



Prince George's County, Maryland

Inter-Office Memorandum

Office of Law

LEGISLATIVE COMMENT

DATE: March 18, 2026

TO: David Murray, Council Administrator

THRU: Nathaniel Tutt, Director
Public Safety, Health and Human Services Committee (PSHHS)

THRU: Anthony D. Jones, County Attorney

THRU: Jason A. Alston, Deputy County Attorney

FROM: Dinora A. Hernandez, Associate County Attorney

RE: CB-012-2026

The Office of Law has reviewed the above referenced bill as it was presented on March 10, 2026. CB-12-2026 is intended to address unlawful speed contests and motor vehicle “takeover” events by prohibiting participation, organizing, and knowing attendance, and by establishing criminal penalties for violations.

The County has authority to enact legislation of this kind. Under Article XI-A of the Maryland Constitution and the Express Powers Act, charter counties may enact local laws to protect public safety and welfare, including the creation of misdemeanor offenses punishable by fines and imprisonment. Maryland courts have recognized that local governments may exercise their police powers in this manner, provided such laws do not conflict with State law. *See Montgomery County v. Complete Lawn Care, Inc.*, 240 Md. App. 664 (2019).

CB-12-2026 prohibits a range of conduct associated with unlawful vehicle events. Specifically, the bill provides that no person may engage in an unlawful race, speed contest, or car

takeover on any highway or private property, and further prohibits participation in supporting roles such as a timekeeper, flagger, or starter. The bill also makes it unlawful to knowingly attend such events, to organize them, and to remain in an area after a lawful order to disperse has been issued. The bill establishes criminal penalties, providing that a person is guilty of a misdemeanor and subject to fines and potential imprisonment.

The primary legal issue is how the bill interacts with existing State law. Maryland's Transportation Article establishes a comprehensive framework governing vehicle operation, including reckless driving (Md. Code Ann., Transp. § 21-901.1), negligent driving (§ 21-901.2), and racing (§ 21-1116).

Overlap exists where the bill prohibits unlawful races and speed contests, which are already regulated under Md. Code, Transportation Article § 21-1116, as well as conduct that may fall within reckless driving under § 21-901.1. However, the bill also addresses distinct conduct—such as organizing, facilitating, and knowingly attending such events—that is not expressly covered by State law.

Under Maryland law, overlap alone does not render a local law invalid. A local ordinance is preempted only where the General Assembly has occupied the field or where the local law conflicts with State law. *Talbot County v. Skipper*, 329 Md. 481 (1993). Local laws may supplement State law where they address related but distinct conduct or local concerns. *Montgomery County v. Complete Lawn Care, Inc.*, 240 Md. App. at 690–91.

Here, the bill can reasonably be viewed as supplementing State law by addressing the broader public safety concerns associated with organized vehicle events, rather than regulating only the act of driving. However, the overlap in subject matter and the creation of additional criminal penalties present some risk if applied in a manner that conflicts with the State framework.

The bill also raises potential vagueness concerns. Laws must provide sufficient clarity to give individuals notice of prohibited conduct and to prevent arbitrary enforcement. *See Grayned v. City of Rockford*, 408 U.S. 104 (1972). Terms such as “car takeover” and “knowingly attend” may be subject to broad interpretation and could benefit from further clarification.

In sum, CB-12-2026 is within the County's authority and is legally supportable in concept. Although the bill overlaps with certain State law provisions, it also regulates distinct conduct, supporting a conclusion that it supplements rather than directly conflicts with State law. Accordingly, the overlap presents a moderate concern but does not, on its face, render the bill preempted.