

# SENATE BILL 612

R5

2lr1348

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By: **Senator Beidle**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2022

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

1 AN ACT concerning

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

4 FOR the purpose of altering certain penalties and the 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; ~~prohibiting a person from attending as a spectator~~  
8 ~~certain race or speed contests or any engagement of exhibition driving~~; authorizing  
9 the towing and impounding of a vehicle involved in certain motor vehicle violations  
10 related to participation in a race or speed contest or engaging in exhibition driving;  
11 altering the penalty for certain violations relating to modifying a noise abatement  
12 device of a motor vehicle; and generally relating to prohibited acts and penalties  
13 related to participation in a race or speed contest ~~or~~, engaging in exhibition driving,  
14 or motor vehicle noise abatement.

15 BY repealing

16 Article – Transportation

17 Section 16–402(a)(22)

18 Annotated Code of Maryland

19 (2020 Replacement Volume and 2021 Supplement)

20 BY renumbering

21 Article – Transportation

22 Section 16–402(a)(23) through (33) and (34) through (43) and 21–101(k) through (z),

23 respectively

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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.



1 to be Section 16-402(a)(22) through (32) and (35) through (44) and 21-101(l) through  
2 (aa), respectively  
3 Annotated Code of Maryland  
4 (2020 Replacement Volume and 2021 Supplement)

5 BY adding to  
6 Article – Transportation  
7 Section 16-402(a)(33), (34), (45), and (46), 21-101(k), and 21-1116.1  
8 Annotated Code of Maryland  
9 (2020 Replacement Volume and 2021 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 21-101(a)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 21-1116 ~~and~~, 21-1132(a), and 22-609  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2021 Supplement)

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(23)  
24 through (33) and (34) through (43) and 21-101(k) through (z), respectively, of Article –  
25 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)  
26 16-402(a)(22) through (32) and (35) through (44) and 21-101(l) through (aa), respectively.

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

29 **Article – Transportation**

30 16-402.

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

35 **(33) EXCEPT AS PROVIDED IN ITEM (45) OF THIS SUBSECTION,**  
36 **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, OR DEATH 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, OR DEATH  
8 TO ANOTHER PERSON ..... 12 POINTS

9 21-101.

10 (a) In this title and Title 25 of this article the following words have the meanings  
11 indicated.

12 (K) "EXHIBITION DRIVING" MEANS:

13 ~~(1) THE OPERATION OF A MOTOR VEHICLE IN A MANNER THAT~~  
14 ~~RESULTS IN:~~

15 (1) THE OPERATION OF TWO OR MORE MOTOR VEHICLES IN A  
16 RECKLESS MANNER THAT RESULTS IN TWO OR MORE OF THE FOLLOWING:

17 (I) THE EXCESSIVE, ABRUPT ACCELERATION OR  
18 DECELERATION OF THE MOTOR VEHICLE;

19 (II) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE  
20 TIRES OF THE MOTOR VEHICLE;

21 (III) THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM  
22 SIDE TO SIDE WHILE SKIDDING;

23 (IV) THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN  
24 UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE;

25 (V) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR  
26 THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; OR

27 (VI) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING  
28 CONTACT WITH THE GROUND; OR

29 (2) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA OF A  
30 MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER  
31 TRANSPORT, SUCH AS THE HOOD OR ROOF.

1 21-1116.

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

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

8 ~~(3) EXCEPT AS PROVIDED IN § 21-1211 OF THIS TITLE, A PERSON MAY~~  
9 ~~NOT ATTEND ANY RACE OR SPEED CONTEST SPECIFIED IN PARAGRAPH (1) OF THIS~~  
10 ~~SUBSECTION AS A SPECTATOR.~~

11 (B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A  
12 VEHICLE THAT IS THE SUBJECT OF A VIOLATION OF SUBSECTION (A)(1) OF THIS  
13 SECTION.

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

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

22 21-1116.1.

23 (A) ~~(1)~~ ON ANY HIGHWAY OR ON ANY PRIVATE PROPERTY THAT IS USED  
24 FOR DRIVING BY THE PUBLIC IN GENERAL, A PERSON MAY NOT ENGAGE IN  
25 EXHIBITION DRIVING.

26 ~~(2) A PERSON MAY NOT ATTEND ANY ENGAGEMENT OF EXHIBITION~~  
27 ~~DRIVING AS A SPECTATOR.~~

28 (B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A  
29 VEHICLE THAT IS THE SUBJECT OF A VIOLATION OF SUBSECTION (A)(1) OF THIS  
30 SECTION.

31 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
32 PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO

1 IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR  
2 BOTH.

3 (2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF  
4 THIS SECTION THAT RESULTS IN SERIOUS BODILY INJURY, AS DEFINED IN §  
5 20-102(C) OF THIS ARTICLE, TO, OR THE DEATH OF, ANOTHER PERSON IS SUBJECT  
6 TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR  
7 BOTH.

8 21-1132.

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

10 (2) ["Exhibition driving" means:

11 (i) The operation of a motor vehicle in a manner that results in:

12 1. The excessive, abrupt acceleration or deceleration of the  
13 motor vehicle;

14 2. The skidding, squealing, burning, or smoking of the tires  
15 of the motor vehicle;

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

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

20 5. The grinding of the gears of the motor vehicle or the  
21 backfiring of the engine of the motor vehicle; or

22 6. Any of the wheels of the motor vehicle losing contact with  
23 the ground; or

24 (ii) The transportation of a passenger on or in an area of a motor  
25 vehicle that is not designed or intended for passenger transport such as the hood or roof.

26 (3) "Special event" means any automotive or motor vehicle event occurring  
27 on or in close proximity to a highway that:

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

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

1           **[(4)] (3)**       (i)       “Special event zone” means an area on or along a highway  
2 that is marked by appropriate warning signs or other traffic control devices designating the  
3 area as a special event zone, indicating that a special event is in progress, and stating that  
4 a person who violates this section is subject to arrest.

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

8 22-609.

9           (a)       A person may not modify the exhaust system or any other noise abatement  
10 device of a motor vehicle driven or to be driven on any highway in this State in such a way  
11 that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally  
12 manufactured.

13           **(B)**       A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION BY  
14 MODIFYING THE EXHAUST SYSTEM OR ANY OTHER NOISE ABATEMENT DEVICE OF A  
15 MOTOR VEHICLE IN SUCH A WAY THAT THE NOISE EMITTED BY THE VEHICLE  
16 EXCEEDS ANY LOCAL LAW LIMITING NOISE LEVELS IN THE LOCAL JURISDICTION IN  
17 WHICH THE MODIFICATION OCCURRED SOUND LEVEL LIMITS ESTABLISHED BY THE  
18 ADMINISTRATOR UNDER § 22-601 OF THIS SUBTITLE.

19           **[(b)] (C)**       A person may not drive on any highway in this State a motor vehicle  
20 with an exhaust system or noise abatement device modified in a way prohibited by  
21 subsection (a) OR (B) of this section.

22           **(D)**       A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS  
23 SECTION IS SUBJECT TO A FINE OF \$200.

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

30           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
31 1, 2022.