



Troy D. Berry
Sheriff

Office of the Sheriff

Charles County, Maryland

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March 10, 2023

The Honorable Kumar P. Brave
Chair, Environment and Transportation Committee

Honorable Members of the Environment and Transportation Committee

RE: HB 944: Charles County – Motorized Minibikes - Regulation and Enforcement

Dear Chairman Brave,

The Charles County Sheriff's Office supports HB 928 entitled, Charles County – Motorized Minibikes - Regulation and Enforcement, with amendments.

In recent years, Charles County has seen frequent and increasing misuse of off-road vehicles such as dirt bikes and all-terrain vehicles. Our county has seen individuals engaged in reckless driving behavior on public roads – weaving in and out of traffic, “popping wheelies,” obstructing traffic, and generally placing our citizens in fear. We also see individuals driving off-road vehicles on private and public property without permission. Not only does this behavior violate the Criminal Law, it also causes extensive property damage.

From 2019 through 2022, the Charles County Sheriff's Office handled **4,076** calls related to ATV's and dirt bikes, including 792 in 2022 alone. As spring returns to the area, we expect to continue to have to respond to this problem.

Apprehending the individuals involved in this behavior poses challenges. Maryland law prohibits unregistered motor vehicles, such as all-terrain vehicles, from being operated on a highway. Despite that law, the Sheriff's Office has seen a growing trend of individuals operating off-road vehicles on our public roads in reckless and dangerous manners. These individuals often elude or attempt to elude police.

When officers are able to catch the individuals in the act, the vehicle they used may be towed to a private facility. In the absence of regulations allowing for the seizure of these vehicles, the owners are able to quickly recover the vehicle and officers repeatedly encounter the same individuals on the same vehicles engaged in the same behavior.

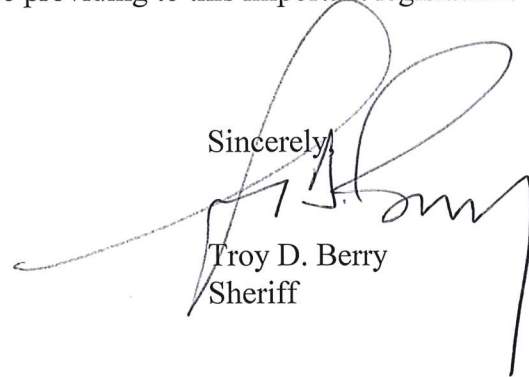
Recognizing the need for action, the Charles County Commissioners submitted a request to our local delegation for a statute that would authorize the Commissioners to implement rules and regulations relating to off-road vehicles. The most critical component of that request is the ability to allow for the impoundment of vehicles used to violate both the traffic law and criminal trespass law. The language requested by the Commissioners is attached.

HB 944 as currently drafted does not adequately address the issues. As presently drafted, the bill is limited to “motorized minibikes.” The bill includes “impoundment,” but does not appear to expressly grant authority for impoundment beyond whatever authority may already exist in Maryland law.

HB 944 can, and should be, amended to provide the Commissioners with the authority needed to address this significant issue of concern for the people of Charles County.

For these reasons, the Charles County Sheriff’s Office requests a favorable report on HB 944 if amended. Thank you for the attention you are providing to this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy D. Berry", is written over the typed name and title.

Troy D. Berry
Sheriff

BILL DRAFT - Transportation §25-102.1

AN ACT concerning

Off-the Road Motorcycles and All-Terrain Vehicles -Charles County - Regulation

FOR the purpose of authorizing the Commissioners of Charles County to regulate the use off-road vehicles in Charles County and prescribe penalties for violations.

BY adding to

Article - Transportation
Section 25-102.1
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

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

Article- Transportation

25-102.1

(c)

(1) THIS SECTION ONLY APPLIES IN CHARLES COUNTY.

(2) THE COUNTY COMMISSIONERS MAY REGULATE THE OPERATION OF THE OFF-THE-ROAD MOTORCYCLES AND ALL-TERRAIN VEHICLES. THE REGULATIONS MAY INCLUDE:

(i) REGISTRATION REQUIREMENTS;

(ii) AGE RESTRICTIONS; AND

(iii) IMPOUNDMENT OF VEHICLES USED IN VIOLATION OF TITLE 21, SUBTITLE 900, OF THIS ARTICLE, §6-404 OF THE CRIMINAL LAW ARTICLE, OR §6-405 OF THE CRIMINAL LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.