

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

House Bill 1025
Economic Matters

(Delegate Tarrant, *et al.*)

Finance

Baltimore City - Sale of Motor Fuel for Dirt Bikes - Prohibition

This bill prohibits a person from dispensing motor fuel into a “dirt bike” from a retail pump at a service station in Baltimore City and requires these service stations to post a conspicuous sign stating the bill’s prohibition and the similar prohibition in the Baltimore City Code.

Fiscal Summary

State Effect: General fund revenues may increase minimally due to the bill’s penalty provisions. Transportation Trust Fund (TTF) revenues increase minimally due to the collection of additional driver’s license renewal fees following suspensions imposed under the bill. TTF and Gasoline and Motor Vehicle Revenue Account (GMVRA) revenues may decline minimally to the extent motor fuel sales decline. General fund expenditures may increase minimally due to the bill’s incarceration penalty, and for the Comptroller to design and procure the signs required by the bill. Any increase in the workloads of the District Court and Office of Administrative Hearings (OAH) can be handled with existing resources.

Local Effect: Baltimore City revenues may decrease minimally as those convicted of dispensing motor fuel into dirt bikes may be prosecuted under the bill, with penalty revenue collected by the State rather than Baltimore City. Local highway user revenues may decrease minimally statewide to the extent that motor fuel sales decline. Baltimore City police workloads increase to the extent the bill results in additional enforcement beyond that which is already provided for similar provisions in the city code.

Small Business Effect: Minimal adverse impact on small business service stations in Baltimore City as the result of a decline in motor fuel sales, and to procure the required sign to the extent that signs are not made available at no charge by the Comptroller.

Analysis

Bill Summary: The bill defines a “dirt bike” as any motorcycle or similar vehicle, including a “motorized minibike” and an all-terrain vehicle with either three or four wheels, which is *not subject to registration* under the Maryland Vehicle Law. However, most vehicles commonly referred to as motorcycles, which comply with federal safety standards, are Class D motor vehicles and are subject to registration with MVA. A dirt bike is also defined to specifically not include mopeds or motor scooters.

A person convicted of dispensing motor fuel for use in a dirt bike in Baltimore City is subject to a fine of up to \$1,000, or imprisonment for up to 90 days, or both. A court that convicts a person must notify MVA of the conviction, which may suspend the person’s driver’s license for up to 30 days for a first offense and for 30 days for a subsequent offense. If the defendant is a minor, the court may order that a fine be paid by the minor, a parent or guardian, or both, but may only order a parent or guardian to pay a fine if given the opportunity to be heard and to present evidence. Following a juvenile disposition hearing on a violation under the bill, the court must order MVA to suspend the driving privilege of the minor for not less than 30 days and not more than 90 days; this period is to begin on the date of the disposition for a minor eligible to drive, regardless of whether the minor currently possesses the privilege to drive, or begins on the date the minor becomes eligible for the privilege to drive.

The bill’s prohibition on dispensing motor fuel for use in a dirt bike does not extend to an owner or employee of a service station. However, if a service station does not post a conspicuous sign in accordance with the bill, the dealer must receive a warning for the first offense, and is subject to a civil penalty of \$100 for a subsequent offense. The design of the required sign is the responsibility of the Comptroller, in consultation with the Washington, Maryland, Delaware Service Station and Automotive Repair Association.

Current Law: The Baltimore City Code prohibits a service station and any other person from selling, transferring, or dispensing motor fuel for delivery into a dirt bike or an unregistered motorcycle or similar vehicle. This prohibition may be enforced by issuance of a civil citation, but does not preclude additional civil or criminal remedies.

Subject to certain exceptions, in a disposition hearing following an adjudicatory hearing, a court may order MVA to suspend the driving privilege of a minor that has committed a violation of the Maryland Vehicle Law for not less than 30 days and not more than 90 days.

State Revenues: General fund revenues may increase minimally due to the bill’s penalty of up to \$1,000 for those convicted of dispensing motor fuel for use in dirt bike in

Baltimore City, and due to the \$100 civil penalty for service stations in violation of the bill's signage requirement.

TTF revenues increase minimally due to the collection of additional driver's license renewal fees following suspensions imposed under the bill. The bill authorizes MVA to suspend the driver's license of a driver convicted of dispensing motor fuel and requires MVA to suspend a license or privilege to drive of a minor under court order.

GMVRA and TTF revenues may decline minimally to the extent that the owners of dirt bikes in Baltimore City purchase less motor fuel. While the purchase of motor fuel for use in dirt bikes is prohibited in Baltimore City, many owners may purchase fuel in other jurisdictions instead, and the greater travel may in fact result in an overall increase in motor fuel purchases.

State Expenditures: General fund expenditures for the Department of Public Safety and Correctional Services increase minimally as a result of the bill's incarceration penalty of up to 90 days for those convicted of dispensing motor fuel in Baltimore City. Generally, a person serving a sentence of one year or less in a jurisdiction other than Baltimore City is sentenced to a local detention facility. However, the Baltimore City Detention Center is a State-operated facility.

General fund expenditures increase by about \$5,000 in fiscal 2011 only for the Comptroller to procure 250 signs with the design and content specified by the bill. It is assumed that the design can be developed with existing resources. Any additional expenditures of the Comptroller may be offset to the extent it sells each sign at cost to service stations.

MVA workloads may increase minimally due to additional license suspension transactions and computer reprogramming, but any such increase can be handled with existing resources. Likewise, any increase in the caseloads for the District Court and OAH for adjudication of civil and criminal penalties and suspension hearings under the bill can be handled with existing resources. Any additional workload for OAH, and any expenditures in support of these workloads, are reimbursed and may be offset by general fund revenues paid to OAH for each hearing.

Additional Information

Prior Introductions: None.

Cross File: SB 1006 (Senator Pugh) - Finance.

Information Source(s): Baltimore City, Comptroller's Office, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Maryland Municipal League, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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