

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 143

(Delegate Pugh, *et al.*)

Environmental Matters

Judicial Proceedings

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Motor Vehicles - Motorized Minibikes - Regulation

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This bill repeals the existing definition of “minibike” and instead defines a “motorized minibike” as a motor vehicle that has two or three wheels and does not have to be registered by the Motor Vehicle Administration (MVA). A motorized minibike is not a motor scooter, a moped, or a farm tractor. The bill also authorizes a local authority to require a permit and impose a permit fee for the use of a motorized minibike.

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Fiscal Summary

**State Effect:** None. The bill would not affect State operations or finances.

**Local Effect:** Local expenditures and revenues could increase to implement a permitting program.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** Any person who sells a motorized minibike must inform the buyer in writing that a motorized minibike may not be driven on a highway in the State, and that local law, ordinance, or regulation may limit the use of a motorized minibike.

**Current Law:** State law defines a vehicle as any device in, on, or by which an individual or property is or might be transported or towed on a highway. With certain exceptions, the owner of a vehicle must obtain a certificate of title. If a vehicle is also defined as a motor vehicle, which means it is self-propelled or propelled by electric

power obtained from overhead electrical wires and does not operate on rails, it must be registered, with certain exceptions.

A “minibike” is a motor vehicle that has a saddle for the rider, is designed to travel on three or fewer wheels, and is not subject to registration by the MVA. “Minibike” does not include a farm tractor. “Moped” is defined as a bicycle designed to be operated by human power with the assistance of a motor. It is also equipped with two or three wheels, pedals that mechanically drive the rear wheel or wheels, and either an internal combustion engine of 50 cubic centimeters (ccs) or less or a motor with a rating of 1.5 brake horsepower or less.

A “motor scooter” is a two-wheeled nonpedal vehicle, equipped with a seat and a step-through chassis, with either a motor with a 2.7 brake horsepower rating or an engine of 50 ccs or less. A motor scooter is also equipped with an automatic transmission. A motor scooter may not be operated at a speed in excess of 30 miles per hour. This definition does not apply to off-road vehicles or to so-called “pocket bikes,” which are miniature motorcycles often equipped with a 49 cc or a 47 cc engine. They can reach speeds of over 30 miles per hour.

Any person who sells a minibike must inform the buyer that use of the minibike on a highway may be illegal. The buyer must also be informed that local law, ordinance, and regulation may limit the use of the minibike.

A local authority may require a minibike to be registered and impose a registration fee.

**Background:** Pocket bikes originated as pit bikes, a way for racing pit crews to move quickly between pit areas. As popularity of pocket bikes grew, a culture of pocket bike racing arose on the racing tracks. Pocket bikes are now crossing over into the mainstream and are leaving the track. The price of pocket bikes can range from a couple of hundred dollars to over \$2,000 for a racing bike.

Many safety advocates have concluded that these bikes should be prohibited from use on the roads. Much like racing motorcycles and race cars, pocket bikes are not “street legal.” They lack safety equipment that states and the federal government require for motor vehicles, such as lights. Due to their size, in many states, including Maryland, pocket bikes are not considered motorcycles and are therefore not subject to motorcycle helmet laws. However, helmet laws that apply to bicycles, and thus could apply to pocket bikes, may not afford sufficient protection.

**Local Effect:** Since the definition of “motorized minibike” is more broad than the existing definition of “minibike,” local revenues and expenditures could increase due to

establishing a permitting program and a permit fee; however, the exact magnitude of the effect would be dependent on the number of motorized minibikes permitted and the amount of the permit fee, which cannot be reliably estimated at this time. It is assumed, however, that local authorities that have utilized their existing authority to establish a registration program would modify that program to be a permitting program.

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### **Additional Information**

**Prior Introductions:** Two similar bills, HB 1179 and HB 1264, were introduced in the 2005 session. HB 1179 was heard by the House Environmental Matters Committee, but was withdrawn. HB 1264 received an unfavorable report from the House Environmental Matters Committee. Previous introductions did not include pocket bikes as motor vehicles.

**Cross File:** None.

**Information Source(s):** National Conference of State Legislatures, Cecil County, Montgomery County, Prince George's County, Harford County, St. Mary's County, Carroll County, Maryland Department of Transportation, Department of Legislative Services

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