

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: McNamee
Typed by: Alan
Stored – 10/01/07
Proofread by _____
Checked by _____

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Fairness to Pickup Truck Owners Act of 2008**

3 **MC 801-08**

4 FOR the purpose of specifying that in Montgomery County a certain provision in a
5 recorded covenant or restriction, declaration, or bylaws or rules of a
6 homeowners association may not restrict or prohibit a lot owner or resident
7 from parking a certain passenger vehicle for personal use in a certain
8 designated parking space or a driveway of the residence located on a certain lot;
9 providing for the application of this Act; providing that a certain restriction or
10 prohibition may not be enforced after the effective date of this Act; and
11 generally relating to parking restrictions in the governing documents of
12 homeowners associations in Montgomery County.

13 BY adding to
14 Article – Real Property
15 Section 11B-111.6
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



20 **Article – Real Property**

21 **11B – 111.6.**

22 **(A) THIS SECTION APPLIES ONLY TO A VEHICLE THAT:**

23 **(1) IS REGISTERED OR OF A TYPE CAPABLE OF BEING**
24 **REGISTERED IN THIS STATE AS A CLASS E (TRUCK) VEHICLE WITH A**
25 **MANUFACTURER’S RATED CAPACITY OF THREE-QUARTER TON OR LESS;**

26 **(2) HAS A GROSS VEHICLE WEIGHT THAT DOES NOT EXCEED**
27 **7,000 POUNDS; AND**

28 **(3) IS NOT USED FOR COMMERCIAL PURPOSES.**

29 **(B) IN MONTGOMERY COUNTY, A RECORDED COVENANT OR**
30 **RESTRICTION, A PROVISION IN A DECLARATION, OR A PROVISION IN THE**
31 **BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION MAY NOT RESTRICT OR**
32 **PROHIBIT A LOT OWNER OR RESIDENT FROM PARKING A VEHICLE DESCRIBED**
33 **IN SUBSECTION (A) OF THIS SECTION IN:**

34 **(1) A DESIGNATED PARKING PLACE FOR THE LOT; OR**

35 **(2) THE DRIVEWAY OF THE RESIDENCE LOCATED ON THE LOT.**

36 SECTION 2. AND BE IT FURTHER ENACTED, That, in Montgomery County,
37 any restriction or prohibition in a recorded covenant or restriction, a provision in a
38 declaration, or a provision in the bylaws or rules of a homeowners association that
39 restricts or prohibits the parking of a vehicle as described in § 11B–111.6 of the Real
40 Property Article, as enacted by this Act, may not be enforced on or after the effective
41 date of this Act.

42 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
43 October 1, 2008.