

HOUSE BILL 590

M1, E4

2lr2425

By: **Delegates Cox, Hornberger, McComas, McKay, Morgan, Otto, and Parrott**
Introduced and read first time: January 31, 2022
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Permit Holders – Authority to Carry Handguns in State Parks and**
3 **Forests**

4 FOR the purpose of prohibiting the Department of Natural Resources from prohibiting an
5 individual to whom a handgun permit has been issued from wearing, carrying, or
6 transporting a handgun in a State park or forest; and generally relating to State
7 parks and forests.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–209
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 Supplement)

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

15 **Article – Natural Resources**

16 5–209.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Secretary shall promulgate rules and regulations regarding
2 equipment standards and the operation of off-road vehicles by type, as defined in §
3 10-410(d) of this article, on property owned or controlled by the Department.

4 (2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the
5 Secretary shall conduct appropriate studies and, by January 1, 1975, designate and identify
6 areas for use by the general public for operation of motorcycles, snowmobiles and other
7 off-road vehicles on that property exclusive of wildlife management areas or State fisheries
8 management areas to the extent such use is compatible with the character and established
9 uses of property controlled by the Department.

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

11 1. Where its operation will damage the wildland character of
12 the property; or

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

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

17 1. The Sideling Hill Wildlife Management Area; and

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

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

25 (ii) 1. Any investment earnings derived from the revenues shall
26 be credited to the General Fund of the State.

27 2. Revenues from the fee are not subject to § 7-302 of the
28 State Finance and Procurement Article.

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

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

1 (c) (1) The Department shall, with the endorsement of the Secretary of
2 Natural Resources and the Secretary of Health, after a public hearing following 60 days
3 notice, adopt and publish maximum sound level limits under specified measurement
4 conditions governing the operation of motor-driven off-highway vehicles in State parks
5 and forests and other lands under its control not later than January 1, 1976.

6 (2) Such limits shall be established at the most restrictive level consistent
7 with the attainment of the environmental noise standards adopted by the Maryland
8 Department of Health which is achievable through the application of the best available
9 technology and at a reasonable cost.

10 (3) The Department shall adopt and enforce regulations for the
11 administration and enforcement of this section, taking into account accepted scientific and
12 professional methods for measurement of sound levels.

13 (d) (1) No person may sell, offer for sale, distribute, or lease any new
14 motor-driven off-highway recreational vehicle that is of a type not subject to registration
15 under the Maryland Vehicle Law and that has a maximum sound level potential exceeding
16 the sound level limits established by the Department for the maximum allowable noise
17 emissions from such vehicles.

18 (2) (I) The Department shall, after consultation with the Department
19 of Transportation, and with the endorsement of the Secretary of Natural Resources and
20 Secretary of Health, after a public hearing following 60 days notice, adopt and publish
21 maximum sound level limits for the various classes of such vehicles not later than January
22 1, 1976.

23 (II) Such limits shall be established at the most restrictive level
24 consistent with the environmental noise standards adopted by the Maryland Department
25 of Health which is achievable through the application of the best available technology and
26 at a reasonable cost.

27 (3) (I) The Department shall establish test procedures to establish
28 compliance with the limits adopted, taking into consideration accepted scientific and
29 professional standards for the measurement of sound.

30 (II) Such test procedures shall be in substantial conformity with test
31 procedures contained in applicable standards and recommended practices established by
32 the Society of Automotive Engineers, Inc., or its successor bodies, or the American National
33 Standards Institute or its successor bodies, for the measurement of sound levels.

34 (4) (I) The manufacturer, distributor, importer, or designated agent
35 shall file a written certificate under oath with the Department that the makes and models
36 described thereon comply with the requirements established pursuant to this section.

1 **(II)** Such certificates shall be filed for each make and model sold in
2 this State.

3 (e) The Department shall adopt regulations that prescribe the type and color of
4 paint to be used for posting private property under § 6–402 of the Criminal Law Article.

5 **(F) (1) THE DEPARTMENT MAY NOT PROHIBIT AN INDIVIDUAL TO WHOM
6 A PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN HAS BEEN ISSUED UNDER
7 TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE FROM WEARING, CARRYING,
8 OR TRANSPORTING A HANDGUN IN A STATE PARK OR FOREST, SUBJECT TO ANY
9 LIMITATIONS IMPOSED UNDER § 5–307 OF THE PUBLIC SAFETY ARTICLE.**

10 **(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO AUTHORIZE AN
11 INDIVIDUAL TO USE A HANDGUN TO HUNT WILDLIFE IN VIOLATION OF DEPARTMENT
12 REGULATIONS.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2022.