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**By: Delegate Campbell**

Introduced and read first time: January 31, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - All-Terrain Vehicles**

3 FOR the purpose of requiring the registration of all-terrain vehicles with the Motor  
4 Vehicle Administration; defining certain terms; providing for the issuance and  
5 termination of a registration card and decal for an all-terrain vehicle; authorizing  
6 the Administration to adopt a system of staggered registration for a certain class of  
7 vehicles; authorizing the Administration to establish a registration fee; providing for  
8 the distribution of the registration fees collected under this Act; providing that a  
9 certificate of title is not required for an all-terrain vehicle; requiring the application  
10 for registration of an all-terrain vehicle to contain certain information; authorizing  
11 the Department of Natural Resources, after a public hearing, to acquire, designate,  
12 manage, and develop recreational areas for the use of all-terrain vehicles; requiring  
13 the Department to provide opportunities for safety programs for all-terrain vehicles  
14 operated on certain State property; altering a provision of law to require the seller  
15 of an all-terrain vehicle to inform the buyer that the operation of the vehicle is  
16 subject to certain provisions of law; requiring a licensed dealer who sells an  
17 all-terrain vehicle to obtain from the buyer, and forward to the Administration, all  
18 documents and fees necessary to register the all-terrain vehicle; prohibiting a  
19 person from operating an all-terrain vehicle except under certain circumstances;  
20 requiring the operator of an all-terrain vehicle to obtain and carry the written  
21 permission of the property owner to operate the all-terrain vehicle on private  
22 property; repealing provisions of law relating to the authority of counties and  
23 Baltimore City to regulate the operation and require the registration of minibikes;  
24 establishing a penalty; authorizing a judge to waive the penalty under certain  
25 circumstances; providing for the effective date of this Act; clarifying language; and  
26 generally relating to the registration and operation of all-terrain vehicles.

27 BY adding to

- 28 Article - Natural Resources
- 29 Section 5-1011
- 30 Annotated Code of Maryland
- 31 (1989 Replacement Volume and 1995 Supplement)

32 BY adding to

- 33 Article - Transportation
- 34 Section 11-103.3, 11-133.1, 11-140.1, 13-411.2, 13-937.2, 21-1121, and 27-106(d)

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1 Annotated Code of Maryland  
2 (1992 Replacement Volume and 1995 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Transportation  
5 Section 11-135, 13-102, 13-402(a), 13-403, 13-410(a), 13-412, 13-912(c), 15-112,  
6 and 25-102(a)(13), (14), and (15)  
7 Annotated Code of Maryland  
8 (1992 Replacement Volume and 1995 Supplement)

9 BY repealing  
10 Article - Transportation  
11 Section 25-102.1  
12 Annotated Code of Maryland  
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article - Transportation  
16 Section 13-408 and 13-409  
17 Annotated Code of Maryland  
18 (1992 Replacement Volume and 1995 Supplement)

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

21 **Article - Natural Resources**

22 5-1011.

23 (A) IN THIS SECTION, "ALL-TERRAIN VEHICLE" HAS THE MEANING STATED IN  
24 § 11-103.3 OF THE TRANSPORTATION ARTICLE.

25 (B) (1) THE DEPARTMENT MAY ACQUIRE, DESIGNATE, DEVELOP, AND  
26 MANAGE RECREATIONAL AREAS WITHIN WHICH THE GENERAL PUBLIC MAY  
27 OPERATE ALL-TERRAIN VEHICLES.

28 (2) ANY PROPOSAL FOR THE ACQUISITION OR DESIGNATION OF LAND  
29 UNDER THIS SECTION FOR ALL-TERRAIN VEHICLE USE SHALL BE SUBJECT TO A  
30 PUBLIC HEARING IN THE COUNTY OR COUNTIES IN WHICH THE LAND IS LOCATED.

31 (C) THE DEPARTMENT SHALL PROVIDE OPPORTUNITIES FOR EDUCATIONAL  
32 AND SAFETY PROGRAMS RELATED TO THE OPERATION OF ALL-TERRAIN VEHICLES  
33 ON LAND ACQUIRED OR DESIGNATED UNDER THIS SECTION FOR ALL-TERRAIN  
34 VEHICLE USE.

35 (D) TO CARRY OUT THE PROVISIONS OF THIS SECTION, THE DEPARTMENT  
36 MAY:

37 (1) ADOPT ANY REGULATIONS REASONABLY DETERMINED BY THE  
38 SECRETARY TO BE NECESSARY; AND

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1 (2) ENTER INTO AGREEMENTS WITH PUBLIC OR PRIVATE ENTITIES.

2 **Article - Transportation**

3 11-103.3.

4 (A) "ALL-TERRAIN VEHICLE" MEANS A SELF-PROPELLED VEHICLE THAT:

5 (1) (I) IS NOT MORE THAN 50 INCHES WIDE;

6 (II) HAS A DRY WEIGHT OF NOT MORE THAN 600 POUNDS;

7 (III) TRAVELS ON AT LEAST THREE LOW PRESSURE TIRES; AND

8 (IV) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE  
9 VEHICLE ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR;

10 (2) IS A "MINIBIKE" AS DEFINED IN § 11-133.1 OF THIS SUBTITLE; OR

11 (3) IS AN "OFF-THE-ROAD MOTORCYCLE" AS DEFINED IN § 11-140.1 OF  
12 THIS SUBTITLE.

13 (B) "ALL-TERRAIN VEHICLE" DOES NOT INCLUDE:

14 (1) A FARM VEHICLE AS DEFINED UNDER § 13-911 OF THIS ARTICLE  
15 WHEN USED ON FARM PROPERTY BY A FARMER; OR

16 (2) ANY VEHICLE WHEN USED ON RESIDENTIAL PROPERTY FOR THE  
17 PURPOSE OF LANDSCAPING, GARDENING, OR LAWN CARE.

18 11-133.1.

19 "MINIBIKE" MEANS A MOTOR VEHICLE THAT:

20 (1) HAS A SADDLE FOR THE USE OF THE RIDER;

21 (2) IS DESIGNED TO TRAVEL ON NOT MORE THAN THREE WHEELS IN  
22 CONTACT WITH THE GROUND; AND

23 (3) IS NOT A FARM TRACTOR.

24 11-135.

25 (a) "Motor vehicle" means, except as provided in subsection (b) of this section, a  
26 vehicle that:

27 (1) Is self-propelled or propelled by electric power obtained from overhead  
28 electrical wires; and

29 (2) Is not operated on rails.

30 (b) "Motor vehicle" does not include [a]:

31 (1) A bicycle that is equipped with an assisting motor, as described in §  
32 11-134.1 of this subtitle; OR

33 (2) AN ALL-TERRAIN VEHICLE.

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1 11-140.1.

2 (A) "OFF-THE-ROAD MOTORCYCLE" MEANS A MOTORCYCLE THAT IS  
3 DESIGNED FOR OFF-HIGHWAY OPERATION AND IS NOT ELIGIBLE FOR  
4 REGISTRATION AS A CLASS D (MOTORCYCLE) VEHICLE UNDER THIS ARTICLE.

5 (B) "OFF-THE-ROAD MOTORCYCLE" INCLUDES MOTORCYCLES COMMONLY  
6 REFERRED TO AS "DIRT BIKES".

7 13-102.

8 A certificate of title is not required for:

9 (1) A vehicle owned and used by the United States, unless it is registered in  
10 this State;

11 (2) A new vehicle owned by a manufacturer or dealer and held for sale, even  
12 though incidentally moved on the highway or used for purposes of testing or  
13 demonstration;

14 (3) A vehicle used by a manufacturer only for testing;

15 (4) A vehicle owned by a nonresident of this State and not required by law  
16 to be registered in this State;

17 (5) A vehicle regularly engaged in the interstate transportation of people or  
18 property and for which a currently effective certificate of title has been issued in another  
19 state;

20 (6) A vehicle moved only by human or animal power;

21 (7) A bicycle;

22 (8) A vehicle in which interest has passed to a secured party on default of  
23 the owner;

24 (9) Farm equipment;

25 (10) Special mobile equipment; [or]

26 (11) A self-propelled invalid:

27 (i) Wheelchair; or

28 (ii) Tricycle; OR

29 (12) AN ALL-TERRAIN VEHICLE.

30 13-402.

31 (a) (1) Except as otherwise provided in this section or elsewhere in the  
32 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on  
33 a highway shall be registered under this subtitle.

34 (2) EACH ALL-TERRAIN VEHICLE DRIVEN ON OR OFF A HIGHWAY  
35 SHALL BE REGISTERED UNDER THIS SUBTITLE.

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1 [(2)] (3) If a motor vehicle required to be registered under this subtitle is  
2 not registered, a person may not park the unregistered motor vehicle on any:

3 (i) Public alley, street, or highway; or

4 (ii) Private property used by the public in general, including parking  
5 lots of shopping centers, condominiums, apartments, or town house developments.

6 [(3)] (4) The provisions of paragraph [(2)] (3) of this subsection do not  
7 apply to a motor vehicle that is exempt from registration under this section or § 13-402.1  
8 of this subtitle.

9 13-403.

10 (a) [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS  
11 SECTION, THE owner of a vehicle subject to registration under this subtitle shall apply to  
12 the Administration for the registration of the vehicle in a manner that the Administration  
13 requires.

14 (b) (1) The application shall contain the information that the Administration  
15 reasonably requires to determine if the vehicle is entitled to registration.

16 (2) THE APPLICATION FOR REGISTRATION OF AN ALL-TERRAIN  
17 VEHICLE SHALL CONTAIN PROOF ACCEPTABLE TO THE ADMINISTRATION THAT THE  
18 APPLICANT IS:

19 (I) AT LEAST 18 YEARS OLD; AND

20 (II) THE OWNER OF THE ALL-TERRAIN VEHICLE.

21 (C) IF A LICENSED DEALER HOLDS AN ALL-TERRAIN VEHICLE FOR SALE AND  
22 TRANSFERS THE VEHICLE TO SOMEONE OTHER THAN ANOTHER LICENSED DEALER,  
23 THE DEALER SHALL:

24 (1) OBTAIN FROM THE TRANSFEREE A COMPLETED APPLICATION AND  
25 COLLECT ALL FEES REQUIRED TO REGISTER THE ALL-TERRAIN VEHICLE UNDER  
26 THIS SUBTITLE; AND

27 (2) WITHIN 20 DAYS OF THE DATE OF DELIVERY OF THE VEHICLE, SEND  
28 TO THE ADMINISTRATION THE FEES AND ALL DOCUMENTS REQUIRED TO REGISTER  
29 THE ALL-TERRAIN VEHICLE UNDER THIS SUBTITLE.

30 13-408.

31 When it registers a vehicle, the Administration shall issue and deliver to the owner  
32 a registration card that contains:

33 (1) The date issued;

34 (2) The name and Maryland address of the owner;

35 (3) The registration number assigned by the Administration to the vehicle;

36 and

37 (4) Such description of the vehicle as the Administrator determines.

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1 13-409.

2 (a) An individual who is driving or in control of a vehicle shall carry a registration  
3 card in the vehicle to which the registration card refers.

4 (b) On demand of a police officer who identifies himself as a police officer, an  
5 individual who is driving or in control of a vehicle shall display a registration card that  
6 refers to the vehicle.

7 (c) This section does not apply if the card is being used to apply for the transfer  
8 of registration of the vehicle.

9 13-410.

10 (a) (1) Except as otherwise provided in this title, when it registers a vehicle, the  
11 Administration shall issue to the owner:

12 (i) One registration plate, if the vehicle is a Class D (motorcycle)  
13 vehicle, Class F (tractor) vehicle, or a Class G (trailer) vehicle;

14 (II) ONE REGISTRATION DECAL IF THE VEHICLE IS A CLASS O  
15 (ALL-TERRAIN) VEHICLE; and

16 [(ii)] (III) Two registration plates for every other vehicle.

17 (2) However, as to temporary registration, the Administration may provide  
18 for the issuance of only one temporary registration plate for any vehicle.

19 13-411.2.

20 (A) THIS SECTION APPLIES THROUGHOUT THE STATE WHETHER ON OR OFF A  
21 HIGHWAY.

22 (B) A PERSON MAY NOT OPERATE AN ALL-TERRAIN VEHICLE REQUIRED TO  
23 BE REGISTERED UNDER THIS TITLE UNLESS THERE IS ATTACHED TO THE  
24 ALL-TERRAIN VEHICLE AND DISPLAYED ON IT, AS REQUIRED IN THIS TITLE:

25 (1) A REGISTRATION DECAL ISSUED FOR THE CURRENT REGISTRATION  
26 PERIOD; AND

27 (2) ANY VALIDATION TAB ISSUED FOR THE ALL-TERRAIN VEHICLE  
28 UNDER THIS SUBTITLE.

29 13-412.

30 (a) Except as provided in subsection (b) of this section, unless current validation  
31 tabs have been issued by the Administration and are displayed on the plates OR DECALS  
32 as provided in this subtitle, the registration and the registration plates OR DECALS issued  
33 under this title for them expire at midnight on the dates indicated on the registration card  
34 issued by the Administration.

35 (b) (1) The Administration may issue a temporary authorization certificate  
36 permitting a vehicle to be driven pending the issuance of current validation tabs.

37 (2) A temporary authorization certificate:

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1 (i) Shall be issued for a period determined by the Administration not  
2 to exceed 15 days; and

3 (ii) Is not transferable and may not be used on another vehicle other  
4 than the one to which it was issued.

5 (3) A fee for a temporary authorization certificate may be established by the  
6 Administration.

7 (c) The Administration shall adopt rules and regulations to govern the issuance,  
8 display, and expiration of registrations, registration cards, registration plates OR DECALS,  
9 temporary authorization certificates, and validation tabs.

10 13-912.

11 (c) Notwithstanding any provision of this subtitle to the contrary, the  
12 Administration may adopt a system of staggered registration for the following motor  
13 vehicle classes: A, B, C, D, E (up to 7,000 pounds maximum gross vehicle weight), J, L,  
14 1A (dealer), 1B (motorcycle dealer), 1C (trailer dealer), 2 (recycler),3 (finance  
15 company), 4 (mobile equipment), 5 (transporter), [and] M, AND O.

16 13-937.2.

17 (A) WHEN REGISTERED WITH THE ADMINISTRATION, AN ALL-TERRAIN  
18 VEHICLE IS A CLASS O (ALL-TERRAIN) VEHICLE.

19 (B) THE ADMINISTRATION SHALL ESTABLISH THE AMOUNT OF THE  
20 REGISTRATION FEE FOR EACH CLASS O (ALL-TERRAIN) VEHICLE.

21 (C) (1) FROM THE REVENUES COLLECTED UNDER THIS SECTION, THE  
22 ADMINISTRATION SHALL RETAIN THOSE REVENUES NECESSARY TO RECOVER THE  
23 COST OF REGISTERING CLASS O (ALL-TERRAIN) VEHICLES.

24 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AFTER  
25 RECOVERING ITS ADMINISTRATIVE COSTS, THE ADMINISTRATION SHALL CREDIT  
26 THE BALANCE OF THE REVENUES COLLECTED UNDER THIS SECTION TO THE  
27 GENERAL FUND OF THE STATE.

28 15-112.

29 [(a) In this section, "minibike":

30 (1) Means a motor vehicle that:

31 (i) Has a saddle for the use of the rider;

32 (ii) Is designed to travel on not more than three wheels in contact with  
33 the ground; and

34 (iii) Is not subject to registration under Title 13 of this article; and

35 (2) Does not include a farm tractor.

1 (b) Any dealer or agent or employee of a dealer, any vehicle salesman, or any  
2 other person who sells [a minibike] AN ALL-TERRAIN VEHICLE shall inform the buyer  
3 that the [use of a minibike on a highway may be illegal.

4 (c) Any dealer or agent or employee of a dealer, any vehicle salesman, or any  
5 other person who sells a minibike shall inform the buyer that local law, ordinance, and  
6 regulation may limit the use of the minibike] OPERATION OF THE ALL-TERRAIN  
7 VEHICLE IS SUBJECT TO THE PROVISIONS OF §§ 13-411.2 AND 21-1121 OF THIS  
8 ARTICLE.

9 21-1121.

10 (A) (1) EXCEPT WHEN CROSSING A HIGHWAY AT A RIGHT ANGLE, AN  
11 INDIVIDUAL MAY NOT OPERATE AN ALL-TERRAIN VEHICLE ON A HIGHWAY.

12 (2) AN INDIVIDUAL MAY NOT OPERATE AN ALL-TERRAIN VEHICLE ON  
13 A CONTROLLED ACCESS HIGHWAY AS DEFINED IN § 21-101(D) OF THIS TITLE.

14 (B) AN INDIVIDUAL MAY NOT OPERATE AN ALL-TERRAIN VEHICLE UNLESS  
15 THE INDIVIDUAL IS WEARING:

16 (1) PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS  
17 ESTABLISHED BY THE ADMINISTRATOR; AND

18 (2) AN EYE-PROTECTIVE DEVICE OF A TYPE APPROVED BY THE  
19 ADMINISTRATOR.

20 (C) (1) BEFORE OPERATING AN ALL-TERRAIN VEHICLE ON PRIVATE  
21 PROPERTY, THE OPERATOR OF THE ALL-TERRAIN VEHICLE SHALL OBTAIN THE  
22 WRITTEN PERMISSION OF THE OWNER OF THE PRIVATE PROPERTY.

23 (2) WHILE OPERATING AN ALL-TERRAIN VEHICLE ON PRIVATE  
24 PROPERTY, THE OPERATOR OF THE ALL-TERRAIN VEHICLE SHALL CARRY THE  
25 WRITTEN PERMISSION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

26 25-102.

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

30 (13) Regulating taxi stands, including taxi stands in the middle of a block;  
31 AND

32 (14) (i) Except in Garrett County, designating a certain portion of  
33 highways or roadways upon which snowmobiles may travel for the sole purpose of gaining  
34 access to snowmobile trails which have been designated by the Department of Natural  
35 Resources. However, only those highways and roadways which divide snowmobile trails  
36 and which would otherwise obstruct direct access between snowmobile trails maybe so  
37 designated; and

38 (ii) In Garrett County, permitting a person to cross a highway or  
39 roadway on a snowmobile at a right angle, and designating a certain portion of highways  
40 or roadways upon which snowmobiles may travel for the sole purpose of gaining access to

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1 snowmobile trails which have been designated by the Department of Natural Resources[;  
2 and

3 (15) Requiring a minibike, as defined in § 15-112(a) of this article, to be  
4 registered, and imposing a registration fee].

5 [25-102.1.

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

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

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

13 27-106.

14 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
15 SUBSECTION, A PERSON WHO IS CONVICTED OF A VIOLATION OF § 13-402(A)(2) OF  
16 THIS ARTICLE OR § 13-411.2 OF THIS ARTICLE SHALL BE FINED NOT LESS THAN \$50  
17 AND NOT MORE THAN \$100.

18 (2) A JUDGE MAY WAIVE THE FINE DESCRIBED IN PARAGRAPH (1) OF  
19 THIS SUBSECTION IF:

20 (I) THE INDIVIDUAL CHARGED WITH A VIOLATION OF §  
21 13-402(A)(2) OF THIS ARTICLE OR § 13-411.2 OF THIS ARTICLE, BEFORE THE HEARING  
22 DATE, REGISTERS THE INDIVIDUAL'S ALL-TERRAIN VEHICLE AS REQUIRED BY §  
23 13-402(A)(2) OF THIS ARTICLE, AND DISPLAYS ON THE ALL-TERRAIN VEHICLE A  
24 VALID REGISTRATION DECAL AS REQUIRED BY § 13-411.2 OF THIS ARTICLE; AND

25 (II) THE INDIVIDUAL PROVIDES TO THE COURT, AT OR BEFORE  
26 THE HEARING, PROOF THAT THE INDIVIDUAL HAS COMPLIED WITH THE  
27 PROVISIONS OF ITEM (I) OF THIS PARAGRAPH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 January 1, 1997.