

HOUSE BILL 420

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4r1580
CF 4r2132

By: **Delegate Myers**

Introduced and read first time: January 24, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Sideling Hill and Sideling Hill Wildlife Management Area – Off-Road and Off-Highway Recreational Vehicles – Prohibition

FOR the purpose of prohibiting an off-road vehicle from being used in the Sideling Hill Wildlife Management Area; prohibiting an off-highway recreational vehicle from being used on State-owned property located in Sideling Hill in Washington County; making stylistic changes; and generally relating to off-road vehicles.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5-209(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10-410(d)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11-101 and 11-140.1
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY adding to
Article – Transportation
Section 21-104.2
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

5–209.

(b) (1) The Secretary shall promulgate rules and regulations regarding equipment standards and the operation of off–road vehicles by type, as defined in § 10–410(d) of this article, on property owned or controlled by the Department.

(2) (I) The Secretary shall conduct appropriate studies and, by January 1, 1975, designate and identify areas for use by the general public for operation of motorcycles, snowmobiles and other off–road vehicles on that property exclusive of wildlife management areas or State fisheries management areas to the extent such use is compatible with the character and established uses of property controlled by the Department.

(II) AN OFF–ROAD VEHICLE MAY NOT BE USED:

1. WHERE ITS OPERATION WILL DAMAGE THE WILDLAND CHARACTER OF THE PROPERTY;

2. WHERE THE NOISE FROM ITS OPERATION WILL BE AUDIBLE AT OR INTERFERE WITH THE USE OF A PICNIC OR CAMPING AREA OPEN TO PUBLIC USE; OR

3. IN THE SIDELING HILL WILDLIFE MANAGEMENT AREA.

(3) (I) Prior to March 31, 1976, every off–road vehicle to be used on Department lands shall be registered and provided suitable identification by the Department, which shall charge an annual uniform fee for all registrants, revenues derived from which shall be used to acquire and maintain areas for off–road vehicle use by the general public.

(II) Any investment earnings derived from the revenues shall be credited to the General Fund of the State. Revenues from the fee are not subject to § 7–302 of the State Finance and Procurement Article.

(III) Revenues may be used for administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(4) Any property to be acquired or designated for off-road vehicle use shall be subject to a public hearing held in the county or counties wherein the property is situated. [However, no off-road vehicle may be permitted where its operation will damage the wildland character of the property or where the noise from its operation will be audible at or interfere with the use of a picnic or camping area open to public use.]

10-410.

(d) (1) (i) For the purposes of this subsection, “off-road vehicle” means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) “Off-road vehicle” includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

Article – Transportation

11-101.

In the Maryland Vehicle Law, the following words have the meanings indicated, unless the context requires otherwise.

11-140.1.

(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 all-terrain vehicle;

(2) 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; or

(3) A snowmobile.

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

(1) A farm vehicle as defined in § 13–911 of this article when used exclusively on farm property by a farmer; or

(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care.

(c) The Administration may establish by regulation other requirements for or limitations on the definition of “off–highway recreational vehicle”.

21–104.2.

A PERSON MAY NOT OPERATE AN OFF–HIGHWAY RECREATIONAL VEHICLE ON STATE–OWNED PROPERTY LOCATED IN SIDELING HILL IN WASHINGTON COUNTY, INCLUDING:

(1) THE SIDELING HILL WILDLIFE MANAGEMENT AREA; AND

(2) THE AREAS OF SIDELING HILL THAT ARE LOCATED TO THE NORTH AND SOUTH OF INTERSTATE 68.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.