

By the Council for Healthy Communities and Representatives  
Arza, Garcia and Slosberg

1                                   A bill to be entitled  
2           An act relating to motor vehicle racing  
3           contests; amending s. 316.191, F.S.; revising  
4           provisions prohibiting specified contests and  
5           competitions in a motor vehicle; revising  
6           penalties for violation; providing penalties  
7           for certain participation in such contests or  
8           competitions; providing for impounding vehicle;  
9           specifying penalties for violations by minors;  
10          providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 316.191, Florida Statutes, is  
15 amended to read:

16           316.191 Racing on highways.--

17           (1) As used in this section:

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

26           ~~(b)(3)~~ "Racing" is defined as the use of one or more  
27 vehicles in an attempt to outgain, outdistance, or prevent  
28 another vehicle from passing, to arrive at a given destination  
29 ahead of another vehicle or vehicles, or to test the physical  
30 stamina or endurance of drivers over long-distance driving  
31 routes.

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

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

27           (c) In any case charging a violation of paragraph (a),  
28 the court shall be provided a copy of the driving record of  
29 the person charged and may obtain any records from any other  
30 source to determine if one or more prior convictions of the  
31

1 person for violation of paragraph (a) have occurred within 5  
2 years prior to the charged offense.

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

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

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

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

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

23  
24 The minor is eligible to petition the department for  
25 restoration of the driving privilege, pursuant to s. 322.271,  
26 to be issued on a restricted basis after 6 months of the  
27 initial suspension has passed.

28 (f) The court may further revoke, suspend, or withhold  
29 issuance of a driver license of a person less than 18 years of  
30 age who violates paragraph (a) within 5 years after a prior  
31 conviction for violation of this subsection by:

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

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

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

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

25           (a) Notwithstanding any provision of law to the  
26 contrary, the impounding agency shall release a motor vehicle  
27 under the conditions provided in s. 316.193(6)(e), (f), (g),  
28 and (h), provided that the owner or agent presents a valid  
29 driver license at the time of pickup of the vehicle.

30           (b) All costs and fees for the impoundment or  
31 immobilization, including the cost of notification, must be

1 paid by the owner of the vehicle or, if the vehicle is leased  
2 or rented, by the person leasing or renting the vehicle,  
3 unless the impoundment or immobilization order is dismissed.  
4 All provisions of s. 713.78 shall apply.

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

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

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

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31