

SENATE BILL 442

R5

(4lr0554)

ENROLLED BILL

— *Judicial Proceedings/Environment and Transportation* —

Introduced by **Senators Beidle, Augustine, ~~and Gile~~ Charles, Gile, Folden, James, Muse, Smith, Sydnor, Waldstreicher, and West**

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.

President.

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.

10 BY repealing
11 Article – Transportation
12 Section 16–402(a)(22)
13 Annotated Code of Maryland

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 (2020 Replacement Volume and 2023 Supplement)

2 BY renumbering

3 Article – Transportation

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

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

6 Annotated Code of Maryland

7 (2020 Replacement Volume and 2023 Supplement)

8 BY adding to

9 Article – Transportation

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

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Transportation

15 Section 21–1116 and 21–1132

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2023 Supplement)

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20 Maryland be repealed.

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

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

27 **Article – Transportation**

28 16–402.

29 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
30 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations
31 of this State or of any local authority, points shall be assessed against the individual as of
32 the date of violation and as follows:

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

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

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

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

9 21-1116.

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

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

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

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

24 **21-1116.1.**

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

28 **(1) THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF**
 29 **THE MOTOR VEHICLE;**

30 **(2) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE**
 31 **TIRES OF THE MOTOR VEHICLE;**

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

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

5 ~~**(5)**~~ **(II) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR**
 6 **THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE;**

7 ~~**(6)**~~ **(5) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING**
 8 **CONTACT WITH THE GROUND; OR**

9 ~~**(7)**~~ **(6) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA**
 10 **OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER**
 11 **TRANSPORT SUCH AS THE HOOD OR ROOF.**

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

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

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

23 **(D) A COURT MAY CONSIDER IN DEFENSE OF A CHARGE FOR EXHIBITION**
 24 **DRIVING:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) A local authority may:

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

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

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

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

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

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

20 (2) Negligent driving under § 21-901.1(b) of this title;

21 (3) Driving a motor vehicle in a race or speed contest under [§
22 21-1116(a)] **§ 21-1116(A)(1)** of this subtitle that does not result in serious bodily injury
23 to another person, as defined in § 20-102(c) of this article;

24 (4) Participating in a race or speed contest under [§ 21-1116(b)]
25 **§ 21-1116(A)(2)** of this subtitle; or

26 (5) Skidding, spinning of wheels, or causing excessive noise under §
27 21-1117 of this subtitle.

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

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

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

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

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

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

18 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.