

## Committee on Transportation

### **CS/CS/CS/HB 399 — Motor Vehicle and Vessel Law Enforcement**

by Judiciary Committee; Tourism, Infrastructure and Energy Subcommittee; Criminal Justice and Public Safety Subcommittee; and Rep. Rodriguez (CS/CS/CS/SB 876 by Rules Committee; Criminal Justice Committee; Transportation Committee; and Senators Pizzo and Rodrigues)

The bill amends the crimes under s. 316.191(2), F.S., to add additional types of vehicles and additional prohibited conduct including a street takeover, stunt driving, and operating a vehicle to film or record prohibited activities or to carry fuel for other vehicles involved in prohibited activities. The bill defines the terms “burnout,” “doughnut,” “drifting,” “motor vehicle,” “street takeover,” “stunt driving,” and “wheelie.” The bill also amends the current definition of “spectator” to include a person who is knowingly present at and views a street takeover and provides that evidence of filming or recording such an event or posting the event on social media are factors to be considered in determining whether a person qualifies as a spectator. Under the bill, a person commits a noncriminal traffic infraction if he or she is found to be a spectator at a race or street takeover.

The bill amends the first degree misdemeanor crimes under s. 316.191(2), F.S., to add drag race, street takeover, and stunt driving to each type of prohibited conduct. The bill also adds street takeovers and stunt driving to the list of violations which require an offender to pay a \$65 penalty.

Under the bill, if an officer has probable cause to believe that a person has committed a violation relating to a street takeover or stunt driving, the officer may arrest the person without a warrant.

The bill also provides that a person commits a first degree misdemeanor under s. 316.2397, F.S., by operating a vehicle displaying red, red and white, or blue lights if in displaying such lights he or she effects or attempts to effect a stop of another vehicle; and provides that a court or jury may consider any relevant evidence, including, but not limited to whether a defendant used certain prohibited lights, in determining if a defendant committed an offense of false personation, under s. 843.081, F.S.

If approved by the Governor, these provisions take effect October 1, 2022.

*Vote: Senate 39-0; House 113-0*