

Bill No. 7-04
Concerning: Off-the-road ~~[[Motorcycles]]~~
Vehicles—Registration and
Operation
Revised: 7-25-06 Draft No. 11
Introduced: March 16, 2004
Expires: March 9, 2007
Enacted: July 25, 2006
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

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.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[[Single boldface brackets]]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 7A is added as follows:**

2 **Chapter 7A. Off-the-road Vehicles.**

3 **7A-1. Definitions.** In this Section:

4 **Department** means the County Police Department.

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

- 6 (a) has a saddle or seat for use of the rider;
7 (b) is designed to travel on two or more wheels in contact with the ground;
8 (c) is designed generally for use off public roads; ~~[[and]]~~
9 (d) is not subject to registration requirements under the Maryland Vehicle
10 Law; and ~~[[.]]~~
11 (e) generally includes the following vehicles: an off-the-road motorcycle,
12 an all terrain vehicle, or a ~~[[miniature motorcycle]]~~ motorized minibike.

13 ~~[[f)]]~~ **Off-the-road vehicle** does not include:

- 14 (a) moped as defined in Section 11-134.01 of the Transportation Article,
15 [[Annotated Code of]] Maryland Code;
16 (b) farm vehicle as defined in Section 13-911 of the ~~[[Vehicle Law]]~~
17 Transportation Article, [[Annotated Code of]] Maryland Code;
18 (c) a motorized golf cart;
19 (d) a mobility device for a disabled person such as an electric motor-driven
20 wheelchair or scooter; or
21 (e) a lawn mower or any other vehicle used on agricultural, park, or
22 residential property primarily for agricultural, gardening, landscaping,
23 or lawn care~~[[,]]~~ purposes.

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

27 **Operator** means a person who operates, who is responsible for the operation

28 of, or who ~~[[is supervising]]~~ supervises the operation of, an off-the-road
29 [[motorcycle]] vehicle.

30 **[[7A-2. Registration.**

31 (a) An owner of an off-the-road ~~[[motorcycle]]~~ vehicle must register the
32 vehicle by:

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

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

36 (3) paying a registration fee.

37 (b) The County Executive or a designee must issue a County registration
38 [[tag]] sticker to a resident who completes the registration process.

39 Each registration ~~[[tag]]~~ sticker must be attached to the back of an off-
40 the-road ~~[[motorcycle]]~~ vehicle and is not transferable.

41 (c) The County Executive or a designee must refuse to issue a registration
42 [[tag]] sticker if:

43 (1) the application is not complete;

44 (2) the required fee has not been paid;

45 (3) the application contains false information; or

46 (4) the applicant has previously forfeited an off-the-road
47 [[motorcycle]] vehicle under this Chapter.]]

48 **7A-[[3]]2. Equipment for riders.**

49 An operator must wear the following safety equipment when operating an off-
50 the-road ~~[[motorcycle]]~~ vehicle:

51 (1) a helmet that meets safety standards ~~[[set by regulation]]~~ established by
52 the Maryland Motor Vehicle Administrator; and

53 (2) ~~[[an eye]]~~ a protective eye device, unless the vehicle is equipped with a
54 windscreen.

55 **7A-[[4]]3. Driving restrictions.**

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

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

66 (1) the operator wears the required safety equipment as provided in
67 Section 7A-[[3]]2;

68 (2) the operator has the express written permission of the property
69 owner; [[and]]

70 (3) the operator, if 16 years of age or younger, is supervised by an
71 adult; and

72 [[4) the operation is within 300 feet of a dwelling; and]]

73 [[5)] (4) the operation is between the hours of 7 a.m. and 8 p.m.

74 **[[7A-4. Regulations.**

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

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

80 **7A-[[6]]4. Enforcement.**

81 (a) The [[County Police]] Department [[must]] may enforce the
82 requirements of this Chapter. The Maryland-National Capital Park and
83 Planning [[Commission]] Police may enforce the requirements of this
84 Chapter on Maryland-National Capital Park and Planning Commission
85 property.

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

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

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

94 (2) donate the off-the-road [[motorcycle]] vehicle to a non-profit
95 organization that is exempt from taxation under Section 501(c)

96 (3) of the Internal Revenue Code, if [[reasonable attempts to
97 locate the owner are unsuccessful and 90]] the owner cannot be
98 located and 60 days have elapsed from the date of impoundment;
99 or

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

105 **7A-[[7]]5. Notice Requirements.**

106 (a) The Department must educate County residents about the use of off-the-
107 road vehicles and may work with the Office of Consumer Protection,

108 the Office of Public Information, or any other government or non-
109 government agency, group, or organization to conduct a public
110 education campaign. By January 1 of each year, the Department must
111 report to the Council on the activities conducted for the public education
112 campaign and the number and type of citations issued for violations of
113 this Chapter.

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

120 **7A-[[7]]6. Penalty.**

121 A violation of this Chapter is a class C violation.

122 **[[Sec. 2. Effective Date.**

123 This Act takes effect on September 1, 2006.]]

124

125 *Approved:*

126

George L. Leventhal, President, County Council

Date

127 *Approved:*

128

Douglas M. Duncan, County Executive

Date

129 *This is a correct copy of Council action.*

130

Linda M. Lauer, Clerk of the Council

Date