

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 102 (Delegate Lehman)
Environment and Transportation

Vehicle Laws - Race and Speed Contests - Penalties

This bill increases penalties and points assessments for violations related to participation in racing or speed contests. The bill also establishes that a person charged with such a violation must appear in court and may not prepay the fine.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the higher penalties established by the bill. Transportation Trust Fund (TTF) revenues are not materially affected. The Judiciary can handle the increase in workload with existing budgeted resources. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Local revenues are likely not materially affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: **Exhibit 1** contains a summary of the bill's changes to penalties for the various offenses related to participation in racing or speed contests.

Under current law, on any highway or private property used by the general public, a person may not drive a vehicle in a race or speed contest (or participate as a timekeeper or flagman in those events). A violation is a misdemeanor, subject to a maximum fine of \$500. Upon conviction, the Motor Vehicle Administration (MVA) must assess five points against the

driver’s license. The District Court assesses a prepayment penalty of \$290 for these offenses. In addition, if the violation for driving a vehicle in a race results in serious bodily injury to another person, the person must appear in court and is subject to imprisonment for up to one year, a fine of up to \$1,000, or both.

Exhibit 1
Comparison of Maximum Fines and Points Assessments under
Current Law and the Bill

<u>Violation</u>	Fine		Points Assessed		Current Prepayment Fine*
	<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	\$290
Driving in a race or speed contest (if serious bodily injury occurs)	Up to \$1,000	Up to \$1,000	5 points	12 points	n/a
Participating in a race or speed contest as a timekeeper or flagman	Up to \$500	Up to \$1,000	5 points	8 points	\$290

*The prepayment penalties shown are the amounts set by the District Court as of October 2021; the prepayment penalty allows a defendant to satisfy a traffic citation by admitting guilt and paying a fine without having to appear in court. Under the bill, an individual charged with participating in a race or speed contest (including as a timekeeper or flagman) must appear in court and may not prepay the fine. Accordingly, there is no prepayment option for any of the above offenses under the bill.

Note: Under current law and the bill, driving in a race or speed contest that results in serious bodily injury to another person subjects a violator to up to one year imprisonment in addition to or instead of the maximum \$1,000 fine. Accordingly, there is no prepayment option, and the violator must appear in court.

Source: Department of Legislative Services

The bill (1) 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 from

\$500 to \$1,000; (2) 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; and (3) 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. Additionally, the bill authorizes a police officer to order the towing and impounding of a vehicle that is the subject of a violation related to driving in a race or speed contest.

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

Exhibit 2
Citation and Conviction Data for the 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

Additional Information

Prior Introductions: HB 178 of 2021, a similar bill as amended, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Its cross file, SB 408, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; City of College Park; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2022
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Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510