COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

[(1)] require an owner of an off-the-road [[motorcycle]] vehicle to register the vehicle with the County Executive or a designee;

[(2)] (1) require an operator of an off-the-road [[motorcycle]] vehicle to wear safety equipment when operating the vehicle;

[(3)] (2) impose restrictions on an operator of an off-the-road [[motorcycle]] vehicle;

(3) require retailers of an off-the-road vehicle to provide customers with written information about State and County laws on vehicle use:

(4) provide penalties for [[failure to register an off-the-road motorcycle vehicle or]] committing an act in violation of this Chapter; and

(5) generally create the law governing an off-the-road [[motorcycle]] vehicle.

By adding
Montgomery County Code
Chapter 7A, Off-the-road [[motorcycles]] vehicles
Sections 7A-1 through 7A-6.

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Chapter 7A is added as follows:

Chapter 7A, Off-the-road Vehicles.

7A-1. Definitions. In this Section:

**Department** means the County Police Department.

**Off-the-road [motorcycle] vehicle** means a motor vehicle that:

(a) has a saddle or seat for use of the rider;

(b) is designed to travel on two or more wheels in contact with the ground;

(c) is designed generally for use off public roads; [and]

(d) is not subject to registration requirements under the Maryland Vehicle Law; and [..]

(e) generally includes the following vehicles: an off-the-road motorcycle, an all terrain vehicle, or a [miniature motorcycle] motorized minibike.

**Off-the-road vehicle** does not include:

(a) moped as defined in Section 11-134.01 of the Transportation Article, [Annotated Code of] Maryland Code;

(b) farm vehicle as defined in Section 13-911 of the [Vehicle Law] Transportation Article, [Annotated Code of] Maryland Code;

(c) a motorized golf cart;

(d) a mobility device for a disabled person such as an electric motor-driven wheelchair or scooter; or

(e) a lawn mower or any other vehicle used on agricultural, park, or residential property primarily for agricultural, gardening, landscaping, or lawn care[..] purposes.

**Operate** means [[exercising]] to exercise physical control over the speed or direction of or physically [[manipulating]] manipulate or [[activating]] activate any controls of an off-the-road [motorcycle] vehicle.

**Operator** means a person who operates, who is responsible for the operation
of, or who supervises the operation of, an off-the-road vehicle.

[7A-2. Registration.]

(a) An owner of an off-the-road vehicle must register the vehicle by:

(1) completing a registration form provided by the County Executive or a designee;

(2) presenting a bill of sale or other suitable documentation; and

(3) paying a registration fee.

(b) The County Executive or a designee must issue a County registration sticker to a resident who completes the registration process. Each registration sticker must be attached to the back of an off-the-road vehicle and is not transferable.

(c) The County Executive or a designee must refuse to issue a registration sticker if:

(1) the application is not complete;

(2) the required fee has not been paid;

(3) the application contains false information; or

(4) the applicant has previously forfeited an off-the-road vehicle under this Chapter.

[7A-[3]]2. Equipment for riders.

An operator must wear the following safety equipment when operating an off-the-road vehicle:

(1) a helmet that meets safety standards established by the Maryland Motor Vehicle Administrator; and

(2) a protective eye device, unless the vehicle is equipped with a windscreen.
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7A-[[4]]3. **Driving restrictions.**

(a) An operator must not operate an off-the-road [[motorcycle]] vehicle on County or Maryland-National Capital Park and Planning property without written permission of the County Executive, the Director of the Maryland-National Capital Park and Planning Commission, or a designee, except for [[County]] employees or agents of the County, the Maryland-National Capital Park and Planning Commission, or other government agencies performing work or services on behalf of the County or a government agency.

(b) An operator must not operate an off-the-road [[motorcycle]] vehicle on private property unless:

1. the operator wears the required safety equipment as provided in Section 7A-[[3]]2;

2. the operator has the express written permission of the property owner; [and]

3. the operator, if 16 years of age or younger, is supervised by an adult; and

4. the operation is within 300 feet of a dwelling; and]

5. the operation is between the hours of 7 a.m. and 8 p.m.

7A-[[7A-4. Regulations.]

(a) The County Executive or a designee [[may]] must establish method 2 regulations to implement this Chapter [[by method (2)]].

(b) The County Executive or a designee may set off-the-road [[motorcycle]] vehicle registration fees by [[executive]] method 3 regulations under method (3).

7A-[[6]]4. **Enforcement.**
(a) The [[County Police]] Department [[must]] may enforce the requirements of this Chapter. The Maryland-National Capital Park and Planning [[Commission]] Police may enforce the requirements of this Chapter on Maryland-National Capital Park and Planning Commission property.

(b) The [[County Police]] Department and the Maryland-National Capital Park and Planning [[Commission]] Police may impound [[any unregistered]] an off-the-road [[motorcycle]] vehicle [[until the vehicle is registered]] used in violation of this [[chapter]] Chapter.

(c) The [[County Police]] Department may:

1. hold the [[unregistered]] off-the-road [[motorcycle]] vehicle until the [[vehicle is registered and returned to the owner]] owner claims the vehicle and pays all fines or fees;

2. donate the off-the-road [[motorcycle]] vehicle to a non-profit organization that is exempt from taxation under Section 501(c) (3) of the Internal Revenue Code, if [[reasonable attempts to locate the owner are unsuccessful and 90]] the owner cannot be located and 60 days have elapsed from the date of impoundment;

or

3. dispose of the off-the-road [[motorcycle]] vehicle in the manner provided for abandoned motor vehicles in Section 31-63. [[The net proceeds received from the sale of an impounded or abandoned off-the-road motorcycle must be deposited in the Police Relief and Retirement Fund.]]

7A-[[715]], Notice Requirements.

(a) The Department must educate County residents about the use of off-the-road vehicles and may work with the Office of Consumer Protection.
the Office of Public Information, or any other government or non-
government agency, group, or organization to conduct a public
education campaign. By January 1 of each year, the Department must
report to the Council on the activities conducted for the public education
campaign and the number and type of citations issued for violations of
this Chapter.

(b) A [[person who sells at]] retail seller of an off-the-road vehicle must
post a sign, and make available written information, [[with]]
summarizing State and County law on the use of off-the-road vehicles
in each retail location. [[Signs]] Each sign and item of written
information must be [[approved by]] submitted to the Office of
Consumer Protection.


A violation of this Chapter is a class C violation.

[[Sec. 2. Effective Date.
This Act takes effect on September 1, 2006.]]
Approved:

George L. Leventhal, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council