

Bill No. CS/HB 1225, 1st Eng.

Amendment No. Barcode 342814

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Smith moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15 and insert:

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17 Section 1. Section 316.191, Florida Statutes, is

18 amended to read:

19 316.191 Racing on highways.--

20 (1) As used in this section, the term:~~No person shall~~

21 ~~drive any vehicle in any race, speed competition or contest,~~

22 ~~drag race or acceleration contest, test of physical endurance,~~

23 ~~exhibition of speed or acceleration, or for the purpose of~~

24 ~~making a speed record, and no person shall in any manner~~

25 ~~participate in any such race, competition, contest, test, or~~

26 ~~exhibition.~~

27 (a)(2) "Drag race" is defined as the operation of two

28 or more vehicles from a point side by side at accelerating

29 speeds in a competitive attempt to outdistance each other, or

30 the operation of one or more vehicles over a common selected

31 course, from the same point to the same point, for the purpose

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1 of comparing the relative speeds or power of acceleration of
2 such vehicle or vehicles within a certain distance or time
3 limit.

4 (b)(3) "Racing" is defined as the use of one or more
5 vehicles in an attempt to outgain, outdistance, or prevent
6 another vehicle from passing, to arrive at a given destination
7 ahead of another vehicle or vehicles, or to test the physical
8 stamina or endurance of drivers over long-distance driving
9 routes.

10 (2)(a) A person may not drive any vehicle, including
11 any motorcycle, in any race; speed competition or contest;
12 drag race or acceleration contest; test of physical endurance;
13 exhibition of speed or acceleration; or for the purpose of
14 making a speed record on any highway, roadway, or parking lot,
15 and a person may not in any manner participate in, coordinate,
16 facilitate, or collect moneys at any location for any such
17 race; ride as a passenger in; or purposefully cause the
18 movement of traffic to slow or stop for, any such race,
19 competition, contest, test, or exhibition. Any person who
20 violates this paragraph commits a misdemeanor of the second
21 degree, punishable as provided in s. 775.082 or s. 775.083.
22 Any person who violates this paragraph shall pay a fine of not
23 less than \$250 and not more than \$500, and the department
24 shall revoke the driver license of a person so convicted for 1
25 year. A hearing may be requested pursuant to s. 322.271.

26 (b) Any person who violates paragraph (a) within 5
27 years after the date of a prior violation that resulted in a
28 conviction for a violation of this subsection commits a
29 misdemeanor of the first degree, punishable as provided in s.
30 775.082 or s. 775.083, and shall pay a fine of not less than
31 \$500 and not more than \$1,000. The department shall also

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1 revoke the driver license of that person for 2 years. A
2 hearing may be requested pursuant to s. 322.271.

3 (c) In any case charging a violation of paragraph (a),
4 the court shall be provided a copy of the driving record of
5 the person charged and may obtain any records from any other
6 source to determine if one or more prior convictions of the
7 person for violation of paragraph (a) have occurred within 5
8 years prior to the charged offense.

9 (3) Whenever a law enforcement officer determines that
10 a person was engaged in a drag race or race, as described in
11 subsection (1), the officer may immediately arrest and take
12 such person into custody. The court may enter an order of
13 impoundment or immobilization as a condition of incarceration
14 or probation. Within 7 business days after the date the court
15 issues the order of impoundment or immobilization, the clerk
16 of the court must send notice by certified mail, return
17 receipt requested, to the registered owner of the vehicle, if
18 the registered owner is a person other than the defendant, and
19 to each person of record claiming a lien against the vehicle.

20 (a) Notwithstanding any provision of law to the
21 contrary, the impounding agency shall release a motor vehicle
22 under the conditions provided in s. 316.193(6)(e), (f), (g),
23 and (h), if the owner or agent presents a valid driver license
24 at the time of pickup of the vehicle.

25 (b) All costs and fees for the impoundment or
26 immobilization, including the cost of notification, must be
27 paid by the owner of the vehicle or, if the vehicle is leased
28 or rented, by the person leasing or renting the vehicle,
29 unless the impoundment or immobilization order is dismissed.
30 All provisions of s. 713.78 shall apply.

31 (4) This section does not apply to licensed or duly

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1 authorized racetracks, drag strips, or other designated areas
2 set aside by proper authorities for such purposes.

3 ~~(5) A violation of this section is a noncriminal~~
4 ~~traffic infraction, punishable pursuant to chapter 318 as~~
5 ~~either a pedestrian violation or, if the infraction resulted~~
6 ~~from the operation of a vehicle, as a moving violation.~~

7 Section 2. This act shall take effect October 1, 2002.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13
14

and insert:

15 A bill to be entitled
16 An act relating to motor vehicle racing
17 contests; amending s. 316.191, F.S.; providing
18 penalties for certain participation in such
19 contests or competitions; providing an
20 effective date.

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