

HB0972-JPR_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



House Bill 972

Motor Vehicles - Off-Highway Vehicles - Clarifications and Revisions

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: March 27, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 972. This bill enables counties to establish speed limits for off-highway vehicles on county roadways.

Off-highway vehicles are commonly associated with outdoor recreation in mountainous or rural environments and occupy an odd nexus between a traditional motor vehicle and lesser recreational devices. Increasingly, off-highway vehicles are being used in suburban and urban environments, both out of the scope of intended use and in some cases, to the detriment of the surrounding community. HB 972 seeks to clarify state and local authority by explicitly stating that both levels of government have the ability to regulate the speed of these vehicles on state and county highways.

This bill is a commonsense measure aimed at protecting Marylanders. For this reason, MACo urges the Committee to give HB 972 a **FAVORABLE** report.

HB972 Boyce Testimony (Senate).pdf

Uploaded by: Regina T. Boyce

Position: FAV

REGINA T. BOYCE
Legislative District 43A
Baltimore City

—
Vice Chair
Environment and
Transportation Committee

Subcommittees
Housing and Real Property

Chair
Natural Resources, Agriculture
and Open Space



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 27, 2024

March 27, 2024

Good afternoon Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee.

For the record, I am Delegate Regina T. Boyce presenting **HB972 - Motor Vehicles - Off-Highway Vehicles - Clarifications and Revisions.**

HB972 provides clarity and consistency in regulations governing off-highway recreational vehicles. The bill creates consistency of “Off-Highway Recreational Vehicle (OHRV)” throughout the transportation article, and defines the four types of OHRV’s. The use of consistent terms and definitions ensures consistency in interpretation and application across the state.

One of the key changes in HB972 is highlighting the requirement of all OHRV’s to be titled with the Motor Vehicle Administration (MVA), and mandates OHRV dealers to electronically title the OHRV at the time of purchase or contract with an entity that provides electronic titling services. This ensures that all OHRV’s adhere to standard titling requirements. This modernizes the titling process and improves efficiency for both dealers and buyers.

HB972 also grants local jurisdictions the authority to regulate the operation of OHRV’s within their jurisdiction, and give authorization to enforce Maryland Vehicle Law for violations involving off-highway recreational vehicles on highways within their jurisdiction. This allows for more localized control and enforcement of regulations based on specific community needs and conditions. Additionally, local jurisdictions can enact legislation governing the impoundment and release of OHRV’s suspected of being involved in violations.

Overall, the bill emphasizes modernization, efficiency, and improved regulation of off-highway vehicles while authorizing local control and clarity in legal frameworks.

I thank the Committee for their time and consideration for support of HB972.

Sincerely,

A handwritten signature in blue ink that reads "Regina T. Boyce".

Regina T. Boyce

MCPA-MSA_HB 972-Motor Vehicles Off-Highway Vehicle

Uploaded by: Andrea Mansfield

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 27, 2024

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

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 972 WITH AMENDMENTS**. This bill clarifies and harmonizes certain provisions of law governing off-highway recreational vehicles and other similar off-highway motor vehicles.

MCPA and MSA strongly support the intent of HB 972 and believe the changes suggested below will strengthen the legislation.

1. Impounding Provision Does Not Currently Apply if Off-Highway Recreation Vehicle is Abandoned

As currently written, a reasonable interpretation is that a moving citation issued to a driver is a necessary prerequisite before an off-road vehicle may be seized (pg. 11, lines 16-20). Limiting impoundment to situations where a moving citation has been issued will prevent the impoundment of off-road vehicles that have been abandoned, including after a pursuit. See following amendment to address these circumstances.

On page 11, strike lines 16-20 and insert –

- (I) THE LAWFUL IMPOUNDMENT OF AN OFF-HIGHWAY RECREATIONAL VEHICLE FOR WHICH LAW ENFORCEMENT OR IDENTIFIABLE WITNESS, TO INCLUDE VIDEO, OBSERVED THE VEHICLE COMMIT A VIOLATION OF THE MARYLAND VEHICLE LAW INVOLVING THE USE OF THE OFF-HIGHWAY RECREATIONAL VEHICLE; AND

2. Ambiguity Between “INDIVIDUAL...TITLED” (pg. 11, lines 27-28) and “OWNER” (pg. 11, line 29 and pg. 12, lines 10, 15, 17, 24)

As currently written, an assumption is made that the last individual titled is the owner of the vehicle. However, an owner who comes forward to reclaim the vehicle may not be the last individual to whom the vehicle was titled. To avoid confusion, MCPA and MSA suggest using consistent terms.

On page 11, in line 27, strike “INDIVIDUAL” and insert “OWNER” and in line 31, insert “PRESENTATION OF A TITLE AND.”

3. No Provisions for Repeat Violations or Imposition of a Penalty

In its current form there is no provision for repeat violations, or for the imposition of any penalty. Without the ability to impose a penalty, and to impose greater penalties for repeat violations, there is no accountability for the individual. MCPA and MSA respectfully request the Committee to consider a penalty for repeat offenders.

HB972 -CCSO.pdf

Uploaded by: Christina Gilroy

Position: FWA



Troy D. Berry
Sheriff

Office of the Sheriff

Charles County, Maryland
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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.

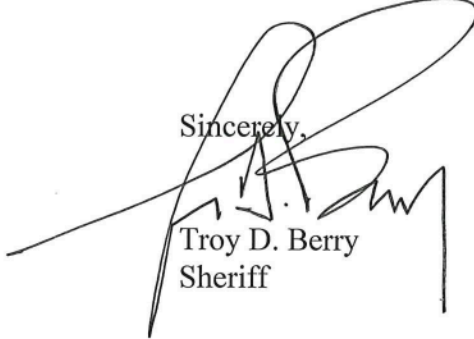
Unfortunately, the amendments to HB 972 create ambiguity, uncertainty, and do not give local jurisdictions the discretion to fashion an approach to the issue that best suits each jurisdiction. For example, one reading of the amendment is that an off-road vehicle can be impounded *only* if a moving citation 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

HB0972 - MVA - Off-Highway Vehicles - Clarificatio

Uploaded by: Pilar Helm

Position: INFO

March 27, 2024

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 972 – Motor Vehicles - Off-Highway Vehicles - Clarifications and Revisions

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on House Bill 972 as amended for the Committee’s consideration.

House Bill 972 would require all “off-highway motorbikes” in Maryland to be titled with the Motor Vehicle Administration (MVA) regardless of the year they were manufactured and any dealer of such vehicles to provide titling services to buyers. It also adds a number of enforcement provisions and restrictions around the operations of such vehicles along with authorization to local jurisdictions for enforcement of Maryland vehicle law around their operations and to impound vehicles for violating operating laws. The MVA approves of the amendments as passed by the House.

Currently, Maryland law requires off-road vehicles (ORV) to be titled, including motorbikes, or more commonly known as “dirt bikes.” From Fiscal Year (FY) 2022 to date in FY 24, the MVA has issued 27,828 titles for all off-road vehicles currently eligible for titles. The MVA issues a decal to applicants to place on the ORV to indicate the title; decals include the title number which can be looked up by certain individuals, such as law enforcement, who are provided access to MVA’s vehicle database records just like a motor vehicle’s title number.

When an ORV is sold by the original owner, the new buyer is responsible for filing a title application with the MVA. While exact numbers are not available, it is estimated that a vast majority of these sales tend to be via private sales rather than via a retail store and the new buyer is not necessarily aware that they are required to title the ORV, nor is there a viable means for the previous owner to cancel a title in their name with the MVA unless the new owner obtains a title once purchased. In addition, many dirt bikes and other ORVs are sold by large chain stores that do not provide titling services or advise buyers of these requirements. As these stores are not licensed dealerships the way a vehicle dealer is, the MVA has no means to audit their sales and ensure compliance with requirements for titling services with purchases. House Bill 972 will work to rectify the lack of mandatory titling services present with retailers in Maryland, but compliance with private sales of used ORVs, including dirt bikes, will remain unresolved due to the nature of private sales. Keeping ownership information up to date and invalidating titles after private sale to new owners will continue to be challenging.

The Honorable William C. Smith, Jr.
Page Two

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 972 as amended.

Respectfully submitted,

Christine E. Nizer
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Maryland Motor Vehicle Administration
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Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090