

Bill No. 2-20
Concerning: Bicycles – Registration -
Amendments
Revised: 12/24/2019 Draft No. 2
Introduced: January 21, 2020
Enacted: March 31, 2020
Executive: April 3, 2020
Effective: July 3, 2020
Sunset Date: None
Ch. 10, Laws of Mont. Co. 2020

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

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 7-1, 7-4, and 7-5 are amended as follows:**

2 **7-1. Definitions.**

3 In this Chapter:

4 (a) *bicycle* means a vehicle designed:

5 (1) to be propelled only by human power;

6 (2) to carry one or more persons; and

7 (3) with 2 wheels, one of which is at least 16 inches in diameter[; and].

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

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

14 **7-4. Bicycle registration.**

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

18 (1) register the bicycle by:

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

21 (B) paying a registration fee; and

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

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

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

26 (c) A person, other than the owner, must not remove a County registration
27 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.]

