

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime Prevention, Corrections & Safety
offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 316.191, Florida Statutes, is
amended to read:

316.191 Racing on highways.--

(1) As used in this section:

(a)~~(2)~~ "Drag race" is defined as the operation of two
or more vehicles from a point side by side at accelerating
speeds in a competitive attempt to outdistance each other, or
the operation of one or more vehicles over a common selected
course, from the same point to the same point, for the purpose
of comparing the relative speeds or power of acceleration of
such vehicle or vehicles within a certain distance or time
limit.

(b)~~(3)~~ "Racing" is defined as the use of one or more
vehicles in an attempt to outgain, outdistance, or prevent

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1 another vehicle from passing, to arrive at a given destination
2 ahead of another vehicle or vehicles, or to test the physical
3 stamina or endurance of drivers over long-distance driving
4 routes.

5 (2)(a)(1) No person shall drive any vehicle, including
6 any motorcycle, in any race, speed competition or contest,
7 drag race or acceleration contest, test of physical endurance,
8 exhibition of speed or acceleration, or for the purpose of
9 making a speed record on any highway, roadway, or parking lot,
10 and no person shall in any manner participate in, coordinate,
11 facilitate, or collect moneys at any location for any such
12 race, or ride as a passenger in, or purposefully cause the
13 movement of traffic to slow or stop for, any such race,
14 competition, contest, test, or exhibition. A violation of this
15 paragraph constitutes a misdemeanor of the second degree,
16 punishable as provided in s. 775.082 or s. 775.083. Any person
17 who violates this paragraph shall pay a fine of not less than
18 \$250 and not more than \$500, and the department shall revoke
19 the driver license of a person so convicted for 1 year. A
20 hearing may be requested pursuant to the provisions of s.
21 322.271.

22 (b) Any person who violates paragraph (a) within 5
23 years after the date of a prior violation that resulted in a
24 conviction for a violation of this subsection commits a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083, and shall pay a fine of not less than
27 \$500 and not more than \$1,000. The department shall also
28 revoke the driver license of that person for 2 years. A
29 hearing may be requested pursuant to the provisions of s.
30 322.271.

31 (c) In any case charging a violation of paragraph (a),

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

6 (d) Any person who participates as a spectator in any
7 drag race, race, competition, contest, or exhibition may be
8 subject to a citation for breach of the peace or unlawful
9 assembly, punishable as provided in s. 870.02.

10 (e) The court may further revoke, suspend, or withhold
11 issuance of a driver license of a person less than 18 years of
12 age who violates paragraph (a) by:

13 1. If the minor is eligible by reason of age for a
14 driver license or driving privilege, directing the department
15 to withhold issuance of the minor's driver license or
16 privilege for up to 1 year;

17 2. If the minor's driver license or driving privilege
18 is under suspension or revocation for any reason, directing
19 the department to extend the period of suspension or
20 revocation by an additional period of up to 1 year; or

21 3. If the minor is ineligible by reason of age for a
22 driver license or driving privilege, directing the department
23 to withhold issuance of the minor's driver license or driving
24 privilege for up to 1 year after the date on which the minor
25 would otherwise have become eligible.

26
27 The minor is eligible to petition the department for
28 restoration of the driving privilege, pursuant to s. 322.271,
29 to be issued on a restricted basis after 6 months of the
30 initial suspension has passed.

31 (f) The court may further revoke, suspend, or withhold

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1 issuance of a driver license of a person less than 18 years of
2 age who violates paragraph (a) within 5 years after a prior
3 conviction for violation of this subsection by:

4 1. If the minor is eligible by reason of age for a
5 driver license or driving privilege, directing the department
6 to withhold issuance of the minor's driver license or
7 privilege for up to 2 years;

8 2. If the minor's driver license or driving privilege
9 is under suspension or revocation for any reason, directing
10 the department to extend the period of suspension or
11 revocation by an additional period of up to 2 years; or

12 3. If the minor is ineligible by reason of age for a
13 driver license or driving privilege, directing the department
14 to withhold issuance of the minor's driver license or driving
15 privilege for up to 2 years after the date on which the minor
16 would otherwise have become eligible.

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

28 (a) Notwithstanding any provision of law to the
29 contrary, the impounding agency shall release a motor vehicle
30 under the conditions provided in s. 316.193(6)(e), (f), (g),
31 and (h), provided that the owner or agent presents a valid

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1 driver license at the time of pickup of the vehicle.

2 (b) All costs and fees for the impoundment or
3 immobilization, including the cost of notification, must be
4 paid by the owner of the vehicle or, if the vehicle is leased
5 or rented, by the person leasing or renting the vehicle,
6 unless the impoundment or immobilization order is dismissed.
7 All provisions of s. 713.78 shall apply.

8 (4) This section does not apply to licensed or duly
9 authorized racetracks, drag strips, or other designated areas
10 set aside by proper authorities for such purposes.

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

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

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

19 And the title is amended as follows:

20 On page 1, line 6, after the semicolon,

21

22 insert:

23 providing penalties for certain participation
24 in such contests or competitions;

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