

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 442

(Senator Beidle, *et al.*)

Judicial Proceedings

Environment and Transportation

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. By expanding application of an existing provision, the bill establishes a statewide prohibition on exhibition driving, racing, and other related activities in a special event zone. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: Minimal increase in general fund revenues and potential minimal increase in general fund expenditures due to the bill's penalty provisions beginning in FY 2025. 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 penalty provisions. Any changes to enforcement can be absorbed within existing resources. The bill is not anticipated to materially affect local revenues.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: With the exception of offenses in a special event zone, **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
(Does Not Include Special Event Zone Offenses)

Violation	Fine		Points Assessed		Possible Term of Imprisonment	
	Current Law	The Bill	Current Law	The Bill	Current Law	The Bill
Driving in a race or speed contest (general)	Up to \$500	Up to \$1,000	5 points	8 points	n/a	Up to 60 days
Driving in a race or speed contest (if serious bodily injury to another 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 \$500	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>Up to 60 days</i>
<i>Engaging in exhibition driving (if serious bodily injury to another 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>

* Indicates new prohibition established by the bill.

Note: Under current law, imprisonment is a possible penalty for driving in a race or speed contest only if serious bodily injury occurs. Because the bill establishes imprisonment as a possible penalty for all of the above offenses (except for participating in a race or speed contest as a timekeeper or flagman), prepayment (*i.e.*, admitting guilt and paying the fine without appearing in court) is no longer an option for those offenses, and a person cited for one of those offenses must appear in court.

Source: Department of Legislative Services

Racing and Speed Contests and Exhibition Driving – General

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

- increases the maximum fine for a driver’s participation in a race or speed contest that does not result in serious bodily injury from \$500 to \$1,000 and subjects a violator to up to 60 days of imprisonment, thereby requiring a person cited to appear in court;
- 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;
- 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; and
- prohibits exhibition driving on a statewide basis and subjects violators to the same enhanced penalties as those established for drivers participating in race or speed contests (including for violations that result in serious bodily injury).

Exhibition Driving – General

The bill establishes a prohibition on exhibition driving on any highway or on any property that is used for driving by the public or in general. Under the bill, “exhibition driving” means the operation of a motor vehicle in close proximity to a crowd or gathering in a manner that intentionally 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 accelerating;
- the engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise or the grinding of the gears or the backfiring of the engine of the motor vehicle;
- any of the wheels of the motor vehicle losing contact with the ground; or
- 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.

The bill specifies that a court may consider two affirmative defenses raised by a person charged with exhibition driving. First, for a driver who caused the excessive, abrupt acceleration or deceleration of a motor vehicle or the skidding, squealing, burning, or smoking of the vehicle’s tires, a court may consider it a defense that the driver acted in a reasonable manner for safety purposes. Second, a court may consider it a defense that a

driver who transported a passenger on or in area of a vehicle not designed or intended for passenger transport was participating in a properly permitted parade at the time of the alleged violation.

Exhibition Driving, Racing, Etc. – Special Event Zone

Under current law, a person may not engage in specified activities within a “special event zone” in Worcester County, including exhibition driving; speeding; negligent driving; driving a motor vehicle in a race or speed contest that does not result in serious bodily injury; participating in a race or speed contest; or skidding, spinning of wheels, or causing excessive noise. A person convicted of exhibition driving in a special event zone in Worcester County must appear in court and is subject to a penalty of imprisonment for up to 60 days and/or a fine up to \$1,000. MVA must assess one point for a violation or three points for a violation that contributes to an accident. A violation of any of the other prohibitions is subject to a \$1,000 maximum fine; each of these violations is subject to its own points assessment and prepayment penalty.

The definition of “exhibition driving” under this existing provision is *similar* to the definition of exhibition driving described above. A “special event” is any automotive or motor vehicle event occurring on (or in close proximity to) a highway that (1) has been permitted or approved by a unit of local government or (2) is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government. A “special event zone” is an area on (or alongside) a highway that is appropriately marked by warning signs or traffic control devices. The State Highway Administration may, on its own initiative or at the request of a local authority, designate an area on a State highway in Worcester County as a special event zone. Likewise, a local authority in Worcester County may designate an area on a highway under its jurisdiction as a special event zone.

The bill expands application of these provisions and penalties statewide and makes clarifying changes.

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. This analysis assumes that despite the bill’s effective date, any increase in revenues will not occur until fiscal 2025.

As noted above, the bill increases the maximum fine for participation in a race or speed contest (as a driver) that does not result in serious bodily injury from \$500 to \$1,000.

Exhibit 2 shows citations and conviction data for this offense. Any increase in general fund revenues due to the bill’s higher penalties for this offense is expected to be minimal due to the relatively small number of citations and convictions for the offense each year.

Exhibit 2
Citation and Conviction Data for Driving in a Race or Speed Contest

<u>Violation</u>	<u>Fiscal 2022</u>		<u>Fiscal 2023</u>	
	<u>Citations</u>	<u>Convictions</u>	<u>Citations</u>	<u>Convictions</u>
Driving in a race or speed contest (general)	197	64*	147	72*

* Of the 64 convictions in fiscal 2022, 36 defendants were found guilty at trial and 28 defendants prepaid (*i.e.*, admitted guilt and paid the fine without appearing in court); in fiscal 2023, 32 defendants were found guilty at trial, and 40 defendants prepaid.

Note: Under current law, imprisonment is not a possible penalty for driving in a race or speed contest (general). Because the bill establishes imprisonment as a possible penalty for that offense, a person cited for it must appear in court – prepayment is no longer permitted.

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

The number of citations that may be issued for the new prohibitions (exhibition driving – general, exhibition driving within a special event zone (statewide), and the other statewide special event zone offenses) 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.

State Expenditures: Beginning in fiscal 2025, general fund expenditures may increase minimally as a result of the bill’s establishment of new incarceration penalties 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 penalties. 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 incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 208 and SB 147 of 2023 and SB 612 of 2022.

Designated Cross File: HB 601 (Delegate Lehman, *et al.*) - Environment and Transportation.

Information Source(s): Montgomery and Worcester counties; Town of Bel Air; Town of Leonardtown; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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