

HOUSE BILL 728

M1, M2

9lr1518
CF 9lr1517

By: **Delegates Beitzel, Buckel, Hornberger, Kittleman, Krebs, McComas, Shoemaker, ~~and Szeliga~~ Szeliga, Ciliberti, and Otto**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2019

CHAPTER _____

1 AN ACT concerning

2 **State Parks and Forests – Hunting – Use of Off-Road Vehicles**

3 FOR the purpose of authorizing on or after a certain date, an individual who possesses a
4 certain hunting license to use an off-road vehicle for the purpose of retrieving ~~game~~
5 certain white-tailed deer and black bear during a hunting season on roads or trails
6 in a certain State park or forest; providing that a certain authorization does not apply
7 to a State wildland; requiring a certain off-road vehicle to be registered and operated
8 in accordance with certain regulations; providing for the termination of this Act;
9 making certain stylistic changes; and generally relating to the use of off-road
10 vehicles on State land.

11 BY repealing and reenacting, with amendments,

12 Article – Natural Resources

13 Section 5–209(a) and (b)

14 Annotated Code of Maryland

15 (2018 Replacement Volume)

16 BY repealing and reenacting, with amendments,

17 Article – Natural Resources

18 Section 10–410(d)

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2018 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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Natural Resources**

4 5–209.

5 (a) (1) The Department may make rules and regulations for the maintenance
6 of order, safety, sanitation, traffic control, or for the protection of trees and other property
7 and the preservation of the natural beauty within the State parks and forests, State
8 reserves, scenic preserves, parkways, historical monuments, recreational areas, and any
9 other lands under its control.

10 (2) The rules and regulations shall be posted in conspicuous places upon
11 the lands and enforced by the forest and park officers.

12 (b) (1) The Secretary shall promulgate rules and regulations regarding
13 equipment standards and the operation of off–road vehicles by type, as defined in §
14 10–410(d) of this article, on property owned or controlled by the Department.

15 (2) (i) Subject to [subparagraphs (ii) and (iii)] **THE PROVISIONS** of this
16 paragraph, the Secretary shall conduct appropriate studies and, by January 1, 1975,
17 designate and identify areas for use by the general public for operation of motorcycles,
18 snowmobiles and other off–road vehicles on that property exclusive of wildlife management
19 areas or State fisheries management areas to the extent such use is compatible with the
20 character and established uses of property controlled by the Department.

21 (ii) An off–road vehicle may not be used:

22 1. Where its operation will damage the wildland character of
23 the property; or

24 2. Where the noise from its operation will be audible at or
25 interfere with the use of a picnic or camping area open to public use.

26 (iii) The Department may not establish an off–road vehicle trail on
27 State–owned property located in Sideling Hill in Washington County, including:

28 1. The Sideling Hill Wildlife Management Area; and

29 2. The areas of Sideling Hill that are located to the north and
30 south of Interstate 68.

31 **(IV) 1. SUBJECT TO THE PROVISIONS OF THIS**
32 **SUBPARAGRAPH, ON OR AFTER JULY 1, 2020, AN INDIVIDUAL WHO POSSESSES A**
33 **VALID HUNTING LICENSE MAY USE AN OFF–ROAD VEHICLE FOR THE PURPOSE OF**

1 ~~RETRIEVING GAME~~ WHITE-TAILED DEER AND BLACK BEAR THAT HAS BEEN
2 REDUCED TO PERSONAL POSSESSION DURING A HUNTING SEASON ON ROADS OR
3 TRAILS IN ANY STATE PARK OR FOREST WHERE HUNTING IS ALLOWED.

4 **2. THE AUTHORIZATION UNDER SUBSUBPARAGRAPH 1**
5 **OF THIS SUBPARAGRAPH DOES NOT APPLY TO A STATE WILDLAND.**

6 **3. AN OFF-ROAD VEHICLE USED FOR THE PURPOSE OF**
7 **RETRIEVING ~~GAME~~ WHITE-TAILED DEER AND BLACK BEAR UNDER THIS**
8 **SUBPARAGRAPH SHALL BE REGISTERED AND OPERATED IN ACCORDANCE WITH**
9 **REGULATIONS ADOPTED BY THE DEPARTMENT.**

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

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

18 (iii) Revenues may be used for administrative costs calculated in
19 accordance with § 1-103(b)(2) of this article.

20 (4) Any property to be acquired or designated for off-road vehicle use shall
21 be subject to a public hearing held in the county or counties wherein the property is
22 situated.

23 10-410.

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

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

32 (2) A person may not pursue wildlife with an off-road vehicle.

33 **(3) A PERSON MAY USE AN OFF-ROAD VEHICLE TO RETRIEVE ~~GAME~~**
34 **WHITE-TAILED DEER AND BLACK BEAR IN ACCORDANCE WITH § 5-209(B)(2)(IV) OF**
35 **THIS ARTICLE.**

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2019. It shall remain effective for a period of 3 years and, at the end of June 30, 2022,
3 this Act, with no further action required by the General Assembly, shall be abrogated and
4 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.