

HOUSE BILL 208

R5

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CF SB 147

By: **Delegates Lehman, Pena–Melnyk, Addison, Amprey, Attar, Atterbeary, Bagnall, B. Barnes, Barve, Boafo, Boyce, Cardin, Chang, Charles, Crosby, Crutchfield, Ebersole, Fennell, Foley, Forbes, Fraser–Hidalgo, Grammer, Guyton, Harris, Harrison, Healey, Hill, Holmes, D. Jones, Kaiser, Kipke, McCaskill, T. Morgan, Palakovich Carr, Patterson, Phillips, Ruth, Shetty, Smith, Solomon, Stewart, Taveras, Taylor, Terrasa, Toles, Turner, Valderrama, Vogel, Watson, Williams, Wilson, and Woods**

Introduced and read first time: January 20, 2023

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

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 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; authorizing the towing and impounding of a vehicle
8 involved in certain motor vehicle violations related to participation in a race or speed
9 contest or engaging in exhibition driving; and generally relating to prohibited acts
10 and penalties related to participation in a race or speed contest or engaging in
11 exhibition driving.

12 BY repealing

13 Article – Transportation
14 Section 16–402(a)(22)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2022 Supplement)

17 BY renumbering

18 Article – Transportation
19 Section 16–402(a)(23) through (33) and (34) through (43) and 21–101(k) through (z)
20 to be Section 16–402(a)(22) through (32) and (35) through (44) and 21–101(l) through
21 (aa), respectively
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Transportation
 3 Section 16–402(a)(33), (34), (45), and (46), 21–101(k), and 21–1116.1
 4 Annotated Code of Maryland
 5 (2020 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Transportation
 8 Section 21–101(a)
 9 Annotated Code of Maryland
 10 (2020 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Transportation
 13 Section 21–1116 and 21–1132(a)
 14 Annotated Code of Maryland
 15 (2020 Replacement Volume and 2022 Supplement)

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 18 Maryland be repealed.

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

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

25 **Article – Transportation**

26 16–402.

27 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 28 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations
 29 of this State or of any local authority, points shall be assessed against the individual as of
 30 the date of violation and as follows:

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

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

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

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

7 21-101.

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

10 (K) "EXHIBITION DRIVING" MEANS:

11 (1) THE OPERATION OF A MOTOR VEHICLE IN A MANNER THAT
12 RESULTS IN:

13 (I) THE EXCESSIVE, ABRUPT ACCELERATION OR
14 DECELERATION OF THE MOTOR VEHICLE;

15 (II) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE
16 TIRES OF THE MOTOR VEHICLE;

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

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

21 (V) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR
22 THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; OR

23 (VI) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING
24 CONTACT WITH THE GROUND; OR

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

28 21-1116.

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

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

4 **(B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A**
5 **VEHICLE THAT IS THE SUBJECT OF A VIOLATION OF SUBSECTION (A)(1) OF THIS**
6 **SECTION.**

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

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

15 **21–1116.1.**

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

19 **(B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A**
20 **VEHICLE THAT IS THE SUBJECT OF A VIOLATION OF THIS SECTION.**

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

25 **(2) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT**
26 **RESULTS IN SERIOUS BODILY INJURY, AS DEFINED IN §**
27 **20–102(C) OF THIS ARTICLE, TO, OR THE DEATH OF, ANOTHER PERSON IS SUBJECT**
28 **TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR**
29 **BOTH.**

30 **21–1132.**

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

32 (2) [“Exhibition driving” means:

- 1 (i) The operation of a motor vehicle in a manner that results in:
- 2 1. The excessive, abrupt acceleration or deceleration of the
3 motor vehicle;
- 4 2. The skidding, squealing, burning, or smoking of the tires
5 of the motor vehicle;
- 6 3. The swerving or swaying of the motor vehicle from side to
7 side while skidding;
- 8 4. The engine of the motor vehicle producing an
9 unreasonably loud, raucous, or disturbing noise;
- 10 5. The grinding of the gears of the motor vehicle or the
11 backfiring of the engine of the motor vehicle; or
- 12 6. Any of the wheels of the motor vehicle losing contact with
13 the ground; or

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

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

- 18 (i) Has been permitted or approved by a unit of local government; or
- 19 (ii) Is expected to have 1,000 or more individuals in attendance,
20 regardless of whether the event has been permitted or approved by a unit of local
21 government.

22 [(4) (3) (i) “Special event zone” means an area on or along a highway
23 that is marked by appropriate warning signs or other traffic control devices designating the
24 area as a special event zone, indicating that a special event is in progress, and stating that
25 a person who violates this section is subject to arrest.

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

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

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2023.