
By: **Delegates Frush, Menes, and Moe**
Introduced and read first time: February 11, 2005
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Off-the-Road Vehicles - Restrictions**

3 FOR the purpose of providing for the registration of certain off-the-road vehicles;
4 prohibiting the operation of an off-the-road vehicle on a public sidewalk, on a
5 controlled access highway, or on a highway except under certain circumstances;
6 prohibiting the operation of an unregistered off-the-road vehicle; prohibiting
7 the operation of an off-the-road vehicle during certain hours; prohibiting the
8 operation of an off-the-road vehicle by a person under a certain age except
9 under certain circumstances; requiring a person operating or riding as a
10 passenger on an off-the-road vehicle to wear certain protective headgear;
11 providing for the issuance of citations to violators of provisions of this Act;
12 repealing the authority of counties and Baltimore City to register and regulate
13 the operation of certain off-the-road motorcycles; defining certain terms; and
14 generally relating to restrictions on the operation of off-the-road vehicles.

15 BY adding to

16 Article - Transportation
17 Section 11-103.3, 11-133.1, 11-133.2, 11-140.1, 11-140.2, 13-937.2, and
18 21-1213
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing

22 Article - Transportation
23 Section 25-102.1
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2004 Supplement)

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

1

Article - Transportation

2 11-103.3.

3 "ALL-TERRAIN VEHICLE" MEANS A MOTOR VEHICLE DESIGNED:

4 (1) TO TRAVEL ON AT LEAST THREE LOW-PRESSURE TIRES;

5 (2) TO CARRY ONLY THE OPERATOR OF THE VEHICLE ON A SADDLE OR
6 SEAT DESIGNED TO BE STRADDLED BY THE OPERATOR OF THE VEHICLE; AND7 (3) FOR OR CAPABLE OF CROSS-COUNTRY TRAVEL ON OR IMMEDIATELY
8 OVER LAND, WATER, SNOW, ICE, MARSH, SWAMPLAND, OR OTHER NATURAL TERRAIN.
9 11-133.1.

10 (A) "MINIATURE MOTORCYCLE" MEANS A MOTOR VEHICLE THAT:

11 (1) HAS ONE FRONT WHEEL AND ONE OR TWO REAR WHEELS ON A
12 SINGLE AXLE;13 (2) HAS A SINGULAR FRONT STEERABLE WHEEL MOUNTED IN A FORK
14 ASSEMBLY THAT PASSES THROUGH A FRAME STEERING BEARING AND TO WHICH IS
15 ATTACHED A HANDLEBAR OR OTHER DIRECTLY OPERATED STEERING DEVICE;16 (3) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE ON A
17 SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR OF THE VEHICLE;18 (4) EXCEPT FOR A WINDSHIELD OR WINDSCREEN, DOES NOT HAVE ANY
19 ENCLOSURE OR PROVISION FOR AN ENCLOSURE FOR THE OPERATOR OF THE
20 VEHICLE; AND21 (5) IS NOT ELIGIBLE FOR REGISTRATION AS A CLASS D (MOTORCYCLE)
22 VEHICLE UNDER THIS ARTICLE.23 (B) "MINIATURE MOTORCYCLE" INCLUDES MOTOR VEHICLES COMMONLY
24 REFERRED TO AS "POCKET BIKES" AND "MINI CHOPPERS".

25 11-133.2.

26 (A) "MINIATURE SCOOTER" MEANS A MOTOR VEHICLE THAT:

27 (1) HAS TWO WHEELS CONNECTED BY A FLOORBOARD DESIGNED TO BE
28 STOOD UPON WHEN RIDING;29 (2) MAY HAVE A DRIVER SEAT THAT DOES NOT INTERFERE WITH THE
30 ABILITY OF THE RIDER TO STAND ON THE FLOORBOARD AND RIDE;31 (3) HAS A SINGULAR FRONT STEERABLE WHEEL TO WHICH IS
32 ATTACHED A HANDLEBAR OR OTHER DIRECTLY OPERATED STEERING DEVICE; AND

1 (4) MAY BE POWERED BY HUMAN PROPULSION.

2 (B) "MINIATURE SCOOTER" INCLUDES MOTOR VEHICLES COMMONLY
3 REFERRED TO AS "RAZOR SCOOTERS" OR "GO-PEDS".

4 11-140.1.

5 (A) "OFF-THE-ROAD MOTORCYCLE" MEANS A MOTOR VEHICLE THAT:

6 (1) HAS ONE FRONT WHEEL AND ONE OR TWO REAR WHEELS ON A
7 SINGLE AXLE;

8 (2) HAS A SINGULAR FRONT STEERABLE WHEEL MOUNTED IN A FORK
9 ASSEMBLY THAT PASSES THROUGH A FRAME STEERING BEARING AND TO WHICH IS
10 ATTACHED A HANDLEBAR OR OTHER DIRECTLY OPERATED STEERING DEVICE;

11 (3) IS DESIGNED TO CARRY ONLY THE OPERATOR OF THE VEHICLE ON A
12 SEAT OR SADDLE DESIGNED TO BE STRADDLED BY THE OPERATOR OF THE VEHICLE;

13 (4) EXCEPT FOR A WINDSHIELD OR WINDSCREEN, DOES NOT HAVE ANY
14 ENCLOSURE OR PROVISION FOR AN ENCLOSURE FOR THE OPERATOR OF THE
15 VEHICLE;

16 (5) IS DESIGNED FOR OFF-THE-ROAD OPERATION; AND

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

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

21 11-140.2.

22 "OFF-THE-ROAD VEHICLE" INCLUDES ALL-TERRAIN VEHICLES, MINIATURE
23 MOTORCYCLES, MINIATURE SCOOTERS, AND OFF-THE-ROAD MOTORCYCLES.

24 13-937.2.

25 (A) WHEN REGISTERED WITH THE ADMINISTRATION, AN OFF-THE-ROAD
26 VEHICLE IS A CLASS O (OFF-THE-ROAD) VEHICLE.

27 (B) THE ADMINISTRATION SHALL REGISTER A CLASS O (OFF-THE-ROAD)
28 VEHICLE:

29 (1) IN THE NAME OF THE OWNER OF THE VEHICLE; OR

30 (2) IF THE OWNER IS A MINOR, IN THE NAME OF A PARENT OR GUARDIAN
31 OF THE OWNER OF THE VEHICLE.

1 21-1213.

2 (A) (1) (I) EXCEPT WHEN CROSSING A HIGHWAY AT A RIGHT ANGLE, A
3 PERSON MAY NOT OPERATE AN OFF-THE-ROAD VEHICLE ON ANY HIGHWAY.

4 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A
5 PERSON MAY NOT OPERATE AN OFF-THE-ROAD VEHICLE ON A CONTROLLED ACCESS
6 HIGHWAY AS DEFINED IN § 21-101(D) OF THIS SUBTITLE.

7 (2) A PERSON MAY NOT OPERATE AN OFF-THE-ROAD VEHICLE ON A
8 PUBLIC SIDEWALK.

9 (3) A PERSON MAY NOT OPERATE OR PERMIT TO BE OPERATED AN
10 OFF-THE-ROAD VEHICLE THAT HAS NOT BEEN REGISTERED WITH THE
11 ADMINISTRATION.

12 (4) A PERSON MAY NOT OPERATE AN OFF-THE-ROAD VEHICLE AFTER 8
13 P.M. OR BEFORE 7 A.M.

14 (5) A PERSON OPERATING OR RIDING AS A PASSENGER ON AN
15 OFF-THE-ROAD VEHICLE SHALL WEAR PROTECTIVE HEADGEAR THAT MEETS
16 STANDARDS ADOPTED BY THE ADMINISTRATION.

17 (6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
18 PERSON UNDER THE AGE OF 16 YEARS MAY NOT OPERATE AN OFF-THE-ROAD
19 VEHICLE.

20 (II) A PERSON UNDER THE AGE OF 16 YEARS MAY OPERATE AN
21 OFF-THE-ROAD VEHICLE WHILE UNDER THE SUPERVISION OF A PARENT OR
22 GUARDIAN.

23 (B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ANY
24 CITATION ISSUED TO A VIOLATOR OF A PROVISION OF SUBSECTION (A) OF THIS
25 SECTION SHALL BE ISSUED TO THE OPERATOR OF THE OFF-THE-ROAD VEHICLE.

26 (2) A CITATION MAY BE ISSUED TO THE PARENT OR GUARDIAN OF A
27 MINOR WHO VIOLATES A PROVISION OF SUBSECTION (A) OF THIS SECTION.

28 (3) A CITATION MAY BE ISSUED TO A PERSON RIDING AS A PASSENGER
29 IN VIOLATION OF THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION.

30 [25-102.1.

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.