

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0438

Introduced by: Councilmembers Kraft, D’Adamo, Curran, Welch, Holton, Conaway, Young,
Spector, Branch

Introduced and read first time: May 15, 2006

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 26, 2007

AN ORDINANCE CONCERNING

Mopeds and Motor Scooters — Registration and Operation

FOR the purpose of reauthorizing the use of certain mopeds and motor scooters, subject to certain conditions; ~~reinstating registration requirements for these vehicles~~; prohibiting certain uses of these and other vehicles; defining certain terms; imposing certain penalties; clarifying certain language; authorizing enforcement and administration by the Department of Transportation; and generally relating to mopeds, motor scooters, dirt bikes, and unregistered motorcycles and similar vehicles.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 40-1 through 40-21, inclusive, to be under the renamed

“Subtitle 40. Unregistered Motorcycles and Similar Vehicles”

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 40. [Dirt Bikes,] Unregistered Motorcycles[,] and Similar Vehicles

PART 1. DEFINITIONS; GENERAL PROVISIONS

§ 40-1. Definitions.

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (B) *DEPARTMENT*.

2 “DEPARTMENT” MEANS THE MAYOR’S DEPARTMENT OF TRANSPORTATION.

3 (C) [(b)] *Dirt bike*.

4 (1) “Dirt bike” means any motorcycle or similar vehicle that is not registered under the
5 Maryland Vehicle Law ~~OR THIS SUBTITLE~~.

6 (2) “Dirt bike” includes:

7 (i) a minibike;

8 (ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

9 (iii) any other motorcycle or similar vehicle that is not eligible for registration
10 under the Maryland Vehicle Law ~~OR THIS SUBTITLE~~.

11 (D) [(c)] *Minibike*.

12 “Minibike” means a motor vehicle that:

13 (1) has a saddle for the use of the rider;

14 (2) is designed to travel on not more than 3 wheels in contact with the ground;

15 (3) is not eligible for registration under the Maryland Vehicle Law ~~OR THIS SUBTITLE~~;
16 and

17 (4) has:

18 (i) a 10-inch (254 mm) or less nominal wheel-rim diameter;

19 (ii) 40 inches or less wheel base;

20 (iii) 25 inches or less seat height, measured at the lowest point on the top of
21 the seat cushion without rider; or

22 (iv) a propelling engine with piston displacement of 50 cc or less.

23 ~~(E) *MOPED*~~.

24 ~~“MOPED” HAS THE MEANING STATED IN STATE TRANSPORTATION ARTICLE § 11-134.1.~~

25 (E) ~~(F)~~ [(d)] *Motorcycle or similar vehicle*.

26 (1) “Motorcycle or similar vehicle” means [a] ANY motor vehicle that is designed to
27 travel on not more than 3 wheels in contact with ground.

28 (2) “Motorcycle or similar vehicle” includes:

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- 1 ~~(f)~~ a minibike;
- 2 ~~(H) A MOPEL; AND~~
- 3 ~~(III) [(ii)] a motor scooter[; and~~
- 4 ~~(iii) a bicycle with motor attached].~~

5 (F) ~~(G)~~ *MOTOR SCOOTER*.

6 “MOTOR SCOOTER” HAS THE MEANING STATED IN STATE TRANSPORTATION ARTICLE
7 § 11-134.4.

8 (G) ~~(H)~~ [(e)] Unregistered motorcycle or similar vehicle.

9 “Unregistered motorcycle or similar vehicle” means a motorcycle or similar vehicle that:

- 10 (1) is eligible for registration under the Maryland Vehicle Law ~~OR THIS SUBTITLE~~; but
- 11 (2) is not in fact registered.

12 **§ 40-2. Exclusions from subtitle.**

13 (a) *In general.*

14 This subtitle does not apply to any of the following while being used for their designed
15 purposes:

- 16 (1) tractors;
- 17 (2) snowblowers;
- 18 (3) lawn mowers;
- 19 (4) wheel chairs; or
- 20 (5) golf carts.

21 (b) *Government vehicles.*

22 This subtitle does not apply to any vehicle owned and operated by an agency or
23 instrumentality of Federal, State, City, or other local government.

24 **§ 40-3. Rules and regulations.**

25 (a) [*Commissioner*] *DEPARTMENT may adopt.*

26 The [*Police Commissioner*] *DEPARTMENT OF TRANSPORTATION may adopt rules and*
27 *regulations to carry out this subtitle.*

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(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§§ 40-4 to 40-5. *{Reserved}*

PART 2. PROHIBITED OPERATIONS

§ 40-6. [Prohibited conduct – riding or driving] ~~UNREGISTERED VEHICLES~~ DRIVING OR RIDING.

~~(A) DRIVING OR RIDING.~~

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

[§ 40-7. Prohibited conduct – permitting another to ride or drive.]

~~(B) PERMITTING ANOTHER TO DRIVE OR RIDE.~~

§ 40-7. PERMITTING OTHER TO DRIVE OR RIDE.

No owner or other person in control or custody of a dirt bike or an unregistered motorcycle or similar vehicle may permit it to be driven or ridden by any other person on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

~~**§ 40-7. REGISTERED MOPEDS AND SCOOTERS — REGISTRATION PLATE OR STICKER.**~~

~~(A) DRIVING OR RIDING WITHOUT PLATE OR TAG.~~

~~NO PERSON MAY DRIVE OR RIDE ANY MOPED OR MOTOR SCOOTER ON ANY PUBLIC OR PRIVATE PROPERTY UNLESS THE VEHICLE DISPLAYS A REGISTRATION PLATE WITH VALIDATION STICKER, AS REQUIRED BY THIS SUBTITLE.~~

~~(B) PERMITTING ANOTHER TO DRIVE OR RIDE.~~

~~NO OWNER OR OTHER PERSON IN CONTROL OR CUSTODY OF A MOPED OR MOTOR SCOOTER MAY PERMIT IT TO BE DRIVEN OR RIDDEN BY ANY OTHER PERSON ON ANY PUBLIC OR PRIVATE PROPERTY UNLESS THE VEHICLE DISPLAYS A REGISTRATION PLATE WITH VALIDATION STICKER, AS REQUIRED BY THIS SUBTITLE.~~

~~**§ 40-8. REGISTERED MOPEDS AND SCOOTERS — PRIVATE PROPERTY.**~~

~~NO PERSON MAY DRIVE OR RIDE ANY MOPED OR MOTOR SCOOTER ON ANY PRIVATE PROPERTY WITHOUT THE EXPRESS PERMISSION OF A PERSON WITH AN INTEREST IN THAT PROPERTY.~~

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1 ~~§ 40-9~~ § 40-8. [40-8.] [Prohibited conduct – parents] PARENTS and guardians.

2 No parent or guardian of a minor may knowingly permit the minor to violate any provision
3 of § 40-6,~~[or] § 40-7,~~~~OR § 4-8~~ of this subtitle.

4 ~~§ 40-10~~ § 40-9. [40-9.] Prohibited conduct – motor fuel sales.

5 (a) *In general.*

6 No service station nor any other person may sell, transfer, or dispense motor fuel for
7 delivery into any dirt bike or into any unregistered motorcycle or similar vehicle.

8 (b) *Enforcement by citation.*

9 (1) In addition to any other civil or criminal remedy or enforcement procedure, this
10 section may be enforced by issuance of a civil citation under City Code Article 1,
11 Subtitle 41 {"Civil Citations"}.

12 (2) The issuance of a civil citation to enforce this section does not preclude pursuing any
13 other civil or criminal remedy or enforcement action authorized by law.

14 ~~§ 40-11~~ § 40-10. [40-10.] *{Reserved}*

15 ~~**PART 3. REGISTRATION OF MOPED AND SCOOTERS**~~

16 ~~§ 40-12. ANNUAL REGISTRATION REQUIRED.~~

17 (A) ~~IN GENERAL.~~

18 A MOPED OR MOTOR SCOOTER MUST BE REGISTERED ANNUALLY AS PROVIDED IN THIS
19 SUBTITLE.

20 (B) ~~EXCEPTION FOR CERTAIN NONRESIDENTS.~~

21 REGISTRATION OF A MOPED OR MOTOR SCOOTER OWNED BY A NONRESIDENT OF THE CITY
22 IS NOT REQUIRED WHEN THE VEHICLE IS DRIVEN IN A COMPETITION OR EVENT SANCTIONED
23 BY THE AMERICAN MOTORCYCLE ASSOCIATION OR SIMILAR ORGANIZATION.

24 ~~§ 40-13. APPLICATION FOR REGISTRATION.~~

25 (A) ~~WHO MUST REGISTER.~~

26 THE ADULT OWNER OF A MOPED OR MOTOR SCOOTER, OR A PARENT OR LEGAL GUARDIAN
27 OF A MINOR OWNER, MUST APPLY TO THE DEPARTMENT OF TRANSPORTATION FOR
28 REGISTRATION OF THE VEHICLE.

29 (B) ~~REQUIRED INFORMATION.~~

30 (1) THE APPLICATION MUST CONTAIN THE INFORMATION THAT THE DEPARTMENT
31 REASONABLY REQUIRES TO DETERMINE IF THE VEHICLE IS ENTITLED TO REGISTRATION.

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1 ~~(2) THE APPLICATION MUST BE ACCOMPANIED BY:~~

2 ~~(I) THE CURRENT CERTIFICATE OF TITLE FOR THE VEHICLE;~~

3 ~~(II) A CERTIFICATE OF ORIGIN; OR~~

4 ~~(III) A GENUINE BILL OF SALE.~~

5 ~~§ 40-14. DENIAL OF REGISTRATION.~~

6 ~~THE DEPARTMENT OF TRANSPORTATION MAY REFUSE REGISTRATION OF ANY VEHICLE IF:~~

7 ~~(1) THE APPLICATION CONTAINS ANY FALSE OR FRAUDULENT STATEMENT;~~

8 ~~(2) THE APPLICANT HAS FAILED TO FURNISH INFORMATION OR DOCUMENTS REQUIRED BY~~
9 ~~THE DEPARTMENT;~~

10 ~~(3) ANY REQUIRED FEE HAS NOT BEEN PAID;~~

11 ~~(4) THE APPLICANT IS BY LAW NOT ENTITLED TO REGISTER A MOPEL OR MOTOR SCOOTER;~~

12 ~~(5) THE REGISTRATION OF THE MOPEL OR MOTOR SCOOTER HAS BEEN SUSPENDED OR~~
13 ~~REVOKED;~~

14 ~~(6) DURING THE PRECEDING 3-YEAR PERIOD, ANY MOPEL OR MOTOR SCOOTER REGISTERED~~
15 ~~TO THE APPLICANT (OR, ON THE APPLICANT'S BEHALF, TO THE APPLICANT'S PARENT OR~~
16 ~~LEGAL GUARDIAN) HAS BEEN FORFEITED; OR~~

17 ~~(7) THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT:~~

18 ~~(I) THE VEHICLE IS STOLEN;~~

19 ~~(II) THE OPERATOR HAS VIOLATED THE PROVISIONS OF THIS SUBTITLE; OR~~

20 ~~(III) THE GRANT OF REGISTRATION WOULD BE FRAUD AGAINST ANOTHER PERSON.~~

21 ~~§ 40-15. APPROVAL OF REGISTRATION; FEE.~~

22 ~~(A) APPROVAL.~~

23 ~~THE DEPARTMENT OF TRANSPORTATION MUST:~~

24 ~~(1) REGISTER THE MOPEL OR MOTOR SCOOTER IF IT FINDS THAT THE APPLICANT IS~~
25 ~~ENTITLED TO THE REGISTRATION; AND~~

26 ~~(2) KEEP A RECORD OF THE REGISTRATION IN A MANNER THAT PERMITS~~
27 ~~IDENTIFICATION OF THE VEHICLE AND ITS OWNER.~~

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1 ~~(B) FEE.~~

2 THE FEES FOR REGISTRATION, RENEWALS, AND REPLACEMENTS ARE AS SET BY THE BOARD
3 OF ESTIMATES FROM TIME TO TIME.

4 ~~§ 40-16. REGISTRATION CERTIFICATE.~~

5 ~~(A) ISSUANCE.~~

6 WHEN IT REGISTERS A MOPED OR MOTOR SCOOTER, THE DEPARTMENT OF
7 TRANSPORTATION MUST ISSUE TO THE REGISTRANT A CERTIFICATE THAT STATES:

8 (1) THE DATE ISSUED AND DATE OF EXPIRATION;

9 (2) THE NAME AND ADDRESS OF THE OWNER AND, IF THE OWNER IS A MINOR, OF THE
10 PARENT OR GUARDIAN;

11 (3) THE REGISTRATION NUMBER ASSIGNED BY THE DEPARTMENT TO THE VEHICLE;

12 (4) THE SERIAL NUMBER (OR NUMBERS IF MORE THAN 1) ASSIGNED TO THE ENGINE
13 AND FRAME BY THE MANUFACTURER; AND

14 (5) A DESCRIPTION OF THE VEHICLE AS REQUIRED BY THE DEPARTMENT.

15 ~~(B) FORM OF REGISTRATION NUMBER.~~

16 THE REGISTRATION MAY CONSIST OF LETTERS, NUMERALS, OR BOTH.

17 ~~(C) POSSESSION AND DISPLAY.~~

18 THE REGISTRATION CERTIFICATE MUST BE CARRIED AT ALL TIMES BY THE PERSON
19 OPERATING THE VEHICLE, WHO MUST DISPLAY IT, ON DEMAND, TO ANY POLICE OFFICER
20 WHO IS IDENTIFIED AS A POLICE OFFICER.

21 ~~§ 40-17. REGISTRATION PLATE.~~

22 ~~(A) ISSUANCE.~~

23 WHEN IT REGISTERS A MOPED OR MOTOR SCOOTER, THE DEPARTMENT OF
24 TRANSPORTATION MUST ISSUE TO THE OWNER 1 REGISTRATION PLATE.

25 ~~(B) FORM AND CONTENT.~~

26 (1) REGISTRATION PLATES MUST BE MANUFACTURED OF A MATERIAL WARRANTED TO
27 HAVE DURABILITY OF AT LEAST 5 YEARS. THE PHYSICAL CHARACTERISTICS OF THE
28 REGISTRATION PLATE MUST MEET THE STANDARDS ESTABLISHED BY THE STATE
29 MOTOR VEHICLE ADMINISTRATION.

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1 ~~(2) THE REGISTRATION PLATE MUST DISPLAY:~~

2 ~~(i) THE REGISTRATION NUMBER ASSIGNED TO THE VEHICLE FOR WHICH IT IS~~
3 ~~ISSUED; AND~~

4 ~~(ii) THE NAME OF THE CITY, WHICH MAY BE ABBREVIATED.~~

5 ~~(c) DISPLAY ON VEHICLE.~~

6 ~~(1) THE REGISTRATION PLATE MUST BE ATTACHED TO THE REAR OF THE VEHICLE.~~

7 ~~(2) AT ALL TIMES, THE REGISTRATION PLATE MUST BE SECURELY FASTENED TO THE~~
8 ~~VEHICLE FOR WHICH IT IS ISSUED:~~

9 ~~(i) IN A HORIZONTAL POSITION;~~

10 ~~(ii) IN A MANNER THAT PREVENTS THE PLATE FROM SWINGING;~~

11 ~~(iii) IN A PLACE AND POSITION TO BE CLEARLY VISIBLE; AND~~

12 ~~(iv) WITH ADEQUATE LIGHTING TO ALLOW IT TO BE CLEARLY VISIBLE DURING NON-~~
13 ~~DAYLIGHT HOURS.~~

14 ~~(3) AT ALL TIMES, THE REGISTRATION PLATE MUST BE:~~

15 ~~(i) MAINTAINED FREE FROM FOREIGN MATERIALS; AND~~

16 ~~(ii) CLEARLY LEGIBLE.~~

17 **~~§ 40-18. RENEWAL OF REGISTRATION.~~**

18 ~~(A) DEPARTMENT PREROGATIVES.~~

19 ~~FOR SUBSEQUENT REGISTRATION YEARS, THE DEPARTMENT OF TRANSPORTATION MAY:~~

20 ~~(1) ISSUE A VALIDATION STICKER TO EVIDENCE PAYMENT OF THE ANNUAL~~
21 ~~REGISTRATION FEE, OR~~

22 ~~(2) ISSUE A NEW REGISTRATION PLATE.~~

23 ~~(B) DISPLAY OF STICKER.~~

24 ~~A VALIDATION STICKER MUST BE DISPLAYED ON THE REGISTRATION PLATE IN THE~~
25 ~~MANNER THAT THE DEPARTMENT REQUIRES.~~

26 ~~(C) EXPIRATION OF REGISTRATION.~~

27 ~~UNLESS ANNUAL VALIDATION STICKERS HAVE BEEN ISSUED BY THE DEPARTMENT AND~~
28 ~~ARE DISPLAYED ON THE PLATE AS PROVIDED IN THIS SUBTITLE, THE REGISTRATION OF THE~~
29 ~~MOPED OR MOTOR SCOOTER EXPIRES ON A DATE DETERMINED BY THE DEPARTMENT.~~

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1 ~~§ 40-19. CHANGE OF ADDRESS OR NAME.~~

2 ~~(A) CHANGE OF ADDRESS.~~

3 IF THE PERSON WHO HAS APPLIED FOR OR OBTAINED THE REGISTRATION OF A MOPED OR
4 MOTOR SCOOTER MOVES FROM THE ADDRESS GIVEN IN THE APPLICATION OR SHOWN ON
5 THE REGISTRATION CERTIFICATE, THE PERSON MUST, WITHIN 30 DAYS OF THE CHANGE,
6 NOTIFY THE DEPARTMENT IN WRITING OF THE PERSON'S FORMER AND NEW ADDRESSES
7 AND APPLY FOR A CORRECTED REGISTRATION CERTIFICATE.

8 ~~(B) CHANGE OF NAME.~~

9 IF THE NAME OF ANY PERSON WHO HAS APPLIED FOR OR OBTAINED THE REGISTRATION OF
10 A MOPED OR MOTOR SCOOTER IS LATER CHANGED, THE PERSON MUST, WITHIN 30 DAYS OF
11 THE CHANGE, NOTIFY THE DEPARTMENT OF THE FORMER AND NEW NAMES AND APPLY FOR
12 A CORRECTED REGISTRATION CERTIFICATE.

13 ~~§ 40-20. LOST, MUTILATED, ETC., CERTIFICATES, PLATES, ETC.~~

14 ~~(A) OPERATION PROHIBITED PENDING REPLACEMENT.~~

15 IF A REGISTRATION CERTIFICATE, REGISTRATION PLATE, OR VALIDATION STICKER IS LOST,
16 STOLEN, MUTILATED, DESTROYED, OR BECOMES ILLEGIBLE, THE VEHICLE FOR WHICH IT
17 WAS ISSUED MAY NOT BE OPERATED UNTIL A REPLACEMENT IS OBTAINED.

18 ~~(B) NOTICE AND APPLICATION.~~

19 WITHIN 48 HOURS AFTER THE LOSS, THEFT, MUTILATION, DESTRUCTION, OR ILLEGIBILITY
20 IS DISCOVERED, THE ADULT OWNER OR A PARENT OR LEGAL GUARDIAN OF A MINOR
21 OWNER OF THE VEHICLE MUST NOTIFY THE DEPARTMENT AND APPLY FOR A
22 REPLACEMENT.

23 ~~(C) REPLACEMENTS.~~

24 THE DEPARTMENT MUST ISSUE A REPLACEMENT ON RECEIVING:

25 (1) EVIDENCE SATISFACTORY TO THE DEPARTMENT OF THE LOSS, THEFT, MUTILATION,
26 DESTRUCTION, OR ILLEGIBILITY;

27 (2) PAYMENT OF THE APPLICABLE FEE; AND

28 (3) WHEN APPROPRIATE, RETURN OF THE ORIGINAL CERTIFICATE, PLATE, OR STICKER.

29 ~~§ 40-21. SALE OR OTHER TRANSFER OF VEHICLE.~~

30 ~~(A) REGISTRATION EXPIRES AUTOMATICALLY.~~

31 (1) IF THE OWNER OF A REGISTERED MOPED OR MOTOR SCOOTER ASSIGNS OR OTHERWISE
32 TRANSFERS TITLE OR INTEREST IN THE VEHICLE, THE REGISTRATION OF THE VEHICLE
33 EXPIRES.

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~~(2) THE FORMER OWNER MUST REMOVE THE REGISTRATION PLATE FROM THE VEHICLE AND SURRENDER IT, TOGETHER WITH ALL OTHER EVIDENCE OF REGISTRATION, INCLUDING THE REGISTRATION CERTIFICATE, TO THE DEPARTMENT OF TRANSPORTATION FOR CANCELLATION.~~

~~(B) NEW OWNER TO REGISTER VEHICLE.~~

~~BEFORE THE TRANSFEREE MAY OPERATE THE VEHICLE OR PERMIT IT TO BE OPERATED, THE TRANSFEREE MUST APPLY FOR AND OBTAIN A NEW REGISTRATION OF THE VEHICLE.~~

~~(C) SELLER TO INFORM BUYER OF REGISTRATION REQUIREMENTS.~~

~~ANY PERSON WHO SELLS A MOPEL OR MOTOR SCOOTER MUST INFORM THE BUYER THAT REGISTRATION IS REQUIRED BEFORE THE VEHICLE MAY BE OPERATED.~~

~~§§ 40-22 TO 40-25. {RESERVED}~~

~~**PART 4. SUSPENSION OR REVOCATION OF REGISTRATION**~~

~~**§ 40-26. GROUNDS FOR SANCTIONS.**~~

~~(A) IN GENERAL.~~

~~THE DEPARTMENT OF TRANSPORTATION MAY SUSPEND OR REVOKE THE REGISTRATION OF ANY MOPEL OR MOTOR SCOOTER IF THE DEPARTMENT DETERMINES THAT:~~

- ~~(1) THE REGISTRATION WAS FRAUDULENTLY OBTAINED OR ERRONEOUSLY ISSUED;~~
- ~~(2) THE REQUIRED FEE HAS NOT BEEN PAID AFTER REASONABLE NOTICE AND DEMAND;~~
- ~~(3) THE VEHICLE HAS BEEN DISMANTLED OR WRECKED;~~
- ~~(4) A REGISTRATION CERTIFICATE, REGISTRATION PLATE, OR VALIDATION STICKER NOT ISSUED FOR THAT VEHICLE IS DISPLAYED ON OR FOR THAT VEHICLE; OR~~
- ~~(5) THE VEHICLE HAS BEEN OPERATED BY ANY PERSON IN VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBTITLE.~~

~~(B) DEFENSE.~~

~~THE DEPARTMENT MAY NOT SUSPEND OR REVOKE THE REGISTRATION OF A VEHICLE SOLELY BECAUSE OF AN ACT OR OMISSION BY A PERSON OTHER THAN THE VEHICLE'S OWNER COMMITTED OR OMITTED WHILE THE VEHICLE WAS UNLAWFULLY IN THAT OTHER PERSON'S POSSESSION.~~

~~**§ 40-27. AVAILABLE SANCTIONS.**~~

~~(A) OPERATION IN VIOLATION OF SUBTITLE.~~

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1 ~~FOR VIOLATIONS DESCRIBED IN § 40-26(A)(5) OF THIS SUBTITLE, THE DEPARTMENT OF~~
2 ~~TRANSPORTATION MAY TAKE THE FOLLOWING ACTION:~~

3 ~~(1) FOR THE 1ST VIOLATION, SUSPEND THE REGISTRATION FOR 30 DAYS;~~

4 ~~(2) FOR THE 2ND VIOLATION, SUSPEND THE REGISTRATION FOR 90 DAYS; AND~~

5 ~~(3) FOR THE 3RD VIOLATION, REVOKE THE REGISTRATION.~~

6 ~~(B) OTHER VIOLATIONS:~~

7 ~~FOR VIOLATIONS DESCRIBED IN § 40-26(A)(1) THROUGH (4) OF THIS SUBTITLE, THE~~
8 ~~DEPARTMENT OF TRANSPORTATION MAY SUSPEND OR REVOKE THE REGISTRATION OF THE~~
9 ~~VEHICLE AS IT CONSIDERS APPROPRIATE.~~

10 ~~(C) MINIMUM REVOCATION PERIOD:~~

11 ~~ONCE REVOKED, THE REGISTRATION OF A VEHICLE MAY NOT BE REINSTATED FOR 3 YEARS.~~

12 **~~§ 40-28. PROCEDURES:~~**

13 ~~(A) NOTICE AND HEARING:~~

14 ~~(1) BEFORE THE REGISTRATION OF ANY MOPED OR MOTOR SCOOTER IS SUSPENDED OR~~
15 ~~REVOKED, THE DEPARTMENT OF TRANSPORTATION MUST NOTIFY THE REGISTERED~~
16 ~~OWNER OF THE ALLEGED VIOLATION AND PROVIDE THE OWNER AN OPPORTUNITY TO~~
17 ~~BE HEARD.~~

18 ~~(2) EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE~~
19 ~~DEPARTMENT, ALL HEARINGS MUST BE:~~

20 ~~(i) OPEN TO THE PUBLIC; AND~~

21 ~~(ii) CONDUCTED IN AN ORDERLY BUT INFORMAL MANNER.~~

22 ~~(B) JUDICIAL REVIEW:~~

23 ~~A PARTY AGGRIEVED BY A FINAL DECISION UNDER THIS SUBTITLE MAY APPEAL THAT~~
24 ~~DECISION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE~~
25 ~~MARYLAND RULES OF CIVIL PROCEDURE.~~

26 **~~§§ 40-29 TO 40-30. {RESERVED}~~**

27 ***PART 5 3. SEIZURE AND FORFEITURE***

28 **~~§ 40-31 § 40-11. [40-11. Seizure and forfeiture] WHEN authorized.~~**

29 (a) *Grounds for seizure.*

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1 Except as provided in subsection (b) of this section, a ~~MOPED, MOTOR SCOOTER,~~ dirt bike,
2 or [an] unregistered motorcycle or similar vehicle is subject to seizure and forfeiture if it
3 is used in violation of this subtitle.

4 (b) *Defense.*

5 A [dirt bike or an unregistered motorcycle or similar] vehicle may not be forfeited under
6 this subtitle solely because of an act or omission [committed or omitted] by a person
7 other than the vehicle's owner ~~COMMITTED OR OMITTED~~ while [that] ~~THE~~ vehicle was
8 unlawfully in that other person's possession[, in violation of the criminal laws of the
9 United States, this State, or this City].

10 ~~§ 40-32~~ **§ 40-12. [40-12.] Seizure by police.**

11 (a) *When warrant not needed.*

12 A police officer need not have a warrant to seize a [dirt bike or an unregistered
13 motorcycle or similar] vehicle if:

14 (1) the police officer has probable cause to believe the vehicle has been used in
15 violation of this subtitle; and

16 (2) a warrant is not constitutionally required under the circumstances.

17 (b) *Removal of vehicle.*

18 Whenever a police officer seizes a vehicle under this subtitle, the police officer may
19 cause it to be moved to a place designated by the Police Commissioner.

20 (c) *Vehicle not repleviable.*

21 A vehicle seized under this subtitle is not repleviable and remains in the custody of the
22 Police Department, subject only to the orders and decrees of the court or official with
23 jurisdiction over it.

24 ~~§ 40-33~~ **§ 40-13. [40-13.] Referral to Solicitor.**

25 (a) *Police to refer case.*

26 Promptly after seizure, the Police Department shall notify the City Solicitor in writing of
27 the facts and circumstances supporting the seizure.

28 (b) *Solicitor's review.*

29 (1) On receiving the report, the Solicitor shall conduct an independent review of the facts
30 and circumstances surrounding the seizure.

31 (2) If the Solicitor finds sufficient evidence that the vehicle was used in violation of this
32 subtitle, the Solicitor shall notify the vehicle's owner, by registered or certified mail,
33 of the seizure and of the City's intent to institute forfeiture proceedings.

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1 (3) If, on the other hand, the Solicitor finds that there is insufficient evidence to prove
2 violation, the Solicitor shall surrender the vehicle to the owner on the owner's
3 request.

4 **~~§ 40-34~~ § 40-14. [40-14.] Forfeiture petition; notice.**

5 (a) *Filing; copies to parties in interest.*

6 If the Solicitor determines that the vehicle should be forfeited, the Solicitor shall, within
7 90 days after the seizure of the vehicle:

8 (1) petition the Circuit Court for Baltimore City in the name of the City against the
9 vehicle, as designated by make, model, year, and motor or serial number; and

10 (2) at the same time, send copies of the petition by registered or certified mail to the
11 owner and any known secured party.

12 (b) *Contents.*

13 The petition for forfeiture shall contain:

14 (1) the name of the registered owners of the vehicle;

15 (2) the name of any secured party whose interest appears among the records
16 maintained by the Clerk of the Circuit Court for Baltimore City;

17 (3) a statement of the facts and circumstances surrounding the seizure of the vehicle;

18 (4) a statement of the specific grounds for forfeiture; and

19 (5) a request that the vehicle be forfeited to the City.

20 (c) *Publication of notice.*

21 (1) Within 7 days of the petition's filing, the Solicitor shall publish notice of the seizure
22 and forfeiture proceeding in 1 or more newspapers published in the City.

23 (2) The notice shall:

24 (i) state the substance and object of the forfeiture petition; and

25 (ii) state that any person claiming an interest in the seized vehicle must file a
26 defense to the petition within 15 days of the date of the notice.

27 **~~§ 40-35~~ § 40-15. [40-15.] Answer to petition.**

28 (a) *When to be made.*

29 Any defense to the petition must be filed within 15 days after publication of the notice.

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1 (b) *How to be made.*

2 (1) All defenses to a petition for forfeiture must be made by answer.

3 (2) The answer must:

4 (i) comply with the Maryland Rules of Procedure as to form and contents;

5 (ii) be divided into numbered paragraphs, each containing a separate and
6 distinctive averment; and

7 (iii) respond to each material allegation contained in the petition, specifically
8 admitting, denying, or explaining the facts alleged, unless the respondent is
9 without knowledge or an admission or explanation would tend to incriminate
10 the respondent, in either of which events the respondent must so state and that
11 statement will operate as a denial.

12 (c) *Effect.*

13 (1) Every allegation in the petition that is not denied in the answer is considered
14 admitted, except as to persons unknown.

15 (2) New or affirmative matter alleged in the answer is considered denied or avoided by
16 the petitioner without the need of any replication, unless the court orders otherwise.

17 ~~§ 40-36~~ **§ 40-16. [40-16.] Early retrieval by owner.**

18 (a) *Appraisal of vehicle.*

19 (1) If the owner of the seized vehicle wants to repossess it before the petition is decided,
20 the Clerk of the Circuit Court shall have an appraisal made.

21 (2) The appraisal shall be in writing, under oath, to the Clerk of the Circuit Court.

22 (b) *Owner to submit bond.*

23 (1) When the appraisal is filed, the owner may post a bond, payable to the City,
24 in an amount equal to:

25 (i) all court costs that may accrue; plus

26 (ii) the greater of:

27 (A) the appraised value of the vehicle; or

28 (B) \$500.

29 (2) The bond shall have security approved by the Clerk and be conditioned for
30 performance on the final judgment of the Circuit Court.

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1 (c) *Judgment on bond.*

2 If the court directs that the vehicle be forfeited, judgment may be entered against the
3 obligors on the bond, without further or other proceeding, to be discharged by the
4 payment of the appraised value of the vehicle and court costs, on which judgment
5 execution may be issued.

6 ~~§ 40-37~~ **§ 40-17. [40-17.] Order of forfeiture.**

7 (a) *In general.*

8 (1) If the court determines that the vehicle should be forfeited, the court shall order the
9 vehicle forfeited to the City.

10 (2) If, however, the court determines that the vehicle is subject to a bona fide recorded
11 security interest created without the knowledge that the vehicle was being or was to
12 be used in violation of this subtitle, the court shall order that the vehicle be released
13 within 5 days to the secured party of record.

14 (b) *Disposition of vehicle subject to security interest.*

15 (1) The secured party shall sell the vehicle in a commercially reasonable manner.

16 (2) Any sale ordered under this section must be made for cash and must vest in the
17 purchaser a clear and absolute title to the vehicle.

18 (3) The proceeds of the sale shall be applied as follows:

19 (i) to the court costs of the forfeiture proceedings;

20 (ii) to the balance due to the secured party, including all reasonable costs incident
21 to the sale;

22 (iii) to payment of all other expenses of the proceedings for forfeiture, including
23 expenses of seizure, maintenance, or custody; and

24 (iv) to the general funds of the City.

25 (c) *Disposition of forfeited vehicle.*

26 Any vehicle that has been ordered forfeited to the City may be:

27 (1) sold as provided in City Code Article 31, Subtitle 31, Part 5;

28 (2) transferred to a charitable organization for export abroad, as provided in City
29 Code Article 31, § 31-58(c); or

30 (3) destroyed.

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1 (d) *Proceeds of bond.*

2 The proceeds of any bond posted to regain possession of the vehicle shall be applied as
3 provided for proceeds of sale under subsection (b)(3)(iv) of this section.

4 ~~§ 40-38~~ § 40-18. [40-18.] **Order of release.**

5 If, after a full hearing, the court determines that the vehicle should not be forfeited, the court
6 shall order the vehicle released.

7 ~~§§ 40-39~~ 40-19 [40-19] to [40-20] ~~40-40~~ 40-20. *{Reserved}*

8 ***PART 6 4. PENALTIES***

9 ~~§ 40-41~~ § 40-21. [40-21.] **Penalties.**

10 Any person who violates any provision of [§§ 40-6 through 40-10 of] this subtitle is guilty of
11 a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 OR TO
12 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, or both fine and imprisonment, for each
13 offense.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
15 are not law and may not be considered to have been enacted as a part of this or any prior
16 Ordinance.

17 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
18 day after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City