



# 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.