

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 612

(Senator Beidle)

Judicial Proceedings

Environment and Transportation and
Judiciary

Street Racing and Exhibition Driving - Prohibited Acts, Enforcement, and Penalties

This bill increases penalties and points assessments for violations related to participation in racing or speed contests. The bill also establishes a statewide prohibition on exhibition driving on any highway or private property that is used for driving by the general public. Additionally, the bill authorizes a police officer to order the towing and impounding of a vehicle that is a driven either in a race or speed contest or an exhibition driving event. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: Due to penalty provisions, minimal increase in general fund revenues and potential minimal increase in general fund expenditures. Transportation Trust Fund (TTF) revenues are not materially affected; the Motor Vehicle Administration (MVA) can implement the bill with existing resources. The Judiciary can handle the increased workload with existing resources. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in expenditures due to the bill's new incarceration penalty. Any changes to enforcement can be handled with existing resources. The bill is not anticipated to materially affect local revenues.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: **Exhibit 1** contains a summary of the bill's changes to existing penalties for offenses related to participation in racing or speed contests as well as the penalties for the new prohibitions established by the bill related to exhibition driving.

Exhibit 1
Comparison of Maximum Fines, Points Assessments, and Terms of Imprisonment under
Current Law and the Bill Related to Racing or Speed Contests and Exhibition Driving

<u>Violation</u>	Fine		Points Assessed		Possible Term of Imprisonment	
	<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>	<u>Current Law</u>	<u>The Bill</u>
Driving in a race or speed contest (general)	Up to \$500	Up to \$1,000	5 points	8 points	n/a	n/a
Driving in a race or speed contest (if serious bodily injury or death occurs)*	Up to \$1,000	Up to \$1,000	5 points	12 points	Up to 1 year	Up to 1 year
Participating in a race or speed contest as a timekeeper or flagman	Up to \$500	Up to \$1,000	5 points	8 points	n/a	n/a
<i>Engaging in exhibition driving (general)**</i>	<i>n/a</i>	<i>Up to \$1,000</i>	<i>n/a</i>	<i>8 points</i>	<i>n/a</i>	<i>n/a</i>
<i>Engaging in exhibition driving (if serious bodily injury or death occurs)**</i>	<i>n/a</i>	<i>Up to \$1,000</i>	<i>n/a</i>	<i>12 points</i>	<i>n/a</i>	<i>Up to 1 year</i>

* The bill modifies this violation by specifying that serious bodily injury includes the death of another person.

** *Indicates new prohibition established by the bill.*

Note: Under the bill, a person cited for *any* of the above offenses must appear in court and may not prepay the fine.

Source: Department of Legislative Services

Racing and Speed Contests and Exhibition Driving

As shown in Exhibit 1, the bill alters certain existing penalties and establishes new prohibitions related to exhibition driving. Specifically, the bill:

- 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 or death from \$500 to \$1,000;
- 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 or death;
- increases, from 5 points to 12 points, the points MVA must assess against the driver's license of a driver in a race or speed contest that results in serious bodily injury or death; and
- prohibits exhibition driving on a statewide basis and subjects violators to the same enhanced penalties as those established for race or speed contests (including for violations that result in serious bodily injury or death).

Current law prohibits "exhibition driving" in certain designated areas in Worcester County. The bill establishes a statewide prohibition on exhibition driving with a definition that differs slightly from the definition under the existing prohibition (see italicized text). Under the bill, "exhibition driving" is defined as (1) the transportation of a passenger on or in an area of a motor vehicle that is not designed or intended for passenger transport, such as the hood or roof or (2) the operation of *two or more* motor vehicles in a *reckless* manner that results in *two or more of the following*:

- the excessive, abrupt acceleration or deceleration of the motor vehicle;
- the skidding, squealing, burning, or smoking of the tires of the motor vehicle;
- the swerving or swaying of the motor vehicle from side to side while skidding;
- the engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise;
- the grinding of the gears or the backfiring of the engine of the motor vehicle; or
- any of the wheels of the motor vehicle losing contact with the ground.

State Revenues: General fund revenues increase minimally as a result of both the higher fines established by the bill and the establishment of new prohibitions. 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 these offenses. Any increase in general fund revenues due to the bill’s higher penalties for these offenses is expected to be minimal due to the relatively small number of citations and convictions for the related offenses each year.

The number of citations that may be issued for the new exhibition driving prohibitions established by the bill cannot be determined at this time. However, the annual number of citations and convictions for these new prohibitions is not expected to be significant.

Exhibit 2
Citation and Conviction Data for Existing Offenses Addressed by the Bill
Fiscal 2021

<u>Violation</u>	<u>Citations</u>	<u>Convictions</u>
Driving in a race or speed contest (general)	331	69
Driving in a race or speed contest (and serious bodily injury occurred)	0	0
Participating in a race or speed contest as a timekeeper or flagman	2	0

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

State Expenditures: General fund expenditures may increase minimally as a result of the bill’s establishment of a new incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. As noted above, the number of additional people convicted under the bill is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures may increase minimally as a result of the bill’s new incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately \$90 to \$300 per inmate in recent years.

Additional Information

Prior Introductions:

Designated Cross File: None.

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

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