

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 928 (Delegates Boyce and Wivell)
Environment and Transportation

Motor Vehicles - Off-the-Road Motorcycles - Local Regulation and Enforcement

This bill redefines “off-the-road motorcycle” to mean a motor vehicle that is not otherwise registered or eligible for registration under the Transportation Article and that either has two or three wheels or is a three- or four-wheel all-terrain vehicle (ATV). “Off-the-road motorcycle” includes motor vehicles designed for off-the-road operation, more commonly known as dirt bikes and minibikes; it does not include mopeds, motor scooters, electric bicycles, or electric low speed scooters. The bill extends to municipalities the same authority as counties already have to regulate the operation of off-the-road motorcycles, require them to be registered (albeit still just with the county), and impose a registration fee for them. Finally, counties and municipalities may enforce the Maryland Vehicle Law for violations involving off-the-road motorcycles and enact laws governing the impoundment of off-the-road motorcycles, the conditions for their release from impoundment, and if lawful, their forfeiture.

Fiscal Summary

State Effect: The bill does not directly affect State government operations or finances. To the extent the District Court’s caseload increases as a result of how counties and municipalities implement the bill, the District Court can absorb the impact within existing budgeted resources. Revenues are not affected.

Local Effect: To the extent local jurisdictions exercise the full authority extended to them under the bill, revenues increase and expenditures may increase minimally for regulatory and enforcement actions. However, the bill is not expected to materially affect local government finances, as discussed below.

Small Business Effect: None.

Analysis

Current Law: A “motorcycle” means an autocycle, or a motor vehicle that meets specified criteria, as follows: has motive power; has a seat or saddle for the use of the rider; is designed to travel on not more than three wheels in contact with the ground and at speeds exceeding 35 miles per hour; and is of a type required to comply with all motor vehicle safety standards applicable to motorcycles under federal law. An “autocycle” is a motor vehicle that has two front wheels and one rear wheel; has a steering mechanism; has permanent seats on which the operator or a passenger is not required to sit astride; has foot pedals to control the acceleration or braking or, if applicable, a clutch; and is manufactured to comply with federal safety standards for motorcycles.

“Off-the-road motorcycle” means a motorcycle not otherwise registered under the Transportation Article. “Off-the-road motorcycle” includes motorcycles designed for off-the-road operation, motorcycles not otherwise eligible for registration under the Transportation Article, and any motorcycle commonly referred to as a dirt bike. Counties (including Baltimore City) are authorized to regulate the operation of off-the-road motorcycles, require them to be registered, and impose a registration fee for them.

The Baltimore City Code specifies that the owners and operators of dirt bikes and unregistered motorcycles or similar vehicles must adhere to certain requirements. A “dirt bike” means any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law (including a minibike and a three- or four-wheel ATV). An “unregistered motorcycle or similar vehicle” means a motorcycle or similar vehicle that is eligible for registration under the Maryland Vehicle Law but is not in fact registered.

In Baltimore City, an individual is prohibited from driving, riding, or permitting another person to drive or ride a dirt bike or any unregistered motorcycle or similar vehicle on public or private property that is owned or regulated by the city. Additionally, an individual who owns, controls, possesses, or has custody over a dirt bike or any unregistered motorcycle or similar vehicle must ensure it is securely locked or otherwise immobilized such that it (1) cannot be freely moved and (2) cannot be removed or deactivated without the assistance of its owner. A parent or guardian of a minor is prohibited from knowingly permitting the minor to drive or ride a dirt bike or unregistered motorcycle or similar vehicle. The Baltimore City Code authorizes the seizure and forfeiture of a dirt bike or unregistered motorcycle or similar vehicle if used in violation of any of these prohibitions.

Since 2010, off-highway recreational vehicles (OHRVs) that are purchased by State residents must be titled and display a readable titling decal with a unique number. Among the vehicles and devices qualifying as OHRVs are motor-assisted or motor-driven vehicles that are commonly known as ATVs and designed to carry only the operator of the vehicle, as specified, or the operator of the vehicle and one passenger.

Local Fiscal Effect: As the definition of “off-the-road motorcycle” is changed by the bill, jurisdictions that already regulate operation of such vehicles may be able to encompass additional vehicles in their regulatory framework. If a municipality chooses to require off-the-road motorcycles to be registered with the county and also imposes a registration fee on them, local government revenues increase minimally. To the extent that counties and municipalities enforce the Maryland Vehicle Law for violations involving off-the-road motorcycles on county or municipal roads, local government revenues may also increase minimally. Any such revenues are assumed to cover additional costs of regulation and enforcement.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Maryland Association of Counties; Maryland Municipal League; Kent, Washington, and Worcester counties; Baltimore City; City of Laurel; Department of Legislative Services

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Analysis by: Ralph W. Kettell

Direct Inquiries to:
(410) 946-5510
(301) 970-5510