

HOUSE BILL 208

R5

3lr0321
CF SB 147

By: **Delegates Lehman, Pena–Melnyk, Addison, Amprey, Attar, Atterbeary, Bagnall, B. Barnes, Barve, Boaf, 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~~ Woods, Allen, Davis, J. Long, Love, Stein, and Ziegler**

Introduced and read first time: January 20, 2023

Assigned to: Environment and Transportation and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2023

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 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)

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 BY renumbering

2 Article – Transportation

3 Section 16–402(a)(23) through (33) and (34) through (43) and 21–101(k) through (z)
4 to be Section 16–402(a)(22) through (32) and (35) through (44) and 21–101(l) through
5 (aa), respectively

6 Annotated Code of Maryland

7 (2020 Replacement Volume and 2022 Supplement)

8 BY adding to

9 Article – Transportation

10 Section 16–402(a)(33), (34), (45), and (46), 21–101(k), and 21–1116.1

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Transportation

15 Section 21–101(a)

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Transportation

20 Section 21–1116 and 21–1132(a)

21 Annotated Code of Maryland

22 (2020 Replacement Volume and 2022 Supplement)

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25 Maryland be repealed.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–402(a)(23)
27 through (33) and (34) through (43) and 21–101(k) through (z) of Article – Transportation of
28 the Annotated Code of Maryland be renumbered to be Section(s)
29 16–402(a)(22) through (32) and (35) through (44) and 21–101(l) through (aa), respectively.

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

32 **Article – Transportation**

33 16–402.

34 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
35 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations
36 of this State or of any local authority, points shall be assessed against the individual as of
37 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, ~~OR DEATH~~ 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, ~~OR DEATH~~
10 TO ANOTHER PERSON.....12 POINTS

11 21-101.

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

14 (K) "EXHIBITION DRIVING" MEANS:

15 ~~(1)~~ ~~THE~~ THE OPERATION OF A MOTOR VEHICLE IN CLOSE PROXIMITY
16 TO A CROWD OR GATHERING IN A MANNER THAT INTENTIONALLY RESULTS IN TWO
17 OR MORE OF THE FOLLOWING:

18 ~~(I)~~ (1) THE EXCESSIVE, ABRUPT ACCELERATION OR
19 DECELERATION OF THE MOTOR VEHICLE;

20 ~~(II)~~ (2) THE SKIDDING, SQUEALING, BURNING, OR SMOKING
21 OF THE TIRES OF THE MOTOR VEHICLE;

22 ~~(III)~~ (3) THE SWERVING OR SWAYING OF THE MOTOR VEHICLE
23 FROM SIDE TO SIDE WHILE SKIDDING;

24 ~~(IV)~~ (4) THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN
25 UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE;

26 ~~(V)~~ (5) THE GRINDING OF THE GEARS OF THE MOTOR
27 VEHICLE OR THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; ~~OR~~

28 ~~(VI)~~ (6) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING
29 CONTACT WITH THE GROUND; OR

1 ~~(2) (7)~~ **THE TRANSPORTATION OF A PASSENGER ON ~~OR IN AN AREA~~**
 2 **THE HOOD OR ROOF OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED**
 3 **FOR PASSENGER TRANSPORT, SUCH AS THE HOOD OR ROOF.**

4 21-1116.

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

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

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

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

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

32 **(2)** **A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT**
 33 **RESULTS IN SERIOUS BODILY ~~INJURY~~, INJURY TO ANOTHER PERSON, AS DEFINED IN**

1 ~~§ 20-102(C) OF THIS ARTICLE, TO, OR THE DEATH OF, ANOTHER PERSON IS SUBJECT~~
2 ~~TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR~~
3 ~~BOTH.~~

4 21-1132.

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

6 (2) ["Exhibition driving" means:

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

8 1. The excessive, abrupt acceleration or deceleration of the
9 motor vehicle;

10 2. The skidding, squealing, burning, or smoking of the tires
11 of the motor vehicle;

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

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

16 5. The grinding of the gears of the motor vehicle or the
17 backfiring of the engine of the motor vehicle; or

18 6. Any of the wheels of the motor vehicle losing contact with
19 the ground; or

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

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

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

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

28 [(4) (3) (i) "Special event zone" means an area on or along a highway
29 that is marked by appropriate warning signs or other traffic control devices designating the
30 area as a special event zone, indicating that a special event is in progress, and stating that
31 a 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 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the
5 Annotated Code of Maryland, in consultation with and subject to the approval of the
6 Department of Legislative Services, shall correct, with no further action required by the
7 General Assembly, cross-references and terminology rendered incorrect by this Act. The
8 publisher shall adequately describe any correction that is made in an editor's note following
9 the section affected.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.