

HOUSE BILL 972

R7

4lr0401

By: **Delegate Boyce**

Introduced and read first time: February 2, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicles – Off-Highway Vehicles – Clarifications and Revisions**

3 FOR the purpose of clarifying and harmonizing certain provisions of law governing
4 off-highway recreational vehicles and other similar off-highway motor vehicles;
5 repealing the exception for certain off-highway recreational vehicles to the
6 requirement to obtain a motor vehicle certificate of title; requiring a motor vehicle
7 dealer that sells off-highway recreational vehicles to provide certain electronic motor
8 vehicle titling services; repealing certain provisions of law that authorize a local
9 jurisdiction to regulate the operation of, register or permit, and impose a registration
10 or permit fee for, certain off-highway motor vehicles; authorizing a local jurisdiction
11 to ~~regulate the operation of off-highway recreational vehicles within its jurisdiction,~~
12 enforce the Maryland Vehicle Law for violations involving an off-highway
13 recreational vehicle on a highway within its jurisdiction, and enact and implement
14 local legislation governing the impoundment and release of off-highway recreational
15 vehicles ~~that are suspected of being involved in a violation of~~ for which the driver is
16 issued a citation for a moving violation under the Maryland Vehicle Law;
17 establishing certain procedures for the reclamation and forfeiture of impounded
18 off-highway recreational vehicles; and generally relating to off-highway motor
19 vehicles.

20 BY renumbering

21 Article – Transportation

22 Section 11-140.1

23 to be Section 11-140.2

24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–23(a)(5)(i)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–103.3, 13–101.1, 13–104(a), 13–401(b)(1), 13–802(b)(2), 16–206(b)(2) and
(c)(3)(ii), and 21–1128(b)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing
Article – Transportation
Section 11–134.4, 13–102(13), 25–102(a)(15), and 25–102.1
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to
Article – Transportation
Section 11–140.1 and 25–102.1
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–140.2
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–102(11) and (12), 13–401(b)(2)(i), 15–112, 16–101(a)(2), 21–104.1,
21–1128(a) and (c), and 25–102(a)(14) and (16) through (19)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 11–140.1 of Article – Transportation of the Annotated Code of Maryland be
renumbered to be Section(s) 11–140.2.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Courts and Judicial Proceedings

3–8A–23.

(a) (5) (i) An adjudication of a child as delinquent by reason of the child's violation of § 13–401(b)(2), § 20–102, § 20–103, or § 21–904 of the Transportation Article or a finding that a child has committed a delinquent act by reason of the child's violation of § 13–401(b) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, or § 21–904 of the Transportation Article, without an adjudication of the child as delinquent, shall be reported by the clerk of the court to the Motor Vehicle Administration that shall suspend the child's license to drive as provided in § 16–206(b) of the Transportation Article:

1. For 6 months for a first adjudication as delinquent or finding of a delinquent act for a violation of § 13–401(b) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, or § 21–904 of the Transportation Article; and

2. For 1 year for a second or subsequent adjudication as delinquent or finding of a delinquent act for a violation of § 13–401(b) of the Transportation Article for driving an off-highway recreational vehicle on a highway, or of § 20–102, § 20–103, or § 21–904 of the Transportation Article.

Article – Transportation

11–103.3.

“All-terrain vehicle” means a motor vehicle that:

- (1) (i) Is designed for off-highway use;
- (ii) Operates on at least three low-pressure tires;
- (iii) Has a seat or saddle designed to be straddled by the operator;
- (iv) Has handlebars for steering;
- (v) Is intended by the manufacturer to be operated by a single operator; and
- (vi) May be designed to carry one passenger; or
- (2) (i) Is designed for off-highway use;
- (ii) Operates on four or more low-pressure tires;

(iii) Has a bench or bucket-style seating; and

(iv) Has a steering wheel for steering.

[11-134.4.

(a) “Motorized minibike” means a motor vehicle that:

(1) Has two or three wheels; and

(2) Is not subject to registration under Title 13 of this article.

(b) “Motorized minibike” does not include:

(1) A motor scooter;

(2) A moped;

(3) A farm tractor;

(4) An electric bicycle; or

(5) An electric low speed scooter.]

11-140.1.

“OFF-HIGHWAY MOTORBIKE”, ALSO KNOWN AS A DIRT BIKE, MEANS A MOTOR VEHICLE THAT:

(1) HAS A DESIGN SIMILAR TO A MOTORCYCLE;

(2) IS BUILT FOR OFF-HIGHWAY OPERATION; AND

(3) IS NOT ELIGIBLE FOR REGISTRATION AS A CLASS D (MOTORCYCLE) VEHICLE UNDER THIS ARTICLE.

11-140.2.

(a) “Off-highway recreational vehicle” means a vehicle that is:

(1) [A motor-assisted or motor-driven vehicle that:

(i) Is designed to carry only the operator of the vehicle on a seat or saddle designed to be straddled by the operator or is designed to carry only the operator of the vehicle and one passenger; and

(ii) Is commonly known as an] **AN** all-terrain vehicle;

(2) A [motor-assisted or motor-driven vehicle that:

(i) Travels on four or more tires;

(ii) Is intended for use by one or more persons;

(iii) Has the following features:

1. A steering wheel for steering control;

2. A roll-over protective structure;

3. An occupant retention system;

4. Nonstraddle seating;

5. A maximum speed capability exceeding 30 miles per hour;

6. An overall width of less than 80 inches, exclusive of

accessories; and

7. An engine displacement of less than 1,000 cubic

centimeters; and

(iv) Is commonly known as a] side-by-side utility vehicle;

(3) [A motorcycle that is designed for off-highway operation and is not eligible for registration as a Class D (motorcycle) vehicle under this article, commonly known as a dirt bike] **AN OFF-HIGHWAY MOTORBIKE**; or

(4) A snowmobile.

(b) “Off-highway recreational vehicle” does not include:

(1) **A MOPED;**

(2) **A MOTOR SCOOTER;**

(3) **AN ELECTRIC BICYCLE;**

(4) **AN ELECTRIC LOW SPEED SCOOTER;**

[(1)] (5) A farm vehicle as defined in § 13-911 of this article when used exclusively on farm property by a farmer; **OR**

1 ~~[(2)]~~ **(6)** Any vehicle when used on residential property for the purpose of
2 landscaping, gardening, or lawn care[; or

3 (3) An electric bicycle].

4 (c) The Administration may establish by regulation other requirements **OR**
5 **AUTHORIZATIONS** for or limitations on the definition of “off-highway recreational vehicle”.

6 13–101.1.

7 Except as provided in § 13–102 of this subtitle, the owner of each vehicle that is in
8 this State and for which the Administration has not issued a certificate of title shall apply
9 to the Administration for a certificate of title of the vehicle.

10 13–102.

11 A certificate of title is not required for:

12 (11) A self-propelled invalid:

13 (i) Wheelchair; or

14 (ii) Tricycle; **OR**

15 (12) A trailer, other than a camping trailer, rated by the manufacturer as
16 having a gross vehicle weight of 2,500 pounds or less[; or

17 (13) An off-highway recreational vehicle purchased before October 1, 2010].

18 13–104.

19 (a) (1) The application for a certificate of title of a vehicle shall be made by the
20 owner of the vehicle on the form that the Administration requires.

21 (2) Notwithstanding any other provision of this title, an application for a
22 certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped shall
23 be made by electronic transmission under § 13–610 of this title.

24 (3) The owner of a motor scooter or moped shall certify at the time of titling
25 that the motor scooter or moped is covered by the required security described in § 17–103
26 of this article.

27 13–401.

(b) (1) If a vehicle is not registered, a person may not drive the vehicle on a highway in this State.

(2) (i) 1. If a person is convicted of a violation of this subsection that involved the use of an off-highway recreational vehicle on a highway, the court shall notify the Administration of the violation.

2. IF A CHILD HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION, OR A FINDING HAS BEEN MADE THAT A CHILD COMMITTED A VIOLATION, OF THIS SUBSECTION INVOLVING THE USE OF AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY, THE COURT SHALL NOTIFY THE ADMINISTRATION OF THE ADJUDICATION OR FINDING.

13-802.

(b) (2) The fee for each certificate of title issued for an off-highway recreational vehicle is \$35.

15-112.

(a) (1) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells [a motorized minibike] **AN OFF-HIGHWAY RECREATIONAL VEHICLE** shall inform the buyer in writing that [a motorized minibike] **AN OFF-HIGHWAY RECREATIONAL VEHICLE** may not be driven on a highway in the State.

[(b)] (2) Any dealer or agent or employee of a dealer, any vehicle salesman, or any other person who sells [a motorized minibike] **AN OFF-HIGHWAY RECREATIONAL VEHICLE** shall inform the buyer in writing that local law, ordinance, and regulation may limit the use of the [motorized minibike] **OFF-HIGHWAY RECREATIONAL VEHICLE**.

(B) A DEALER THAT SELLS OFF-HIGHWAY RECREATIONAL VEHICLES SHALL:

(1) PROVIDE ELECTRONIC TITLING SERVICES TO A PURCHASER OF AN OFF-HIGHWAY RECREATIONAL VEHICLE; OR

(2) HAVE A CONTINUING CONTRACT WITH AN ENTITY THAT PROVIDES TO THE DEALER ELECTRONIC TITLING SERVICES FOR OFF-HIGHWAY RECREATIONAL VEHICLES.

16-101.

(a) (2) On portions of a highway in the State where driving an all-terrain vehicle, **AN OFF-HIGHWAY MOTORBIKE**, or a snowmobile is authorized by this article, an

individual may not drive or attempt to drive an all-terrain vehicle, **AN OFF-HIGHWAY MOTORBIKE**, or a snowmobile on the highway unless:

(i) The individual holds a driver's license issued under this title; or

(ii) The individual is expressly exempt from the licensing requirements of this title.

16-206.

(b) (2) On notification by the clerk of the court that a child has been adjudicated delinquent for a violation of § 13-401(b) of this article for driving an off-highway recreational vehicle on a highway, or of § 20-102, § 20-103, or § 21-904 of this article, or that a finding has been made that a child violated § 13-401(b) of this article for driving an off-highway recreational vehicle on a highway, or of § 20-102, § 20-103, or § 21-904 of this article, the Administration shall suspend the child's license to drive in accordance with § 3-8A-23(a)(5) of the Courts Article.

(c) (3) (ii) On receipt of a notice described under § 13-401(b)(2) of this article, the Administration shall suspend the license of an individual described under § 13-401(b)(2) of this article:

1. For a first offense, for 6 months; and

2. For a second or subsequent offense, for 1 year.

21-104.1.

(a) [In this section, "all-terrain vehicle" includes an off-highway motorcycle.

(b)] Any person operating an all-terrain [vehicle or] **VEHICLE**, a snowmobile, **OR AN OFF-HIGHWAY MOTORBIKE** on any portion of a highway designated for all-terrain vehicle [or], snowmobile, **OR OFF-HIGHWAY MOTORBIKE** use under § 25-102(a)(14) of this article has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, except for those provisions of this title that by their very nature cannot apply.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN ALLEGANY COUNTY AND GARRETT COUNTY A PERSON MAY OPERATE AN ALL-TERRAIN VEHICLE, A SNOWMOBILE, OR AN OFF-HIGHWAY MOTORBIKE ON A STATE HIGHWAY WHEN CROSSING OR TRAVELING ON THE STATE HIGHWAY IN ACCORDANCE WITH § 25-102(A)(14) OF THIS ARTICLE.

(c) In Allegany County and Garrett County a person may not operate an all-terrain vehicle [or], a snowmobile, **OR AN OFF-HIGHWAY MOTORBIKE** on a controlled access highway.

1 [(d) Except as provided in subsection (c) of this section, in Allegany County and
2 Garrett County a person may operate an all-terrain vehicle or a snowmobile on a State
3 highway when crossing or traveling on the State highway in accordance with §
4 25-102(a)(14) of this article.]

5 21-1128.

6 (a) (1) In this section [the following words have the meanings indicated.

7 (2) (i) “Dirt bike” means any motorcycle or similar vehicle that is not
8 required to be registered under Title 13 of this article.

9 (ii) “Dirt bike” includes:

10 1. A motorized minibike, as defined in § 11-134.4 of this
11 article; and

12 2. An all-terrain vehicle with either 3 or 4 wheels.

13 (iii) “Dirt bike” does not include:

14 1. A moped, as defined in § 11-134.1 of this article; or

15 2. A motor scooter, as defined in § 11-134.5 of this article.

16 (3) “Service], “**SERVICE** station” means a place of business where motor
17 fuel is sold and delivered into the fuel supply tanks of motor vehicles.

18 (b) (1) This section applies only in Baltimore City.

19 (c) A person may not dispense motor fuel into [a dirt bike] **AN OFF-HIGHWAY**
20 **RECREATIONAL VEHICLE** from a retail pump at a service station.

21 25-102.

22 (a) The provisions of the Maryland Vehicle Law do not prevent a local authority,
23 in the reasonable exercise of its police power, from exercising the following powers as to
24 highways under its jurisdiction:

25 (14) (i) [In this paragraph, “all-terrain vehicle” includes an off-highway
26 motorcycle.

27 (ii)] 1. Subject to item 2 of this item, except in Allegany County
28 and Garrett County, designating a certain portion of highways upon which snowmobiles
29 may travel for the sole purpose of gaining access to snowmobile trails; but

[(iii)] (II) In Allegany County and Garrett County:

A. Cross a highway on an all-terrain vehicle [or], a snowmobile, **OR AN OFF-HIGHWAY MOTORBIKE** at a right angle at a speed of not more than 25 miles per hour; or

2. Designating a certain portion of highways upon which all-terrain vehicles [and], snowmobiles, **AND OFF-HIGHWAY MOTORBIKES** may travel at a speed of not more than 25 miles per hour for the sole purpose of gaining access to:

C. Another area where the operation of an all-terrain vehicle [or], a snowmobile, **OR AN OFF-HIGHWAY MOTORBIKE** is authorized;

[(16)] (15) In Allegany County, designating crossings on county highways where a person operating a golf cart may cross the highway for continued access to any portion of a golf course;

[(18)] (17) Authorizing an emergency vehicle not subject to registration to operate on a highway while performing an emergency service as defined in § 19–103 of this article; and

[25–102.1.

(a) (1) In this section, “off-the-road motorcycle” means a motorcycle not otherwise registered under this article.

(2) “Off-the-road motorcycle” includes motorcycles designed for off-the-road operation, motorcycles not otherwise eligible for registration under this article, and motorcycles commonly referred to as “dirt bikes”.

(b) Each county and Baltimore City may regulate the operation of off-the-road motorcycles, require them to be registered, and impose a registration fee for them.]

25-102.1.

(A) A LOCAL JURISDICTION MAY:

~~(1) REGULATE THE OPERATION OF OFF-HIGHWAY RECREATIONAL VEHICLES ON HIGHWAYS WITHIN ITS JURISDICTION;~~

~~(2)~~ ENFORCE THE MARYLAND VEHICLE LAW FOR VIOLATIONS INVOLVING AN OFF-HIGHWAY RECREATIONAL VEHICLE ON A HIGHWAY WITHIN ITS JURISDICTION; AND

~~(3)~~ (2) ENACT AND IMPLEMENT LOCAL LEGISLATION GOVERNING:

(I) THE LAWFUL IMPOUNDMENT OF AN OFF-HIGHWAY RECREATIONAL VEHICLE ~~THAT IS SUSPECTED OF BEING INVOLVED IN A~~ FOR WHICH THE DRIVER IS ISSUED A CITATION FOR A MOVING VIOLATION OF UNDER THE MARYLAND VEHICLE LAW INVOLVING THE USE OF THE OFF-HIGHWAY RECREATIONAL VEHICLE; AND

(II) THE CONDITIONS FOR THE RELEASE OF AN OFF-HIGHWAY RECREATIONAL VEHICLE THAT HAS BEEN IMPOUNDED.

(B) (1) (I) AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER TAKING AN OFF-HIGHWAY RECREATIONAL VEHICLE INTO CUSTODY, A POLICE DEPARTMENT SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST INDIVIDUAL TO WHOM THE OFF-HIGHWAY RECREATIONAL VEHICLE WAS TITLED BY THE ADMINISTRATION.

(II) THE OWNER MAY RECLAIM THE OFF-HIGHWAY RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING AND REMOVAL, PRESERVATION, AND STORAGE CHARGES

1 RESULTING FROM TAKING THE OFF-HIGHWAY RECREATIONAL VEHICLE INTO
2 CUSTODY.

3 (2) THE NOTICE SHALL:

4 (I) STATE THAT THE OFF-HIGHWAY RECREATIONAL VEHICLE
5 HAS BEEN TAKEN INTO CUSTODY;

6 (II) DESCRIBE ANY IDENTIFYING INFORMATION FOR THE
7 OFF-HIGHWAY RECREATIONAL VEHICLE;

8 (III) GIVE THE LOCATION OF THE FACILITY WHERE THE
9 OFF-HIGHWAY RECREATIONAL VEHICLE IS HELD;

10 (IV) INFORM THE OWNER OF THE OWNER'S RIGHT TO RECLAIM
11 THE OFF-HIGHWAY RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER THE DATE OF
12 THE NOTICE, ON PAYMENT OF ALL TOWING AND REMOVAL, PRESERVATION, AND
13 STORAGE CHARGES RESULTING FROM TAKING THE OFF-HIGHWAY RECREATIONAL
14 VEHICLE INTO CUSTODY; AND

15 (V) STATE THAT THE FAILURE OF THE OWNER TO EXERCISE
16 THIS RIGHT IN THE TIME PROVIDED IS:

17 1. A WAIVER BY THE OWNER OF ALL OF THE OWNER'S
18 RIGHT, TITLE, AND INTEREST IN THE OFF-HIGHWAY RECREATIONAL VEHICLE;

19 2. A CONSENT TO THE SALE OR DISPOSAL OF THE
20 OFF-HIGHWAY RECREATIONAL VEHICLE IN THE DISCRETION OF THE POLICE
21 DEPARTMENT; AND

22 3. A CONSENT TO THE RETENTION OF THE
23 OFF-HIGHWAY RECREATIONAL VEHICLE FOR PUBLIC PURPOSES.

24 (3) IF THE OWNER FAILS TO RECLAIM THE OFF-HIGHWAY
25 RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER NOTICE IS GIVEN UNDER THIS
26 SECTION, OR IF THE OWNER'S IDENTITY IS UNKNOWN, THE OWNER IS DEEMED TO
27 HAVE WAIVED ALL OF THE OWNER'S RIGHT, TITLE, AND INTEREST IN THE
28 OFF-HIGHWAY RECREATIONAL VEHICLE AND TO HAVE CONSENTED TO THE SALE OR
29 DISPOSAL OF THE OFF-HIGHWAY RECREATIONAL VEHICLE OR TO THE RETENTION
30 OF THE OFF-HIGHWAY RECREATIONAL VEHICLE FOR PUBLIC PURPOSES.

1 **(4) IF AN OFF-HIGHWAY RECREATIONAL VEHICLE IS NOT RECLAIMED**
2 **AS PROVIDED FOR IN THIS SECTION, OR IF THE OWNER'S IDENTITY IS UNKNOWN, THE**
3 **POLICE DEPARTMENT MAY:**

4 **(I) SELL THE OFF-HIGHWAY RECREATIONAL VEHICLE AT**
5 **PUBLIC AUCTION;**

6 **(II) RETAIN THE OFF-HIGHWAY RECREATIONAL VEHICLE FOR**
7 **PUBLIC PURPOSES; OR**

8 **(III) OTHERWISE DISPOSE OF THE OFF-HIGHWAY**
9 **RECREATIONAL VEHICLE IN ITS DISCRETION.**

10 **(5) (I) THE BUYER OF AN OFF-HIGHWAY RECREATIONAL VEHICLE**
11 **AT AUCTION:**

12 **1. TAKES OWNERSHIP OF THE OFF-HIGHWAY**
13 **RECREATIONAL VEHICLE FREE AND CLEAR OF ANY CLAIM OF OWNERSHIP OR LIEN**
14 **OF ANY OTHER PERSON;**

15 **2. IS ENTITLED TO A SALES RECEIPT, ON A FORM THAT**
16 **IS APPROVED BY THE ADMINISTRATION, FROM THE POLICE DEPARTMENT;**

17 **3. IS ENTITLED TO OBTAIN A SALVAGE CERTIFICATE**
18 **FOR THE VEHICLE; AND**

19 **4. MAY OBTAIN A CERTIFICATE OF TITLE UNDER §**
20 **13-507 OF THIS ARTICLE.**

21 **(II) THE SALES RECEIPT IS SUFFICIENT TITLE FOR**
22 **TRANSFERRING THE OFF-HIGHWAY RECREATIONAL VEHICLE TO AN AUTOMOTIVE**
23 **DISMANTLER AND RECYCLER OR SCRAP PROCESSOR FOR DISMANTLING,**
24 **DESTROYING, OR SCRAPPING, WITHOUT OBTAINING A CERTIFICATE OF TITLE**
25 **ISSUED BY THE ADMINISTRATION.**

26 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the
27 Annotated Code of Maryland, in consultation with and subject to the approval of the
28 Department of Legislative Services, shall correct, with no further action required by the
29 General Assembly, cross-references and terminology rendered incorrect by this Act. The
30 publisher shall adequately describe any correction that is made in an editor's note following
31 the section affected.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2024.