

HOUSE BILL 728

M1, M2

9lr1518
CF 9lr1517

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

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing an individual who possesses a certain hunting license to
4 use an off-road vehicle for the purpose of retrieving game during a hunting season
5 in a certain State park or forest; providing that a certain authorization does not apply
6 to a State wildland; requiring a certain off-road vehicle to be registered and operated
7 in accordance with certain regulations; making certain stylistic changes; and
8 generally relating to the use of off-road vehicles on State land.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 5–209(a) and (b)
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 10–410(d)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2018 Supplement)

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

21 **Article – Natural Resources**

22 5–209.

23 (a) **(1)** The Department may make rules and regulations for the maintenance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of order, safety, sanitation, traffic control, or for the protection of trees and other property
 2 and the preservation of the natural beauty within the State parks and forests, State
 3 reserves, scenic preserves, parkways, historical monuments, recreational areas, and any
 4 other lands under its control.

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

7 (b) (1) The Secretary shall promulgate rules and regulations regarding
 8 equipment standards and the operation of off-road vehicles by type, as defined in §
 9 10-410(d) of this article, on property owned or controlled by the Department.

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

16 (ii) An off-road vehicle may not be used:

17 1. Where its operation will damage the wildland character of
 18 the property; or

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

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

23 1. The Sideling Hill Wildlife Management Area; and

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

26 **(IV) 1. SUBJECT TO THE PROVISIONS OF THIS**
 27 **SUBPARAGRAPH, AN INDIVIDUAL WHO POSSESSES A VALID HUNTING LICENSE MAY**
 28 **USE AN OFF-ROAD VEHICLE FOR THE PURPOSE OF RETRIEVING GAME DURING A**
 29 **HUNTING SEASON IN ANY STATE PARK OR FOREST WHERE HUNTING IS ALLOWED.**

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

32 **3. AN OFF-ROAD VEHICLE USED FOR THE PURPOSE OF**
 33 **RETRIEVING GAME UNDER THIS SUBPARAGRAPH SHALL BE REGISTERED AND**
 34 **OPERATED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

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

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

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

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

14 10-410.

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

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

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

24 **(3) A PERSON MAY USE AN OFF-ROAD VEHICLE TO RETRIEVE GAME**
25 **IN ACCORDANCE WITH § 5-209(B)(2)(IV) OF THIS ARTICLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2019.