

SENATE BILL 471

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4r2132
CF HB 420

By: **Senator Edwards**

Introduced and read first time: January 27, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 26, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~**Sideling Hill and Sideling Hill Wildlife Management Area Washington**~~
3 ~~**County – Off-Road and Off-Highway Recreational Vehicles Vehicle Trails –**~~
4 ~~**Prohibition of Establishment on Sideling Hill**~~

5 FOR the purpose of ~~prohibiting an off-road vehicle from being used in the Sideling~~
6 ~~Hill Wildlife Management Area~~; prohibiting the Department of Natural
7 Resources from establishing an off-road recreational vehicle from being used
8 trail on State-owned property located in Sideling Hill in Washington County,
9 including the Sideling Hill Wildlife Management Area and certain other areas;
10 requiring the Department to review and evaluate, as to its suitability for certain
11 preservation, the Sideling Hill Wildlife Management Area and State-owned
12 property in the areas of Sideling Hill; making stylistic changes; and generally
13 relating to off-road vehicles.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 5–209(b)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Natural Resources
21 Section 10–410(d)(1)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article—Transportation~~
 3 ~~Section 11-101 and 11-140.1~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2012 Replacement Volume and 2013 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article—Transportation~~
 8 ~~Section 21-104.2~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2012 Replacement Volume and 2013 Supplement)~~

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

13 **Article – Natural Resources**

14 5-209.

15 (b) (1) The Secretary shall promulgate rules and regulations regarding
 16 equipment standards and the operation of off-road vehicles by type, as defined in §
 17 10-410(d) of this article, on property owned or controlled by the Department.

18 (2) (i) ~~The~~ **SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
 19 **PARAGRAPH, THE** Secretary shall conduct appropriate studies and, by January 1,
 20 1975, designate and identify areas for use by the general public for operation of
 21 motorcycles, snowmobiles and other off-road vehicles on that property exclusive of
 22 wildlife management areas or State fisheries management areas to the extent such
 23 use is compatible with the character and established uses of property controlled by the
 24 Department.

25 (ii) **AN OFF-ROAD VEHICLE MAY NOT BE USED:**

26 1. **WHERE ITS OPERATION WILL DAMAGE THE**
 27 **WILDLAND CHARACTER OF THE PROPERTY; OR**

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

31 3. ~~**IN THE SIDELING HILL WILDLIFE MANAGEMENT**~~
 32 ~~**AREA.**~~

1 **(III) THE DEPARTMENT MAY NOT ESTABLISH AN OFF-ROAD**
 2 **VEHICLE TRAIL ON STATE-OWNED PROPERTY LOCATED IN SIDELING HILL IN**
 3 **WASHINGTON COUNTY, INCLUDING:**

4 **1. THE SIDELING HILL WILDLIFE MANAGEMENT**
 5 **AREA; AND**

6 **2. THE AREAS OF SIDELING HILL THAT ARE**
 7 **LOCATED TO THE NORTH AND SOUTH OF INTERSTATE 68.**

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

13 **(II)** Any investment earnings derived from the revenues shall be
 14 credited to the General Fund of the State. Revenues from the fee are not subject to §
 15 7-302 of the State Finance and Procurement Article.

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

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

24 10-410.

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

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

33 ~~Article—Transportation~~

34 ~~11-101.~~

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

3 ~~11-140.1.~~

4 (a) ~~“Off-highway recreational vehicle” means a vehicle that is:~~

5 (1) ~~A motor-assisted or motor-driven vehicle that:~~

6 (i) ~~Is designed to carry only the operator of the vehicle on a seat~~
 7 ~~or saddle designed to be straddled by the operator or is designed to carry only the~~
 8 ~~operator of the vehicle and one passenger; and~~

9 (ii) ~~Is commonly known as an all-terrain vehicle;~~

10 (2) ~~A motorcycle that is designed for off-highway operation and is not~~
 11 ~~eligible for registration as a Class D (motorcycle) vehicle under this article, commonly~~
 12 ~~known as a dirt bike; or~~

13 (3) ~~A snowmobile.~~

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

15 (1) ~~A farm vehicle as defined in § 13-011 of this article when used~~
 16 ~~exclusively on farm property by a farmer; or~~

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

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

21 ~~21-104.2.~~

22 ~~A PERSON MAY NOT OPERATE AN OFF-HIGHWAY RECREATIONAL VEHICLE~~
 23 ~~ON STATE OWNED PROPERTY LOCATED IN SIDELING HILL IN WASHINGTON~~
 24 ~~COUNTY, INCLUDING:~~

25 (1) ~~THE SIDELING HILL WILDLIFE MANAGEMENT AREA; AND~~

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
 29 Natural Resources shall review and evaluate as to its suitability for preservation as
 30 State wildlands under Title 5, Subtitle 2 of the Natural Resources Article the Sideling

1 Hill Wildlife Management Area and State-owned property in the areas of Sideling Hill
2 that are located to the north and south of Interstate 68.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.