

# HOUSE BILL 601

R5

(4lr0556)

## ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Delegates Lehman, Ruth, Addison, Allen, Alston, Attar, Bagnall, Baker, Barnes, Bartlett, Boaf, Boyce, Edelson, Fair, Fennell, Foley, Fraser-Hidalgo, Grammer, Guyton, Harris, Healey, Hill, Holmes, Ivey, D. Jones, Kaiser, J. Long, Love, Palakovich Carr, Pasteur, Pena-Melnyk, Phillips, Shetty, Simpson, Solomon, Stein, Stewart, Taveras, Terrasa, Valderrama, Vogel, Watson, Wilkins, Williams, and Ziegler**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Street Racing and Exhibition Driving – Prohibited Acts, Enforcement, and**  
3 **Penalties**

4 FOR the purpose of altering certain penalties and points assessments for certain motor  
5 vehicle violations related to participation in a race or speed contest; prohibiting a  
6 person from engaging in exhibition driving on any highway or private property that  
7 is used for driving by the public; establishing certain affirmative defenses to a certain  
8 charge of exhibition driving; and generally relating to prohibited acts and penalties  
9 related to participation in a race or speed contest or engaging in exhibition driving.

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing

2 Article – Transportation

3 Section 16–402(a)(22)

4 Annotated Code of Maryland

5 (2020 Replacement Volume and 2023 Supplement)

6 BY renumbering

7 Article – Transportation

8 Section 16–402(a)(23) through (33) and (34) through (43)

9 to be Section 16–402(a)(22) through (32) and (35) through (44), respectively

10 Annotated Code of Maryland

11 (2020 Replacement Volume and 2023 Supplement)

12 BY adding to

13 Article – Transportation

14 Section 16–402(a)(33), (34), (45), and (46) and 21–1116.1

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Transportation

19 Section 21–1116 and 21–1132

20 Annotated Code of Maryland

21 (2020 Replacement Volume and 2023 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That Section(s) 16–402(a)(22) of Article – Transportation of the Annotated Code of  
24 Maryland be repealed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–402(a)(23)  
26 through (33) and (34) through (43) of Article – Transportation of the Annotated Code of  
27 Maryland be renumbered to be Section(s) 16–402(a)(22) through (32) and (35) through (44),  
28 respectively.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
30 as follows:

31 **Article – Transportation**

32 16–402.

33 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
34 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations  
35 of this State or of any local authority, points shall be assessed against the individual as of  
36 the date of violation and as follows:

1 (33) EXCEPT AS PROVIDED IN ITEM (45) OF THIS SUBSECTION,  
2 PARTICIPATING IN A RACE OR SPEED CONTEST ON A HIGHWAY.....8 POINTS

3 (34) EXCEPT AS PROVIDED IN ITEM (46) OF THIS SUBSECTION,  
4 ENGAGING IN EXHIBITION DRIVING ON A HIGHWAY.....8 POINTS

5 (45) PARTICIPATING IN A RACE OR SPEED CONTEST ON A HIGHWAY  
6 RESULTING IN SERIOUS BODILY INJURY, AS DEFINED IN § 20-102(C) OF THIS  
7 ARTICLE, TO ANOTHER PERSON.....12 POINTS

8 (46) ENGAGING IN EXHIBITION DRIVING ON A HIGHWAY RESULTING IN  
9 SERIOUS BODILY INJURY, AS DEFINED IN § 20-102(C) OF THIS ARTICLE, TO  
10 ANOTHER PERSON.....12 POINTS

11 21-1116.

12 (a) (1) Except as provided in § 21-1211 of this title, on any highway or on any  
13 private property that is used by the public in general, a person may not drive a vehicle in a  
14 race or speed contest, whether or not on a wager or for a prize or reward.

15 [(b)] (2) Except as provided in § 21-1211 of this title, a person may not  
16 participate as a timekeeper or flagman in any race or speed contest specified in [subsection  
17 (a) of this section] PARAGRAPH (1) OF THIS SUBSECTION.

18 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
19 PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION IS  
20 SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING  
21 \$1,000 OR BOTH.

22 [(c)] (2) A person convicted of a violation of subsection [(a)] (A)(1) of this section  
23 that results in serious bodily injury to another person, as defined in § 20-102(c) of this  
24 article, is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or  
25 both.

26 21-1116.1.

27 (A) IN THIS SECTION, “EXHIBITION DRIVING” MEANS THE OPERATION OF A  
28 MOTOR VEHICLE IN CLOSE PROXIMITY TO A CROWD OR GATHERING IN A MANNER  
29 THAT INTENTIONALLY RESULTS IN TWO OR MORE OF THE FOLLOWING:

30 (1) THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF  
31 THE MOTOR VEHICLE;

1           (2) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE  
2 TIRES OF THE MOTOR VEHICLE;

3           (3) THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM SIDE  
4 TO SIDE WHILE ~~SKIDDING~~ ACCELERATING;

5           (4) (I) THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN  
6 UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE; OR

7           ~~(5)~~ (II) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR  
8 THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE;

9           ~~(6)~~ (5) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING  
10 CONTACT WITH THE GROUND; OR

11           ~~(7)~~ (6) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA  
12 OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER  
13 TRANSPORT SUCH AS THE HOOD OR ROOF.

14           (B) ON ANY HIGHWAY OR ON ANY PRIVATE PROPERTY THAT IS USED FOR  
15 DRIVING BY THE PUBLIC IN GENERAL, A PERSON MAY NOT ENGAGE IN EXHIBITION  
16 DRIVING.

17           (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
18 PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO  
19 IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR  
20 BOTH.

21           (2) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT  
22 RESULTS IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN §  
23 20-102(C) OF THIS ARTICLE, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1  
24 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

25           (D) A COURT MAY CONSIDER IN DEFENSE OF A CHARGE FOR EXHIBITION  
26 DRIVING:

27           (1) WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION (A)(1)  
28 OR (2) OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE  
29 ACTED IN A REASONABLE MANNER FOR SAFETY PURPOSES; OR

30           (2) WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION ~~(A)(7)~~  
31 (A)(6) OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE WAS  
32 PARTICIPATING IN A PROPERLY PERMITTED PARADE AT THE TIME OF THE ALLEGED  
33 VIOLATION.

1 21-1132.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Exhibition driving **WITHIN A SPECIAL EVENT ZONE**” means:

4 (i) The operation of a motor vehicle **WITHIN A SPECIAL EVENT**  
5 **ZONE** in a manner that results in:

6 1. The excessive, abrupt acceleration or deceleration of the  
7 motor vehicle;

8 2. The skidding, squealing, burning, or smoking of the tires  
9 of the motor vehicle;

10 3. The swerving or swaying of the motor vehicle from side to  
11 side while skidding;

12 4. The engine of the motor vehicle producing an  
13 unreasonably loud, raucous, or disturbing noise;

14 5. The grinding of the gears of the motor vehicle or the  
15 backfiring of the engine of the motor vehicle; or

16 6. Any of the wheels of the motor vehicle losing contact with  
17 the ground; or

18 (ii) The transportation of a passenger **WITHIN A SPECIAL EVENT**  
19 **ZONE** on or in an area of a motor vehicle that is not designed or intended for passenger  
20 transport such as the hood or roof.

21 (3) “Special event” means any automotive or motor vehicle event occurring  
22 on or in close proximity to a highway that:

23 (i) Has been permitted or approved by a unit of local government; or

24 (ii) Is expected to have 1,000 or more individuals in attendance,  
25 regardless of whether the event has been permitted or approved by a unit of local  
26 government.

27 (4) (i) “Special event zone” means an area on or along a highway that  
28 is marked by appropriate warning signs or other traffic control devices designating the area  
29 as a special event zone, indicating that a special event is in progress, and stating that a  
30 person who violates this section is subject to arrest.

1 (ii) “Special event zone” includes a parking structure, a parking lot,  
2 a street, or any other property, private or public, immediately adjacent to the marked area  
3 on or along the marked area.

4 (b) [This section applies only in Worcester County.

5 (c)] (1) The State Highway Administration may, on its own initiative or at the  
6 request of a local authority:

7 (i) Designate an area on a State highway as a special event zone;  
8 and

9 (ii) Reduce established speed limits in the special event zone after a  
10 determination that the change is necessary to ensure public safety.

11 (2) A local authority may:

12 (i) Designate an area on a highway under its jurisdiction as a  
13 special event zone; and

14 (ii) Reduce established speed limits in the special event zone after a  
15 determination that the change is necessary to ensure public safety.

16 (3) A speed limit established under this subsection shall become effective  
17 when posted.

18 [(d)] (C) A person may not engage in exhibition driving within a special event  
19 zone.

20 [(e)] (D) A person may not commit any of the following violations within a  
21 special event zone:

22 (1) Driving a motor vehicle at a speed exceeding the posted speed limit;

23 (2) Negligent driving under § 21–901.1(b) of this title;

24 (3) Driving a motor vehicle in a race or speed contest under [§  
25 21–1116(a)] § 21–1116(A)(1) of this subtitle that does not result in serious bodily injury  
26 to another person, as defined in § 20–102(c) of this article;

27 (4) Participating in a race or speed contest under [§ 21–1116(b)]  
28 § 21–1116(A)(2) of this subtitle; or

29 (5) Skidding, spinning of wheels, or causing excessive noise under §  
30 21–1117 of this subtitle.

1            ~~[(f)] (E)~~     (1)    A person convicted of a violation of subsection ~~[(d)] (C)~~ of this  
2 section is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or  
3 both.

4                    (2)    A person convicted of a violation of subsection ~~[(e)] (D)~~ of this section is  
5 subject to a fine not exceeding \$1,000.

6            ~~(F)    A COURT MAY CONSIDER IN DEFENSE OF A CHARGE FOR EXHIBITION  
7 DRIVING WITHIN A SPECIAL EVENT ZONE;~~

8                    ~~(1)    WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION  
9 (A)(2)(I) 1 OR 2 OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR  
10 VEHICLE ACTED IN A REASONABLE MANNER FOR SAFETY PURPOSES; OR~~

11                    ~~(2)    WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION  
12 (A)(2)(II) OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE  
13 WAS PARTICIPATING IN A PROPERLY PERMITTED PARADE AT THE TIME OF THE  
14 ALLEGED VIOLATION.~~

15            SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the  
16 Annotated Code of Maryland, in consultation with and subject to the approval of the  
17 Department of Legislative Services, shall correct, with no further action required by the  
18 General Assembly, cross-references and terminology rendered incorrect by this Act. The  
19 publisher shall adequately describe any correction that is made in an editor’s note following  
20 the section affected.

21            SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
22 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.