

SENATE BILL 694

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R7
HB 821/98 - CGM

1999 Regular Session
9r2270

By: **Senator Middleton**

Introduced and read first time: February 18, 1999

Assigned to: Rules

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;
6 authorizing the Administration to establish a registration fee; providing for the
7 distribution of the registration fees collected under this Act; providing that a
8 certificate of title is not required for an all-terrain vehicle; requiring the
9 application for registration of an all-terrain vehicle to contain certain
10 information; altering a provision of law to require the seller of an all-terrain
11 vehicle to inform the buyer that the operation of the vehicle is subject to certain
12 provisions of law; requiring a licensed dealer who sells an all-terrain vehicle to
13 obtain from the buyer, and forward to the Administration, all documents and
14 fees necessary to register the all-terrain vehicle; prohibiting a person from
15 operating an all-terrain vehicle except under certain circumstances; requiring
16 the operator of an all-terrain vehicle to obtain and carry the written permission
17 of the property owner to operate the all-terrain vehicle on private property;
18 repealing provisions of law relating to the authority of counties and Baltimore
19 City to regulate the operation and require the registration of minibikes;
20 establishing a penalty; authorizing a law enforcement officer to take into
21 custody an all-terrain vehicle that is not registered as required under this Act;
22 providing that an unregistered all-terrain vehicle shall be considered an
23 abandoned vehicle for certain purposes; providing for a delayed effective date for
24 this Act; clarifying language; and generally relating to the registration and
25 operation of all-terrain vehicles.

26 BY adding to

27 Article - Transportation

28 Section 11-103.3, 11-133.1, 11-140.1, 13-411.2, 13-937.2, 21-1123, and

29 27-106(d)

30 Annotated Code of Maryland

31 (1998 Replacement Volume and 1998 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Transportation

1 Section 11-135, 13-102, 13-402(a), 13-403, 13-410(a), 13-412, 15-112, and
2 25-102(a)(13), (14), and (15)
3 Annotated Code of Maryland
4 (1998 Replacement Volume and 1998 Supplement)

5 BY repealing
6 Article - Transportation
7 Section 25-102.1
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 1998 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article - Transportation
12 Section 13-408 and 13-409
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1998 Supplement)

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

17 **Article - Transportation**

18 11-103.3.

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

- 20 (1) (I) IS NOT MORE THAN 50 INCHES WIDE;
21 (II) HAS A DRY WEIGHT OF NOT MORE THAN 600 POUNDS;
22 (III) TRAVELS ON AT LEAST THREE LOW PRESSURE TIRES; AND
23 (IV) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE
24 ON A SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR;
25 (2) IS A "MINIBIKE" AS DEFINED IN § 11-133.1 OF THIS SUBTITLE;
26 (3) IS AN "OFF-THE-ROAD MOTORCYCLE" AS DEFINED IN § 11-140.1 OF
27 THIS SUBTITLE; OR
28 (4) IS A "MOPED" AS DEFINED IN § 11-134.1 OF THIS SUBTITLE.

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

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

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

3 11-133.1.

4 "MINIBIKE" MEANS A MOTOR VEHICLE THAT:

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

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

8 (3) IS NOT A FARM TRACTOR.

9 11-135.

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

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

14 (2) Is not operated on rails.

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

16 (1) A bicycle that is equipped with an assisting motor, as described in §
17 11-134.1 of this subtitle; OR

18 (2) AN ALL-TERRAIN VEHICLE.

19 11-140.1.

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

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

25 13-102.

26 A certificate of title is not required for:

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

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

- 1 (3) A vehicle used by a manufacturer only for testing;
- 2 (4) A vehicle owned by a nonresident of this State and not required by
3 law to be registered in this State;
- 4 (5) A vehicle regularly engaged in the interstate transportation of people
5 or property and for which a currently effective certificate of title has been issued in
6 another state;
- 7 (6) A vehicle moved only by human or animal power;
- 8 (7) A bicycle;
- 9 (8) A vehicle in which interest has passed to a secured party on default of
10 the owner;
- 11 (9) Farm equipment;
- 12 (10) Special mobile equipment;
- 13 (11) A self-propelled invalid:
- 14 (i) Wheelchair; or
- 15 (ii) Tricycle; [or]
- 16 (12) A trailer, other than a camping trailer, rated by the manufacturer as
17 having a gross vehicle weight of 2,500 pounds or less; OR
- 18 (13) AN ALL-TERRAIN VEHICLE.
- 19 13-402.
- 20 (a) (1) Except as otherwise provided in this section or elsewhere in the
21 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven
22 on a highway shall be registered under this subtitle.
- 23 (2) EACH ALL-TERRAIN VEHICLE DRIVEN ON OR OFF A HIGHWAY SHALL
24 BE REGISTERED UNDER THIS SUBTITLE.
- 25 [(2)] (3) If a motor vehicle required to be registered under this subtitle is
26 not registered, a person may not park the unregistered motor vehicle on any:
- 27 (i) Public alley, street, or highway; or
- 28 (ii) Private property used by the public in general, including
29 parking lots of shopping centers, condominiums, apartments, or town house
30 developments.

1 [(3)] (4) The provisions of paragraph [(2)] (3) of this subsection do not
2 apply to a motor vehicle that is exempt from registration under this section or §
3 13-402.1 of this subtitle.

4 13-403.

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

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

12 (2) THE APPLICATION FOR REGISTRATION OF AN ALL-TERRAIN
13 VEHICLE SHALL CONTAIN PROOF ACCEPTABLE TO THE ADMINISTRATION THAT THE
14 APPLICANT IS:

15 (I) AT LEAST 18 YEARS OLD; AND

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

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

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

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

26 13-408.

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

29 (1) The date issued;

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

31 (3) The registration number assigned by the Administration to the
32 vehicle; and

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

1 13-409.

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

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

9 13-410.

10 (a) (1) Except as otherwise provided in this title, when it registers a vehicle,
11 the 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
18 provide 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
31 validation tabs have been issued by the Administration and are displayed on the
32 plates OR DECALS as provided in this subtitle, the registration and the registration
33 plates OR DECALS issued under this title for them expire at midnight on the dates
34 indicated on the registration card issued by the Administration.

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

3 (2) A temporary authorization certificate:

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

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

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

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

13 13-937.2.

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

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

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

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

25 15-112.

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

27 (1) Means a motor vehicle that:

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

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

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

32 (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
3 buyer 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,
6 and regulation may limit the use of the minibike] OPERATION OF THE ALL-TERRAIN
7 VEHICLE IS SUBJECT TO THE PROVISIONS OF §§ 13-403, 13-411.2, AND 21-1123 OF THIS
8 ARTICLE.

9 21-1123.

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 A
13 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 PROTECTIVE HEADGEAR THAT MEETS OR EXCEEDS
16 THE STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE, THE SNELL
17 MEMORIAL FOUNDATION, OR THE AMERICAN SOCIETY OF TESTING AND
18 MEASUREMENT FOR PROTECTIVE HEADGEAR FOR USE IN MOTORCYCLING.

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

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

25 25-102.

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

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

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

37 (ii) In Garrett County, permitting a person to cross a highway or
38 roadway on a snowmobile at a right angle, and designating a certain portion of

1 highways or roadways upon which snowmobiles may travel for the sole purpose of
2 gaining access to snowmobile trails which have been designated by the Department of
3 Natural Resources[; and

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

6 [25-102.1.

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

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

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

15 27-106.

16 (D) (1) (I) A LAW ENFORCEMENT OFFICER MAY TAKE INTO CUSTODY AN
17 ALL-TERRAIN VEHICLE THAT IS NOT REGISTERED AS REQUIRED UNDER § 13-402(A)(2)
18 OF THIS ARTICLE.

19 (II) AN ALL-TERRAIN VEHICLE TAKEN INTO CUSTODY UNDER
20 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONSIDERED AN ABANDONED
21 VEHICLE, AND FOR PURPOSES OF THE DISPOSITION OF THE ALL-TERRAIN VEHICLE,
22 THE PROVISIONS OF TITLE 25, SUBTITLE 2 OF THIS ARTICLE SHALL APPLY.

23 (2) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 13-411.2 OF THIS
24 ARTICLE SHALL BE FINED NOT LESS THAN \$50 NOR MORE THAN \$100.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.