



Montgomery
County Council

Committee T&E

Staff: Robert H. Drummer, Senior Legislative Attorney

Purpose: To introduce agenda item – no vote expected

Keywords: #MoCoBikeRegistration

AGENDA ITEM #4A

January 21, 2020

Introduction

SUBJECT

Bill 2-20, Bicycles – Registration - Amendments

Lead Sponsors: Council Vice President Hucker, Councilmembers Jawando, Glass and Riemer

Co-sponsor: Council President Katz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 2-20 would:

- permit voluntary registration of a bicycle owned by a County resident for personal use;
- require the registration of a bicycle provided for rent in the County;
- repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and
- repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.

SUMMARY OF KEY DISCUSSION POINTS

This report contains:

Staff Report

Bill 2-20

Legislative Request Report

Page 1

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MEMORANDUM

January 16, 2020

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: Bill 2-20, Bicycles – Registration - Amendments

PURPOSE: Introduction – no Council votes required

Bill 2-20, Bicycles – Registration - Amendments, sponsored by Lead Sponsors Council Vice President Hucker, Councilmembers Jawando, Glass, Riemer and Co-sponsor, Council President Katz, is scheduled to be introduced on January 21, 2020. A public hearing is tentatively scheduled for February 11, 2020 at 1:30 p.m.¹

Bill 2-20 would:

- permit voluntary registration of a bicycle owned by a County resident for personal use;
- require the registration of a bicycle provided for rent in the County;
- repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and
- repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.

Background

Code §7-4(a) requires a County resident to register each bicycle used on a public street, right-of-way, or bicycle path in the County. This provision has been in County law for more than 25 years. Section 7-5(d) authorizes the County Police or the Maryland- National Capital Park and Planning Police to impound an unregistered bicycle until it is registered, donated to a charitable organization, or disposed of as provided for abandoned vehicles. Section 7-5(d) also requires the County to deposit the net proceeds from the sale of an impounded or abandoned bicycle into the “Police Relief and Retirement Fund.”

Bill 2-20 would make registration of a bicycle owned by a County resident for personal use voluntary and repeal the authority to impound a personal use bicycle due to the owner’s failure to register it. The Bill would continue the mandatory registration of a bicycle provided for rent in the County and continue to permit the impoundment of an unregistered rental bicycle. Finally, the Bill

¹#MoCoBikeRegistration

would repeal the requirement to deposit the proceeds from the sale of an impounded or abandoned bicycle in the "Police Relief and Retirement Fund."

This packet contains:

Bill 2-20

Legislative Request Report

Circle #

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Bill No. 2-20
Concerning: Bicycles -- Registration -
Amendments
Revised: 12/24/2019 Draft No. 2
Introduced: January 21, 2020
Expires: July 21, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice President Hucker, Councilmembers Jawando, Glass and Riemer
Co-sponsor: Council President Katz

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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[; and].
- (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.

- 28 (d) The County Executive may set bicycle registration fees by executive
29 regulation under method (3).

30 **7-5. Enforcement.**

- 31 (a) *Enforcement.* The County Police Department must enforce the
32 requirements of this Chapter. The Maryland-National Capital Park and
33 Planning Commission Police may enforce the requirements of this
34 Chapter on Maryland-National Capital Park and Planning Commission
35 property.
- 36 (b) *Penalty.* Any violation of this Chapter is a class C violation.
- 37 (c) *Waiver.*
- 38 (1) The fine for a person's first violation of a bicycle helmet
39 requirement of this Chapter must be waived if:
- 40 (A) the person charged:
- 41 (i) is a minor; and
- 42 (ii) produces proof that the person has obtained a bicycle
43 helmet for the person's use; or
- 44 (B) the person charged:
- 45 (i) is the parent or guardian of a minor; and
- 46 (ii) produces proof that the person has obtained a bicycle
47 helmet for use by that minor.
- 48 (2) The citation for a person's first violation of a bicycle registration
49 requirement of this Chapter must be rescinded if the person
50 charged produces proof within 15 days after the citation is issued
51 that the bicycle has been registered.
- 52 (d) *Impoundment.*
- 53 (1) The County Police Department and the Maryland-National Capital
54 Park and Planning Commission Police may impound any

55 unregistered bicycle that is provided for rent until the bicycle is
 56 properly registered. The Maryland-National Capital Park and
 57 Planning Commission Police may dispose of an unregistered
 58 [bicycles] bicycle that is provided for rent under Commission
 59 regulations.

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

- 65 (A) registered;
- 66 (B) donated to a non-profit organization that is exempt from
 67 taxation under Section 501(c)(3) of the Internal Revenue
 68 Code in the discretion of the Chief Administrative Officer if
 69 reasonable attempts to locate the owner are unsuccessful; or
- 70 (C) disposed of in the manner provided for abandoned motor
 71 vehicles under Section 31-63.

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

75 *Approved:*

76

Sidney Katz, President, County Council

Date

LEGISLATIVE REQUEST REPORT

Bill 2-20

Bicycles – Registration - Amendments

DESCRIPTION:	Bill 2-20 would: <ul style="list-style-type: none">• permit voluntary registration of a bicycle owned by a County resident for personal use;• require the registration of a bicycle provided for rent in the County;• repeal the authority to impound an unregistered bicycle owned by a County resident for personal use; and• repeal the authority to deposit the proceeds from the sale of an impounded or abandoned bicycle in the Police Relief and Retirement Fund.
PROBLEM:	Although the bicycle registration law has been in force for more than 25 years, many residents have not registered their bicycles. Fining a resident and impounding a bicycle for failure to register it is unnecessary for criminal enforcement.
GOALS AND OBJECTIVES:	The goal is to make the registration of personal use bicycles voluntary.
COORDINATION:	
FISCAL IMPACT:	To be provided
ECONOMIC IMPACT:	To be provided
EVALUATION:	To be provided
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Class C Civil Violation