <u>\$70.00</u>	00	00
22	205	b	Failure to mount veh. rear reflectors at required ht. and spacing	[\$50.00] <u>\$60.00</u>	00	00
22	206	a	(Motor veh., Trailer, Semitrailer, Pole trailer) w/o required stop lamps equipment	[\$60.00] <u>\$70.00</u>	00	00
22	206	b	(Motor veh., Trailer, Semitrailer, Pole trailer) w/o required electric turn signal equipment	[\$60.00] <u>\$70.00</u>	00	00
22	206	c	Failure to equip special mobile equipment being towed with two stop lamps as required	[\$60.00] <u>\$70.00</u>	00	00
22	208		Failure to equip veh. with (clearance lamp. ID lamps, marker lamps, reflector) and to use as required	[\$60.00] <u>\$70.00</u>	00	00
22	209	a	Veh. failure to display and reflect amber color light on lamps and reflectors as req	[\$60.00] <u>\$70.00</u>	00	00
22	209	b	Failure to display and reflect red color light on lamps and reflectors as req	[\$60.00] <u>\$70.00</u>	00	00
22	210	a	Veh. hwy. operation with improperly mounted reflectors	[\$60.00] <u>\$70.00</u>	00	00
22	210	b	Pole trailer operation with improperly mounted reflectors	[\$60.00] <u>\$70.00</u>	00	00
22	210	c	Veh. hwy. operation with inadequate rear red light reflector	[\$60.00] <u>\$70.00</u>	00	00

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Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
22	210	d Veh. hwy operation with improperly mounted clearance lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	210	f Veh. hwy. operation with inadequate width marking clearance lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	210	g Truck tractor hwy. operation with inadequate marking width clearance lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	210	h Veh. hwy. operation with clearance lamp combined with other lamp	[\$60.00] <u>\$70.00</u>	00		00	
22	211	a Veh. hwy. operation with reflectors failing to meet nighttime visibility requirements	[\$60.00] <u>\$70.00</u>	00		00	
22	211	b Veh. hwy. operation with inadequate (side light, rear red color reflectors)	[\$60.00] <u>\$70.00</u>	00		00	
22	211	c Veh. hwy. operation with inadequate (front, rear)(clearance lamps, ID lamp reflectors)	[\$60.00] <u>\$70.00</u>	00		00	
22	211	d Veh. hwy. operation with inadequate side marker lamp	[\$60.00] <u>\$70.00</u>	00		00	
22	213	b Operating veh. with projecting load w/o required (front, side, rear) lamps indicating load width	[\$60.00] <u>\$70.00</u>	00		00	
22	213	c Operation of extended load carrying veh. w/o required (front, side, rear) lamps and reflectors	[\$60.00] <u>\$70.00</u>	00		00	
22	213	d Operation of extended (rear, side) load carrying veh. w/o required red flags display	[\$60.00] <u>\$70.00</u>	00		00	
22	213	e Operating extended load carrying veh. with improperly (mounted, constructed) req. red flags	[\$60.00] <u>\$70.00</u>	00		00	
22	214	a Failure to equip vehicle with parking lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	214	b Failure to display parking lights when required on veh. (parked, stopped) on roadway	[\$60.00] <u>\$70.00</u>	00		00	
22	214	c Failure to (depress, dim) lighted head lamps on parked veh	[\$60.00] <u>\$70.00</u>	00		00	
22	215	a Failure to equip farm trucks and farm equipment with (head, rear)(lamps, reflectors)	[\$60.00] <u>\$70.00</u>	00		00	
22	215.1	1 Operating a rollback vehicle while towing a vehicle without required tail lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	215.1	2 Operating a rollback vehicle while towing a vehicle without required stop lamps and turn signals	[\$60.00] <u>\$70.00</u>	00		00	
22	216	Failure to equip hwy veh with required lamps and reflectors	[\$60.00] <u>\$70.00</u>	00		00	
22	217	a Improper use of veh spot lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	217	b Improper use of veh fog lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	217	c Veh. with improperly mounted auxiliary lamps	[\$60.00] <u>\$70.00</u>	00		00	
22	218	a Failure to equip emerg. Veh. with (siren, exhaust whistle, audible bell signal)	[\$50.00] <u>\$60.00</u>	00		00	
22	218	b Failure to equip (emerg veh with flashing red lights, school veh with flashing warning light)	[\$50.00] <u>\$60.00</u>	00		00	
22	218	c (Driving, Moving onto hwy) veh with unauthorized (blinking lights, signal device)	[\$50.00] <u>\$60.00</u>	00		00	
22	218	e Using flashing lighting on unauthorized veh	[\$50.00] <u>\$60.00</u>	00		00	
22	218	f Driver failure to stop and yield right-of-way for official veh using audible and visual signal	[\$50.00] <u>\$60.00</u>	00		00	
22	218.1	h Unlawful use of motor veh rural letter carrier warning device	[\$50.00] <u>\$60.00</u>	00		00	

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
22	218.1	i	Failure to (darken lights, fold down warning device) on rural letter carrier veh. Not in official use.	[\$50.00] <u>\$60.00</u>	00	00	
22	218.1	j	(Installation, Operation of) motor veh. Rural letter carrier warning device w/o Adm. Approval.	[\$50.00] <u>\$60.00</u>	00	00	
22	219	a	Failure to equip. veh. with required rear stop lamp.	[\$60.00] <u>\$70.00</u>	00	00	
22	219	b	Failure to equip veh. with required electronic turn signals	[\$60.00] <u>\$70.00</u>	00	00	
22	219	c	Failure to properly mount required front turn signal on vehicle.	[\$60.00] <u>\$70.00</u>	00	00	
22	219	d	Failure to properly mount required rear turn signal on vehicle.	[\$60.00] <u>\$70.00</u>	00	00	
22	219	e	Failure of turn signal to be visible at least 500 ft. on veh. 80 inches wide or more	[\$60.00] <u>\$70.00</u>	00	00	
22	219	f	Failure of turn signal to be visible at least 300 ft. on veh. less than 80 inches wide	[\$60.00] <u>\$70.00</u>	00	00	
22	219	g	Vehicle lamp projecting glaring and dazzling light	[\$60.00] <u>\$70.00</u>	00	00	
22	221	b	Motor veh. equipped with more than one running board side courtesy lamp	[\$50.00] <u>\$60.00</u>	00	00	
22	221	c	Motor veh. with lit backup light while veh. is in forward motion	[\$60.00] <u>\$70.00</u>	00	00	
22	221	e	Failure to properly mount traffic hazard warning lights on veh	[\$60.00] <u>\$70.00</u>	00	00	
22	221	f	Failure of warning lights to be visible from not less than 1500 foot nighttime distance	[\$60.00] <u>\$70.00</u>	00	00	
22	221	g	Failure of veh. to be equipped with approved flashing traffic hazard warning lamps as req	[\$60.00] <u>\$70.00</u>	00	00	
22	221	h	Veh. 80 inches wide or more equipped with more than 3 ID front and rear lamps	[\$60.00] <u>\$70.00</u>	00	00	
22	221	j	Failure of veh. operator to use warning lamps driving 20 mph in 45 mph or more posted speed limit	[\$60.00] <u>\$70.00</u>	00	00	
22	221	k	Failure of commercial veh. operator to use warning lamps driving 20 mph in 45 mph or more posted speed limit	[\$60.00] <u>\$70.00</u>	00	00	
22	221	L2II	Motorcycle with improper lighting (attached to wheels, emitting a red or blue light)	[\$60.00] <u>\$70.00</u>	00	00	
22	221	L2III	Motorcycle with blue dot illumination (improperly placed, exceeding allowed size)	[\$60.00] <u>\$70.00</u>	00	00	
22	222	a	Failure of motor veh. other than motorcycle to have head lamp light distribution selection for driver use	[\$50.00] <u>\$60.00</u>	00	00	
22	222	b	Failure of motor veh. reg. after January 1, 1955, to have multiple beam head lamp lighted indicator	[\$50.00] <u>\$60.00</u>	00	00	
22	222	c	Failure of motor veh. to have readily visible headlight indicator w/o driver glare	[\$50.00] <u>\$60.00</u>	00	00	
22	223	a	Driver failure to use multiple-beam road-lighting equipment at level required for safe driving	[\$50.00] <u>\$60.00</u>	00	00	
22	223	b	Driver failure to avoid projecting glaring light within 500 feet of approaching veh. Driver	[\$50.00] <u>\$60.00</u>	00	00	
22	223	c	Driver failure to reduce light distribution when within 300 feet approaching veh. from rear	[\$50.00] <u>\$60.00</u>	00	00	
22	224.1		Failure to equip motorcycle with head lamp(s) meeting required light intensity level	[\$50.00] <u>\$60.00</u>	00	00	
22	225		Exceeding 20 mph in veh. with front lights revealing objects at only 75 feet	[\$50.00] <u>\$60.00</u>	00	00	
22	226	a	Failure to display two lighted front lamps when required	[\$50.00] <u>\$60.00</u>	00	00	

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Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
22	226	b	Hwy. use of excessive number of (head auxiliary, spot) lamps	[\$50.00] \$60.00	00	00	
22	227	a	Roadway use of veh. high intensity light improperly directed at roadway	[\$50.00] \$60.00	00	00	
22	227	b	Person (driving, moving) on hwy. (veh., equipment) with visible (red, blue) (lamp, device)	[\$50.00] \$60.00	00	00	
22	227	c	Prohibited use of flashing light	[\$50.00] \$60.00	00	00	
22	227	d	Driving (veh., equipment) on hwy. with (lamp, device) improperly displaying white light from rear	[\$50.00] \$60.00	00	00	
22	227	e	(Driving, Moving)(veh., equipment) on hwy. while displaying flashing light	[\$50.00] \$60.00	00	00	
22	227	f	Use of incorrect color in lighting (devices, reflectors) mounted on rear of vehicle	[\$50.00] \$60.00	00	00	
22	228	a	School veh. reg. in MD not equipped with 8-light system of alternately flashing lights as required	[\$50.00] \$60.00	00	00	
22	228	b	Operating alternately flashing light on school veh. when veh. not (stopped, stopping) for passengers	[\$50.00] \$60.00	00	00	
22	228	c	Failure to deactivate alt. flash. lights and conceal words "School Bus" when not using vehicle as a school vehicle	[\$50.00] \$60.00	00	00	
22	228	d	Failure to put into operation alt. flashing amber lights before passenger stop and alt. flashing red lights upon stopping	[\$50.00] \$60.00	00	00	
22	228	e	Failure to operate alternately flashing lights when approaching w/I 100 feet of another school veh. (loading, unloading) passengers	[\$50.00] \$60.00	00	00	
22	228	f	School veh. driver failure to use available passenger loading zone	[\$50.00] \$60.00	00	00	
22	228	g	Failure to stop on roadway to (receive, discharge) passengers when transporting (to, from) school	[\$50.00] \$60.00	00	00	
22	230	a	(Have for sale, Offer for sale, Sell)(lamps, reflectors) for (motor vehicle, trailer) changing original (design, performance)	[\$50.00] \$60.00	00	00	
22	230	b	Use(lamps, reflectors) on (motor veh., trailer) changing original (design, performance)	[\$50.00] \$60.00	00	00	
22	230	c	Using any (lamps, reflectors) on (motor veh., trailer) in vio. of Adm. Regs	[\$60.00] \$70.00	00	00	
22	301	b	Failure to equip (motor veh, trailer, semitrailer, pole trailer) with req. adequate service brakes	[\$520.00] \$530.00	00	00	
22	301	c	Failure to equip (veh., combination of vehs.) with required adequate parking brakes	[\$520.00] \$530.00	00	00	
22	301	d	Failure to equip veh. with acting wheel brakes as required	[\$520.00] \$530.00	00	00	
22	301	e	Failure to equip (trailer, semitrailer, pole trailer) with automatic brakes acting on all wheels	[\$520.00] \$530.00	00	00	
22	301	f	Failure to equip towing veh. with adequate service brakes	[\$520.00] \$530.00	00	00	
22	301	g	Failure of air brake system in trailer to safeguard against air backflow	[\$520.00] \$530.00	00	00	
22	301	h	Failure to equip towing veh. with two means of emergency brake operation	[\$520.00] \$530.00	00	00	
22	301	i	Failure to equip. (motor veh., trailer, semitrailer, pole trailer, combination of these vehs.) with single control to operate brakes	[\$520.00] \$530.00	00	00	
22	301	j	Failure to equip (bus, truck, truck tractor) with sufficient reservoir capacity for air brakes and means to drain	[\$520.00] \$530.00	00	00	
22	301	k	Failure to equip (bus, truck, truck tractor) with audible and visible brake failure warning device	[\$520.00] \$530.00	00	00	

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Transportation Article					Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points
22	302	Failure to meet performance standards braking force, brake system application, brake distance	[\$520.00] <u>\$530.00</u>	00		00
22	303	Failure to maintain and adjust brakes to operate equally with opposite wheels	[\$520.00] <u>\$530.00</u>	00		00
22	304	c Operating motorcycle on hwy. with disapproved braking system	[\$60.00] <u>\$70.00</u>	00		00
22	305	d Person (distributing, having, offering for sale) hydraulic brake fluid not in compliance with Adm. Requirements	[\$520.00] <u>\$530.00</u>	00		00
22	401	a Motor veh. on hwy. w/o audible and reasonably loud working horn	[\$60.00] <u>\$70.00</u>	00		00
22	401	b Driver use of motor veh. horn on hwy. when not reasonably necessary for safety	[\$50.00] <u>\$60.00</u>	00		00
22	401	c Unlawful use of veh. (siren, whistle, bell)	[\$50.00] <u>\$60.00</u>	00		00
22	401	e Driver of emergency veh use of siren in non-emergency	[\$50.00] <u>\$60.00</u>	00		00
22	401.1	Improper use of bell(s) on ice cream vehicle	[\$50.00] <u>\$60.00</u>	00		00
22	402	a (Motor veh. not equipped with exhaust muffler system, Unlawful use of muffler cutoff)	[\$60.00] <u>\$70.00</u>	00		00
22	402	b Using device on motor veh. (exhaust, tail pipe) extension causing excessive noise	[\$60.00] <u>\$70.00</u>	00		00
22	402	c (Operating, Owner and lessee permitting to be operated) on hwy a motor veh. w/o exhaust mechanism properly equipped, adjusted and operated	[\$60.00] <u>\$70.00</u>	00		00
22	402.1	a Unlawful (rendering inoperable, removal, altering) of mfr. installed exhaust emission control on veh	[\$50.00] <u>\$60.00</u>	00		00
22	402.1	b Unlawful (rendering inoperable, removal, altering) of mfr. installed gas tank inlet device in veh	[\$50.00] <u>\$60.00</u>	00		00
22	402.1	c Unlawful (rendering inoperable, removal, altering) of mfr. installed crankcase vent device on veh	[\$50.00] <u>\$60.00</u>	00		00
22	403	a Failure to equip motor veh. with adequate vision rear view mirror	[\$60.00] <u>\$70.00</u>	00		00
22	403	b Failure to equip motor veh. with adequate vision outside mirror	[\$60.00] <u>\$70.00</u>	00		00
22	403	c Failure to equip motorcycle with two rear view mirrors	[\$60.00] <u>\$70.00</u>	00		00
22	404	a Driving motor veh. with obstructed (windshield, sidewings)	[\$60.00] <u>\$70.00</u>	00		00
22	404	b Failure to equip veh. with required windshield wipers and controls	[\$60.00] <u>\$70.00</u>	00		00
22	404	c Failure to maintain windshield wipers in good working order	[\$60.00] <u>\$70.00</u>	00		00
22	404.1	a Unauthorized display of motor veh. club emblem and insignia	[\$50.00] <u>\$60.00</u>	00		00
22	404.1	b Displaying of motor veh. sign tending to create safety hazard	[\$50.00] <u>\$60.00</u>	00		00
22	404.1	b Displaying of motor veh. sign tending to create safety hazard	[\$50.00] <u>\$60.00</u>	00		00
22	404.2	Unlawful display of State (seal, emblem) on veh	[\$50.00] <u>\$60.00</u>	00		00
22	404.3	a Operating (truck, tractor, bus) w/o req. display of (name, trade name, company logo) city and state	[\$60.00] <u>\$70.00</u>	00		00
22	404.4	Operating propane fueled motor veh. w/o proper ID decal	[\$275.00] <u>\$285.00</u>	00		00
22	405	a Person driving motor veh. on hwy. w/o tires in safe operating condition as required by Adm	[\$130.00] <u>\$140.00</u>	00		00

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
22	405	b	Person driving trailer on hwy. w/o tires in safe operating condition as required by Adm	[\$130.00] \$140.00	00	00	
22	405	d	Failure of veh. driver to stop and submit to veh. tire inspection by police on reasonable cause	[\$130.00] \$140.00	00	00	
22	405.2	a	Driving(motor veh., trailer, semitrailer) on hwy. with metal tires in contact with road	[\$130.00] \$140.00	00	00	
22	405.2	b	Hwy. driven veh. equipped with tires with prohibited projecting protuberance	[\$130.00] \$140.00	00	00	
<u>22</u>	<u>405.3</u>		<u>Mfr. fail to equip new passenger or multipurpose veh. with a spare tire that conforms to §22-405</u>	<u>\$140.00</u>	<u>00</u>	<u>00</u>	
22	405.4	a	Driving motor veh. weighing 73,000 pounds or more w/o required and approved rear axle tires	[\$130.00] \$140.00	00	00	
22	405.4	b	Person driving trailer weighing 73,000 pounds or more w/o rear axle approved tractor and trailer tires	[\$130.00] \$140.00	00	00	
22	405.5		Person (selling, offering for sale) unsafe tires for use on hwy	[\$130.00] \$140.00	00	00	
22	406	b	Person driving reg. motor veh. on hwy. w/o required safety glass equipment	[\$60.00] \$70.00	00	00	
22	406	c	Person selling veh. for hwy. driving w/o required safety glass equipment	[\$60.00] \$70.00	00	00	
22	406	d	Motor veh. owner replacing veh. broken windshield glass with other than safety glass	[\$60.00] \$70.00	00	00	
22	406	e	Motor veh. owner replacing motor veh. safety glass with other than glass	[\$60.00] \$70.00	00	00	
22	406	f	Person installing in motor veh. other than safety glass required by adm	[\$60.00] \$70.00	00	00	
22	406	i1	Operating veh. on hwy with unauthorized window tinting material	[\$60.00] \$70.00	00	00	
22	406	i3	Installing window tinting material not in compliance with requirements	[\$60.00] \$70.00	00	00	
22	407	a	Nighttime driving of (truck, bus, tractor, veh. towing mobile home) w/o req. emergency signal equipment	[\$80.00] \$90.00	00	00	
22	407	b	Driving veh. used to carry (explosives, flammable liquids, compressed gas) w/o req. emergency warning devices	[\$130.00] \$140.00	00	00	
22	407	c	Having prohibited flame producing warning device in veh. used to carry (explosive, flammable liquids, compressed gas)	[\$130.00] \$140.00	00	00	
22	407	d	Using emergency warning device not approved by Adm	[\$80.00] \$90.00	00	00	
22	408	a	Failure to display required roadway warning device for disabled hwy. veh. when lights required	[\$50.00] \$60.00	00	00	
22	408	b	Failure to place adequate warning device for disabled hwy. veh. within 500 ft. of curve	[\$50.00] \$60.00	00	00	
22	408	c	Failure to place adequate warning device for disabled veh. on divided hwy. when lights required	[\$50.00] \$60.00	00	00	
22	408	d	Failure to display 2 red flags on roadway for disabled veh	[\$50.00] \$60.00	00	00	
22	408	e	Failure to display req. warning device for (explosives, flammable liquid, compressed flammable gas)	[\$50.00] \$60.00	00	00	
22	408	f	Failure of warning devices required for disabled veh. to conform with MVL requirements	[\$50.00] \$60.00	00	00	
22	409	b1	Shipping and transporting hazardous material not in compliance with Adm. regulations:				
				[\$1,000.00]	00	00	
				1st offense \$1,010.00			

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
			[\$1,580.00]	00		00	
		2nd offense	<u>\$1,590.00</u>				
			[\$2,030.00]	00		00	
		3rd offense	<u>\$2,040.00</u>				
22	409	b2	Manufacturing, fabrication, etc. or retesting or packaging of haz. mat. not in compliance with Adm. regulations:				
			[\$1,000.00]	00		00	
		1st offense	<u>\$1,010.00</u>				
			[\$1,580.00]	00		00	
		2nd offense	<u>\$1,590.00</u>				
			[\$2,030.00]	00		00	
		3 rd offense	<u>\$2,040.00</u>				
22	410	b	(Manufacturing, Installing, Maintaining) air-conditioning equipment w/o regard for safety of veh. occupants and public	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	410	e	(Having, Offering, Selling, Equipping) motor vehicle model year 2011 or after with air-conditioning equipment not in MVL compliance	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	411	a	Operating (trailer, semitrailer) w/o rear underside attached permanent metal frame as required	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	411	b	Operating(trailer, semitrailer)with rear frame in violation of (height, width)req	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	411	c	Operating (trailer, semitrailer) with rear frame exceeding 18 inches to widest part	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	411	d	Operating (trailer, semitrailer) with rear frame warning device obstruction	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412	a	Failure to have req. front seat belts on registered motor veh	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412	b	Failure to have req. rear seat belts on registered motor veh	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412	c	(Selling, Offering for sale) veh. w/o required front and rear seat belt sets	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412	f	(Selling, Offering for sale) seat belt failing to meet Federal Standards for use in motor veh	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412.1		Failure to equip non-school bus veh. used for transporting children with seat belts	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	412.2	d	Failing to secure child under age 8 in child safety seat when transporting in motor vehicle	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	412.2	e	Fail to transport child under age 16 in (child safety seat per instructions, a seat belt)	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	412.2	g	Using a (child safety seat, seat belt) to (restrain, seat, position) more than 1 individual	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	412.4		Failure to equip emergency veh. with seat belt	[\$60.00]	00	00	
			<u>\$70.00</u>				
22	413	a	Driving (bus, truck, trailer) on hwy. w/o adequate rear wheel projectile protection	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	413	b	Causing hwy. driving of (bus, truck, trailer) w/o adequate rear wheel projectile protection	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	413	c	Permitting hwy. driving of (bus, truck, trailer) w/o adequate rear wheel projectile protection	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	413	d	Inadequate rear wheel (protectors, flaps) on hwy. (bus, truck, trailer)	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	414		Equipping veh. to be driven on hwy. with TV type receiving equipment visible to driver	[\$50.00]	00	00	
			<u>\$60.00</u>				
<u>22</u>	<u>414.1</u>		<u>Equipping veh. driven on hwy w/video equip. that cannot be turned off when visible to driver</u>	<u>\$60.00</u>	<u>00</u>	<u>00</u>	
22	417		Failure to equip school bus with seat back crash pads meeting specifications	[\$50.00]	00	00	
			<u>\$60.00</u>				
22	418	a	School veh. painted in color other than national school bus yellow	[\$50.00]	00	00	
			<u>\$60.00</u>				

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Transportation Article				Cont. to Accident			
Sec.	Para.	Charge	Fine	Points	Fine	Points	
22	418	b	Non school veh. designed for carrying passengers painted national school bus yellow	[\$50.00] \$60.00	00	00	
22	602	a	Driving motor veh. on hwy. in violation of Adm. established sound level limits.	[\$50.00] \$60.00	00	00	
22	602	b	Permitting hwy. driving of motor veh. in violation of Adm. established sound level limits	[\$50.00] \$60.00	00	00	
22	606		(Selling, Offering for sale, Distributing, Leasing) motor veh. with excessive sound level	[\$50.00] \$60.00	00	00	
22	609	a	Modifying (exhaust system, noise abatement device) on motor veh. causing excessive noise emission	[\$60.00] \$70.00	00	00	
22	609	b	Motor veh. equipped with unlawfully modified (exhaust system, noise abatement device)	[\$60.00] \$70.00	00	00	
22	610		(Selling, Offering for sale) for use on motor veh. (muffler, noise abatement device) permitting excessive noise	[\$50.00] \$60.00	00	00	
23	104		Driving veh. on hwy. w/o required minimum equipment	[\$60.00] \$70.00	00	00	
23	106	b	Failure (dealer, transferee) of used motor veh. to attach inspection cert. to transferred veh. Window	[\$60.00] \$70.00	00	00	
23	107	d	Failure to obtain annual inspection of bus	[\$520.00] \$530.00	00	00	
23	209		(Fraud, Misrepresentation) in (applying for, preparing documentation for) emissions control program	[\$520.00] \$530.00	00	00	
23	302		Violating (rule, regulation) relative to (inspection, maintenance, repair) of vehicle	[\$520.00] \$530.00	00	00	
23	403	b	Failure to obey police officer (sign, direction) to stop diesel veh. for emission test:				
				[\$280.00]	00	00	
			1st offense	\$290.00			
				[\$530.00]	00	00	
			2nd offense	\$540.00			
				[\$780.00]	00	00	
				\$790.00			
			3rd offense	\$790.00			
24	102	c	Driving veh. on hwy. exceeding 102 inches	[\$130.00] \$140.00	00	00	
24	103	a	Driving passenger veh. on hwy. carrying load extending beyond left side fenders	[\$60.00] \$70.00	00	00	
24	103	b	Driving passenger veh. on hwy. carrying load extending more than 6 inches beyond right side fenders	[\$60.00] \$70.00	00	00	
24	104		Exceeding height limit for veh. and its load	[\$130.00] \$140.00	00	00	
24	104.1	d1	Operation of over 40 foot length (bus, single unit truck, Class M motor home)	[\$130.00] \$140.00	00	00	
24	104.1	d2	Operation of over 41 foot length publicly owned rigid bus	[\$130.00] \$140.00	00	00	
24	104.1	e2	Operation of over 45 foot length (bus, Class M motor home) on interstate highway or state highway system	[\$130.00] \$140.00	00	00	
24	104.1	f	Operation of over 60 foot length publicly owned articulated 3 axle bus	[\$130.00] \$140.00	00	00	
24	104.1	g	Vehicle not otherwise exempted exceeding 35 feet	[\$130.00] \$140.00	00	00	
24	104.1	h	Operation of truck tractor and double trailer combination with each other on prohibit highway	[\$130.00] \$140.00	00	00	
24	104.1	hii	Operating (trailer, semitrailer) in combination exceeding 28 foot length	[\$130.00] \$140.00	00	00	
24	104.1	i	Operation of truck tractor and single semitrailer combination with trailer exceeding 48 foot length	[\$130.00] \$140.00	00	00	

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Transportation Article		Cont. to Accident					
Sec.	Para.	Charge	Fine	Points	Fine	Points	
24	104.1	j	Operation of combination of veh. exceeding 55 foot length	[\$130.00] \$140.00	00	00	
24	104.1	j3i1	Operating (truck, truck tractor and semitrailer combination) designed, used exclusively for transp. autos, motor boats, etc. exceeding 65 ft. length	[\$130.00] \$140.00	00	00	
<u>24</u>	<u>104.1</u>	<u>j3ib4</u>	<u>Saddle-mount & full-mount combination exceeding 97 ft. length</u>	<u>\$140.00</u>	<u>00</u>	<u>00</u>	
24	104.1	j3i2	Stinger-steered automobile transporter and combinations exceeding 75 foot length	[\$130.00] \$140.00	00	00	
24	104.1	j3i3a	Maxi-cube vehicle in combination with 34 ft semitrailer exceeding 65 foot length	[\$130.00] \$140.00	00	00	
24	104.1	j3i3b	Maxi-cube vehicle in combination with 28 ft. trailer exceeding 60 ft. length	[\$130.00] \$140.00	00	00	
24	104.1	j3iii	Operating (truck, truck tractor and semitrailer combination) designed, used exclusively for transp. autos, motor boats, etc. on other than designated hwy. or shortest practical route	[\$130.00] \$140.00	00	00	
24	104.1	k	Operating illegal combination of vehicles	[\$130.00] \$140.00	00	00	
24	104.1	l2	Operating truck tractor on hwy. in combination with more than two vehicles	[\$60.00] \$70.00	00	00	
24	104.1	m1	Operating combo of noncommercial veh. consisting of power unit & travel trailer exceeding 60 ft. length	[\$520.00] \$530.00	00	00	
24	104.1	m2	Operating a combination of vehicles exceeding 55 feet on other than designated highway	[\$520.00] \$530.00	00	00	
24	104.2	a	Operation of semitrailer and truck tractor combination with trailer exceeding 53 foot length	[\$520.00] \$530.00	00	00	
24	104.2	b	Operating semitrailer and truck tractor combination with trailer length between 48 and 53 feet on other than designated highway	[\$520.00] \$530.00	00	00	
24	104.2	c	Failure to comply with req. measurement and equip. when oper. semitrailer and truck tractor combo on hwy	[\$520.00] \$530.00	00	00	
24	104.2	d2	Failure to posses valid permit when driving, or permitting to be driven, a semitrailer in combination with truck tractor with trailer length between 48 and 53 feet	[\$520.00] \$530.00	00	00	
24	105	b	Operating veh. with load extended more than 3 ft beyond foremost part	[\$60.00] \$70.00	00	00	
24	105	c1	Operating veh with load extended more than 6 ft beyond rear bed and body	[\$60.00] \$70.00	00	00	
24	105	c2i	Operating automobile or boat transporter with load extending more than 4 ft beyond rear of body	[\$60.00] \$70.00	00	00	
24	105	c2ii	Failure to display fluourescent warning flag on rear portion of transported vehicle	[\$60.00] \$70.00	00	00	
24	106	b	Failure of loaded hwy veh to be safely (constructed, loaded)	[\$80.00] \$90.00	00	00	
24	106	c	Failure to prevent (load, covering) on hwy veh from becoming (loose, detached)	[\$80.00] \$90.00	00	00	
24	106	e	Failure of veh owner within reasonable time, to remove fallen (dirt, debris, agricultural products) from highway	[\$80.00] \$90.00	00	00	
24	106.1	b	Person carrying loose material in veh (on, across) hwy	[\$80.00] \$90.00	00	00	
24	106.1	c	Person loading loose material for carrying in veh (on, across) hwy	[\$80.00] \$90.00	00	00	
24	106.1	d(1)	Failure to fully enclose bed of vehicle carrying loose material	[\$80.00] \$90.00	00	00	
24	106.1	d(2)	Carrying looses material loaded to within 6 inches of top of enclosure w.o covering load	[\$80.00] \$90.00	00	00	
24	106.1	e2	Vehicle carrying a load of loose material without canvas or other approved cover	[\$80.00] \$90.00	00	00	

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
24	106.1	f	Operating veh on hwy (w/o removing spillage, with tailgate not closed, with openings allowing loose material spillage, without removing loose material residue)	[\$80.00] \$90.00	00		00
24	106.2	a	Transporting (lumber, pipe, steel, logs, poles) with improperly enclosed veh	[\$80.00] \$90.00	00		00
24	106.2	b	Transporting (lumber, pipe, steel, logs, poles) w/o proper (front, rear) fastening	[\$80.00] \$90.00	00		00
24	106.2	c	Transporting (lumber, pipe, steel, logs, poles) w/o proper (front, rear) fastening device	[\$80.00] \$90.00	00		00
24	106.2	d	Failure to fasten (chains, authorized devices) with (adequate, standard load binder, other appropriate device) when required on (lumber, pipe, steel, log, pole) carrying veh	[\$80.00] \$90.00	00		00
24	106.2	e	(Repairing, Replacing) (chain, authorized alternative device links) by use of unauthorized material	[\$80.00] \$90.00	00		00
24	107	b1	Failure to ensure towed vehicle is securely attached to towing vehicle by primary connecting system	[\$60.00] \$70.00	00		00
24	107	b2	Failure to ensure connection is (structurally adequate for weight drawn, mounted properly & securely)	[\$60.00] \$70.00	00		00
24	107	b3	Failure to ensure that locking device is working properly and is locked in place	[\$60.00] \$70.00	00		00
24	107	b4	Failure to ensure that safety chain(s) are properly attached to towed veh. & frame of towing veh.	[\$60.00] \$70.00	00		00
24	107	d	Exceeding the maximum 15 ft connection between towed vehicles	[\$60.00] \$70.00	00		00
24	107	f	Failure to have driver in and capable of steering vehicle being towed by (rope, chain, cable)	[\$60.00] \$70.00	00		00
24	107	g	Failure to use primary connecting system that prevents greater than 6 in. side sway	[\$60.00] \$70.00	00		00
24	107	h	Failure to display warning flag on towing connection as required	[\$60.00] \$70.00	00		00
24	107	i	Operating a vehicle in combination with more than one other vehicle	[\$60.00] \$70.00	00		00
24	108	b3	Driving veh. with gross wt. exceeding 73,000 lbs. for other than (pickup, delivery) using unauthorized route	[\$130.00] \$140.00	00		00
24	111	d	Failure to obey sign and direction of (uniformed police officer, electronic signal to CVISN transponder) to stop veh. for measurement or weighing:				
				[\$1,000.00]	00		00
			1st offense	\$1,010.00			
				[\$1,530.00]	00		00
			2nd offense	\$1,540.00			
				[\$2,030.00]	00		00
			3rd offense	\$2,040.00			
24	111	e	Unauthorized display of sign for weighing and measuring overweight veh.:				
				[\$1,000.00]	00		00
			1st offense	\$1,010.00			
				[\$1,530.00]	00		00
			2nd offense	\$1,540.00			
				[\$2,030.00]	00		00
			3rd offense	\$2,040.00			
24	111.1	b	Moving overweight veh. exceeding 5,000 lbs before unloading excess weight:				
				[\$1,000.00]	00		00
			1st offense	\$1,010.00			
				[\$1,530.00]	00		00
			2nd offense	\$1,540.00			

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Transportation Article			Charge	Cont. to Accident			
Sec.	Para.			Fine	Points	Fine	Points
				\$2,030.00	00		00
			3rd offense	<u>\$2,040.00</u>			
24	111.1	d2	Failure to return leaded veh. to place of (entry, origin) in state after (second, subsequent) indivisible load overweight violation by driver:				
				\$1,000.00	00		00
			1st offense	<u>\$1,010.00</u>			
				\$1,530.00	00		00
			2nd offense	<u>\$1,540.00</u>			
				\$2,030.00	00		00
			3rd offense	<u>\$2,040.00</u>			
24	111.1	e2	Failure to unload excess perishable goods after (second, subsequent) driver weight violation in calendar year:				
				\$1,000.00	00		00
			1st offense	<u>\$1,010.00</u>			
				\$1,530.00	00		00
			2nd offense	<u>\$1,540.00</u>			
				\$2,030.00	00		00
			3rd offense	<u>\$2,040.00</u>			
24	112	e1	Person violating SHA permit condition that allows oversized vehicle on hwy.:				
				\$1,000.00	00		00
			1st offense	<u>\$1,010.00</u>			
				\$1,530.00	00		00
			2nd offense	<u>\$1,540.00</u>			
				\$2,030.00	00		00
			3rd offense	<u>\$2,040.00</u>			
24	112	e2	Person failing to obtain and possess required permit before moving an (oversized, overweight) load:				
				\$1,000.00	00		00
			1st offense	<u>\$1,010.00</u>			
				\$1,530.00	00		00
			2nd offense	<u>\$1,540.00</u>			
				\$2,030.00	00		00
			3rd offense	<u>\$2,040.00</u>			
24	113.1	a2	Veh. issued permit to carry international freight operating off interstate/state highway system	\$130.00	00		00
				<u>\$140.00</u>			
24	202		Driving damage causing vehicle on hwy	\$520.00	00		00
				<u>\$530.00</u>			
24	203		Person knowingly violating SHA rules & regs. for hwy. use	\$280.00	00		00
				<u>\$290.00</u>			
24	204		Use of endangered hwy. when restricted by SHA	\$280.00	00		00
				<u>\$290.00</u>			
24	207		Truck testing on hwy w/o SHA permit	\$60.00	00		00
				<u>\$70.00</u>			
24	303	[a] a1	[Mobile seafood vendor (selling, offering for sale) seafood on right-of-way w/o permit] <u>Mobile seafood/produce vendor (sell, offering for sale) seafood/produce on right-of-way w/o lease</u>	\$130.00	00		00
				<u>\$140.00</u>			
24	303	b	[Mobile seafood vendor (selling, offering for sale) seafood at prohibited location w/o permission] <u>Mobile seafood/produce vendor (sell, offer for sale) seafood/produce at prohib. loc. w/o permission</u>	\$130.00	00		00
				<u>\$140.00</u>			
25	108	b	<u>Driving plug-in vehicle in HOV lane without (permit/required number of passengers)</u>	\$90.00	00		00
25	110	b	Violating rules and regs of MVA governing safe operation of school vehs.	\$280.00	00		00
				<u>\$290.00</u>			

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Transportation Article					Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points
25	111	d	Failure to obey sign and direction of (uniformed police officer, electronic signal to CVISN transponder) to stop veh and submit to required <u>inspection</u>			
			[\$1,000.00]	00		00
			1st offense <u>\$1,010.00</u>			
			[\$1,530.00]	00		00
			2nd offense <u>\$1,540.00</u>			
			[\$2,030.00]	00		00
			3rd offense <u>\$2,040.00</u>			
25	111	g	Failure to comply with motor carrier safety rules and regs:			
			[\$1,000.00]	00		00
			1st offense <u>\$1,010.00</u>			
			[\$1,530.00]	00		00
			2nd offense <u>\$1,540.00</u>			
			[\$2,030.00]	00		00
			3rd offense <u>\$2,040.00</u>			
25	111	h	Motor carrier failure to (permit inspection of, make available) records:			
			[\$1,000.00]	00		00
			1st offense <u>\$1,010.00</u>			
			[\$1,530.00]	00		00
			2nd offense <u>\$1,540.00</u>			
			[\$2,030.00]	00		00
			3rd offense <u>\$2,040.00</u>			
25	202		Abandoning veh on (public property, property of other) w/o permission	[\$60.00]	00	00
			<u>\$70.00</u>			
26	102	a	Veh owner (requiring, knowingly permitting) unlawful hwy veh operation	[\$280.00]	00	00
			<u>\$290.00</u>			
26	102	b	Directing and permitting hwy veh operation contrary to law	[\$280.00]	00	00
			<u>\$290.00</u>			
26	203		Refusing to sign a traffic citation after request	[\$130.00]	00	00
			<u>\$140.00</u>			
26	305	d1	Driving motor vehicle while registration suspended under 26-305(b)(1)	[\$520.00]	00	00
			<u>\$530.00</u>			
26	407	g1	Unlawful disposing of original copy or record of traffic citation by (police officer, public employee)	[\$520.00]	00	00
			<u>\$530.00</u>			
26	408	b	Person soliciting another to cancel traffic citation	[\$520.00]	00	00
			<u>\$530.00</u>			
Business Regulations						
BR10	320	a	Failure of retail service station dealer to provide self-service price to disabled driver displaying special plate	[\$60.00]	00	00
			<u>\$70.00</u>			
BR10	401	a1	Transporting motor fuel without registration	[\$230.00]	00	00
			<u>\$240.00</u>			
BR10	401	a2	Transporting motor fuel without registering each conveyance	[\$230.00]	00	00
			<u>\$240.00</u>			
BR10	402	b	Placing motor fuel in or on vehicle not displaying valid ID marker	[\$230.00]	00	00
			<u>\$240.00</u>			
BR10	406	a	Failure to indicate name of petroleum transporter on vehicle as required	[\$80.00]	00	00
			<u>\$90.00</u>			
BR10	406	b	Failure to maintain discernible identification on vehicle as required	[\$80.00]	00	00
			<u>\$90.00</u>			
BR10	407	a1	Failure of motor fuel transponder to have a copy of loading ticket or manifest	[\$80.00]	00	00
			<u>\$90.00</u>			
BR10	407	a2	Failure of motor fuel transporter to deliver loading ticket or manifest to buyer or consignee	[\$80.00]	00	00
			<u>\$90.00</u>			
BR10	407	b	Failure of conveyance to possess loading ticket or manifest	[\$80.00]	00	00
			<u>\$90.00</u>			

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Transportation Article						Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points	
BR10	408	Failure of petroleum transporter to maintain for inspection required gallonage capacity certificate	[\$280.00] <u>\$290.00</u>	00		00	
BR10	409	Failure of petroleum transporter to comply with hazardous materials labeling regulations	[\$230.00] <u>\$240.00</u>	00		00	
BR10	410	1 Failure of petroleum transporter to report monthly all fuel imported and exported	[\$80.00] <u>\$90.00</u>	00		00	
BR10	410	2 Failure of petroleum transporter to keep records of motor fuel shipments for 2 years	[\$80.00] <u>\$90.00</u>	00		00	
BR10	410	3 Failure of petroleum transporter to provide records of motor fuel shipments	[\$80.00] <u>\$90.00</u>	00		00	
BR10	410	4 Failure of petroleum transporter to report loss of motor fuel	[\$80.00] <u>\$90.00</u>	00		00	
Motor Vehicle Fuel Tax							
TG9	220	a Failure of motor carrier to register and/or display an IFTA decal on both sides of veh and possess a copy of the IFTA license in the veh	[\$230.00] <u>\$240.00</u>	00		00	
Maryland Regulations							
06B	(l)	(b) Driving (oversize, over wt) veh (across, through) toll facility	[\$280.00] <u>\$290.00</u>	00		00	
	11.15.27.08	(a) Operating vehicle in excess of 55,000 lbs without the lift axle fully engaged	[\$520.00] <u>\$530.00</u>	00		00	
	11.15.27.08	(f)(1) Operating vehicle with lift axle below certified air pressure by 1-4 psi	[\$90.00] <u>\$100.00</u>	00		00	
	11.15.27.08	(f)(2) Operating vehicle with lift axle below certified air pressure 5-10 psi	[\$290.00] <u>\$300.00</u>	00		00	
	11.15.27.08	(f)(3) Operating vehicle with lift axle below certified air pressure by 11 or more psi	[\$520.00] <u>\$530.00</u>	00		00	
		All other Maryland regulations not shown on this schedule	[\$55.00] <u>\$65.00</u>	00		00	
Hazardous Materials Violations							
107.620		B Transporting hazardous materials without registration	[\$80.00] <u>\$90.00</u>	00		00	
171.200		Failing to comply with the general requirements of the HazMat regulations	[\$80.00] <u>\$90.00</u>	00		00	
172.200		A Transporting hazardous materials without shipping papers	[\$530.00] <u>\$540.00</u>	00		00	
172.202		A Transporting hazardous materials with improper shipping paper descriptions	[\$80.00] <u>\$90.00</u>	00		00	
172.203		Transporting hazardous materials without additional requirements as required	[\$280.00] <u>\$290.00</u>	00		00	
172.300		Transporting hazardous materials without required markings	[\$280.00] <u>\$290.00</u>	00		00	
172.326		C1 Failure to mark a (freight container, vehicle) with ID number when transporting nonvisible portable tank with an ID number	[\$280.00] <u>\$290.00</u>	00		00	
172.328		A Failure to mark cargo tank with proper ID numbers as required	[\$280.00] <u>\$290.00</u>	00		00	
172.328		B1 Failure to mark proper shipping name on cargo tank containing gases	[\$280.00] <u>\$290.00</u>	00		00	
172.328		B2 Failure to mark MC331-MC330 cargo tank with QT or NQT markings	[\$80.00] <u>\$90.00</u>	00		00	
172.332		A Failure to display ID numbers on bulk packages as required	[\$280.00] <u>\$290.00</u>	00		00	
172.334		A Unauthorized display of ID number markings on (poison gas, radioactive or explosive) placard	[\$280.00] <u>\$290.00</u>	00		00	
172.334		B Displaying ID numbers on (bulk, package, freight container, transport vehicle) not containing the hazardous materials associated	[\$1,000.00] <u>\$1,010.00</u>	00		00	

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Transportation Article		Charge	Cont. to Accident			
Sec.	Para.		Fine	Points	Fine	Points
172.336	B	Failure to properly display ID numbers for hazardous materials in hazardous classes not requiring placards	[\$280.00] \$290.00	00		00
172.336	C	Failure to display ID number markings on compartmented/cargo tanks in proper sequence	[\$280.00] \$290.00	00		00
172.338		Failure to replace (lost, destroyed) ID number markings as required	[\$280.00] \$290.00	00		00
172.400	A	Non-bulk packages not labeled as required	[\$280.00] \$290.00	00		00
172.500	A	Transporting hazardous materials subject to placarding requirements without appropriate placards	[\$1,000.00] \$1,010.00	00		00
172.502	A	Displaying placard not representing hazardous materials being transported	[\$1,000.00] \$1,010.00	00		00
172.502	A2	Displaying (placard, sign, other device) which by its (design, shape, color) could be (confused, conflict) with DOT prescribed placards	[\$80.00] \$90.00	00		00
172.516		Failure to affix placards in conformance with requirements for visibility and display	[\$80.00] \$90.00	00		00
172.519		Placarding motor vehicle with placards not meeting general specifications for placards	[\$80.00] \$90.00	00		00
172.600		Transporting hazardous materials with no emergency response information available when required	[\$280.00] \$290.00	00		00
173.24	B	Transporting hazardous materials with a release of product to the environment	[\$1,000.00] \$1,010.00	00		00
173.24	C	Transporting hazardous materials in a package that is not authorized	[\$1,000.00] \$1,010.00	00		00
177.801		Transporting hazardous materials not in proper condition for transportation	[\$1,000.00] \$1,010.00	00		00
177.804		Transporting hazardous materials and failing to comply with all motor carrier safety regulations	[\$1,000.00] \$1,010.00	00		00
177.817		Transporting hazardous materials without proper documentation and accessibility	[\$580.00] \$590.00	00		00
177.817	E	Shipping papers and emergency response not readily accessible	[\$130.00] \$140.00	00		00
177.823		Moving a transport vehicle containing hazardous material that is not properly marked or placarded (see 172.504 et al.)	[\$1,000.00] \$1,010.00	00		00
177.834		Transporting hazardous materials without properly securing the load on transport vehicle	[\$580.00] \$590.00	00		00
177.834	I	Attendance of vehicle required when loading/unloading hazardous materials cargo tank	[\$500.00] \$510.00	00		00
177.834	J	Operating a cargo tank with (valves, manway) open	[\$280.00] \$290.00	00		00
180.415	A	Failure to mark required test on cargo tank	[\$80.00] \$90.00	00		00
Motor Carrier Safety Inspection Regulations						
382.301		Motor carrier failing to conduct pre-employment controlled substance testing	[\$1,000.00] \$1,010.00	00		00
382.305		Motor carrier failing to conduct random (alcohol, controlled substance) testing as required	[\$1,000.00] \$1,010.00	00		00
382.401		Motor carrier failure to maintain proper alcohol/drug testing records as required	[\$1,000.00] \$1,010.00	00		00
383.3	(b)	Motor carrier failing to require a valid CDL license	[\$1,000.00] \$1,010.00	00		00
383.91	(a)	Operating a CMV w/improper CDL group	[\$500.00] \$510.00	00		00
383.93	(b)	Operating CMV w/out proper endorsement	[\$500.00] \$510.00	00		00

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Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
390.11		Motor carrier failing to require observance of driver regulations	[\$1,000.00] <u>\$1,010.00</u>	00		00
390.13		(Aiding, Abetting)(driver, motor carrier) to violate rules of this chapter	[\$1,000.00] <u>\$1,010.00</u>	00		00
390.21		Failing to display proper vehicle ID	[\$60.00] <u>\$130.00</u>	00		00
390.35		(Falsifying, Altering) (certificates, reports, records)	[\$1,000.00] <u>\$1,010.00</u>	00		00
391.1	(c)	A driver who is also the carrier must comply with both driver and carrier rules	[\$1,000.00] <u>\$1,010.00</u>	00		00
391.11	(a)	Driving motor vehicle when not qualified to do so	[\$1,000.00] <u>\$1,010.00</u>	00		00
391.11	(a)	Motor carrier permitting person not qualified to drive a motor vehicle	[\$1,000.00] <u>\$1,010.00</u>	00		00
<u>391.11</u>	<u>(b2)</u>	<u>Driving motor vehicle when not able to comply with English speaking requirement</u>	<u>\$1,010.00</u>	<u>00</u>		<u>00</u>
391.15		Operating commercial motor vehicle after being disqualified	[\$1,000.00] <u>\$1,010.00</u>	00		00
391.15		Motor carrier permitting disqualified driver to operate	[\$1,000.00] <u>\$1,010.00</u>	00		00
391.41	(a)	Driving a motor veh. without a valid medical examiners certificate in possession	[\$80.00] <u>\$90.00</u>	00		00
391.51		Motor carrier failing to maintain proper driver qualification file	[\$1,000.00] <u>\$1,010.00</u>	00		00
392.2		Driver fail to comply with local (laws, ordinances)	[\$60.00] <u>\$70.00</u>	00		00
392.3	(a)	Operating motor vehicle while (ill, fatigued)	[\$280.00] <u>\$290.00</u>	00		00
392.3	(b)	Motor Carrier permitting operator to drive when (ill, fatigued)	[\$280.00] <u>\$290.00</u>	00		00
392.4	(a)	Driver on duty (possess, be under the influence of, use) (Schedule I Drug, amphetamine, narcotic, derivative, other substance)	[\$1,000.00] <u>\$1,010.00</u>	00		00
392.4	(b)	Motor carrier (requiring, permitting) driver to violate 392.4 (a)	[\$1,000.00] <u>\$1,010.00</u>	00		00
392.5	(a)	No person within 4 hrs of (going on duty, operating, having physical control of a vehicle) shall (consume, possess) an intoxicating beverage regardless of alcoholic content	[\$1,000.00] <u>\$1,010.00</u>	00		00
392.5	(b)	Motor carrier (requiring, permitting) driver to violate 392.5 (a)	[\$1,000.00] <u>\$1,010.00</u>	00		00
392.8		Driver operating motor vehicle without prescribed emergency equipment	[\$80.00] <u>\$90.00</u>	00		00
392.9		No person shall drive a motor vehicle, and a motor carrier vehicle shall not require or permit a person to drive a motor vehicle unless the motor vehicle's cargo is properly distributed and adequately secured	[\$280.00] <u>\$290.00</u>	00		00
392.9	(a)	Operating w/o a Motor Carrier authority (MMC number) when for hire	[\$130.00] <u>\$140.00</u>	00		00
392.10	(a)	Failure to stop for railroad grade crossing as prescribed	[\$60.00] <u>\$70.00</u>	00		00
392.11		Failure to reduce speed as required when approaching a railroad crossing	[\$70.00] <u>\$80.00</u>	00		00
392.14		Failure to operate a motor vehicle with caution when hazardous conditions exist	[\$130.00] <u>\$140.00</u>	00		00
392.16		Operator failure to use seat belt	[\$60.00] <u>\$70.00</u>	00		00
392.22		Operator failing to properly place warning devices when stopped	[\$80.00] <u>\$90.00</u>	00		00
392.25		Operating of (Div 1.1 explosive, Div 1.2 explosive, Div 1.3 explosive, cargo tank flammable liquid, cargo tank compressed gas) transporting veh utilizing flame producing emergency warning devices	[\$130.00] <u>\$140.00</u>	00		00

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Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
392.33		Operating motor vehicle with required (lamps, reflectors) obscured by (tailboard, any part of load, dirt, or otherwise)	[\$60.00] \$70.00	00		00
392.60		Operating with unauthorized passengers	[\$60.00] \$70.00	00		00
392.71	(a)	(Driving, Operating) commercial vehicle (while using, equipped with, containing) radar detector	[\$280.00] \$290.00	00		00
392.71	(b)	Motor carrier permitting driver to operate commercial motor vehicle equipped with radar detector	[\$530.00] \$540.00	00		00
393.1		Motor carrier failing to comply with rules to part 393	[\$530.00] \$540.00	00		00
393.9		(Headlight, Taillight, Stoplight, Turn signal, ID light(s), Clearance light(s), Marker light(s)) inoperative	[\$60.00] \$70.00	00		00
393.20		Clearance lamps fail to indicate extreme height and width	[\$60.00] \$70.00	00		00
393.22		Prohibited lamp combinations	[\$60.00] \$70.00	00		00
393.30		Installation of battery improperly	[\$60.00] \$70.00	00		00
393.33		Wiring not installed in a workmanlike manner	[\$60.00] \$70.00	00		00
393.40	(a)	(Bus, Truck, Truck tractor, Combination of vehs) not equipped with brake system(s) as described in remainder of section	[\$530.00] \$540.00	00		00
393.41		Operating motor vehicle without proper parking brake system	[\$530.00] \$540.00	00		00
393.42		Brakes required on all wheels	[\$530.00] \$540.00	00		00
393.43		Emergency braking system not operating properly	[\$530.00] \$540.00	00		00
393.45	(a)	Brake (tubing, hose) (inadequate, not secure against damage)	[\$530.00] \$540.00	00		00
393.46	(a)	Brake (tubing, hose) connections are (inadequate, leaking)	[\$530.00] \$540.00	00		00
393.47		Brake (linings, pads) are inadequate	[\$530.00] \$540.00	00		00
393.48		Brake(s) on (truck, truck tractor, bus, combination of vehs) are inoperative	[\$530.00] \$540.00	00		00
393.51	(a)	Low air warning device inoperative	[\$530.00] \$540.00	00		00
393.60		Window glazing (improper, damaged, vision reducing material)	[\$60.00] \$70.00	00		00
393.65		Fuel system (improper location, mounting, venting closures, certification)	[\$60.00] \$70.00	00		00
393.70		Inadequate (fifth wheel assembly, towing device)	[\$80.00] \$90.00	00		00
393.71		Exceeding permitted number of saddle mounts, tow bars)	[\$80.00] \$90.00	00		00
393.75	(a)	Operating motor vehicle with fabric exposed through (tread, sidewall) of tire	[\$130.00] \$140.00	00		00
<u>393.75</u>	<u>(a3)</u>	<u>Operating motor vehicle with (flat tire, audible air leak)</u>	<u>\$140.00</u>	<u>00</u>		<u>00</u>
393.75	(b)	Operating motor vehicle with inadequate steering axles tire(s)	[\$130.00] \$140.00	00		00
393.75	(c)	Operating motor vehicle with inadequate tires other than steering axle	[\$130.00] \$140.00	00		00
393.75	(f)	Operating a motor vehicle carrying a weight greater than specified for the tires	[\$130.00] \$140.00	00		00
<u>393.75</u>	<u>(h1)</u>	<u>Operating a motor vehicle with under-inflated tire</u>	<u>\$140.00</u>	<u>00</u>		<u>00</u>

THE JUDICIARY

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Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
393.78		Operating motor vehicle with (inadequate, inoperable) windshield wipers	[\$60.00] <u>\$70.00</u>	00		00
393.79		Operating motor vehicle with inadequate defrosting device	[\$60.00] <u>\$70.00</u>	00		00
393.80		Operating motor vehicle (without required rearview mirrors, with inadequate, improperly mounted mirrors)	[\$60.00] <u>\$70.00</u>	00		00
393.81		Operating motor vehicle without adequate horn	[\$60.00] <u>\$70.00</u>	00		00
393.82		Failure to equip (bus, truck, truck tractor) with operative speedometer	[\$60.00] <u>\$70.00</u>	00		00
393.83		(Inadequate, Improper) exhaust system	[\$60.00] <u>\$70.00</u>	00		00
393.84		Operating motor vehicle with hole in the flooring	[\$60.00] <u>\$70.00</u>	00		00
393.86		Operating motor vehicle without required rearend protection	[\$60.00] <u>\$70.00</u>	00		00
393.87		Operating motor vehicle with extended load without flags	[\$60.00] <u>\$70.00</u>	00		00
393.90		Bus not marked with standee line or bar	[\$60.00] <u>\$70.00</u>	00		00
393.92		Bus emergency door not clearly marked as required	[\$60.00] <u>\$70.00</u>	00		00
393.93		Operating (bus, truck, truck tractor) without seat belt assemblies, and seat belt assembly anchorage	[\$60.00] <u>\$70.00</u>	00		00
393.95	(a)	Operating motor vehicle without proper required emergency equipment on power unit	[\$80.00] <u>\$90.00</u>	00		00
393.95	(a2)	Operating motor vehicle carrying hazardous material without proper required emergency equipment on power unit	[\$130.00] <u>\$140.00</u>	00		00
393.95	(f)	Operating a motor veh without proper required emergency roadside warning devices	[\$60.00] <u>\$70.00</u>	00		00
393.100	(b)	Driver failing to prevent against loss of load	[\$130.00] <u>\$140.00</u>	00		00
393.100	(c)	Driver failing to prevent against shifting load	[\$130.00] <u>\$140.00</u>	00		00
393.102	(c)	Exceeding the working load limit of load securement devices	[\$130.00] <u>\$140.00</u>	00		00
393.104	(a)	Securement devices failing to meet requirements of 393-102	[\$130.00] <u>\$140.00</u>	00		00
393.104	(b)	Use of damaged securement devices	[\$130.00] <u>\$140.00</u>	00		00
393.104	(c)	Use of inadequate vehicle structures or anchor points	[\$130.00] <u>\$140.00</u>	00		00
393.104	(f)	Use of improper tiedown devices	[\$130.00] <u>\$140.00</u>	00		00
393.106	(b)	Cargo must be firmly secured and immobilized	[\$130.00] <u>\$140.00</u>	00		00
393.106	(c)	Failing to properly place and restrain cargo	[\$130.00] <u>\$140.00</u>	00		00
393.108	(a)	Exceeding working load limit of tiedown or securement device	[\$130.00] <u>\$140.00</u>	00		00
393.110	(a)	Improper number of tiedowns used for length of cargo	[\$130.00] <u>\$140.00</u>	00		00
393.112		Failing to use adjustable tiedown securement devices	[\$130.00] <u>\$140.00</u>	00		00
393.114	(a)	Use of inadequate front end structure	[\$130.00] <u>\$140.00</u>	00		00
393.116		Failure to secure logs by product specific rules	[\$130.00] <u>\$140.00</u>	00		00

THE JUDICIARY

Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
393.118		Failure to secure dressed lumber/building by products specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.120		Failure to secure metal articles by product specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.122		Failure to secure paper rolls by product specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.124		Failure to secure concrete pipe by specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.126		Failure to secure intermodal containers by load specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.128		Failure to secure automobile, light truck/vans by load specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.130		Failure to secure heavy equipment/machinery by load specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.132		Failure to secure crushed/flattened cars by load specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.134		Failure to secure roll-on/off/hook-lift containers by products specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.136		Failure to secure large boulders by product specific rules	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.201	(a)	The frame of every commercial vehicle shall not be cracked, loose, sagging or broken	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.203		Motor vehicle cab and body components (missing, broken, not secured)	[<u>\$60.00</u> <u>\$70.00</u>]	00		00
393.205	(a)	Wheels and rims shall not be cracked or broken	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
<u>393.205</u>	<u>(c)</u>	<u>Operating motor vehicle with missing wheel fasteners</u>	<u>\$140.00</u>	<u>00</u>		<u>00</u>
393.207	(c)	No leaf spring shall be cracked, broken or missing nor shifted out of position	[<u>\$80.00</u> <u>\$90.00</u>]	00		00
393.207	(e)	Torsion bar or torsion bar suspension shall not be cracked or broken	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
393.209	(d)	No universal joint, steering gear box, or pitman area shall be worn, faulty, loose, or not have loose or missing mounting bolts	[<u>\$130.00</u> <u>\$140.00</u>]	00		00
395.3	(a)	Driver driving after having (driven, been on duty) for (10,15) hours	[<u>\$280.00</u> <u>\$290.00</u>]	00		00
395.3	(a1)	Driver of property carrying vehicle driving after having driven 11 hours without 10 hours off duty	[<u>\$280.00</u> <u>\$290.00</u>]	00		00
395.3	(a2)	Driver of property carrying vehicle driving after 14 hours of having come on duty without 10 hours off duty	[<u>\$280.00</u> <u>\$290.00</u>]	00		00
395.3	(b)	Motor carrier (requiring, permitting) driver driving after having been on duty for (60, 70) hours in (7,8) consecutive days	[<u>\$1,000.00</u> <u>\$1,010.00</u>]	00		00
395.3	(b1)	Driver driving after having been on duty for (60, 70) hours in (7,8) consecutive days	[<u>\$1,000.00</u> <u>\$1,010.00</u>]	00		00
395.5	(a1)	Driver of passenger carrying vehicle driving more than 10 hours without 8 hours off duty	[<u>\$280.00</u> <u>\$290.00</u>]	00		00
395.5	(a2)	Driver of passenger carrying vehicle driving after having been on duty for 15 hours without 8 hours off duty	[<u>\$280.00</u> <u>\$290.00</u>]	00		00
395.5	(b)	Driver of passenger carrying vehicle driving after having been on duty for (60/70) hours in (7/8) consecutive days	[<u>\$1,000.00</u> <u>\$1,010.00</u>]	00		00
395.8		Motor carrier failing to require drivers to keep proper records of duty status	[<u>\$1,000.00</u> <u>\$1,010.00</u>]	00		00
395.8	(a)	Driver fail to record his/her duty status	[<u>\$280.00</u>]	00		00
395.8	(e)	Driver preparing falsified record of duty status	[<u>\$1,000.00</u> <u>\$1,010.00</u>]	00		00
395.8	(f)	Driver record of duty status not current	[<u>\$80.00</u> <u>\$90.00</u>]	00		00

THE JUDICIARY

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Transportation Article					Cont. to Accident	
Sec.	Para.	Charge	Fine	Points	Fine	Points
395.8	(k)	Driver fail to possess record of duty status for previous 7 consecutive days	[\$280.00] \$290.00	00		00
395.8	(k1)	Motor carrier failure to maintain prior 6 months of driver records of hours when required	[\$1,000.00] \$1,010.00	00		00
395.13	(c)	Motor carrier (requiring, permitting) driver declared out-of service to operate a motor vehicle	[\$1,000.00] \$1,010.00	00		00
395.13	(d)	Driver declared out-of service operating a motor vehicle prior to time lawfully allowed	[\$1,000.00] \$1,010.00	00		00
396.1		Carrier failing to comply with rules in Part 396	[\$1,000.00] \$1,010.00	00		00
396.3		Failure of motor carrier to maintain certain vehicle maintenance records	[\$1,000.00] \$1,010.00	00		00
396.3	(a)	Parts/accessories not specifically provided for not in safe operating condition	[\$130.00] 140.00	00		00
396.7		Operating motor vehicle in condition likely to cause (accident, breakdown)	[\$1,000.00] \$1,010.00	00		00
396.9	(c2)	Driver driving out-of-service motor vehicle prior to repairing out-of-service defects	[\$1,000.00] \$1,010.00	00		00
396.9	(c2)	Motor carrier (requiring, permitting) out-of-service vehicle to be operated prior to repairing out-of-service defects	[\$1,000.00] \$1,010.00	00		00
396.9	(c3)	Removing out-of-service vehicle sticker prior to completion of all repairs noted on the sticker	[\$1,000.00] \$1,010.00	00		00
396.9	(d2)	Motor carrier fail to correct defects noted on inspection report	[\$1,000.00] \$1,010.00	00		00
396.9	(d3)	Motor carrier fail to certify and complete inspection report and return to address indicated on form within 15 days of inspection date	1st offense [\$1,000.00] \$1,010.00 2 nd or subsequent offense MA			
396.11	(a)	Motor carrier failing to require driver to prepare post trip inspection report(s) for each vehicle operated	[\$1,000.00] \$1,010.00	00		00
396.13		Driver failure to assure safe operating condition of motor veh prior to driving	[\$80.00] \$90.00	00		00
397.2		Failure to comply with Federal Motor Carrier Safety Regulations when transporting hazardous materials by motor vehicle which must be marked and placarded	[\$1,000.00] \$1,010.00	00		00
397.5	(a)	Motor vehicle containing (Div 1.1, Div 1.2, Div 1.3) explosives left unattended by (driver, qualified representative) of the motor carrier	[\$1,000.00] \$1,010.00	00		00
397.5	(c)	Motor vehicle containing hazardous materials located on public street of highway left unattended by its (driver, qualified representative) of the carrier	[\$280.00] \$290.00	00		00
397.67	(b)	Motor vehicle containing hazardous materials being operated (through, near) heavily populated areas when there is a practical alternative	[\$130.00] \$140.00	00		00
397.67	(d)	Motor carrier (requiring, permitting) motor vehicle containing (Div 1.1, Div 1.2, Div 1.3) explosives to be operated without furnishing written copy of route plan to driver	[\$280.00] \$290.00	00		00
397.7	(a1)	Motor vehicle containing (Div 1.1, Div 1.2, Div 1.3) explosives parked(on, within 5 feet of)the traveled portion of a public street or highway	[\$1,000.00] \$1,010.00	00		00
397.7	(a2)	Motor vehicle containing (Div 1.1, Div 1.2, Div 1.4) explosives parked on private property without the knowledge and consent of the person in charge of the property	[\$1,000.00] \$1,010.00	00		00
397.7	(a3)	Motor vehicle with (Div 1.1, Div 1.2, Div 1.3) explosives parked within 300 feet of a (bridge, tunnel, place where people work, live, etc.	[\$1,000.00] \$1,010.00	00		00
397.7	(b)	Motor vehicle containing hazardous material other than Div 1.1, Div 1.2 or Div 1.3 explosives parked (on, within 5 feet of the traveled portion of a) (public street, highway)	[\$130.00] \$140.00	00		00

THE JUDICIARY

Transportation Article				Cont. to Accident		
Sec.	Para.	Charge	Fine	Points	Fine	Points
397.11	(a)	Motor vehicle containing hazardous materials being operated near an open fire	[\$130.00] <u>\$140.00</u>	00		00
397.11	(b)	Motor vehicle containing hazardous materials parked within 300 feet of an open fire	[\$130.00] <u>\$140.00</u>	00		00
397.13		No person may smoke or carry a lighted cigarette, cigar or pipe on or within 25 feet of a motor vehicle which contains explosives, oxidizing materials or flammable material; or an empty tank motor vehicle which has been used to transport flammable liquids or gases and which, when so used, was required to be marked or placarded	[\$130.00] <u>\$140.00</u>	00		00
397.15		Motor vehicle containing hazardous materials (being, fueled while engine is operating, no person in control of fueling process at point where fuel tank is filled)	[\$130.00] <u>\$140.00</u>	00		00
397.17	(a)	Driver of motor vehicle containing hazardous materials failing to examine tires as required	[\$130.00] <u>\$140.00</u>	00		00
397.17	(b)	Driver of motor vehicle containing hazardous materials failing to (repair, replace, properly inflate)(flat, leaking, improperly inflated) tire on that vehicle)	[\$130.00] <u>\$140.00</u>	00		00
397.17	(c)	Operating motor vehicle containing hazardous materials while tire is overhead and failing to correct cause of overheating	[\$280.00] <u>\$290.00</u>	00		00
397.19	(a)	Motor carrier failing to provide driver of motor vehicle carrying (Div 1.1, Div 1.2, Div 1.3) explosives with necessary documents for transportation of explosives	[\$280.00] <u>\$290.00</u>	00		00
397.19	(c)	Driver of motor veh. carrying (Div 1.1, Div 1.2, Div 1.3) explosives failing to have in his possession and be familiar with necessary transportation documents.	[\$130.00] <u>\$140.00</u>	00		00

[10-20-29]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 14

INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Emergency Action

[10-247-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations **.02**, **.03**, **.16**, and **.18** under **COMAR 14.01.10 Video Lottery Terminals**.

Emergency status began: August 31, 2010.

Emergency status expires: February 25, 2011.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:18 Md. R. 1239—1240 (August 27, 2010), referenced as [10-247-P].

STEPHEN L. MARTINO
Director
State Lottery Agency

Subtitle 01 STATE LOTTERY AGENCY

Notice of Emergency Action

[10-268-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulations **.14**, **.15**, and **.17** under **COMAR 14.01.10 Video Lottery Terminals**; and

(2) New Regulation **.08** under **COMAR 14.01.11 Video Lottery Facility Operation Licenses**.

Emergency status began: August 31, 2010.

Emergency status expires: February 25, 2011.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:19 Md. R. 1307—1308 (September 10, 2010), referenced as [10-268-P].

STEPHEN L. MARTINO
Director
State Lottery Agency

Subtitle 01 STATE LOTTERY AGENCY

14.01.11 Video Lottery Facility Operation Licenses

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Emergency Action

[10-269-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulation **.07** under **COMAR 14.01.11 Video Lottery Facility Operation Licenses**.

Emergency status began: August 31, 2010.

Emergency status expires: February 25, 2011.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:19 Md. R. 1308—1309 (September 10, 2010), referenced as [10-269-P].

STEPHEN L. MARTINO
Director
State Lottery Agency

Subtitle 01 STATE LOTTERY AGENCY

Notice of Emergency Action

[10-229-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) New Regulation **.03** under **COMAR 14.01.12 Video Lottery Terminal Machines**; and

(2) New Regulations **.01 — .09** under a new chapter, **COMAR 14.01.17 Mandatory Exclusion**.

Emergency status began: August 31, 2010.

Emergency status expires: February 25, 2011.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:16 Md. R. 1084—1086 (July 30, 2010), referenced as [10-229-P].

STEPHEN L. MARTINO
Director
State Lottery Agency

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 03

COMPTROLLER OF THE TREASURY

Subtitle 02 ALCOHOL AND TOBACCO TAX

03.02.06 Fire Safety Performance Standard for Cigarettes

Authority: Business Regulation Article, §16-607(1), Annotated Code of Maryland

Notice of Final Action

[10-060-F]

On September 9, 2010, the Comptroller of the Treasury adopted new Regulations **.01—05** under a new chapter, **COMAR 03.02.06 Fire Safety Performance Standard for Cigarettes**. This action, which was proposed for adoption in 37:3 Md. R. 181—182 (January 29, 2010) and repropoed in 37:12 Md. R. 801—802 (June 4, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 4, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03(C)(1): The change conforms the language to that in 03.02.06.03(A)(2).

Regulation .03(C)(3): The change provides that the reason a cigarette shall be removed from the Fire Safety Certification List for noncompliance with federal law or regulations is because the cigarette may not be sold in the State.

.03 Fire Safety Cigarette Certification List.

A.—B. (proposed text unchanged)

C. *A cigarette shall be removed from the Fire Safety Cigarette Certification List if it:*

(1) *Is a style of a brand family ~~[[whose]]~~ of a tobacco product manufacturer that has not been certified by the Attorney General;*

(2) (proposed text unchanged)

(3) ~~[[Does]]~~ *May not be sold in the State, because it does* not comply with federal law or regulations.

D. (proposed text unchanged)

PETER FRANCHOT
Comptroller of the Treasury

Title 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 19 HOMEBUYER EDUCATION AND COUNSELING

05.19.01 Required Notice of Housing Counseling Program and Services

Authority: Commercial Law Article, §12-1203, Annotated Code of Maryland

Notice of Final Action

[10-210-F]

On September 13, 2010, the Secretary of Housing and Community Development adopted new Regulations **.01—05** under a new chapter, **COMAR 05.19.01 Required Notice of Housing Counseling Programs and Services** under a new subtitle, **COMAR 05.19 Homebuyer Education and Counseling**. This action, which was proposed for adoption in 37:15 Md. R. 1002—1004 (July 16, 2010), has been adopted as proposed.

Effective Date: January 1, 2011.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 08 DEEP CREEK LAKE

08.08.05 Permits

Authority: Natural Resources Article, §§5-209, 5-215, and 8-704, Annotated Code of Maryland

Notice of Final Action

[09-318-F]

On September 15, 2010, the Secretary of Natural Resources adopted amendments to Regulation **.03** under **COMAR 08.08.05 Permits**. This action, which was proposed for adoption in 36:21 Md. R. 1598—1599 (October 9, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 4, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03: The change eliminates the necessity to obtain additional boat permits for boats kept on the lake and the fees that would have been associated with the permits. The change reflects the Department's consideration of public comment on the proposed regulation and opposition to additional permits and fees for boats kept on the lake. The affected stakeholders could have reasonably anticipated these changes based on discussions at the public hearings.

.03 Uses Permitted with a Buffer Strip Use Permit.

A. (proposed text unchanged)

B. Unless otherwise authorized by a special permit, a development permit, or a nonconforming use permit, a buffer strip use permittee may install mooring buoys and a boating or swimming structure, or both, if the following requirements are met. The permittee may:

(1) (proposed text unchanged)

(2) [Keep not more than three boats on the lake, including boats that are docked and those that are moored;] *Keep up to four boats on the lake, including boats that are docked and those that are moored, not more than two of which may be power boats, or three which may be a combination of power boats and personal watercraft* [, provided that the permittee obtains a permit for the personal watercraft and pays a \$100 permit fee];

(3) [Keep not more than two power boats on the lake;] *Keep not more than three power boats on the lake* [, provided that the permittee obtains a \$100 permit for the third powerboat]; and

(4) (proposed text unchanged)

C. — H. (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Subtitle 08 DEEP CREEK LAKE

08.08.05 Permits

Authority: Natural Resources Article, §§5-209, 5-215, and 8-704, Annotated Code of Maryland

Notice of Final Action

[09-319-F]

On September 15, 2010, the Secretary of Natural Resources adopted amendments to Regulation .06 under **COMAR 08.08.05 Permits**. This action, which was proposed for adoption in 36:21 Md. R. 1599—1600 (October 9, 2009), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 4, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .06D(1): The change eliminates the necessity to obtain a personal watercraft permit and the fee that would have been associated with the permit, as personal watercraft may be approved by the lake manager under the terms of the development permit. The change reflects the Department's consideration of public comment on the proposed regulation and opposition to additional watercraft permits and fees. The affected stakeholders could have reasonably anticipated these changes based on discussions at the public hearings.

.06 Development Permits

A. — C. (proposed text unchanged)

D. Issuance.

(1) When a development permit is required for all or part of a property, the lake manager may not issue a buffer strip use permit in connection with the property unless the developer has obtained the development permit. The development permit is intended to facilitate a preliminary review process for development employing deeded access, common dock facilities, or multiple family dwellings, hotels, motels, and convention centers. After reviewing the application for a development permit, the lake manager may grant or deny the application as follows:

(a) — (d) (proposed text unchanged)

(e) The lake manager may approve less than one slip space or mooring buoy for each 50 feet of frontage as described in §D(1)(d) of this regulation, if the lake manager determines that this action is necessary under the criteria set out in Regulation .01C of this chapter[.];

(f) *[[Subject to §D(1)(g) of this regulation, the]] The lake manager may approve the docking of personal watercraft at a common dock facility that originated with a development permit if:*

(i) — (ii) (proposed text unchanged)

[[g) The permittee shall obtain a permit for each personal watercraft and pay a fee of \$100 per personal watercraft permit;]]

(2) — (4) (proposed text unchanged)

E. — G. (proposed text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 14 CANCER CONTROL

10.14.05 Maryland Cancer Fund

Authority: Health-General Article, §20-117, Annotated Code of Maryland

Notice of Final Action

[10-192-F]

On September 9, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .08 and .16 under **COMAR 10.14.05 Maryland Cancer Fund**. This action, which was proposed for adoption in 37:15 Md. R. 1011—1012 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

**Subtitle 22 DEVELOPMENTAL
DISABILITIES**

**10.22.18 Community Supported Living
Arrangements Payment System**

Authority: Health-General Article, §§2-104(b), 7-306.1, 7-714, 7-910(c), 15-105, 15-107, and 16-201, Annotated Code of Maryland

Notice of Final Action

[10-191-F]

On September 15, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .04 under **COMAR 10.22.18 Community Supported Living Arrangements Payment System**. This action, which was proposed for adoption in 37:15 Md. R. 1012—1014 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.20 Format of Prescription Transmission

Authority: Health Occupations Article, §12-205(a)(3)(ii), Annotated Code of Maryland

Notice of Final Action

[10-157-F]

On September 8, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01—.04 under **COMAR 10.34.20 Format of Prescription Transmission**. This action, which was proposed for adoption in 37:12 Md. R. 805—806 (June 4, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

**Subtitle 35 POST MORTEM
EXAMINERS COMMISSION**

10.35.02 Testing Blood and Breath for Alcohol

Authority: Health-General Article, §§5-307 and 5-311; Courts and Judicial Proceedings Article, §§10-304 and 10-306; Annotated Code of Maryland

Notice of Final Action

[10-225-F]

On September 14, 2010, the Secretary of Health and Mental Hygiene adopted new Regulations .01—.09 under a new chapter, **COMAR 10.35.02 Testing Blood and Breath for Alcohol**. This action, which was proposed for adoption in 37:16 Md. R. 1067—1071 (July 30, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

**Subtitle 54 SPECIAL SUPPLEMENTAL
NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN
(WIC)**

10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

Notice of Final Action

[10-196-F]

On September 9, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .18 under **COMAR 10.54.02 Local Agency**. This action, which was proposed for adoption in 37:15 Md. R. 1014—1015 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

**Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES**

**Subtitle 14 COMMISSION ON
CORRECTIONAL STANDARDS**

12.14.01 Administrative Procedures

Authority: Correctional Services Article, Title 8, Subtitle 1, Annotated Code of Maryland

Notice of Final Action

[10-094-F]

On April 23, 2010, the Secretary of Public Safety and Correctional Services, in cooperation with the Commission on Correctional Standards, adopted amendments to Regulation .02 under **COMAR 12.14.01 Administrative Procedures**. This action, which was proposed for adoption in 37:5 Md. R. 439 (February 26, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

GARY D. MAYNARD
Secretary of Public Safety and Correctional Services

Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

13A.12.01 General Provisions

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705, Annotated Code of Maryland

Notice of Final Action

[10-198-F]

On September 2, 2010, the Professional Standards and Teacher Education Board adopted amendments to Regulations **.04** and **.11** under **COMAR 13A.12.01 General Provisions**. This action, which was proposed for adoption in 37:15 Md. R. 1016 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), and 6-701—6-705, Annotated Code of Maryland

Notice of Final Action

[10-199-F]

On September 2, 2010, the Professional Standards and Teacher Education Board adopted new Regulations **.25** and **.26** under **COMAR 13A.12.02 Teachers**. This action, which was proposed for adoption in 37:15 Md. R. 1016—1017 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

NANCY S. GRASMICK
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Final Action

[10-201-F]

On September 1, 2010, the Maryland State Lottery Agency adopted amendments to Regulation **.13** under **COMAR 14.01.10 Video Lottery Terminals**. This action, which was proposed for adoption in 37:15 Md. R. 1017—1018 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

STEPHEN L. MARTINO
Director
State Lottery Agency

Subtitle 01 STATE LOTTERY AGENCY

Notice of Final Action

[10-229-F]

On September 14, 2010, the Maryland State Lottery Agency adopted:

(1) New Regulation **.03** under **COMAR 14.01.12 Video Lottery Terminal Machines**; and

(2) New Regulations **.01—09** under a new chapter, **COMAR 14.01.17 Mandatory Exclusion**.

This action, which was proposed for adoption in 37:16 Md. R. 1084—1086 (July 30, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

STEPHEN L. MARTINO
Director
State Lottery Agency

Subtitle 01 STATE LOTTERY AGENCY

14.01.16 Voluntary Exclusion and Responsible Gaming

Authority: State Government Article, §9-1A-24(e), Annotated Code of Maryland

Notice of Final Action

[10-194-F]

On September 1, 2010, the Maryland State Lottery Agency adopted new Regulations **.01—10** under a new chapter, **COMAR 14.01.16 Voluntary Exclusion and Responsible Gaming**. This action, which was proposed for adoption in 37:15 Md. R. 1018—1020 (July 16, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

STEPHEN L. MARTINO
Director
State Lottery Agency

Title 30
MARYLAND INSTITUTE
FOR EMERGENCY
MEDICAL SERVICES
SYSTEMS (MIEMSS)

Subtitle 02 EMERGENCY MEDICAL
SERVICES PROVIDERS

30.02.02 Licensure and Certification

Authority: Education Article, §13-516, Annotated Code of Maryland

Notice of Final Action

[10-211-F]

On September 14, 2010, the Emergency Medical Services Board adopted the repeal of existing Regulation .07 and adopted new Regulation .07 under COMAR 30.02.02 Licensure and Certification This action, which was proposed for adoption in 37:6 Md. R. 1088—1089 (July 30, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

ROBERT R. BASS
 Executive Director

Title 34
DEPARTMENT OF
PLANNING

Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.01 Maryland Historical Trust Historic
Preservation Grant Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10, Annotated Code of Maryland
 Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Final Action

[10-230-F]

On September 14, 2010, the Maryland Department of Planning adopted amendments to Regulation .08 under COMAR 34.04.01 Maryland Historical Trust Historic Preservation Grant Program. This action, which was proposed for adoption in 37:16 Md. R. 1093 (July 30, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

RICHARD E. HALL
 Director of Planning

Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.07 Sustainable Communities Tax Credit
Certifications

Authority: State Finance and Procurement Article, §5A-303, Annotated Code of Maryland

Notice of Final Action

[10-197-F]

On September 14, 2010, the Maryland Department of Planning adopted the proposed amendments to Regulations .01—.05, adopted new Regulation .06, and recodified existing Regulation .06 to be Regulation .07 under COMAR 34.04.07 Sustainable Communities Tax Credit Certifications. This action, which was proposed for adoption in 37:15 Md. R. 1026—1030 (July 30, 2010), has been adopted as proposed.

Effective Date: October 4, 2010.

RICHARD E. HALL
 Secretary of Planning

Subtitle 04 HISTORICAL AND
CULTURAL PROGRAMS

34.04.09 Maryland Historical Trust African
American Heritage Preservation Grant Program

Authority: State Finance and Procurement Article, §§5-7B-01—5-7B-10 and 5A-330, Annotated Code of Maryland; Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Final Action

[10-224-F]

On September 14, 2010, the Maryland Department of Planning adopted new Regulations .01—.11 under a new chapter, COMAR 34.04.09 Maryland Historical Trust African American Heritage Preservation Grant Program This action, which was proposed for adoption in 37:16 Md. R. 1093—1097 (July 30, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: October 4, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulations .06 and .07: Nonsubstantive changes were made by deleting fixed date deadlines for solicitation and public announcement of grant availability and for completion of review of grant applications. These dates are not required by statute and will have passed for 2010 before these regulations take affect, and deletion of these dates does not affect implementation of the Program.

.06 General Grant Allocation Procedures.

A. Application Solicitation.

(1) [[On or before May 15]] For Fiscal Year 2012 and each fiscal year thereafter, the Trust and the Commission jointly shall solicit applications for the award of grants under the Program.

(2) *[[On or before May 15]] For Fiscal Year 2012 and each fiscal year thereafter, the Trust and the Commission jointly shall issue a public announcement of the availability of funds under the Program as follows:*

(a)—(d) (proposed text unchanged)

(3)—(5) (proposed text unchanged)

B. (proposed text unchanged)

.07 Approvals.

A. Departmental Approval.

(1) (proposed text unchanged)

(2) [[On or before October 1 each]] Each year, the Commission shall review all applications and Trust staff comments and shall evaluate, rank, and recommend funding levels for eligible applications. The Commission shall transmit to the Board of Trustees eligible application summaries, Commission rankings, and funding levels recommended by the Commission.

(3)—(4) (proposed text unchanged)

B.—C. (proposed text unchanged)

RICHARD E. HALL
Secretary of Planning

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 05

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 05 RENTAL HOUSING PROGRAMS

05.05.07 Maryland Housing Rehabilitation Program — Multifamily Rehabilitation Program

Authority: Housing and Community Development Article, §2-111 and Title 4,
Subtitle 9, Annotated Code of Maryland
Executive Orders 01.01.1992.27C and 01.01.1998.04

Notice of Proposed Action

[10-267-P]

The Secretary of Housing and Community Development proposes to repeal existing Regulations .01—.31 and adopt new Regulations .01—.29 under COMAR 05.05.07 Maryland Housing Rehabilitation Program — Multifamily Rehabilitation Program.

Statement of Purpose

The purpose of this action is to repeal existing regulations under COMAR 05.05.07 and adopt new regulations under COMAR 05.05.07.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patricia Rynn Sylvester, Director, Multifamily Housing Programs, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7481, or email to Sylvester@mdhousing.org, or fax to 410-987-4097. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.01 General.

This chapter prescribes the policies, procedures, and authorizations for making loans for the rehabilitation or acquisition and rehabilitation of residential buildings providing five or more dwelling units, nonresidential buildings, and mixed residential and nonresidential buildings under Housing and Community Development Article, Title 4, Subtitle 9, Annotated Code of Maryland.

.02 Objective.

A. The primary objective of the Program is to make construction, bridge, and permanent loans at preferred interest rates to sponsors, including nonprofit sponsors, local political jurisdictions, and housing authorities, to finance the rehabilitation or acquisition and rehabilitation of rental residential buildings, particularly to insure the preservation of existing affordable housing.

B. The Program is designed to complement and not compete with existing local, State, and federal programs. The program shall be administered to the maximum extent possible consistent with locally approved plans or programs of concentrated neighborhood revitalization and in conjunction with federal programs assisting the rehabilitation of housing so as to ensure maximum use of all available resources.

C. The Program may be used to make construction, bridge and permanent loans for the rehabilitation or acquisition and rehabilitation of historic and nonresidential buildings to achieve community revitalization or other local development plans.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means Housing and Community Development Article, Annotated Code of Maryland.

(2) "Annual income" means annual income as defined by the United States Department and Housing and Urban Development at 24 CFR §5.609, as amended from time to time.

(3) "Applicable codes and standards" means:

(a) The applicable construction, health, safety, fire, occupancy, and other codes and standards in force in the political subdivision in which a project is located; or

(b) If the codes and standards under §B(3)(a) of this regulation do not exist or are determined by the Secretary to be insufficient to promote the purposes of the Act, then the codes and standards prescribed in COMAR 05.02.01.

(4) "Applicant" means a person, partnership, corporation, or other entity applying for a loan under the Program.

(5) "Bridge loan" means an interim loan used during the rehabilitation of a project and repaid with cash proceeds realized from a syndicated sale of the project or with the proceeds of permanent loans from other sources.

(6) "Closing costs" means:

(a) Financing costs such as a credit report fee, title examination, loan origination fee, title insurance fee, application fee, survey fee, recording fees, state and local transfer taxes, and recording taxes;

(b) Prepaid expenses such as property taxes, ground rent, and any mortgage insurance premiums to be paid at closing; and

(c) Other costs incidental to the closing of a loan and acceptable to the Department.

(7) "Commercial revitalization area" means a sustainable community under §6-201(l) of the Act.

(8) "County" means any county in the State or Baltimore City.

(9) "Department" means the Department of Housing and Community Development, a principal department of the State.

(10) "Development costs" means costs incurred to rehabilitate or acquire and rehabilitate a project, as approved by the Department, including:

(a) Necessary studies, surveys, plans, and specifications;

(b) Reasonable fees for architectural, engineering, legal, accounting or other special services;

(c) Special studies, including:

(i) Appraisals;

(ii) Compaction tests;

(iii) Test borings;

(iv) Market analyses;

(v) Construction cost estimates; and

(vi) Environmental or other special engineering studies;

(d) Acquisition of land and improvements;

(e) Site preparation;

(f) Cost of labor and materials for rehabilitation and installation of improvements as set forth in approved plans and specifications;

(g) Acquisition of necessary machinery, equipment, and furnishings installed at the project, including household appliances normally supplied to tenants in the rental market;

(h) Initial occupancy expenses of the project including marketing and advertising costs;

(i) Indemnity and surety bonds;

(j) Premiums on hazard and liability insurance;

(k) Relocation expenses;

(l) Closing costs;

(m) Program administrative expenses; and

(n) Other costs and fees acceptable to the Department.

(11) "Director" means the Director of the Division of Development Finance of the Department.

(12) "Family of limited income" means a household whose annual income does not exceed the upper income limits established by the Secretary in accordance with §4-915 of the Act and Regulation .07 of this chapter.

(13) "Family of lower income" means a household whose annual income does not exceed the upper income limits established by the Secretary in accordance with §4-916(b) of the Act and Regulation .09 of this chapter, which income limits are less than those established for families of limited income. A family of lower income is automatically a family of limited income.

(14) "Fund" means the Rental Housing Programs Fund established under Section 4-504 of the Act, which is a nonlapsing special fund consisting of all moneys appropriated or otherwise available and allocated to the Programs and other Programs of the Department.

(15) "Household" means an individual or a group of individuals who occupy a dwelling as their permanent residence.

(16) "Loan" means a loan made under the Act and this chapter.

(17) "Loan documents" means those documents required by the Department to evidence or secure the loan or enforce the requirements of the Act or this chapter.

(18) "Local contribution" means a contribution by the political subdivision in which a proposed project is situated as provided in Regulation .07 of this chapter.

(19) "Minimum basic housing" means a housing facility with private sleeping spaces for each household and common, shared, or independent sanitary facilities and common or shared living, dining, and kitchen facilities.

(20) "Mixed use" means any use which combines residential and nonresidential uses in the same building.

(21) Nonprofit Organization.

(a) "Nonprofit organization" means a corporation, foundation, or other legal entity, no part of the net earnings of which inures to the benefit of a private shareholder or individual holding an interest in the entity.

(b) "Nonprofit organization" includes a qualified nonprofit organization as defined in §42(h)(5)(C) of the Internal Revenue Code.

(22) "Nonprofit sponsor" means a sponsor that is a:

(a) Nonprofit organization; or

(b) Limited partnership if:

(i) Each general partner is a nonprofit organization or a wholly owned subsidiary of a nonprofit organization;

(ii) The limited partnership is formed to undertake a project that is eligible as a whole or in part for a federal program or incentive, including low-income housing tax credits; and

(iii) A nonprofit organization manages the project or will receive the net cash flow or the residual sale proceeds on the sale of the project.

(23) "Nonresidential use" means any public or private commercial use other than residential use which helps rehabilitate and develop housing.

(24) "Political subdivision" means a county or municipal corporation of the State.

(25) "Program" means the Multifamily Rehabilitation Program of the Maryland Housing Rehabilitation Program.

(26) "Program Director" means the Director of Multifamily Housing in the Division of Development Finance of the Department.

(27) *Residential Use.*

(a) "Residential use" means any use which provides permanent or temporary housing.

(b) "Residential use" includes traditional apartments, single room occupancy housing, shared living unit facilities, congregate housing, group housing, and temporary shelters.

(28) "Secretary" means the Secretary of Housing and Community Development.

(29) *Sponsor.*

(a) "Sponsor" means all of the following:

(i) A borrower or obligor on a loan made by the Department to finance a project;

(ii) The person or entity principally responsible for the project and loan application before the loan closing;

(iii) Any person or entity who has an ownership interest in, or identity of interest with, a person or entity under §B(29)(a)(i) or (ii) of this regulation; and

(iv) An applicant that develops a project and qualifies under §B(29)(a)(i), (ii) or (iii) of this regulation.

(b) "Sponsor" includes a nonprofit sponsor.

(30) "State" means the State of Maryland.

.04 Eligible Sponsors.

A. Sponsors shall meet the following minimum requirements to qualify for a loan:

(1) Be in good standing and be qualified to do business in the State;

(2) Have the legal capacity and all necessary legal authorizations to incur the obligations of the loan; and

(3) Demonstrate creditworthiness and repayment ability acceptable to the Department.

B. Sponsors shall also:

(1) Provide a relocation plan, if applicable, in a form acceptable to the Department with assurances that existing residential and commercial tenants will receive relocation protections; and

(2) Agree to comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. §4601) and §104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. §5304(d)).

.05 Eligible Uses.

A. Program funds may be used for construction, permanent or bridge loans to sponsors to finance the rehabilitation or acquisition and rehabilitation costs of eligible projects.

B. Program funds may not be used for:

(1) Acquisition only of land or buildings, but may be used for acquisition in connection with rehabilitation;

(2) Work-out financing for troubled projects;

(3) Financing only minor improvements which are not required to make the housing decent, safe, and sanitary in accordance with applicable State and local codes; or

(4) Transaction costs and fees associated with the offering and syndication of a project.

.06 Eligible Projects.

A. To qualify as an eligible project for a loan, the project shall meet the following minimum requirements:

(1) Be located within the State;

(2) When the project is complete, be in compliance with zoning requirements and applicable codes and standards;

(3) Be owned by a sponsor in fee simple or a leasehold estate with title acceptable to the Department;

(4) Provide:

(a) Five or more traditional rental housing units;

(b) Five or more minimum basic housing units;

(c) Congregate housing, group housing, or temporary shelter to multiple persons, which may include:

(i) Services for the lower income, elderly, handicapped, homeless, or otherwise disadvantaged individuals residing in the housing; or

(ii) Facilities which serve the commercial, business, or social needs of the community where the building is located, so as to complement or enhance either the project or the economic feasibility of housing rehabilitation in the community where the building is located;

(d) One or more nonresidential uses; or

(e) Mixed uses.

B. A project shall be eligible only if:

(1) The Department has complied with COMAR 05.01.06.06; and

(2) The Secretary has issued the written determination required under COMAR 05.01.06.07.

.07 Local Support and Contribution.

A. The political subdivision in which the proposed project is situated shall approve the project and may be required, at the Department's sole discretion, to make a contribution to the project as described in Section C of this regulation. If the project is in a municipal corporation, the local approval and the local contribution shall be from the municipal corporation, not the surrounding county, except that a county in which a municipal corporation is located may make a contribution on behalf of the municipal corporation, subject to approval by the Department.

B. The approval in §A of this regulation shall be evidenced by a certified copy of an ordinance or resolution duly adopted by the appropriate governing body of the political subdivision and approved by the chief executive officer of the political subdivision, if any, setting forth:

(1) The identity of the sponsor;

(2) The location and nature of the project; and

(3) Approval of the loan.

C. Contributions.

(1) The contribution in §A of this regulation, if required by the Department, shall be a contribution which:

(a) Reduces development costs, such as:

(i) The donation or long term leasing of land or improvements;

(ii) Capital funds for acquisitions, construction, rehabilitation, or development costs;

(iii) Locally installed infrastructure or site improvements which reduces off-site costs attributable to the project; or

(iv) Waiver of local fees for permits, tap fees, impact fees and other fees and charges; or

(b) Reduces operating expenses, such as:

(i) Real estate tax abatement, or a payment in lieu of taxes;

(ii) Operating or rent subsidies for the project; or

(iii) Long-term agreements for a political subdivision to provide services at no cost to a project such as trash collection, road or grounds maintenance, or grounds care; or

(c) Otherwise supports a project such as:

(i) Allocation of rent subsidies;

(ii) Guarantees of deficits or completion of construction;

(iii) Long-term provision of needed social services for special use projects; or

(iv) Sponsorship or solicitation of local or community services, materials, or funds which benefit the project and make a material impact on the feasibility of a project may, in some cases, be acceptable local contributions.

(2) The contributions under §A of this regulation may not be contingent upon the completion of tasks or improvements that are unrelated to the project.

D. Sources for Contributions.

(1) Local contributions, if required by the Department, shall be made from local resources and assets.

(2) Federal funds which are awarded at the federal level for a specific project are not eligible to be used as a local contribution unless the political subdivision is instrumental in the application for and administration of the federal funds.

(3) Local contributions which are made in conjunction with grants from the Department's Small Cities and Community Development Block Grant Programs may be counted toward or may satisfy the local contribution requirement if the grant is used for the project in a manner consistent with §C of this regulation.

(4) Other State funds may not be permitted as a local contribution even if the political subdivision has discretion in allocating the funds.

E. The Department shall consider the political subdivision's contribution to the project in relation to the political subdivision's ability to contribute.

F. In most cases, the amount of the local contribution shall be expected to fill any gap or, if a project has little or no gap, the local contribution shall enhance the project.

G. Local contributions may include terms which require repayment of the contribution if the project is sold or no longer provides low income housing.

H. Local contributions may be in the form of loans with interest if, in the discretion of the Department, the loan:

- (1) Is significantly large;
- (2) Has an interest rate which is not greater than the interest rate on the Program loan, except as permitted in §I of this regulation; and
- (3) Is unsecured or secured by a subordinate mortgage, with terms fully subordinate in all respects to the Program loan.

I. A loan from the political subdivision with interest at a rate greater than the Program loan is permitted, in the discretion of the Department, if:

- (1) The project is receiving federal low income housing tax credits and the local loan otherwise would be characterized as federally subsidized under §42(i)(2)(A) of the Internal Revenue Code;
- (2) The project is located in a "difficult development area" as defined in §42(d) of the Internal Revenue Code;
- (3) The project is located in a "qualified census tract" as defined in §42(d) of the Internal Revenue Code; and
- (4) The loan from the political subdivision is made from federal funds.

.08 Equity Contribution and Limitation on Return on Equity.

A. The Department may establish requirements for the amount of equity a sponsor must contribute to a project which may vary for different types of sponsors, including non-profit sponsors.

B. Projects may be subject to a limitation on return of equity or an equity participation agreement, at the discretion of the Department.

C. Periodically, at the convenience and discretion of the Department, residual receipts held by the Department in connection with a limitation on return on equity imposed under this regulation, if any, shall be credited to the fund. At the option of the Department, residual receipts may be disbursed for the project which generated the receipts or for any other project.

.09 Income Limits.

A. The Secretary shall establish income limits for families of limited income and families of lower income and may revise the limits from time to time. The Secretary may establish different limits

for different areas of the State and may establish lower limits within any area or for a particular project.

B. In establishing or revising income limits for eligible residents, the Secretary shall consider:

- (1) The portion of total family income available for housing needs;
- (2) The size of the family;
- (3) The cost and condition of available housing;
- (4) The ability of eligible residents to compete successfully in the private housing market;
- (5) Relevant standards and definitions established for federal and State housing Programs; and
- (6) Other factors that the Secretary considers relevant.

C. The Secretary may waive the income limits for historic or architecturally significant buildings in accordance with Regulation .19 of this chapter.

D. Limits for Shared Housing. For the purpose of determining compliance with the income limits, the Department may not aggregate the income of two or more individuals or households living together in one unit if the unit is to provide minimum basic housing, group housing, congregate housing, or temporary shelters.

.10 Restrictions on Ownership and Occupancy.

A. Change of Ownership. During the loan term, the sponsor of a project may not sell, cease to own, assign, transfer, or dispose of all or any part of the sponsor's interest in the project or the real property on which it is situated without the prior written consent of the Department or as set forth in the loan documents, except for leases of individual units.

B. Minimum Restricted Occupancy Period. The project shall be maintained as rental housing for families of limited income or families of lower income for the longer of:

- (1) 15 years;
- (2) As long as the loan is outstanding; or
- (3) The number of years required under federal law.

C. The number of residential units in a project which will be occupied by families of limited income or families of lower income shall be the greater of:

- (1) The number that bears the same ratio to the total number of dwellings in the project as the amount the Program loan bears to the total financing of the project;
- (2) The number of units chosen by the sponsor to satisfy federal occupancy requirements if the project receives an allocation of federal low-income housing tax credits; and
- (3) The number of units required for a community development project under §4-217(b)(1)(ii) of the Act, or the number of units that the issuer of the bonds chooses, whichever is greater, if a portion of the costs of the project is financed by tax-exempt bonds.

D. Minimum basic housing units which receive operating support from the State or from a local government through the State shall be occupied by families of lower income as long as the State's operating support continues to be provided to the project and any portion of the loan or interest due on the loan is unpaid.

E. If, after initial occupancy, the annual income of a family of limited income or a family of lower income exceeds the income limits for continued occupancy set by the Secretary in accordance with the Act and Regulation .09 of this chapter, the sponsor shall notify the Department upon the Department's next subsequent income certification request and shall either:

- (1) Rent the next available unrestricted rental housing unit to a family of limited or lower income; or
- (2) If the project only has rental housing units which are required to be occupied by families of limited income or families of lower income, give the ineligible tenant a notice to vacate the rental

housing by the later of the expiration of the term of the lease or 1 year.

F. Assumption. A loan may not be assumed without the prior approval of the Department.

.11 Prepayment.

A. A sponsor may prepay a loan at any time subject to the requirements of:

- (1) §B of this regulation; and
- (2) The continuing restrictions under the occupancy covenants, if the prepayment occurs before the expiration of the covenants.

B. A sponsor who prepays a loan before maturity shall agree to:

- (1) Provide written notice to each tenant residing in the project which describes the impact of the prepayment on the tenant, and, if applicable, any assistance to which the tenant is entitled;
- (2) Provide notice of the prepayment to the Department, the political subdivision in which the project is located, and any interested parties registered with the Department;
- (3) Offer a right of first purchase to the Department, the local political subdivision, the local public housing authority, if any, and any parties registered with the Department;
- (4) Provide a lease extension for at least 1 year following the notice of the prospective prepayment action to each tenant residing in an assisted unit;
- (5) Make relocation assistance payments in an amount determined by the Department;
- (6) Provide 3-year lease extensions or 3 months rent equivalent payments to 20 percent of the tenants who live in assisted units and qualify as senior citizens, handicapped, or families with minors; and
- (7) Comply with any procedural requirements of the Department with respect to the right of first purchase, relocation payments, and lease extensions.

.12 Loan Terms — General.

A. Interest Rates and Repayment.

- (1) The interest rate to be paid on a loan made under the Program shall be at a preferred rate.
- (2) Interest rates and repayment terms for each loan shall be established based on the underwriting of each project and in a manner which does not impair the financial viability of the project. With respect to:
 - (a) Residential or mixed-use projects, the interest rate and repayment terms may be established so as to allow a project to serve the lowest possible income within families of limited income or families of lower income while remaining feasible; and
 - (b) Nonresidential buildings, the interest rate and repayment terms may be established based on the viability of the project.
- (3) Interest on the loan may be as low as zero percent per year, based upon projected cash flows for the project.
- (4) Interest and principal repayments may be deferred at the discretion of the Department in accordance with Regulation .16 of this chapter.
- (5) Loans for projects which are mixed use or have units which serve both limited income families and low income families may have an interest rate which represents an average interest rate for the total loan comprised of proportionate loan amounts at interest rates determined in accordance with §A(2)—(4) of this regulation.
- (6) Bridge loans or portions of loans which will be repaid with the cash proceeds realized from a syndicated sale of the project shall have interest rates equal to private lending rates for bridge loans, unless in the determination of the Department a lower interest rate is required to ensure the financial feasibility and viability of the project. A lower rate approved by the Department under this subsection may not be less than the interest rates permitted under §A(2)—(5) of this regulation based upon the use and occupancy of the project.

B. Maximum Loan Amount. The maximum loan for any project may not exceed \$2,000,000, or such lesser amount established by the Director based on available funding or policy considerations, unless the Housing Finance Review Committee has recommended and the Secretary has approved an exception based on the specific project circumstances.

C. Term.

- (1) The permanent loan term may not exceed 40 years from the later of the date of acquisition or completion of rehabilitation of the project except when other sources of financing require a longer term.
- (2) The term of a bridge loan generally may not exceed the greater of 2 years or the equity payment schedule and shall be based on the size and complexity of the project.
- (3) The term of a loan during rehabilitation generally may not exceed 2 years and shall be based on the size of the project and the nature of the rehabilitation financed by the loan.

D. Late Charge. Late charges, as permitted by law, may be charged.

.13 Loan Terms — Property, Liability, and Other Insurance.

A. At or before closing of a loan, and at such other times as required by the Department, the sponsor shall provide evidence that the sponsor, contractor, and other parties, have obtained and maintained the following insurance:

- (1) Owner's liability;
- (2) Owner's property or hazard or contractor's builder's risk;
- (3) Contractor's liability;
- (4) Architect's errors and omissions; and
- (5) Engineer's errors and omissions.

B. All insurance required under §A of this regulation shall:

- (1) Be written by a company registered with the Maryland Insurance Administration;
- (2) Be in force at the time of closing;
- (3) Not be terminable without prior notification to the Department; and
- (4) Contain such other terms and coverage satisfactory to the Department.

C. In addition to the requirements of §B of this regulation, owner's liability insurance required under §A of this regulation shall:

- (1) Name the Department as an additional insured; and
- (2) Remain in force for the duration of the loan.

D. In addition to the requirements of §B of this regulation, contractor's liability insurance required under §A of this regulation shall:

- (1) Name the Department as an additional insured; and
- (2) Remain in place through final closing or such later date as the Department requires.

E. In addition to the requirements of §B of this regulation, owner's property or hazard insurance and builder's risk insurance required under §A of this regulation shall:

- (1) Name the Department as an additional insured, loss payee and mortgagee; and
- (2) Remain in force for the duration of the loan.

F. Other Insurance. The sponsor shall provide at loan closing such other insurance, including builder's risk, boiler insurance, comprehensive, automobile liability, flood, and broad form workers' compensation in the amounts, on such terms and in such form as may be required by the Department.

G. Title Insurance.

- (1) The sponsor shall provide a standard American Land Title Association Loan Policy or other form of title policy acceptable to the Department and the Office of the Attorney General.
- (2) The policy in § F(1) of this regulation shall:
 - (a) Insure the Department in an amount equal to the maximum principal amount of the loan;

(b) Evidence that title to the improvements and the real property on which the improvements are located on the date of closing is vested in the sponsor; and

(c) Contain only standard exceptions and encumbrances approved by the Department.

.14 Loan Terms — Environmental Review.

A. Each project shall comply with applicable local, State, and federal environmental laws and regulations.

B. Sponsors may be required, at the discretion of the Department, to conduct a screening of the proposed site for environmental conditions, including man-made hazards, storm water runoff, underground storage tanks, lead-based paint, radon gas, PCBs, and asbestos.

C. If the initial screening indicates adverse or potentially adverse environmental conditions the Department may require a more detailed physical investigation, review of historical records, testing, and treatment or abatement of the environmental condition as a requirement of the loan.

.15 Loan Terms — Reserves and Security.

A. Reserve for Replacement. The Department may require the sponsor to make periodic payments to the Department for a reserve for replacement account for future repairs, maintenance, and improvement of the project.

B. Appraisal. The sponsor, or the Department, in the Department's discretion, shall obtain an appraisal by an appraiser acceptable to the Department, showing the value of the land and improvements on the land before and after the proposed rehabilitation in a form and manner acceptable to the Department. The sponsors shall bear the cost of the appraisal.

C. Escrow Account. If there is no prior mortgage or deed of trust requiring the payment of expenses to the mortgagee, the mortgage or deed of trust securing the loan shall require monthly payments to the Department in escrow, consisting of 1/12 of annual real estate taxes, ground rent, property insurance premiums, and, when appropriate, other items for which payments are required by the Department. Interest may or may not, in the Department's discretion, be paid to the sponsors on escrows.

D. Security for Loans. All loans shall be secured by a mortgage or deed of trust, in a form acceptable to the Department, which shall be recorded in the land records of the county in which the property is located. The mortgage or deed of trust may be subordinate to other recorded mortgage liens provided that the mortgagee of any superior mortgage gives the consents required in §F of this regulation.

E. Additional Security.

(1) Because of the risks inherent in the nature of the loans made under the Program, the Department, at its sole discretion, may require additional security or collateral from the sponsor both to assure completion of the construction or rehabilitation of the project, and to assure repayment of the loan.

(2) The collateral may be in the form of one or more of the following:

- (a) A cash escrow;
- (b) A letter of credit in an amount, form, and from a financial institution acceptable to the Department;
- (c) Depository accounts pledged to the Department;
- (d) Performance and payment bonds from a surety acceptable to the Department;
- (e) A completion assurance agreement executed by the borrower and backed by some form of monetary collateral;
- (f) A guaranty of completion or loan payments, or both, executed by a third party who is financially able and willing to back the guarantee by some collateral acceptable to the Department;
- (g) A pledge of syndication proceeds;
- (h) A pledge of the developer's fee; or

(i) Other collateral acceptable to the Department.

F. Superior Mortgagee's Agreement. For loans secured by a subordinate lien, the sponsor shall obtain a written agreement from the superior lender:

(1) Acknowledging and consenting to the subordinate lien of the Department;

(2) Agreeing to provide timely notice to the Department in the event of default by the sponsor on the superior mortgage; and

(3) Agreeing to suspend acceleration and foreclosure of a superior lien obligation which is in default for a reasonable period of time, if the Department brings current and maintains timely payments due on the superior mortgage.

.16 Loan Terms — Deferred Payment Loans.

A. The Department may defer payments of principal or interest or both to the extent necessary based on, in the Department's discretion:

(1) The sponsor's ability and capability to repay, and the financial feasibility and viability of the project; or

(2) Conformance with the requirements of the terms and conditions of any prior mortgage or deed of trust.

B. Repayment.

(1) The loan documents shall provide for repayment of deferred amounts at the maturity date or at any earlier date established by the Department, or upon any default, sale or other transfer of the project, or sale or transfer of any interest in the project. The Department may, but need not, charge interest on deferred interest.

(2) The Department may, in its discretion, require sponsors who receive bridge loans and who receive and syndicate an allocation of federal low-income housing tax credits or historic investment tax credits to share a portion of the proceeds of the syndication of the tax credits with the Department to repay deferred interest or pay all or a portion of the principal amount of the loan.

.17 Loan Terms — Nonresidential Projects.

A. Interest Rate. For a loan to a nonprofit or profit-motivated sponsor of a nonresidential project in a commercial revitalization area, the Program may set an interest rate that is necessary to support project viability.

B. Deferred Payments. For a loan to a nonprofit or profit-motivated sponsor of a nonresidential project in a commercial revitalization area, the Program may defer payments of principal or interest, or both.

.18 Loan Terms — Loans with Tax-Exempt Bond Financing.

A. The terms set forth in §§B—E of this regulation apply to loans for residential projects to be made in connection with tax-exempt bond financing from the Department under §§4-101 — 4-255 of the Act, and COMAR 05.05.02 that will be used to rehabilitate or acquire and rehabilitate a residential project.

B. Interest Rate.

- (1) The Program may provide loans without charging interest.
- (2) §B(1) of this regulation applies regardless of the limitations set forth in Regulation .12 of this chapter.

C. Deferred Payments.

- (1) The Program may defer payments of principal or interest.
- (2) §C(1) of this regulation applies regardless of the limitations set forth in Regulation .16 of this chapter.

D. Application Procedures.

- (1) The Program may limit or expand the type of information required in the initial application for a Program loan.
- (2) The Program may require the applicant use a single application for the Program loan and the tax-exempt bond financing under §§4-101 — 4-255 of the Act, and COMAR 05.05.02.
- (3) If the Program limits the type of information required for the initial application, the applicant shall submit all required

documentation for the tax-exempt financing to be provided under §§4-101 — 4-255 of the Act, and COMAR 05.05.02 prior to closing the Program loan.

(4) §§(1) – (3) of this regulation apply regardless of the requirements set forth in Regulation .20 of this chapter.

.19 Rehabilitation of Historic or Architecturally Significant Buildings.

A. On a project basis, the Secretary may waive or modify the income limits for eligible tenants for the rehabilitation of an eligible building which is:

- (1) On the National Register of Historic Places;
- (2) Included in the Maryland inventory of historic sites; or
- (3) Designated as an historical or architectural landmark or is within an historical or architectural district, identified by the Maryland Historical Trust of the Department of Planning of the State, or a county, municipal, or other governmental unit under historic preservation zoning laws, ordinances, resolutions, or regulations, provided that the Program and the State Historic Preservation Officer consent that the rehabilitation be permitted.

B. The Secretary’s waivers of income limits for historic properties shall be made in accordance with the following criteria:

- (1) The sponsor shall have applied to a lending institution and have received a rejection for a loan based upon a bona fide application for a loan at the lending institution’s prevailing interest rate and term; and
- (2) The Department shall have determined the project is infeasible at rents affordable to families of limited income.

C. Exceptions to any applicable code or rehabilitation standard for any building shall be made upon the concurrence of the State Historic Preservation Officer and the authority responsible for enforcing the code or standard in the political subdivision where the building is located. These exceptions shall be consistent with State laws.

.20 Loan Application Submission and Review.

A. The Department may accept applications at any time or may establish beginning and ending dates for the receipt of applications.

B. Limitations.

(1) The Department may specify from time to time the type of applications it will consider, and may limit, during any period, the type of applications it will receive.

- (2) Applications may be limited on the basis of:
 - (a) Type of sponsor or type of entity providing primary financing of the undertaking;
 - (b) The amount of local governmental contributions, if any;
 - (c) The number or proportion of families of limited income or families of lower income who will reside in the project;
 - (d) The areas of the State; or
 - (e) Other factors the Department considers relevant.

(3) The Department may also establish priorities among applications.

C. A loan application shall be made upon standard forms prescribed by the Department.

D. Documentation. An application shall be accompanied by all documentation in the form and containing the information specified in the application procedures adopted by the Department.

E. Fees and Charges.

- (1) Fees.
 - (a) The Program may charge an application fee unless a sponsor submits an application for funds from the Program in conjunction with an application for any other Department Program for which an application fee is charged and paid, in which case the Program may waive the requirement for an application fee. The fee may be less for nonprofit sponsors and political subdivisions.

- (b) Administrative or reservation fees, which may be financed by the loan, may be charged to sponsors to cover the costs of servicing the loan or for failure by the sponsor to meet loan processing deadlines.

- (c) The Program shall charge a loan closing fee to cover legal and other costs to the Department of closing the loan.

(2) The Department may charge sponsors for the following items, if paid by the Department, which may be financed by the loan:

- (a) Market studies;
- (b) Construction cost estimates;
- (c) Recording fees and recording taxes or other charges incidental to recordation;
- (d) Survey;
- (e) Appraisal;
- (f) Title examination and title insurance; and
- (g) Investment fees.

(3) The Department may charge penalties to applicants, lenders, servicers, sponsors, or other individuals or entities that participate in the Program. The Department may restrict the fees and charges that servicers, political subdivisions, or other Program participants obtain from sponsors.

.21 Recommendation and Approval.

A. Except as provided in §§D and E of this regulation, after considering the application and the availability of resources, the Program staff shall select projects for review and recommendation for funding by the Housing Finance Review Committee.

B. The Housing Finance Review Committee shall review the projects selected by Program staff and recommend projects to the Secretary for reservation of funds and loan commitments.

C. Upon receipt of the recommendation of the Housing Finance Review Committee, the Secretary shall approve or disapprove the loan and the terms of the loan. A written determination that each loan, regardless of the loan amount, is statutorily authorized and approved by the Secretary shall be executed before the issuance of a reservation of funds or loan commitment.

D. In an emergency, when urgent action is required, the Secretary may approve a loan which would otherwise have been forwarded to the Housing Financing Review Committee, without the recommendation of the Housing Financing Review Committee.

E. For loans below the minimum amount established by the Housing Finance Review Committee, the Director may approve the loan.

F. The Program Director shall issue a written notice to the sponsor of a project whose application is rejected, stating the reason for the rejection.

G. Reconsideration. Sponsors may request reconsideration of a rejection in accordance with the procedures contained in the Program guidelines. An initial decision or reconsideration of a decision is not a contested case within the meaning of the Administrative Procedure Act or COMAR 05.01.01.

H. All projects approved by the Secretary shall be issued a commitment letter by the Department. The commitment letter shall include the following information:

- (1) The interest rate on the loan, the repayment provisions, and any other terms and conditions the Department considers appropriate for the loan or the project;
- (2) A time limit within which the sponsor shall accept the terms and conditions of the commitment by executing the commitment; and
- (3) The dates by which all pre-closing information and documentation shall be submitted.

I. Withdrawal of Application.

(1) An applicant may withdraw an application at any time before closing of the loan by written notice to the Department.

(2) An applicant that withdraws its application may be required to bear any costs incurred by the Department, including, but not limited to:

- (a) Title examinations;
- (b) Credit reports;
- (c) Appraisals;
- (d) Market analyses;
- (e) Fees attributable to the Department's processing costs;

and

- (f) Legal fees.

.22 Loan Closing and Processing.

A. Initial Loan Closing. The sponsor shall furnish or cause to be furnished to the Department and its counsel satisfactory evidence of the compliance with the terms and conditions of the loan before the closing of the loan. When all procedures and requirements are completed, a closing shall be arranged by counsel to the Department.

B. The Department shall prescribe or approve the form and content of all documents, which may include a note, deed of trust, regulatory agreement and such other instruments that the Department may require to evidence or secure the loan or enforce the requirements of the Act or this chapter. The loan documents shall be executed at the loan closing.

C. Early Start.

(1) Rehabilitation undertaken by the sponsor before the closing of the loan is at the risk of the sponsor, and does not bind or obligate the Department to make the loan.

(2) In certain circumstances and upon the request of a sponsor who has applied for a loan which has been approved by the Secretary, the Program may issue an early start letter which sets forth the conditions under which the Program may authorize the beginning of construction or rehabilitation of a project before the closing of the Department's loan.

(3) The early start approval letter sets forth various conditions, such as receipt by the Program of acceptable plans and specifications or scope of work and evidence of the availability of acceptable assurance of completion, which shall be complied with before beginning rehabilitation. If the conditions are complied with and the Program approves the beginning of construction or rehabilitation, then when the loan is closed, loan proceeds shall be used to reimburse the sponsor, as specified in the loan closing documents, for the approved costs incurred before loan closing.

D. Rehabilitation Period Disbursements. The Program shall:

(1) Conduct regular on-site inspections of the rehabilitation; and

(2) Make loan disbursements, on the basis of work in place plus material acceptably stored on site, less a retention of 10 percent or other amount required by the Department.

E. Disbursement. Loan funds shall be held by the Department and disbursed in accordance with a draw schedule approved by the Department before initial closing. The draw schedule, which may be revised at the discretion of the Department, shall be based upon completion of specified items or a percentage of rehabilitation work. Payment of draws shall be requested by the sponsor and approved by the Department based on completed work. Loan funds may be withheld if there is any arrearage of interest payments or escrows required by the loan documents. If required by a superior mortgagee, the Department may defer the approval of draws to the superior mortgagee.

F. Final Loan Closing. A final closing shall be arranged after completion of the rehabilitation and cost certification, if required, according to such procedures and documentation as may be required by the Department.

.23 Signs.

If requested by the Department, each sponsor shall install a sign identifying the Department as a lender on the project. The sign, at the discretion of the Department, may be supplied by the Department, but in any case shall comply with the design specifications of the Department. The sponsor shall bear all costs of acquisition, delivery, and installation of a conforming sign, which costs may be included in the loan.

.24 Books and Accounts.

A. Sponsors, contractors, and subcontractors shall maintain the books, accounts, and records, and shall file with the Department the financial and other reports that the Department may from time to time require.

B. The books, accounts, and records in §A of this regulation shall be open to the inspection of representatives of the Department or other agencies of the State during reasonable working hours.

C. Books, accounts, and records of the sponsor shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationship between the sponsor and the Department. Books, accounts, and records of contractors and subcontractors shall be maintained and made available for inspection for 3 years past the date of termination of the contractual relationships between them and the sponsor.

.25 Certification of Income.

A. The sponsor shall obtain signed certificates of annual income from all tenants occupying a project and shall certify annual incomes of all tenants to the Department. The Department requires annual recertification of income as well as periodic occupancy reports containing such information as may be required by the Department. Leases and certifications are subject to periodic review by the Department.

B. For projects where existing tenants will continue in occupancy during rehabilitation, the sponsor shall obtain signed income certifications from income-eligible tenants of at least the number of units required by Regulation .10, before loan closing.

C. The purpose of the certification of annual income and the reports is to assure compliance with the upper income limits established in accordance with the Act and Regulation .09 of this chapter. In the case of a project which receives federal assistance, including low income housing tax credits, the procedures for the certification of income prescribed by the federal agency are acceptable, including recertification waivers under §42(g)(8)(B) of the Internal Revenue Code.

D. The sponsor shall verify the information contained in the certificate of income, upon the consent of the person, with the employer, and file with the Department a report disclosing the income of all persons selected for occupancy unless the sponsor obtained a waiver under the federal low income housing tax credit program, as provided in Section 1.42-5 of the Federal Income Tax Regulations.

E. The sponsor shall retain all certificates of income and documents verifying the information contained in them for a period of at least 3 years from the date on which the income certification is submitted to the sponsor.

.26 Nondiscrimination — Compliance with Law.

A. A sponsor or contractor may not discriminate on the basis of race, color, religion, national origin, sex, marital status, physical or mental handicap, sexual orientation or age, except with regard to age as permitted under the Federal Housing for Older Persons Act, as amended from time to time or other similar federal laws, in leasing or otherwise providing dwelling accommodations or in any other aspect of the development, administration, or operation of any

project or undertaking financed or assisted under the Program, or in any aspect of employment by any sponsor, developer, or contractor in the construction, repair, or maintenance of any property financed or assisted under the Program.

B. A sponsor or contractor shall comply with all applicable federal, State, and local laws and Departmental policies and programs regarding discrimination, equal opportunity in employment, housing, and credit practices, and drug and alcohol free workplaces, including:

(1) Title VI and VII of the Civil Rights Act of 1964, as amended;

(2) Title VIII of the Civil Rights Act of 1968, as amended;

(3) The Department's Minority Business Enterprise program, as amended;

(4) Executive Order 01.01.1989.18 relating to Drug and Alcohol Free Workplaces, and any Departmental regulations adopted or to be adopted to carry out the requirements of that order;

(5) Article 49B of the Annotated Code of Maryland, as amended; and

(6) The Americans with Disabilities Act of 1990, as amended.

C. Covenants implementing these requirements, including affirmative action measures, shall be included in appropriate agreements between the Department and other parties.

.27 False Statements.

A sponsor who knowingly makes or causes to be made a false statement or report, whether in the nature of an understatement or overstatement of financial condition or any other fact material to the Department's action, shall be subject to immediate acceleration of the loan, in addition to the criminal penalties authorized by §4-933 of the Act.

.28 Waiver and Delegation.

A. Waiver. The Secretary may waive or vary particular provisions of these regulations to the extent that the waiver is consistent with the Act, if:

(1) In the determination of the Secretary, the application of a regulation in a specific case, or in an emergency situation, would be inequitable or contrary to the purposes of the Act; or

(2) Conformance to the requirements of any federal, State, or local agency in connection with any rehabilitation with respect to which federal, State, or local assistance is sought necessitates waiver or variance of a regulation.

B. Delegation. The Secretary may delegate to the Director, the Program Director or to any other official or employee of the Department the authority to execute or approve any loan documents, including loan commitments and early start letters, after approval of a loan by the Secretary.

.29 Program Guidelines.

The Department may establish from time to time detailed Program guidelines containing underwriting standards, loan processing requirements, and other requirements or matters relating to the financing of loans or to the Program. Copies of these guidelines shall be available on the Department's website at www.dhcd.state.md.us and at the Department's principal office. The Department, upon request, shall provide copies to the public for a reasonable charge.

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.07 Child Protective Services — Investigation of Child Abuse and Neglect

Authority: Family Law Article, §5-701 et seq.; Human Services Article, §§1-202, 4-202, and 4-207; Annotated Code of Maryland
(Agency Note: 42 U.S.C. 5106a(b)(2)[(A)(ii)]; 45 CFR §1340.20)

Notice of Proposed Action

[10-273-P]

The Secretary of Human Resources proposes to amend Regulation .19 under COMAR 07.02.07 Child Protective Services — Investigation of Child Abuse and Neglect.

Statement of Purpose

The purpose of this action is to require the disclosure of a report or record of child abuse or neglect as a result of an investigation to the Division of Parole and Probation in the Department of Public Safety and Correctional Services if the local department has reason to believe that an individual living in the child's home or in the regular presence of the child is on the offender registry for a crime against a child. There is no current requirement for reporting confidential information on child abuse and neglect to Parole and Probation in the Department of Public Safety and Correctional Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, Department of Human Resources, 311 W. Saratoga Street, 2nd Fl., Baltimore, MD 21201, or call 410-767-7193, or email to regulations@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.19 Confidentiality — Investigations of Child Abuse or Neglect.

A. Except as otherwise provided in Family Law Article, Title 5, Subtitle 7, and [Article 88A, §§6 and 6A] *Human Services Article*, §§10-201—10-203, Annotated Code of Maryland, and this chapter:

(1) (text unchanged)

(2) The unauthorized disclosure of records and reports concerning child abuse or neglect and the information contained in them is a criminal offense subject to the penalty set out in [Article 88A, §6(e)] *Human Services Article*, §1-202(f), Annotated Code of Maryland.

B. A local department shall disclose a record or report concerning a child abuse or neglect investigation:

(1)—(2) (text unchanged)

(3) To the State Council on Child Abuse and Neglect, the State Citizens' Review Board of Children, or their designees, or a child fatality review team as necessary to carry out their official functions; [and]

(4) On a written request, to the Baltimore City Health Department:

(a) (text unchanged)

(b) If the record or report concerns a victim of a crime of violence, as defined in Criminal Law Article, §14-101, Annotated Code of Maryland, who is a child residing in Baltimore City for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City[.] ; and

(5) *To the Division of Parole and Probation in the Department of Public Safety and Correctional Services if, as a result of a report or investigation of suspected child abuse or neglect, the local department has reason to believe that an individual who lives with or is in the regular presence of a child is registered under Criminal Procedure Article, Title 11, Subtitle 7, Annotated Code of Maryland, as a result of committing a sexual crime against a child.*

C. To the extent relevant to the purpose of the following exceptions to the confidentiality of case records, a local department may disclose a record or report concerning a child abuse or neglect investigation to:

(1)—(7) (text unchanged)

(8) The appropriate public school superintendent for the purpose of carrying out appropriate personnel actions following a report of suspected child abuse involving a student committed by:

(a) (text unchanged)

(b) An independent [contactor] contractor who supervises or works directly with students in that school system; or

(c) (text unchanged)

D.—F. (text unchanged)

G. A record or report may be disclosed only to individuals who, by law or by written agreement, are subject to the requirements of [Article 88A, §6(b)] *Human Services Article, §1-202*, Annotated Code of Maryland.

H. (text unchanged)

I. Except as provided in §B of this regulation, when making the decision to disclose information, records, or reports in accordance with Regulation .19 of this chapter and [Article 88A, §6(b)] *Human Services Article, §1-202*, Annotated Code of Maryland, the local department:

(1)—(2) (text unchanged)

J.—K. (text unchanged)

BRENDA DONALD
Secretary of Human Resources

Subtitle 06 COMMUNITY SERVICES ADMINISTRATION

07.06.23 Individual Development Account Demonstration Program

Authority: Article 88A, §§90—95, Annotated Code of Maryland

Notice of Proposed Action

[10-272-P]

The Secretary of Human Resources proposes to repeal existing Regulations .01—.08 under COMAR 07.06.23 **Individual Development Account Demonstration Program**.

Statement of Purpose

The purpose of this action is to repeal the COMAR chapter relating to the Individual Development Account Demonstration

Program. This program was abolished during the 2004 legislative session by SB 508, Ch. 430, Acts of 2004.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Acting Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St, 2nd Fl., Baltimore, MD 21201, or call 410-767-7193, or email to regulations@dhr.state.md.us, or fax to 410-333-0637. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

BRENDA DONALD
Secretary of Human Resources

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §§4-402, 4-602, and 10-808, Annotated Code of Maryland

Notice of Proposed Action

[10-278-P]

The Secretary of Natural Resources proposes to amend Regulations .01, .03, and .04 under COMAR 08.02.11 **Fishing in Nontidal Waters**.

Statement of Purpose

The purpose of this action is to update and clarify existing regulations for fishing in nontidal waters.

Specifically, this action removes areas from the list of Put-and-Take Trout Fishing Areas because they are no longer stocked or managed for trout, have reduced water quality, or are quite large and require more fish than the Department has available for stocking. The Put-and-Take Trout Fishing Areas closure schedule for Cunningham Falls Lake (Frederick County) and Blair's Valley Lake and Greenbrier Lake (Washington County) were changed to allow opportunities to fish for trout and other species. This action also expands the Catch-and-Return Trout Fishing Area limited to the use of artificial lures, including flies, on the North Branch of the Potomac River as a result of the increased access available through the Paul Sarbanes Trail; clarifies the boundaries of the Trophy Trout Fishing Area limited to the use of artificial lures on the lower Savage River; and clarifies the upper boundary of the Zero Creel Limit Trout Fishing Area on the North Branch of the Potomac River.

The regulations on the Catch-and-Return Bass Fishing Area on the Potomac River from Dam No. 2 at Seneca Breaks upstream to the mouth of the Monocacy River have not produced changes in the fish

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population that were anticipated. Therefore, the area is being removed from the Catch-and-Return list and placed under general, Statewide regulations, including size and season restrictions.

Finally, this action creates a section that prohibits the public from feeding wildlife on any Fisheries Management Area. This section is being created in order to protect water quality and prevent fish kills in those areas. Feeding wildlife causes problems because the feed attracts many animals, is inappropriate or poorly digested, and promotes wildlife to take up residence in areas they would not normally inhabit. This results in more feces and damage to vegetation, which causes increased nutrient loading and sedimentation. The nutrient loading and sedimentation that result not only cause poor water quality and fish kills in Fisheries Management Areas, but also contribute to poor Chesapeake Bay water quality.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Fishing in Nontidal Waters 2011 Regulations, Regulatory Staff, Fisheries Service, B-2, 580 Taylor Ave., Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through October 25, 2010. A public hearing will be held on Thursday, October 21, 2010, at 7 p.m. at Greenbrier State Park Visitor Center, 21843 National Pike, Boonsboro, MD 21713.

.01 Trout Fishing and Management Areas.

- A. (text unchanged)
- B. Put-and-Take Trout Fishing Areas.

- (1) (text unchanged)
- (2) The following areas are subject to these regulations:

	Closure Periods
(a) — (b) (text unchanged)	
(c) Baltimore County and Baltimore City:	
(i) — (iv) (text unchanged)	
[(v) Gwynnbrook Pond	2]
[(vi)] (v) — [(viii)] (vii) (text unchanged)	
[(ix) Herring Run mainstem	0
(x) Liberty Reservoir	0
(xi) Prettyboy Reservoir	0]
[(xii)] (viii) (text unchanged)	
(d) — (g) (text unchanged)	
(h) Frederick County:	
(i) — (iv) (text unchanged)	
(v) Cunningham Falls Lake	[2] 0
(vi) — (xiii) (text unchanged)	
(i) — (k) (text unchanged)	
(l) Washington County:	
(i) — (ii) (text unchanged)	
(iii) Blairs Valley Lake	[2] 0

(iv) (text unchanged)	
(v) [Greenbriar] <i>Greenbrier Lake</i>	[2] 0
(vi) — (viii) (text unchanged)	
[(ix) Big Pool	2]
[(x)] (ix) (text unchanged)	
(m) — (n) (text unchanged)	

(3) (text unchanged)

.03 Special Fisheries Management Areas.

A. Catch-and-Return Trout Fishing Areas.

- (1) (text unchanged)
- (2) Catch-and-Return Trout Fishing Areas Limited to Use of Artificial Lures Only.

- (a) (text unchanged)
- (b) Areas subject to the provisions of this section are:
 - (i) — (iv) (text unchanged)

(v) North Branch Potomac River from [the mouth of unnamed tributary at Bench Mark 1218 on the Westernport U.S.G.S. Quadrangle] *an overhead cable and red bank post located approximately 510 yards below the Jennings Randolph Reservoir spillway* downstream approximately [3/4] 1 mile to a red post, located approximately 100 yards above the upstream concrete abutments at Barnum, West Virginia, and from a red post located below a pool known as Blue Hole approximately 1/3 mile upstream of Bench Mark 1110 on the Westernport U.S.G.S. Quadrangle, downstream approximately 4 miles to the confluence of Piney Swamp Run.

(vi) — (vii) (text unchanged)

B. Trophy Trout Fishing Areas.

(1) Savage River mainstem from [its mouth] *the downstream side of the Route 135 bridge* upstream for a distance of approximately 2.7 miles to the lower suspension bridge (Allegheny Bridge) is a trophy trout fishing area. The following apply:

(a) — (f) (text unchanged)

(2) (text unchanged)

C. — J. (text unchanged)

K. Catch-and-Return Bass Areas.

(1) (text unchanged)

(2) The areas subject to the provisions of this section are the:

[(a) Potomac River from Dam No. 2 (Seneca Breaks) upstream to the mouth of the Monocacy River;]

[(b)] (a) — [(e)] (d) (text unchanged)

L. Zero Creel Limit Trout Fishing Areas.

(1) Zero Creel Limit Areas for All Trout Species.

(a) (text unchanged)

(b) The area subject to the provisions of §M(1) of this regulation is the North Branch Potomac River from the Upper Potomac River Commission Wastewater Treatment Plant *discharge* at Westernport downstream to the Maryland Route 956 bridge at Pinto.

(2) (text unchanged)

.04 Statewide General Regulations.

A. — V. (text unchanged)

W. Feeding Wildlife on Fisheries Management Areas.

(1) In this section, “wildlife” has the meaning stated in *Natural Resources Article, §10-101(cc), Annotated Code of Maryland.*

(2) Except for lawful fishing and hunting activities, a person may not feed wildlife in the following Fisheries Management Areas owned and controlled by the Department of Natural Resources:

- (a) Albert Powell Hatchery — Washington County;
- (b) Bear Creek Rearing Station — Garrett County;
- (c) Big Mill Pond — Kent County;

- (d) *Brownsville Pond* — Washington County;
- (e) *Brunswick Pond* — Frederick County;
- (f) *Bynum Run Pond* — Harford County;
- (g) *Evitts Creek Pond* — Allegany County;
- (h) *Forest Hill Pond* — Harford County;
- (i) *Frank Bentz Pond* — Frederick County;
- (j) *Hughesville Pond* — Charles County;
- (k) *Lewistown Work Center* — Frederick County;
- (l) *Manning Hatchery* — Charles County;
- (m) *North Branch Potomac River* — Gary A. Yoder Landing — Allegany County;
- (n) *North Branch Potomac River* — McCoolle — Allegany County;
- (o) *North Branch Potomac River* — Folly and Laurel Runs — Garrett County;
- (p) *Piney Point Aquaculture Center* — St. Mary’s County;
- (q) *Rising Sun Pond* — Cecil County;
- (r) *Smithville Lake* — Caroline County;
- (s) *Unicorn Lake* — Queen Anne’s County;
- (t) *Urbana Lake* — Frederick County; or
- (u) *Urieville Lake* — Kent County.

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.81 Third Party Liability

Authority: Health-General Article, §§2-104(b), 15-103, 15-120—15-121.3, Annotated Code of Maryland

Notice of Proposed Action [10-276-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01—.07** under a new chapter, **COMAR 10.09.81 Third Party Liability**.

Statement of Purpose

The purpose of this action is to detail the amount of the Department’s subrogation claim and the procedures for the Department in obtaining its claim.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Department of Health and Mental Hygiene, Office of Regulation and Policy Coordination, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-

767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Claim” means a demand for payment, whether or not the demand is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(2) “Department” means the Department of Health and Mental Hygiene, the single State agency designated to administer the Maryland Medical Assistance Program under Title XIX of the Social Security Act, 42 U.S.C. §1396 et seq.

(3) “Mass tort actions” means two or more civil actions pending in one or more courts regarding multiple plaintiffs who are injured in a similar fashion by a defective product, hazardous substance, or disaster, including but not limited to drug products.

(4) “Program” means the Maryland Medical Assistance Program.

(5) “Provider” means an individual, association, partnership, corporation, or unincorporated group licensed or certified to provide health care services for recipients and who, through appropriate agreement with the Department, has been identified as a Program provider by the issuance of an individual account number.

(6) “Recipient” means:

(a) An individual who is certified as eligible for, and is receiving, Program benefits;

(b) An individual who was certified as eligible for and received Program benefits; or

(c) The successor in interest of a person identified in §B(6)(a) or (b) of this regulation.

(7) “Third party” means any individual, entity, or program that is or may be liable to pay all or part of the expenditures for Program benefits.

.02 Program’s Right of Subrogation.

A. The Department may not pay medical claims that are payable by a third party.

B. The Department is assigned any and all rights to payments by any third party that result from medical care received by the recipient, together with the rights of any other individuals eligible for Program benefits for whom the recipient can make assignment. This assignment shall be effective to the extent of the amount of medical assistance actually paid by the Program.

C. If a recipient has a cause of action against a third party, including a claim under Insurance Article, §19-509 or 19-510, Annotated Code of Maryland, the Department shall be subrogated to that cause of action to the extent of any payments made by the Department on behalf of the recipient that result from the occurrence that gave rise to the cause of action.

D. The Department’s subrogation claim shall be limited to that portion of the claim that represents compensation for the medical expenses paid by the Program.

E. Allocation of Medical Expenses from an Award or Settlement.

(1) After deduction of attorney fees and litigation costs, 50 percent of any award or settlement of a recipient’s cause of action shall be attributable to medical expenses for purposes of calculating the amount of the Department’s subrogation claim under §F of this regulation.

(2) A recipient may not agree, in settlement of the recipient’s cause of action, to an allocation of medical expenses less than the amounts set forth in §E(1) of this regulation, without prior approval of the Department.

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F. The Department's Recovery in Subrogation Claims.

(1) Except as provided in §F(5) of this regulation, in satisfaction of the Department's subrogation claim, the Department shall recover the lesser of:

(a) The full amount of past medical costs paid by the Program; or

(b) 50 percent of the judgment, award, or settlement less attorney fees and litigation costs.

(2) The Department shall recover the amount calculated in §F(1)(a) of this regulation from the amount of the judgment, award, or settlement that is attributable to medical expenses as determined under §E of this regulation.

(3) The Department shall first seek recovery for the past Program expenditures made on a recipient's behalf from that part of the judgment, damage award, or settlement amount allocated to past medical expenses.

(4) If the part of the judgment, damage award, or settlement amount that is allocated to past medical expenses is insufficient to permit the Department to recover the entire amount owed to the Department under §F(1)(a) of this regulation, the Department shall seek recovery of any remaining amount necessary to satisfy the recovery for all of the past Program expenditures made on a recipient's behalf from that part of the judgment, damage award, or settlement amount allocated to future medical expenses.

(5) The Department may negotiate with the parties in mass tort actions to determine the Department's recovery to satisfy the Department's subrogation claim in such actions.

(6) The Department may not be liable for payment of or contribution to attorney fees or litigation costs of a recipient or attorney, guardian, or personal representative of a recipient.

(7) The deduction of applicable attorney fees and litigation costs may not be considered as payment for or contribution to those fees or costs by the Department.

G. The Department may not be required to join, intervene, or otherwise become a party to the cause of action against a third party to maintain the Department's subrogation right under §C of this regulation.

H. An action brought under this regulation is not exclusive and is independent of and in addition to any right, remedy, or cause of action available to the State, the Department, other State agencies, or a Program recipient or other individual.

I. The Department may enter into contracts for the collection of medical expenses already paid by the Program from potential third parties. The Department may pay, from the funds recovered by the contractor, amounts owed to the federal government as the Department's share of the Program paid claim, and the costs of collecting the funds.

J. The Department may assign the Department's rights of subrogation to a managed care organization.

K. In rare instances, the Department may compromise or settle and release the Department's subrogation claim if, in the Department's judgment, collection of the claim will cause substantial hardship to the:

(1) Recipient; or

(2) Surviving dependents of a deceased recipient in a wrongful death action.

.03 Recipient Responsibility.

A. A recipient shall cooperate with and assist the Department in identifying and providing information concerning third parties who may be liable to pay for care and services received by the recipient under the Program.

B. A recipient is required to assist and cooperate fully with the Department in the Department's efforts to secure the Department's rights in Regulation .02 of this chapter, including but not limited to:

(1) Notifying the Program's Division of Recoveries and Financial Services in writing within 10 days of filing suit against a third party;

(2) Notifying the Program's Division of Recoveries and Financial Services in writing before entering a settlement with a third party;

(3) Immediately paying to the Program all funds received from a third party to the extent necessary to satisfy the subrogation rights of the Department;

(4) Disclosing information regarding health insurance or other third party resources when applying for Program benefits;

(5) Notifying providers of health and casualty coverage and other third party resources when requesting medical care;

(6) Notifying the Program of any health insurance obtained after becoming eligible for Medicaid;

(7) Notifying the Program's Division of Recoveries and Financial Services of any casualty or liability insurance that may cover medical treatment received due to an injury; and

(8) Executing and delivering to the Program all instruments and documents needed by the Program to pursue the Department's subrogation claim.

C. As a condition of medical assistance eligibility, a person who applies for Program benefits shall, at the time of application:

(1) Assign to the Department the applicant's rights of payment for care and services from a third party to the extent the Department has paid for care and services;

(2) Cooperate with and assist the Department in identifying and providing information concerning third parties who may be liable to pay for care and services received by the recipient under the Program; and

(3) Agree to apply for all other available third party resources that may be used to:

(a) Provide or pay for the cost of care or services received by the recipient; or

(b) Finance reimbursement to the State for the cost of care or services received by the recipient.

D. Nothing in this regulation shall require a recipient to file a civil or other action for the purpose of reimbursing the State for the cost of care or services. If a recipient fails or refuses to commence a civil or other action to enforce the legal liability of a third party, the Department may commence an independent action, after notice to the recipient, to recover all medical costs to which the Department is entitled. In any such action by the Department, the recipient in interest may be joined as a party.

E. Failure of the applicant or recipient to cooperate with the Program to secure the Department's rights to subrogation and assignment may result in the denial or termination of the recipient's Program eligibility. Recipients terminated under this regulation shall be notified in writing of the proposed Program action and afforded the opportunity for a fair hearing under COMAR 10.01.04.

.04 Notice to the Department.

A. An attorney representing a recipient in a cause of action that gives rise to the Department's right of subrogation under Regulation .02 of this chapter shall notify the Program's Division of Recoveries and Financial Services in writing before:

(1) Filing a claim;

(2) Commencing an action; or

(3) Negotiating a settlement.

B. The notice required under §A of this regulation shall include submission of the following information:

(1) The recipient's name, Social Security Number, date of birth, last known address, and telephone number;

(2) The name of any person against whom the recipient is making a claim;

(3) The identification of each potentially liable third party, including that party's name, last known address, and telephone number;

(4) The name of any insurer of any person against whom the recipient is making a claim, if known;

(5) The date of the injury or illness giving rise to the claim;

(6) A short statement identifying the nature of the recipient's claim or the terms of any settlement, judgment, or award; and

(7) Copies of the pleadings and other papers related to the action or claim.

C. Any statute of limitations applicable to any claim or action by the Department is tolled until such time as the Department receives the notice required by this regulation.

D. In any action or claim by a recipient to recover damages for an injury or illness that has resulted in the Department providing or paying for Program benefits, an attorney who represents a recipient shall give the Program's Division of Recoveries and Financial Services written notice:

(1) Not later than 30 calendar days after any judgment or award in such action or claim; or

(2) Before the resolution of the cause of action or claim.

E. If a recipient is handling the action or claim on a pro se basis, the provisions of this regulation apply as if the recipient were an attorney representing the recipient.

F. Upon receiving the notice required pursuant to §A of this regulation, the Department shall, within 30 days, provide written notice to the recipient or the attorney of the recipient and to the third party indicating the name of the recipient and the amount of the Department's claim pursuant to Regulation .06 of this chapter.

.05 Judgment, Award, or Settlement of a Medical Assistance Claim.

A. Except as provided in §§B—E of this regulation, a third party shall have no further liability if it settles or compromises a dispute in good faith and without knowledge that the individual is a recipient of Program benefits.

B. A recipient, or the recipient's attorney, guardian, or personal representative, who receives money as a result of a judgment, award, or settlement of an action or claim in which the Department has a subrogation claim shall:

(1) Deduct applicable attorney fees and litigation costs from the total judgment, award, or settlement; and

(2) Hold and forward to the Department the remainder of the judgment, award, or settlement for the benefit of the Department to the extent required for the Department's subrogation claim.

C. A recipient may not place any payment as a result of a judgment, award, or settlement of an action or claim for which another person was legally obligated to pay because of injury or illness into any special needs trust, pooled trust, or pooled trust sub-account without first repaying the Department for costs of past Program services provided to the recipient related to that action or claim.

D. The Department may only discharge a claim under Regulation .06 of this chapter if the discharge complies with federal law.

E. Liability to the Department.

(1) Except as otherwise provided in §E(3) of this regulation, a person who, after written notice of the Department's subrogation claim under Regulation .04F of this chapter, disposes of money as a result of a judgment, award, or settlement of an action or claim in violation of §B or C of this regulation, without the written approval of the Department, shall be liable to the Department for any amount that, because of the disposition, is not recoverable by the Department.

(2) Except as otherwise provided in §E(3) of this regulation, any person who fails to comply with the notice requirements of Regulation .04 of this chapter is liable to the Department for:

(a) The total amount of the Department's claim created pursuant to Regulation .06 of this chapter; and

(b) Any attorney's fees and litigation expenses incurred by the Department in enforcing the Department's subrogation rights.

(3) A person is not liable to the Department under §E(1) or (2) of this regulation if a court determines that there was good cause for:

(a) Disposing of the money in violation of §B or C of this regulation; or

(b) Failing to comply with the notice requirements of Regulation .04 of this chapter.

.06 Program Claim.

A. In a case where the Department is subrogated to the rights of the recipient, the Department has a claim to the proceeds of the recovery from the persons liable, whether the proceeds of the recovery are by way of judgment, settlement, or otherwise and shall be satisfied in full.

B. The claim is in the amount of all Program benefits paid.

C. The claim is effective when:

(1) Filed with a court of competent jurisdiction in the State; and

(2) Notice of filing of the claim is served by the Department upon the third party, personally or by registered, certified, or insured mail, return receipt requested.

.07 Conflict with Federal Requirements.

If any provision of this chapter related to subrogation, assignment, or lien conflicts with federal law concerning the Program or receipt of federal funds to finance the Program, the provision does not apply to the extent of the conflict.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 10 LABORATORIES

10.10.05 Medical Laboratories—Proficiency Testing

Authority: Health-General Article, §17-202, Annotated Code of Maryland

Notice of Proposed Action

[10-274-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .04 and .05 under **COMAR 10.10.05 Medical Laboratories—Proficiency Testing**.

Statement of Purpose

When an individual fails an annual cytology proficiency testing (PT) event, the Department is required to schedule and conduct a retesting event for the individual, and the individual is required to take the retest within a certain period of time, currently 30 days. The purpose of this proposal is to change the allowed time period in which to conduct a cytology proficiency testing retest from 30 days to 45 days in congruence with the federal cytology retest requirement. This amendment will maintain the federal HHS CLIA program deemed status for the Department's Cytology Proficiency Testing Program administered by the Office of Health Care Quality.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.04 Cytology—Departmental Requirements.

A.—C. (text unchanged)

D. The OHCQ shall [conduct]:

(1) *Conduct* announced and unannounced on-site testing for individuals during an annual PT cycle; and [shall schedule]

(2) *Schedule* and conduct a retesting event for an individual [within 30] *who has failed the annual PT testing event not more than 45 days after [notifying] receipt of the notification of the PT testing event failure by the [individual]:*

(a) *Individual who failed the annual PT testing event; and [the individual's laboratory]*

(b) *Laboratory director of the [individual's testing-event failure] individual who failed the annual PT testing event.*

E.—H. (text unchanged)

.05 Cytology—Laboratory and Individual Standards.

A.—B. (text unchanged)

C. Individual Standards.

(1)—(3) (text unchanged)

(4) An individual who fails the annual testing event shall take a second test with another 10-slide test set:

(a) Within [30] 45 days after receiving notice of a test failure; or

(b) (text unchanged)

(5)—(7) (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

**Title 11
DEPARTMENT OF
TRANSPORTATION**

**Subtitle 15 MOTOR VEHICLE
ADMINISTRATION—VEHICLE
REGISTRATION**

11.15.34 Salvage Vehicle Calculation

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland

Notice of Proposed Action

[10-275-P]

The Administrator of the Motor Vehicle Administration proposes to adopt new Regulations .01 and .02 under a new chapter, **COMAR 11.15.34 Salvage Vehicle Calculation.**

Statement of Purpose

The purpose of this action is to establish the requirements and guidelines for determining what type of repairs can be deducted from the salvage vehicle calculation for the purpose of a title brand. This action is required by the passage of H.B. 1199, Ch. 728, Acts of 2010.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Carolyn Decker, Regulations Coordinator, Motor Vehicle Administration, Room 200, 6601 Ritchie Highway, N.E., Glen Burnie, MD 21062, or call 410-424-3105, or email to cdecker@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.01 Scope.

This chapter is to establish the requirements and guidelines for determining what type of repairs can be deducted from the salvage vehicle calculation for the purpose of a title brand, as set forth in Transportation Article, §13-506, Annotated Code of Maryland.

.02 Cosmetic Damage.

A. *Cosmetic damage repairs are repairs done solely for the sake of appearance, decorative or ornamental, superficial, nonsubstantive, and if left unrepaired, would not impact the functionality, or render the vehicle unsafe or unable to operate on public roadways. Cosmetic damage shall not include any repair required to enable a vehicle to pass a safety inspection under COMAR 11.14.*

B. *Cosmetic damage repairs are those required solely for:*

- (1) *Vehicle refinishing labor and materials;*
- (2) *External trim molding and fascia;*
- (3) *Molded, non-metal bumper covers;*
- (4) *Grilles;*
- (5) *Entertainment systems;*
- (6) *Audiovisual, telephone, and mapping equipment;*
- (7) *Emblems, stripes, and decals;*
- (8) *Hubcaps and wheel covers;*
- (9) *Interior carpet;*
- (10) *Upholstery, excluding driver seat; and*
- (11) *Interior door trim panels.*

C. *Except as set forth in §B(1) of this regulation, the cost for cosmetic damage repairs shall only include the cost of parts and materials and may not include the cost of labor.*

D. *The cost for cosmetic damage repair may not be included in the cost to repair the vehicle when determining the calculation for a salvage vehicle, as set forth in Transportation Article, §13-506(c)(4), Annotated Code of Maryland.*

E. *For purposes of determining the calculation for a salvage vehicle, any tax on the parts or labor may not be included.*

F. For purposes of determining the calculation for a salvage vehicle, fair market value is the valuation shown in a national publication of used car values or from a computerized database that produces statistically valid fair market values and does not include costs for titling, registration, and applicable taxes.

JOHN T. KUO
 Administrator
 Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 14 CHILD AND FAMILY DAY CARE

13A.14.06 Child Care Subsidy Program

Authority: Family Law Article, §§5-550, 5-551, and 5-573, Annotated Code of Maryland

Agency Note: Federal Regulatory Reference—45CFR 98, 99

Notice of Proposed Action

[10-277-P]

The State Superintendent of Schools proposes to amend Regulations **.02**, **.05**, **.08**, **.09**, and **.11**, repeal existing Regulation **.12**, and adopt new Regulation **.12** under **COMAR 13A.14.06 Child Care Subsidy Program**.

Statement of Purpose

The purpose of this action is to include the intentional program violation provisions that are currently found under COMAR 07.01.04, and to establish a basis for paying informal child care providers for holidays on which they provide child care and for requiring licensed child care providers to submit attendance sheets to the agency.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Betsy Blair, Child Care Subsidy Program Manager, MSDE Division of Early Childhood Development, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-7845, or email to betsy.blair@msde.state.md.us, or fax to 410-333-6226. Comments will be accepted through October 25, 2010. A public hearing has not been scheduled.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) — (23) (text unchanged)

(23-1) “*Division of Special Investigations*” means the unit of the Office of the Inspector General in the Department of Human

Resources or the contractor that provides investigative resources in the investigation of suspected fraud in Child Care Subsidy applications, redeterminations, and open cases.

(24) — (58) (text unchanged)

(59) “Voluntary closure” means the period of time a child care provider is closed that:

(a) (text unchanged)

(b) Excludes the holidays listed in Regulation [.*09G*(8)] *.09G*(7) of this chapter.

(60) — (61) (text unchanged)

.05 Application Process.

A. — E. (text unchanged)

F. Denial. The local department shall deny the application if:

(1) — (3) (text unchanged)

(4) The applicant is disqualified for CCS payment pursuant to Regulation [.*12*] *.12P* of this chapter and the disqualification period has not ended.

G. — I. (text unchanged)

.08 Redetermination and Termination.

A. (text unchanged)

B. The local department shall terminate CCS payments if the:

(1) — (11) (text unchanged)

(12) Family or the provider has been disqualified pursuant to Regulation [.*12*] *.12P* of this chapter and the disqualification period has not ended.

C. Notification of Termination.

(1) The local department shall notify the parent and provider in writing at least 5 working days before termination of child care services or reduction of child care benefits or services pursuant to Regulation [.*09G*(7)] *.09G*(6) of this chapter. The notice shall include:

(a) — (d) (text unchanged)

(2) (text unchanged)

.09 Payments for Child Care Services.

A. Basis of Payment.

(1) [The contractor shall provide to a provider sufficient invoice forms to cover the service period of a voucher after the voucher is returned to the local department.] *A sufficient number of invoice forms will be sent to the provider to cover the necessary service periods of a voucher after the voucher has been returned to the local department.*

(2) — (3) (text unchanged)

B. — E. (text unchanged)

F. Additional Costs.

(1) A payment rate schedule is established for children attending public or nonpublic elementary or middle schools for the full school day who receive child care services. The payment rate schedule is:

(a) — (c) (text unchanged)

(d) Applied to an uninterrupted 10-week school vacation when:

(i) The vacation period is not included in [§*E*(1)(b)(ii)] §*F*(1)(b)(ii) of this regulation; and

(ii) (text unchanged)

(2) — (6) (text unchanged)

G. Payment Policy.

(1) — (4) (text unchanged)

[5] Payment is rounded to the nearest dollar.

[6] (5) (text unchanged)

[7] (6) Except for vouchers written for less than 5 working days in accordance with Regulation *.08C*(2) of this chapter, and subject to [§*G*(13)(f)] §*G*(12)(f) of this regulation, the contractor shall

pay for a 5 working day termination notification period to a provider of:

(a) — (b) (text unchanged)

[(8)] (7) — [(10)] (9) (text unchanged)

[(11)] (10) Payment may not be made to an informal child care provider for any holiday or for any child absence, except that for eligible customers, payments shall be made for:

(a) [Absences during the periods set forth in Regulation .03C(2)(b)—(d) and (3)(b) of this chapter] *Holidays that are documented as worked by the provider*; and

(b) Voluntary closure days under Regulation .02B of this chapter and [§G(9)(b)] §G(8)(b) of this regulation.

[(12)] (11) — [(16)] (15) (text unchanged)

H. Method of Payment.

(1) (text unchanged)

(2) State Payment.

(a) The contractor shall pay a provider upon approval of an invoice *and, if requested, an attendance sheet* submitted within 60 days of the end date of the last service period.

(b) (text unchanged)

(3) — (4) (text unchanged)

I. (text unchanged)

.11 Hearings and Appeals.

A. (text unchanged)

B. Notice.

(1) The local department or contractor shall send written notice of any adverse action in writing:

(a) (text unchanged)

(b) To each individual selected by the applicant or customer as an informal provider who is denied payment pursuant to Regulation [.09G(12)].09G(11) of this chapter; and

(c) To a family child care provider, a child care center, or informal provider who is denied payment for committing an intentional program violation pursuant to Regulation [.09G(13)(f)].09G(12)(f) of this chapter.

(2) — (6) (text unchanged)

C. — E. (text unchanged)

F. Scheduling and Notice.

(1) (text unchanged)

(2) Intentional Program Violation [Appeal] Hearing. When the local department or contractor makes a referral to OAH concerning an intentional program violation, OAH shall:

(a) — (b) (text unchanged)

(3) (text unchanged)

G. Prehearing Procedures.

(1) Rescheduling.

(a) — (b) (text unchanged)

(c) In an appeal concerning an intentional [Program] program violation, the appellant is entitled to one postponement of the scheduled hearing of up to 30 calendar days without the need to demonstrate good cause.

(d) (text unchanged)

(2) (text unchanged)

H. (text unchanged)

I. Final Decision.

(1) (text unchanged)

(2) If the decision is favorable to the local department, the local department may:

(a) (text unchanged)

(b) Reduce or terminate assistance that has been continued while the appeal was pending by:

(i) [Effective with the next scheduled issuance after the local department's receipt of the decision; or] *Decreasing the subsidy amount or closing the customer's case; and*

(ii) [Immediately upon receipt of the decision, in the case of assistance for which there is no scheduled issuance] *Notifying the child care provider of the reduction or termination pursuant to Regulation .08C(1).*

(3) If the decision is favorable to the appellant, the local department shall, within 10 calendar days of the date of the decision:

(a) — (b) (text unchanged)

(c) Restore the [benefits] *services*; and

(d) (text unchanged)

(4) (text unchanged)

.12 Intentional Program Violations.

A. *Notice of intentional program violation disqualification penalties shall be posted in clear, prominent, and boldface lettering:*

(1) *On the application form each time a family applies for child care subsidy; or*

(2) *On the Terms of Agreement each time a provider accepts a CCS child.*

B. *Local Department and Contractor Responsibilities. When the local department or contractor receives information that an applicant, customer, or provider may have committed an intentional program violation, the local department or contractor may refer the information to the Division of Special Investigations, which shall:*

(1) *Conduct an investigation of the suspected intentional program violators;*

(2) *Prepare a report on the completed investigation showing the methods used to obtain information; and*

(3) *Make the report available to the director of the local department and the CCS Branch Chief.*

C. *When the local department decides that there is sufficient documentary evidence that an applicant, customer, or provider has committed an intentional program violation, the local department or contractor shall refer the applicant, customer, or the provider to the:*

(1) *Local State's Attorney if the alleged facts in the case meet the guidelines established by the State's Attorney for prosecution; or*

(2) *The Office of Administrative Hearings (OAH) for an administrative disqualification hearing.*

D. *If the local State's Attorney decides that a case does not warrant prosecution, the local department or contractor may refer that case to OAH for an administrative disqualification hearing.*

E. *If the local State's Attorney does not act on a referred case within 30 days, the local department or contractor shall formally withdraw the referral and refer the case to OAH for an administrative disqualification hearing.*

F. *The local department or contractor may refer an applicant, customer, or provider for an administrative disqualification hearing regardless of the current status.*

G. *The local department or contractor may not initiate an administrative disqualification hearing:*

(1) *Against an applicant, customer, or provider whose case is being referred by the State's Attorney for prosecution; or*

(2) *After the State's Attorney or a court of appropriate jurisdiction has taken any action against the applicant, customer, or provider in a case arising out of the same or related circumstance.*

H. *The local department or contractor may allow an applicant, customer, or provider who is accused of an intentional program violation to waive the applicant's, customer's, or provider's right to an administrative disqualification hearing.*

I. *Supervisory Review. Before providing advanced written notification that the applicant, customer, or provider may waive the applicant's, customer's, or provider's right to an administrative disqualification hearing, the local department or contractor shall ensure that someone other than the case manager or payment processor assigned to the accused applicant's or customer's case or provider's payment processor:*

(1) Reviews the evidence against the applicant, customer, or provider; and

(2) Determines that the evidence warrants scheduling of a disqualification hearing.

J. Advance Notification. When the local department or contractor decides to allow an applicant, customer, or provider to waive the applicant's, customer's, or provider's right to an administrative disqualification hearing, the local department or contractor shall notify the applicant, customer, or provider in writing. The notice shall include:

(1) A summary of the charge against the applicant, customer, or provider and the evidence to support it;

(2) Information regarding the administrative disqualification hearing including:

(a) A statement that the applicant, customer, or provider may waive the right to an administrative disqualification hearing;

(b) The date, not later than 20 days after the mailing of the notice, after which the local department or contractor will refer the case to OAH for a hearing if the local department or contractor has not received the signed waiver;

(c) The requirement that the applicant, customer, or provider shall sign the waiver;

(d) A statement that the applicant, customer, or provider has the right to remain silent and that anything the individual says or signs concerning the charge may be used in future administrative or judicial proceedings; and

(e) A statement that signing the waiver will result in disqualification and reduce or terminate services for the applicant, customer, or provider;

(3) An opportunity for the applicant, customer, or provider to admit to the facts presented by the local department or contractor;

(4) A statement that the disqualified applicant, customer, or provider is responsible for repayment of any overpayment received;

(5) A statement that a hearing does not preclude the State or federal government from prosecuting the applicant, customer, or provider for the intentional program violation in a civil or criminal court; and

(6) The name and telephone number of the person to contact for additional information.

K. Imposition of Disqualification Penalties.

(1) If the local department or contractor receives a signed waiver of the right to an administrative disqualification hearing, the local department or contractor shall apply the disqualification penalty in accordance with this regulation.

(2) The applicant, customer, or provider may request a hearing before OAH if the individual disagrees with the amount of the overpayment or the method of repayment.

L. If the local department or contractor does not receive a signed waiver of the right to an administrative disqualification hearing within 20 days of providing advance notification in accordance with Regulation .05C of this chapter, the local department or contractor shall refer the individual to OAH for a hearing in accordance with COMAR 13A.14.06.11.

M. The referral shall include:

(1) Identifying case information;

(2) A summary of the alleged intentional program violation;

(3) Copies of the local department's or contractor's supporting documentation; and

(4) Documentation that the applicant, customer, or provider has been:

(a) Previously disqualified for an intentional program violation; or

(b) Convicted by a court of fraud involving CCS.

N. A pending disqualification hearing does not affect the applicant's, customer's, or provider's right to be certified and participate in the program.

O. The local department or contractor shall terminate or reduce the services if:

(1) There is documentation to support the action; and

(2) The customer or provider fails to request a hearing and continuation of benefits after notice of termination or reduction.

P. An applicant, customer, or provider who has waived the right to an administrative disqualification hearing or was found to have committed an intentional CCS Program violation is ineligible to participate in the CCS Program as follows:

(1) For the first violation, the applicant, customer, or provider may not receive any CCS payments for 6 months from the date payment was denied or until the customer or provider makes full restitution to the local department, whichever is earlier;

(2) For the second violation, the applicant, customer, or provider may not receive any CCS payments for 12 months from the date the payment was denied or until the customer or provider makes full restitution to the local department, whichever is earlier;

(3) For the third violation, the applicant, customer, or provider shall be permanently barred from receiving CCS payments and shall pay restitution to the local department; and

(4) For a determination of an intentional program violation based on an applicant's, customer's, or provider's conviction in a federal or state court on charges that the person misrepresented the location of his or her residence in order to obtain services from two or more states, the applicant, customer, or provider is not eligible to receive CCS services or payments for 10 years from the finding.

Q. The disqualification period begins with the first month following the month in which the applicant, customer, or provider receives written notification of the disqualification:

(1) Upon disposition of an intentional program violation hearing if the decision of the local department of social services or contractor is upheld;

(2) When a waiver is signed; or

(3) Upon final disposition of any proceeding referred to the local State's Attorney Office.

R. Once a disqualification penalty has been imposed under §A(1) and (2) of this regulation, the period of disqualification continues uninterrupted until the earlier of:

(1) Full repayment of the benefit; or

(2) Completion of the time period.

S. Before imposing the sanction, the local department or contractor shall provide written notice to the applicant, customer, or provider of the:

(1) Effective disqualification date;

(2) Reason for imposing the sanction;

(3) Payment that the applicant, customer, or provider was receiving;

(4) Date on which the customer may reapply or provider may begin offering service because the disqualification period has expired; and

(5) Customer's right to appeal the disqualification.

T. If an applicant, customer, or provider has been disqualified pursuant to this regulation, the local department, Maryland State Department of Education, or the contractor shall send the applicant, customer, or provider a demand letter for restitution, which shall include:

(1) The amount owed;

(2) The reason for the claim;

(3) The period of time covered by the claim;

(4) The procedure for paying the claim;

PROPOSED ACTION ON REGULATIONS

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(5) The right to request renegotiation of any repayment schedule if the applicant's, customer's, or provider's economic circumstances change; and

(6) The requirement to:

(a) Sign the repayment notice to indicate agreement to make restitution;

(b) Select the method of payment; and

(c) Return the repayment notice within 30 days of the date of the notice.

NANCY S. GRASMICK
State Superintendent of Schools

Errata

COMAR 26.11.09.01

At 37:14 Md. R. 961 (July 2, 2010), column 2, following line 3
from the bottom:

For: [(9)] (8) — [(23)] (22) (text unchanged)
Read: [(9)] (8) — [(11-1)] (11) (text unchanged)
(12) — (23) (text unchanged)

COMAR 31.09.15

At 37:18 Md. R. 1215 (August 27, 2010), column 2, line 16 from
the top:

For: **Effective Date: September 6, 2010.**
Read: **Effective Date: January 1, 2011.**
[10-20-45]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

ATHLETIC COMMISSION

Subject: Public Meeting
Date and Time: September 30, 2010, 2 — 4:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm. North, Baltimore, MD
Contact: Patrick Pannella (410) 230-6223
 [10-20-25]

BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

Subject: Public Meeting
Date and Time: October 8, 2010, 9:30 — 11:30 a.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Kimberly Mayer (410) 764-5911
 [10-20-18]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: October 26, 2010, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Contact: Thomas C. Smith (410) 875-3605
 [10-20-15]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting
Date and Time: November 1, 2010, 9:30 a.m. — 4 p.m.
Place: 500 N. Calvert St., 2nd Fl., Baltimore, MD
Add'l. Info: Centre St. Entrance
Contact: Robert Wood (410) 230-6195
 [10-20-22]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: January 10, 2011, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [10-20-04]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: March 14, 2011, 3 — 5 p.m.
Place: Baltimore County, Loch Raven Library, Baltimore, MD
Contact: Jessica Winpigler (410) 821-2829
 [10-20-05]

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

Subject: Public Meeting
Date and Time: October 7, 2010, 9 a.m. — 12 p.m.; November 4, 2010, and December 2, 2010
Place: Nancy S. Grasmick State Education Bldg., 200 W. Baltimore St., Baltimore, MD
Contact: Madeline Koum (410) 767-0385
 [10-20-21]

DEPARTMENT OF EDUCATION/DIVISION OF REHABILITATION SERVICES

Subject: Public Meeting
Date and Time: October 15, 2010, 12 — 3 p.m.; December 17, 2010, 12 — 3 p.m.
Place: Workforce and Technology Center, 2301 Argonne Dr., Rm. T-130, Baltimore, MD
Add'l. Info: Toll Free Number 866-996-0961
Contact: Tonya Gilchrist, Administrative Officer (410) 554-5412
 [10-20-20]

BOARD OF MASTER ELECTRICIANS

Subject: Public Meeting
Date and Time: October 26, 2010, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [10-20-44]

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Subject: Public Meeting
Date and Time: October 7, 2010, 1 — 3 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD

Add'l. Info: The Statewide Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month.
Contact: Leandrea M. Gilliam (410) 706-4449
 [10-20-10]

EMERGENCY MEDICAL SERVICES BOARD

Subject: Public Meeting
Date and Time: October 12, 2010, 9 — 11 a.m. (Part of the meeting may include a closed session.)
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month.
Contact: Leandrea M. Gilliam (410) 706-4449
 [10-20-09]

BOARD OF EXAMINING ENGINEERS

Subject: Public Meeting
Date and Time: October 19, 2010, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Gae Herzberger (410) 230-6163
 [10-20-43]

CONTINUING PROFESSIONAL COMPETENCY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: October 4, 2010, 2:30 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263
 [10-20-34]

DEPARTMENT OF THE ENVIRONMENT/LAND MANAGEMENT ADMINISTRATION

Subject: Public Meeting
Date and Time: October 7, 2010, 9:30 — 11:30 a.m.
Place: MDE Headquarters, 1800 Washington Blvd., Aeris Conf. Rm., Baltimore, MD

GENERAL NOTICES

Add'l. Info: Meeting of the Governor's Lead Poisoning Prevention Commission
Contact: Tracy Smith (410) 537-3847
[10-20-19]

FIRE PREVENTION COMMISSION

Subject: Public Meeting
Date and Time: October 21, 2010, 8:30 a.m.
Place: Laurel Municipal Bldg., Council Chambers, 8103 Sandy Spring Rd., Laurel, MD
Add'l. Info: If public schools in Prince George's County are closed due to inclement weather, the meeting will be rescheduled.
Contact: Heidi Ritchie (877) 890-0199
[10-20-40]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/LABORATORIES ADMINISTRATION

Subject: Public Meeting
Date and Time: October 5, 2010, 8:30 a.m. — 12:30 p.m.
Place: 201 W. Preston St., Baltimore, MD
Contact: Georgette P. Zoltani (410) 764-2899
[10-20-27]

BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)

Subject: Public Meeting
Date and Time: October 13, 2010, 9:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Steve Smitson (410) 230-6169
[10-20-12]

HOME IMPROVEMENT COMMISSION

Subject: Public Meeting
Date and Time: October 7, 2010, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Contact: Steven Smitson (410) 230-6169
[10-20-31]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting
Date and Time: November 4, 2010, 2 — 4 p.m.
Place: 4201 Patterson Ave., Baltimore, MD

Add'l. Info: Please Note: This is a change of date from October 28, 2010.
Contact: Eva Schwartz (410) 764-4799
[10-20-38]

BOARD FOR PROFESSIONAL LAND SURVEYORS

Subject: Public Meeting
Date and Time: October 6, 2010, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263
[10-20-32]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: October 21, 2010, 1 p.m.
Place: Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD
Add'l. Info: Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 working days before the meeting to make arrangements.
Contact: Valerie Wooding (410) 764-3460
[10-20-13]

MARYLAND HEALTH CARE COMMISSION

Subject: Receipt of Application
Add'l. Info: On September 9, 2010, the Maryland Health Care Commission (MHCC) received an application for Certificate of Need submitted by Amedisys Maryland, LLC d/b/a Home Health Care of America, an Amedisys Company — Matter No. 10-20-2312 — Expansion of home health services in Talbot County. Branch office to be located in Cambridge, street address to be determined. Project Cost: \$8,450.

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the applications. A copy of the application is available for review in the office of the MHCC, during regular business hours by

appointment. All correspondence should be addressed to Pamela W. Barclay, Director, Center for Hospital Services, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215.

Contact: Ruby Potter (410) 764-3276
[10-20-42]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: October 13, 2010, 8:30 a.m. — 5 p.m.
Place: Harry R Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Hughes Stes. 1 and 2, Hanover, MD
Contact: Pam Gregory (410) 865-1253
[10-20-39]

BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Subject: Public Meeting
Date and Time: October 13, 2010, 10:30 a.m. — 12:30 p.m.
Place: 4201 Patterson Ave., Rms. 108/109, Baltimore, MD
Add'l. Info: Review statutes and regulations and vote as necessary. Sign language interpreter and/or other appropriate accommodations for qualified individuals with disabilities will be provided upon request.
Contact: Robin Bailey (410) 764-4792
[10-20-08]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: October 13, 2010, 9:30 a.m.
Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD
Contact: Patricia A. Hannigan (410) 764-4750
[10-20-02]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: October 15, 2010, 8:30 a.m. — 2 p.m.
Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46, amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters

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and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

Contact: Marilyn Pinkney (410) 402-8556
[10-20-14]

BOARD OF PILOTS

Subject: Public Meeting
Date and Time: October 8, 2010, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263
[10-20-33]

POLICE TRAINING COMMISSION

Subject: Public Meeting
Date and Time: October 19, 2010, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Contact: Thomas C. Smith (410) 875-3605
[10-20-16]

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Subject: Public Meeting
Date and Time: October 8, 2010, 9 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Conf. Rm. 110, Baltimore, MD
Add'l. Info: Sign language interpreters/other accommodations for qualified individuals with disabilities will be provided upon request.
Contact: Dorothy Kutcherman (410) 764-4703
[10-20-26]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting
Date and Time: October 15, 2010, 10 a.m. — 12 p.m.
Place: Office on Aging, 301 W. Preston St., Rm. 1007, Baltimore, MD
Contact: Kathy Izdebski (410) 576-6327
[10-20-17]

COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS

Subject: Public Meeting
Date and Time: October 12, 2010, 10:30 a.m. — 12 p.m.
Place: 500 N. Calvert St., Baltimore, MD
Contact: Patti Schott (410) 230-6165
[10-20-11]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: October 15, 2010, 2 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD
Add'l. Info: Task Force On Agency Course Development
Contact: Patricia Hannon (410) 230-6199
[10-20-24]

REAL ESTATE COMMISSION

Subject: Public Meeting
Date and Time: October 20, 2010, 10:30 a.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[10-20-06]

REAL ESTATE COMMISSION

Subject: Public Hearing
Date and Time: October 20, 2010, 12:30 p.m.
Place: Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Patricia Hannon (410) 230-6199
[10-20-07]

RETIREMENT AND PENSION SYSTEM — BOARD OF TRUSTEES

Subject: Public Meeting
Date and Time: October 19, 2010, 9 a.m.
Place: Sun Trust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD
Add'l. Info: Meeting date and location are subject to change. Anyone interested in attending should contact the MD Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request; please call 410-625-5609 or 1-800-735-2258 TTY.
Contact: Patrice Sowah (410) 625-5609
[10-20-03]

MARYLAND BUSINESS TAX REFORM COMMISSION

Subject: Public Meeting
Date and Time: October 14, 2010, 2 — 4 p.m.
Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Annapolis, MD
Contact: Linda I Vasbinder (410) 260-7450
[10-20-28]

MARYLAND TRANSPORTATION AUTHORITY

Subject: Public Meeting
Date and Time: October 6, 2010, 6 — 8 p.m.
Place: Maryland Transportation Authority, MDTA Police/Maintenance Bldg., 881 Oceanic Dr., Annapolis, MD
Add'l. Info: BBRAG meeting
Contact: Gail Moran (410) 537-1032
[10-20-37]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: October 14, 2010, 9 — 11 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300
[10-20-01]

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Part 2

- 09 Medical Care Programs

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- 41 Board of Examiners for Audiologists, Hearing Aid
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Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies

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- 01 Office of the Secretary
 - 02 Transportation Service Human Resources System
 - 03 Maryland Aviation Administration
 - 04 State Highway Administration
 - 05 Maryland Port Administration
 - 06 Mass Transit Administration
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 - 08 Vacant
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 - 12 MVA – Licensing of Businesses and Occupations
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