

SENATE BILL 857

M1, R4

4r1612
CF HB 866

By: **Senator McKay**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Off-Highway Recreational Vehicle Trail Fund and Off-Highway Recreational**
3 **Vehicle Recreation Oversight Board – Alterations and Establishment**

4 FOR the purpose of altering the contents and authorized uses of the Off-Highway
5 Recreational Vehicle Trail Fund; establishing the Off-Highway Recreational Vehicle
6 Recreation Oversight Board to advise the Secretary of Natural Resources on certain
7 matters and review and approve certain expenditures; altering the percentages of
8 the revenue from a certain excise tax the Comptroller is required to distribute to the
9 Off-Highway Recreational Vehicle Trail Fund in certain fiscal years; and generally
10 relating to the Off-Highway Recreational Vehicle Trail Fund and the Off-Highway
11 Recreational Vehicle Recreation Oversight Board.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 5–209(b)(3) and 5–1011
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2023 Supplement)

17 BY adding to
18 Article – Natural Resources
19 Section 5–1011.1
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 13–814
25 Annotated Code of Maryland
26 (2020 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 (b) (3) (i) [Prior to] **BEFORE** March 31, 1976, every off–road vehicle to be
6 used on Department lands shall be registered and provided suitable identification by the
7 Department, which shall charge an annual uniform fee for all registrants, revenues derived
8 from which shall be used to acquire and maintain areas for off–road vehicle use by the
9 general public.

10 (ii) **1.** Any investment earnings derived from the revenues shall
11 be credited to the [General Fund of the State] **OFF–HIGHWAY RECREATIONAL VEHICLE**
12 **TRAIL FUND ESTABLISHED UNDER § 5–1011 OF THIS TITLE.**

13 **2.** Revenues from the fee are not subject to § 7–302 of the
14 State Finance and Procurement Article.

15 (iii) Revenues may be used for administrative costs calculated in
16 accordance with § 1–103(b)(2) of this article.

17 5–1011.

18 (a) In this section, “Fund” means the Off–Highway Recreational Vehicle Trail
19 Fund.

20 (b) There is an Off–Highway Recreational Vehicle Trail Fund.

21 (c) The purpose of the Fund is to maintain and construct trails for off–highway
22 recreational vehicles.

23 (d) The Secretary shall administer the Fund.

24 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
25 the State Finance and Procurement Article.

26 (2) The State Treasurer shall hold the Fund separately, and the
27 Comptroller shall account for the Fund.

28 (f) The Fund consists of:

29 (1) Revenue distributed to the Fund under § 13–814(b) of the
30 Transportation Article;

31 (2) Money appropriated in the State budget for the Fund;

1 **(3) MONEY GENERATED FROM OFF-ROAD VEHICLE REGISTRATIONS**
2 **UNDER § 5-209 OF THIS TITLE; and**

3 ~~[(3)]~~ **(4)** Any other money from any other source accepted for the benefit
4 of the Fund.

5 (g) **[The] SUBJECT TO § 5-1011.1(I) OF THIS SUBTITLE, THE** Fund may be
6 used only to:

7 (1) Maintain trails for off-highway recreational vehicles on State park land
8 that was purchased or leased by the Department before January 1, ~~[2017]~~ **2024;**

9 (2) Maintain and construct trails for off-highway recreational vehicles on
10 State park land that is purchased or leased by the Department on or after January 1, ~~[2017]~~
11 **2024; [and]**

12 (3) Maintain and construct trails for off-highway recreational vehicles on
13 any land that is not State park land that is purchased or leased by the Department; **AND**

14 **(4) MAINTAIN THE OFF-HIGHWAY RECREATIONAL VEHICLE**
15 **RECREATION OVERSIGHT BOARD ESTABLISHED UNDER § 5-1011.1 OF THIS**
16 **SUBTITLE.**

17 (h) (1) The State Treasurer shall invest the money of the Fund in the same
18 manner as other State money may be invested.

19 (2) Any interest earnings of the Fund shall be credited to the General Fund
20 of the State.

21 (i) Expenditures from the Fund may be made only in accordance with the State
22 budget.

23 (j) Money expended from the Fund for maintaining and constructing trails for
24 off-highway recreational vehicles is supplemental to and is not intended to take the place
25 of funding that otherwise would be appropriated for maintaining and constructing trails
26 for off-highway recreational vehicles.

27 **(K) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2024, THE**
28 **SECRETARY SHALL PUBLISH ON THE DEPARTMENT'S WEBSITE A REPORT**
29 **DETAILING THE USE OF THE FUND.**

30 **5-1011.1.**

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “BOARD” MEANS THE OFF-HIGHWAY RECREATIONAL VEHICLE**
4 **RECREATION OVERSIGHT BOARD.**

5 **(3) “FUND” MEANS THE OFF-HIGHWAY RECREATIONAL VEHICLE**
6 **TRAIL FUND ESTABLISHED UNDER § 5-1011 OF THIS SUBTITLE.**

7 **(B) THERE IS AN OFF-HIGHWAY RECREATIONAL VEHICLE RECREATION**
8 **OVERSIGHT BOARD.**

9 **(C) (1) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS,**
10 **APPOINTED BY THE GOVERNOR:**

11 **(I) ONE REPRESENTATIVE OF THE MARYLAND OFF-HIGHWAY**
12 **VEHICLE ALLIANCE;**

13 **(II) ONE REPRESENTATIVE OF THE MARYLAND MOTORCYCLE**
14 **DEALERS ASSOCIATION;**

15 **(III) ONE REPRESENTATIVE OF THE AMERICAN MOTORCYCLIST**
16 **ASSOCIATION DISTRICT 7;**

17 **(IV) ONE INDIVIDUAL REPRESENTING ALL-TERRAIN VEHICLE,**
18 **UTILITY TERRAIN VEHICLE, OR SIDE-BY-SIDE VEHICLE DRIVERS; AND**

19 **(V) ONE INDIVIDUAL REPRESENTING ON- AND OFF-ROAD**
20 **MOTOR VEHICLE DRIVERS.**

21 **(2) EACH MEMBER SHALL BE A RESIDENT OF THE STATE.**

22 **(D) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR EACH**
23 **YEAR.**

24 **(E) (1) THE TERM OF A MEMBER IS 4 YEARS.**

25 **(2) THE TERM OF A MEMBER IS STAGGERED AS REQUIRED BY THE**
26 **TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2024.**

27 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
28 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
2 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
3 **QUALIFIES.**

4 **(5) IF A VACANCY OCCURS AMONG THE MEMBERS, THE GOVERNOR**
5 **SHALL PROMPTLY APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM**
6 **EXPIRES.**

7 **(F) (1) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE BOARD.**

8 **(2) ADDITIONAL SUPPORT FOR THE BOARD SHALL BE PROVIDED BY:**

9 **(I) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

10 **(II) THE MARYLAND PARK SERVICE;**

11 **(III) THE FOREST SERVICE;**

12 **(IV) THE WILDLIFE AND HERITAGE SERVICE; AND**

13 **(V) ONE REPRESENTATIVE OF EACH COUNTY IN WHICH AN**
14 **OFF-HIGHWAY RECREATIONAL VEHICLE TRAIL MAINTAINED BY THE DEPARTMENT**
15 **IS LOCATED, DESIGNATED BY THE DEPARTMENT.**

16 **(G) THE BOARD SHALL MEET AT LEAST QUARTERLY.**

17 **(H) THE BOARD SHALL:**

18 **(1) ADVISE THE SECRETARY ON THE OPERATION, ACQUISITION,**
19 **REGULATION, AND GENERAL OVERSIGHT OF OFF-HIGHWAY RECREATIONAL**
20 **VEHICLE TRAILS AND RECREATION IN THE STATE; AND**

21 **(2) REVIEW AND APPROVE EXPENDITURES FROM THE FUND IN**
22 **ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION.**

23 **(I) AN EXPENDITURE FROM THE FUND SHALL BE REVIEWED AND**
24 **APPROVED BY THE BOARD IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**

25 **(1) AT LEAST 25% OF THE ANNUAL FUND BALANCE SHALL BE USED**
26 **FOR TRAIL DEVELOPMENT;**

27 **(2) AT LEAST 10% OF THE ANNUAL FUND BALANCE SHALL BE USED**
28 **FOR OFF-HIGHWAY RECREATIONAL VEHICLE TRAIL MAINTENANCE;**

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.