

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 77
(Delegate Thiam)
Environment and Transportation

Motor Vehicles – Operation of Dirt Bikes – Prohibited Acts

This bill prohibits a person from committing the following vehicle offenses under the Transportation Article while operating a dirt bike: failure to keep right when required (§ 21-301); driving a vehicle on a sidewalk or sidewalk area where prohibited (§ 21-1103); reckless driving (§ 21-901.1(a)); or negligent driving (§ 21-901.1(b)). A violation is a misdemeanor subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement can otherwise be handled with existing resources.

Local Effect: Minimal increase in local government expenditures due to the bill's incarceration penalty provision. Enforcement can otherwise be handled with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: There is no generally applicable definition of dirt bike under the Maryland Vehicle Law. However, "off-highway recreational vehicle," as it applies to the vehicle law, includes a motorcycle that is designed for off-highway operation and is not eligible for registration as a Class D (motorcycle) vehicle, commonly known as a dirt bike. In addition, "dirt bike," as it applies to the prohibition against dispensing motor fuel into a dirt bike from a retail pump at a service station in Baltimore City, means any motorcycle or similar vehicle that is not required to be registered under the vehicle law, and includes a motorized

minibike and an all-terrain vehicle with either three or four wheels. The term does not include a moped or a motor scooter.

Regulation of Motorized Minibikes

Chapter 562 of 2006 defined motorized minibike under the vehicle law and established various provisions relating to motorized minibikes. “Motorized minibike” means a motor vehicle that has two or three wheels and is not subject to registration under the vehicle law. The term excludes a motor scooter, a moped, a farm tractor, an electric bicycle, or an electric low speed scooter. A local authority may require a motorized minibike to be permitted and impose a permit fee. Any dealer, agent, or employee of a dealer, any vehicle salesman, or any other person who sells a motorized minibike must inform the buyer in writing that a motorized minibike may not be driven on a highway in the State and that local law, ordinance, and regulation may limit the use of the motorized minibike.

Driving on the Right Side of the Roadway (Transportation Article, § 21-301)

General Rule: On every roadway that is wide enough, a vehicle must be driven on the right half of the roadway, except:

- while overtaking and passing another vehicle going in the same direction, under the rules governing this movement;
- where there is an obstruction that makes it necessary to drive to the left of the center of the highway (but the driver of any vehicle doing so must yield the right-of-way to any other vehicle that is traveling in the proper direction on the unobstructed part of the highway and is so near as to be an immediate danger);
- on a roadway that is divided into three or more clearly marked lanes for vehicular traffic, subject to the rules applicable to these roadways;
- on a roadway designated and signposted for one-way traffic; or
- on a roadway that is marked or signposted in a manner indicating that a contrary rule exists.

Slow-moving Traffic: On every roadway, except while overtaking and passing another vehicle going in the same direction or when preparing for a lawful left turn, any vehicle going at least 10 miles per hour below the applicable maximum speed limit (or, if any existing conditions reasonably require a speed below that of the applicable maximum, at less than the normal speed of traffic under these conditions) must be driven in the right-hand lane when available for traffic or as close as practicable to the right-hand curb or edge of the roadway.

Roadway with Four or More Lanes: With specified exceptions, a vehicle may not be driven on the left of the centerline on a roadway that is divided into at least four clearly marked lanes for vehicular traffic and that provides for two-way movement of traffic.

A violation of the above provisions is a misdemeanor subject to a fine of up to \$500. Upon conviction, the Motor Vehicle Administration (MVA) must assess one point against the driver's license, or three points if the violation contributes to an accident. The District Court has established a prepayment penalty of \$90 for these offenses, or \$130 if the violation contributes to an accident.

Reckless and Negligent Driving (Transportation Article, § 21-901.1)

A person is guilty of reckless driving if a motor vehicle is driven in wanton or willful disregard for the safety of persons or property or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A violation is a misdemeanor, subject to a maximum fine of \$1,000. MVA is also required to assess six points against the driver's license upon conviction for this offense. The District Court prepayment penalty, including court costs, is \$510 for this offense.

A person is guilty of negligent driving if the motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or safety of any individual. This violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, MVA must assess one point against the driver's license, or three points if the offense contributes to an accident. The District Court assesses a prepayment penalty of \$240 for this offense, or \$280 if the offense contributes to an accident.

Driving on a Sidewalk (Transportation Article, § 21-1103)

With specified exceptions, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway. A violation is a misdemeanor subject to a fine of up to \$500. Upon conviction of this offense, MVA must assess one point against the driver's license, or three points if the violation contributes to an accident. The District Court has established a prepayment penalty of \$70 for this offense, or \$110 if the violation contributes to an accident.

State Revenues: General fund revenues increase minimally as result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$90 to \$300 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Kent, Montgomery, and Worcester counties; City of Salisbury; towns of Bel Air and Leonardtown; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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