

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 providing an effective date.

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

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

15 316.191 Racing on highways.--

16 (1) As used in this section:

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

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

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

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

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

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

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

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