



# THE PRINCE GEORGE'S COUNTY GOVERNMENT


## Office of Audits and Investigations


March 15, 2022

### MEMORANDUM

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Lavinia A. Baxter   
Senior Legislative Budget and Policy Analyst

RE: Policy and Fiscal Impact Statement  
CB-011-2022 Off-Road Vehicles

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**CB-011-2022** (*Proposed by:* Chair Hawkins)

Assigned to Committee of the Whole

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AN ACT CONCERNING Off-Road Vehicles for the purpose of increasing civil penalties for violations and providing impoundment as a civil violation.

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### **Fiscal Summary**

#### **Direct Impact:**

*Expenditures:* None likely.

*Revenues:* Potential increase in revenues associated with the increased civil penalty to \$500 and \$1,000 for the first and second violations, respectively.

#### **Indirect Impact:**

Potentially positive.

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### **Legislative Summary:**

CB-11-2022, titled Off-Road Vehicles and sponsored by Council Chair Hawkins, was presented on March 1, 2022. This bill is proposed to strengthen civil penalties associated with the improper use of off-road vehicles by increasing fines and along with expanding the Police Department's current power to impound. As proposed, the penalty for an initial offense would go from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00), from five hundred dollars (\$500.00) to one thousand dollars (\$1,000) for the second violation and would remain at one thousand dollars (\$1,000) but would require impoundment of the off-road vehicle for subsequent violations.

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### **Current Law/Background:**

The Annotated code of Maryland, Transportation Article §25-102 provides specific powers for local authorities related to traffic laws. Articles 6-404 and 6-405 of the Criminal Law Article of Maryland Code make the use of off-road vehicles on both public and private property, unless it is either with the permission of the owner or is specifically permitted by law, crimes.<sup>1</sup> Transportation Article §25-102 prohibits all terrain or off-road vehicles from operating on public roads and sidewalks with the exception of Garrett and Allegheny Counties, where all-terrain vehicles and snowmobiles vehicles may operate on designated highways for the purpose of gaining access to certain trails.<sup>2</sup>

Division 19 §§26-173 through 175 of the County Code set forth the law on all off-road vehicles including all-terrain vehicles, scooters, miniature motorcycles, and off-the-road motorcycles. "Off-Road Vehicles" which are the subject of the Division's provisions, are defined as "vehicle[s] that [have] been manufactured for off-road use and not subject to registration under the Maryland Vehicle Law, including off-the-road motorcycles, miniature motorcycles, miniature scooters and all-terrain vehicles." Basic requirements for operation include registration through the Department of Permitting, Inspections and Enforcement. Currently the cost for registration is Thirty Dollars (\$30.00) which is valid for two (2) years. Stipulations include safety requirements such as: helmets must be worn by all riders and drivers under the age of 16 must be supervised by a parent or guardian. Off-road vehicles may only be operated on private property between the hours of 7 A.M. and 8 P.M. Currently, fines are set at two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000) for any subsequent violation.<sup>3</sup> Under Division 18, the Police Department has the right to impound any vehicle for eight different offenses. These stipulations are comparable in neighboring jurisdictions, including Montgomery County and Baltimore City.

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<sup>1</sup> [View Document - Maryland Code and Court Rules \(westlaw.com\)](#)

<sup>2</sup> [Md. Code, Transportation, § 25-102\(a\)\(14\)\(ii\)](#)

<sup>3</sup> [DIVISION 19. - OFF-ROAD VEHICLES. | Code of Ordinances | Prince George's County, MD | Municode Library](#)

### **Resource Personnel:**

- Ashley Sharp, Chief of Staff, Council Chair Hawkins
- Stanley Earley, Director, OMB
- Christian Price, Deputy Chief, Police Department

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### **Discussion/Policy Analysis:**

Enforcement of off-road vehicle activity has been increasingly challenging in Prince George's County, surrounding jurisdictions and across the country. Without the ability to chase operators, officers need as many tools as possible to deter illegal activity. In the past, the Department has used helicopter surveillance, which is very expensive, and tire deflating devices similar to spike strips. These help to slow riders and deflate vehicle tires.<sup>4</sup>

During warmer weather, packs of riders, many of whom are underaged ride on public roads at unsafe speeds in congested areas along with regular traffic- sometimes causing traffic to come to a standstill.<sup>5</sup> Other common offenses riders engage in include:

- speeding;
- riding without a helmet;
- riding stolen property; and
- riding unregistered vehicles.

In the last year, this interjurisdictional issue has been raised at the Metropolitan Washington Council of Governments. A law enforcement workgroup called the Metropolitan Washington Council of Governments Safe Roads Task Force was formed to address the increasing issue of illegal car meet-ups and street racing. The focus has also now been expanded to all-terrain vehicle (ATVs) issues. The group meets on a monthly basis to collectively share information and strategies along with surveillance and tracking riders and vehicles who violate local laws. (citation) By monitoring a network of camera over a period of time, police in Hagerstown, Maryland were able to track down and confiscate 40 bikes being stored.<sup>6</sup>

As way to encourage the proper use of off-road vehicles, Police in other locales are employing various techniques to prevent and catch operators. In North Point Florida, the Police Department lists all areas where operators can safely ride their off-road vehicles. Similar lists are provided by the Department of Natural Resources and the Maryland-National Capital Park and Planning Commission.<sup>7</sup>

CB-011-2022 will strengthen civil penalties for violations of County law related to off-road vehicles. Additionally, critical to this legislation is the addition of provisions expanding the Police

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<sup>4</sup>[Police in Maryland using new tool to target illegal ATV, dirt bike riders during holiday weekend \(fox5dc.com\)](http://fox5dc.com)

<sup>5</sup>[https://www.washingtonpost.com/local/public-safety/dozens-of-illegal-dirtbikes-atvs-choke-the-streets-of-national-harbor/2017/06/26/0174b718-5aa9-11e7-9fc6-c7ef4bc58d13\\_story.html](https://www.washingtonpost.com/local/public-safety/dozens-of-illegal-dirtbikes-atvs-choke-the-streets-of-national-harbor/2017/06/26/0174b718-5aa9-11e7-9fc6-c7ef4bc58d13_story.html)

<sup>6</sup>[Hagerstown Police looking for illegal off-road riders caught on camera in local streets \(yahoo.com\)](http://yahoo.com)

<sup>7</sup><https://dnr.maryland.gov/forests/Pages/orv/trails.aspx>

Department's power of impoundment. Under County Code §26-166(a)(3) the Police Department has the power to impose impoundment when a vehicle poses an immediate danger to the public safety.<sup>8</sup> Existing §26-175(c) authorizes the Police Department to impound any unregistered off-road vehicle. This Bill would expand the authority to impound off-road vehicles, mandating it for third and subsequent offenses, and making it discretionary for any other violation of the law related to off-road vehicles.

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**Issue for Committee Consideration:**

- Since the solution to the problems posed by unlawful use off-road vehicles is dependent on law enforcement being able to apprehend the violators, and this has proven particularly challenging, are there additional steps that the Legislative Branch can take to empower the Police Department in their efforts?
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**Fiscal Impact:**

*Direct Impact:*

Enactment of CB-011-2022 is unlikely to result in additional expenditures. The increase in fines from two hundred and fifty dollars (\$250) to five hundred dollars (\$500) for the first and second violations respectively and one thousand dollars (\$1,000) and impoundment for subsequent offences may have a positive impact on revenues. The Prince George's County Police Department foresees that the cost of storing vehicles and associated liability would rest with the tow companies contracted by the County Government.

*Indirect Impact:*

Enactment of CB-011-2022 may have a favorable indirect fiscal impact to the extent that the increased penalties have a deterrent effect, resulting in fewer calls for service related to illegal use of off-road vehicles.

*Appropriated in the Current Fiscal Year Budget:*

No.

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**Effective Date of Proposed Legislation**

The proposed Act shall take effect forty-five (45) calendar days after it becomes law.

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<sup>8</sup>[https://library.municode.com/md/prince\\_george's\\_county/codes/code\\_of\\_ordinances?nodeId=PTIITI17PULOLAPRGECOMA\\_SUBTITLE\\_26VETR\\_DIV19OADVE](https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIITI17PULOLAPRGECOMA_SUBTITLE_26VETR_DIV19OADVE)

Robert J. Williams, Jr.

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If you require additional information, or have questions about this fiscal impact statement, please call me.