

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 178

(Delegate Stewart)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Race and Speed Contests - Penalties

This bill increases penalties and points assessments for violations related to participation in racing or speed contests.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the higher penalties established by the bill. Transportation Trust Fund (TTF) revenues are not materially affected. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Local revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: Exhibit 1 contains a summary of the bill's changes to penalties for the various offenses related to participation in racing or speed contests.

Under current law, on any highway or private property used by the general public, a person may not drive a vehicle in a race or speed contest (or participate as a timekeeper or flagman in those events). A violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, the Motor Vehicle Administration (MVA) must assess five points against the driver's license. The District Court assesses a prepayment penalty of \$290 for these offenses. In addition, if the violation for driving a vehicle in a race results in serious bodily

injury to another person, the person must appear in court and is subject to imprisonment for up to one year, a fine of up to \$1,000, or both.

Exhibit 1
Comparison of Maximum Fines and Points Assessments
Under Current Law and the Bill

<u>Violation</u>	Fine		Points Assessed		Current Prepayment Fine*
	<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>	
Participating in a race or speed contest (general)	Up to \$500	Up to \$1,000	5 points	8 points	\$290
Participating in a race or speed contest (if serious bodily injury occurs)	Up to \$1,000	Up to \$1,000	5 points	12 points	n/a
Participating in a race or speed contest as a timekeeper or flagman	Up to \$500	Up to \$1,000	5 points	8 points	\$290

*The prepayment penalties shown are the amounts set by the District Court as of October 2020; the prepayment penalty allows a defendant to satisfy a traffic citation by admitting guilt and paying a fine without having to appear in court.

Note: Under current law and the bill, participating in a race or speed contest in which serious bodily injury occurs subjects a violator to up to one year imprisonment in addition to or instead of the maximum \$1,000 fine. Accordingly, there is no prepayment option, and the violator must appear in court.

Source: Department of Legislative Services

The bill (1) increases the maximum fine for participation in a race or speed contest (as a driver or as a timekeeper or flagman) that does not result in serious bodily injury from \$500 to \$1,000; (2) increases, from 5 points to 8 points, the points MVA must assess against the driver's license of a participant in a race or speed contest (including as a timekeeper or flagman) that does not result in serious bodily injury; and (3) increases, from

5 points to 12 points, the points MVA must assess against the driver’s license of a participant in a race or speed contest that results in serious bodily injury.

State Revenues: General fund revenues increase minimally as a result of the higher fines established by the bill. Though the bill increases the points assessed for specified offenses, which may result in changes in administrative actions taken by MVA against the driver’s licenses of affected drivers, any such changes are not expected to materially affect TTF revenues.

As noted above, the bill increases the maximum fine for participation in a race or speed contest (including as a timekeeper or flagman) that does not result in serious bodily injury from \$500 to \$1,000. **Exhibit 2** shows citation and conviction data for the offenses addressed by the bill.

Exhibit 2
Citation and Conviction Data for the Offenses Addressed by the Bill
Fiscal 2020

<u>Violation</u>	<u>Citations</u>	<u>Prepaid</u>	<u>Trial Convictions</u>
Participating in a race or speed contest (general)	282	56	13
Participating in a race or speed contest (and serious bodily injury occurred)	6	<i>Must appear in court</i>	0
Participating in a race or speed contest as a timekeeper or flagman	9	4	0

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

The exact impact of the bill cannot be determined due to uncertainty regarding various factors (*e.g.*, the number of violations that may occur in future years, the amount of any fines imposed after court convictions, changes in driver behavior that may occur as a result of higher penalties, *etc.*). However, *for illustrative purposes only and consistent with the citation and conviction data for fiscal 2020*, general fund revenues increase by approximately \$11,900 in fiscal 2022 and \$15,900 in subsequent years under the following assumptions:

- the prepayment penalty increases by \$210 (*i.e.*, from \$290 to \$500) for participating in a race or speed contest (including as a timekeeper or flagman);

- the average fine imposed after a court conviction increases by \$250 for participating in a race or speed contest (including as a timekeeper or flagman); and
- there is no change in the average fine imposed after a court conviction for participating in a race or speed contest during which serious bodily injury occurs.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 408 (Senators Kramer and Zucker) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2021
rh/aad Third Reader - April 1, 2021
Revised - Amendment(s) - April 1, 2021

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510