

SENATE BILL 442

R5

4lr0554
CF HB 601

By: Senators Beidle, Augustine, ~~and Gile~~ Charles, Gile, Folden, James, Muse, Smith, Sydnor, Waldstreicher, and West

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2024

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 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; establishing certain affirmative defenses to a certain
8 charge of exhibition driving; and generally relating to prohibited acts and penalties
9 related to participation in a race or speed contest or engaging in exhibition driving.

10 BY repealing

11 Article – Transportation

12 Section 16–402(a)(22)

13 Annotated Code of Maryland

14 (2020 Replacement Volume and 2023 Supplement)

15 BY renumbering

16 Article – Transportation

17 Section 16–402(a)(23) through (33) and (34) through (43)

18 to be Section 16–402(a)(22) through (32) and (35) through (44), respectively

19 Annotated Code of Maryland

20 (2020 Replacement Volume and 2023 Supplement)

21 BY adding to

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 Article – Transportation
 2 Section 16–402(a)(33), (34), (45), and (46) and 21–1116.1
 3 Annotated Code of Maryland
 4 (2020 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Transportation
 7 Section 21–1116 and 21–1132
 8 Annotated Code of Maryland
 9 (2020 Replacement Volume and 2023 Supplement)

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 12 Maryland be repealed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–402(a)(23)
 14 through (33) and (34) through (43) of Article – Transportation of the Annotated Code of
 15 Maryland be renumbered to be Section(s) 16–402(a)(22) through (32) and (35) through (44),
 16 respectively.

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

19 **Article – Transportation**

20 16–402.

21 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 22 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations
 23 of this State or of any local authority, points shall be assessed against the individual as of
 24 the date of violation and as follows:

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

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

29 **(45) PARTICIPATING IN A RACE OR SPEED CONTEST ON A HIGHWAY**
 30 **RESULTING IN SERIOUS BODILY INJURY, AS DEFINED IN § 20–102(C) OF THIS**
 31 **ARTICLE, TO ANOTHER PERSON.....12 POINTS**

32 **(46) ENGAGING IN EXHIBITION DRIVING ON A HIGHWAY RESULTING IN**
 33 **SERIOUS BODILY INJURY, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, TO**
 34 **ANOTHER PERSON.....12 POINTS**

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 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
9 **PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION IS**
10 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING**
11 **\$1,000 OR BOTH.**

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

16 **21-1116.1.**

17 **(A) IN THIS SECTION, “EXHIBITION DRIVING” MEANS THE OPERATION OF A**
18 **MOTOR VEHICLE IN CLOSE PROXIMITY TO A CROWD OR GATHERING IN A MANNER**
19 **THAT INTENTIONALLY RESULTS IN TWO OR MORE OF THE FOLLOWING:**

20 **(1) THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF**
21 **THE MOTOR VEHICLE;**

22 **(2) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE**
23 **TIRES OF THE MOTOR VEHICLE;**

24 **(3) THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM SIDE**
25 **TO SIDE WHILE ~~SKIDDING~~ ACCELERATING;**

26 **(4) (I) THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN**
27 **UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE; OR**

28 **~~(5)~~ (II) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR**
29 **THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE;**

30 **~~(6)~~ (5) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING**
31 **CONTACT WITH THE GROUND; OR**

1 ~~(7)~~ **(6)** THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA
2 OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER
3 TRANSPORT SUCH AS THE HOOD OR ROOF.

4 **(B)** ON ANY HIGHWAY OR ON ANY PRIVATE PROPERTY THAT IS USED FOR
5 DRIVING BY THE PUBLIC IN GENERAL, A PERSON MAY NOT ENGAGE IN EXHIBITION
6 DRIVING.

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 **(2)** A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT
12 RESULTS IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN §
13 **20-102(C)** OF THIS ARTICLE, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING **1**
14 YEAR OR A FINE NOT EXCEEDING **\$1,000** OR BOTH.

15 **(D)** A COURT MAY CONSIDER IN DEFENSE OF A CHARGE FOR EXHIBITION
16 DRIVING:

17 **(1)** WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION **(A)(1)**
18 OR **(2)** OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE
19 ACTED IN A REASONABLE MANNER FOR SAFETY PURPOSES; OR

20 **(2)** WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION **(A)(7)** OF
21 THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE WAS
22 PARTICIPATING IN A PROPERLY PERMITTED PARADE AT THE TIME OF THE ALLEGED
23 VIOLATION.

24 21-1132.

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

26 **(2)** “Exhibition driving **WITHIN A SPECIAL EVENT ZONE**” means:

27 **(i)** The operation of a motor vehicle **WITHIN A SPECIAL EVENT**
28 **ZONE** in a manner that results in:

29 1. The excessive, abrupt acceleration or deceleration of the
30 motor vehicle;

31 2. The skidding, squealing, burning, or smoking of the tires
32 of the motor vehicle;

1 (i) Designate an area on a highway under its jurisdiction as a
2 special event zone; and

3 (ii) Reduce established speed limits in the special event zone after a
4 determination that the change is necessary to ensure public safety.

5 (3) A speed limit established under this subsection shall become effective
6 when posted.

7 ~~[(d)]~~ (C) A person may not engage in exhibition driving within a special event
8 zone.

9 ~~[(e)]~~ (D) A person may not commit any of the following violations within a
10 special event zone:

11 (1) Driving a motor vehicle at a speed exceeding the posted speed limit;

12 (2) Negligent driving under § 21–901.1(b) of this title;

13 (3) Driving a motor vehicle in a race or speed contest under [§
14 21–1116(a)] ~~§ 21–1116(A)(1)~~ of this subtitle that does not result in serious bodily injury
15 to another person, as defined in § 20–102(c) of this article;

16 (4) Participating in a race or speed contest under [§ 21–1116(b)]
17 ~~§ 21–1116(A)(2)~~ of this subtitle; or

18 (5) Skidding, spinning of wheels, or causing excessive noise under §
19 21–1117 of this subtitle.

20 ~~[(f)]~~ (E) (1) A person convicted of a violation of subsection ~~[(d)]~~ (C) of this
21 section is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or
22 both.

23 (2) A person convicted of a violation of subsection ~~[(e)]~~ (D) of this section is
24 subject to a fine not exceeding \$1,000.

25 ~~(F) A COURT MAY CONSIDER IN DEFENSE OF A CHARGE FOR EXHIBITION~~
26 ~~DRIVING WITHIN A SPECIAL EVENT ZONE:~~

27 ~~(1) WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION~~
28 ~~(A)(2)(I) 1 OR 2 OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR~~
29 ~~VEHICLE ACTED IN A REASONABLE MANNER FOR SAFETY PURPOSES; OR~~

30 ~~(2) WITH RESPECT TO ACTIVITY DESCRIBED IN SUBSECTION~~
31 ~~(A)(2)(II) OF THIS SECTION, THAT THE INDIVIDUAL DRIVING THE MOTOR VEHICLE~~

1 ~~WAS PARTICIPATING IN A PROPERLY PERMITTED PARADE AT THE TIME OF THE~~
2 ~~ALLEGED VIOLATION.~~

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

9 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.