COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice President Hucker, Councilmembers Jawando, Glass and Riemer
Co-sponsors: Council President Katz, Councilmembers Navarro, Friedson, Albornoz and Rice

AN ACT to:
(1) permit voluntary registration of a bicycle owned by a County resident for personal use;
(2) require the registration of a bicycle provided for rent in the County;
(3) repeal the authority to impound an unregistered bicycle owned by a County resident for personal use;
(4) repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund; and
(5) generally amend the laws governing the use of a bicycle in the County.

By amending
Montgomery County Code
Chapter 7, Bicycles
Sections 7-1, 7-4, and 7-5

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 7-1, 7-4, and 7-5 are amended as follows:

7-1. Definitions.

In this Chapter:

(a) bicycle means a vehicle designed:

(1) to be propelled only by human power;

(2) to carry one or more persons; and

(3) with 2 wheels, one of which is at least 16 inches in diameter.

(b) bicycle helmet means a protective helmet designed for bicycle riders that is approved by the Snell Memorial Foundation or the American National Standards Institute, or that the Director of Transportation determines meets an equivalent standard.

(c) personal use means riding a bicycle by the owner or any other person who the owner authorizes to ride the bicycle without charging rent.

7-4. Bicycle registration.

(a) Any County resident who owns a bicycle [used for personal use on a public street, right-of-way, or bicycle path in the County [must] may, and the owner of a bicycle for rent in the County must:

(1) register the bicycle by:

(A) completing a form provided by the County Executive or designee; and

(B) paying a registration fee; and

(2) have a legible County registration decal on the bicycle; and

(3) remove the County registration decal when the bicycle is sold, transferred, or dismantled.

(b) Bicycle registration under this Section is not transferable.

(c) A person, other than the owner, must not remove a County registration decal from a bicycle.
The County Executive may set bicycle registration fees by executive regulation under method (3).

7-5. Enforcement.

(a) Enforcement. The County Police Department must enforce the requirements of this Chapter. The Maryland-National Capital Park and Planning Commission Police may enforce the requirements of this Chapter on Maryland-National Capital Park and Planning Commission property.

(b) Penalty. Any violation of this Chapter is a class C violation.

(c) Waiver.

(1) The fine for a person's first violation of a bicycle helmet requirement of this Chapter must be waived if:
   (A) the person charged:
       (i) is a minor; and
       (ii) produces proof that the person has obtained a bicycle helmet for the person's use; or
   (B) the person charged:
       (i) is the parent or guardian of a minor; and
       (ii) produces proof that the person has obtained a bicycle helmet for use by that minor.

(2) The citation for a person's first violation of a bicycle registration requirement of this Chapter must be rescinded if the person charged produces proof within 15 days after the citation is issued that the bicycle has been registered.

(d) Impoundment.

(1) The County Police Department and the Maryland-National Capital Park and Planning Commission Police may impound any
unregistered bicycle that is provided for rent until the bicycle is properly registered. The Maryland-National Capital Park and Planning Commission Police may dispose of an unregistered bicycle that is provided for rent under Commission regulations.

(2) The County police must give an impounding receipt to the owner or operator of the unregistered bicycle that is provided for rent. If an unregistered bicycle provided for rent is impounded, the County police must hold an unregistered bicycle provided for rent until it is:

(A) registered;

(B) donated to a non-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code in the discretion of the Chief Administrative Officer if reasonable attempts to locate the owner are unsuccessful; or

(C) disposed of in the manner provided for abandoned motor vehicles under Section 31-63.

[(3) The net proceeds received from the sale of impounded or abandoned bicycles by the County police must be deposited in the Police Relief and Retirement Fund.]
Approved:

Sidney Katz, President, County Council

Date

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

Date