



Troy D. Berry
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March 27, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

Honorable Members of the Judicial Proceedings Committee

RE: HB 972: Off-Highway Vehicles – Clarifications and Revisions

Dear Chairman Smith,

The Charles County Sheriff's Office supports the goal of HB 972 (Motor Vehicles – Off-Highway Vehicles – Clarifications and Revisions).

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.

From 2019 through 2023, the Charles County Sheriff's Office handled **4,861** calls related to ATV's and dirt bikes, including **785** in 2023 alone. Despite generally cold weather, the Sheriff's Office had **43** calls in January, 2024. Most of those calls (562 in 2023) related to the operation of off-road vehicles on public highways. 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.

In its original form, HB 972 allowed local jurisdictions to create an impoundment process for off-highway vehicles used in violation of Maryland's Vehicle Law. The best and most efficient way to deter this dangerous behavior is to take away, even temporarily, the instrument used for the behavior. Local jurisdictions would have had the ability to tailor their impoundment rules in a way that makes sense for that jurisdiction.

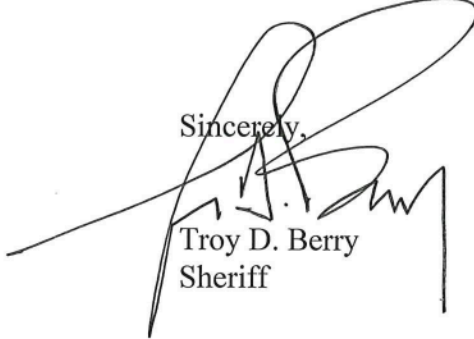
Unfortunately, the amendments to HB 972 create ambiguity, uncertainty, and do not give local jurisdictions the discretion to fashion an approach to the issue that best suits each jurisdiction. For example, one reading of the amendment is that an off-road vehicle can be impounded *only* if a moving citation has been issued to the driver. There is also ambiguity regarding who can claim the off-road vehicle – the last titled individual, or a lawful owner (which may not always be the same person).

Most importantly, the amended version of HB 972 contains no provision for repeat violations, or allow for the imposition of any penalty. Without the ability to impose a penalty, and to impose greater penalties for repeat violations, HB 972 provides little benefit over the *status quo*. An unregistered off-road vehicle on a public roadway can currently be towed; the owner can appear at the tow company's lot within an hour, pay the tow fee and any storage fees, and retrieve the vehicle. The same is true with this version of HB 972; that law enforcement must do something within 7 days should not be viewed as permission for a law enforcement agency to delay action for 7 days.

HB 972 is well intentioned, but even before the amendment did not go far enough. The Sheriff's Office frequently receives complaints of 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. In 2023 alone, the Sheriff's Office responded to **69** calls of the illegal use of off-road vehicles on private or public property. HB 972 can be an even more important tool if local jurisdictions are permitted to impound off-road vehicles that are used to violate §6-404 and §6-405 of the Criminal Law Article, in addition to violations of the Vehicle Law.

For these reasons, the Charles County Sheriff's Office requests a favorable report on HB 972 with appropriate amendments to give local jurisdictions power and flexibility to address this issue that is disrupting the safety and peace of our communities. Thank you for the attention you are providing to this important legislation.

Sincerely,



Troy D. Berry
Sheriff