

By the Committee on Transportation; and Senator Smith

306-2137-02

1 A bill to be entitled
 2 An act relating to motor vehicle racing
 3 contests; amending s. 316.191, F.S.; providing
 4 penalties for certain participation in such
 5 contests or competitions; providing an
 6 effective date.

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

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

12 316.191 Racing on highways.--

13 (1) As used in this section, the term:~~No person shall~~
 14 ~~drive any vehicle in any race, speed competition or contest,~~
 15 ~~drag race or acceleration contest, test of physical endurance,~~
 16 ~~exhibition of speed or acceleration, or for the purpose of~~
 17 ~~making a speed record, and no person shall in any manner~~
 18 ~~participate in any such race, competition, contest, test, or~~
 19 ~~exhibition.~~

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

28 (b)(3) "Racing" is defined as the use of one or more
 29 vehicles in an attempt to outgain, outdistance, or prevent
 30 another vehicle from passing, to arrive at a given destination
 31 ahead of another vehicle or vehicles, or to test the physical

1 stamina or endurance of drivers over long-distance driving
2 routes.

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

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

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

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

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

19
20 The minor is eligible to petition the department for
21 restoration of the driving privilege, pursuant to s. 322.271,
22 to be issued on a restricted basis after 6 months of the
23 initial suspension has passed.

24 (e) The court may further revoke, suspend, or withhold
25 issuance of a driver license of a person less than 18 years of
26 age who violates paragraph (a) within 5 years after a prior
27 conviction for violation of this subsection by:

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

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

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

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

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

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

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

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

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1738

13 Provides the offense of racing and drag racing will be a
14 second degree misdemeanor for a first offense and a first
15 degree misdemeanor for a second offense that occurs within
16 five years (rather than a first degree misdemeanor for a first
17 violation and a third degree felony for a second violation
18 under the bill).

19 Redefines the offense to include individuals who "coordinate,
20 facilitate, or collect moneys at any location for any such
21 race, or ride as a passenger in, or purposefully cause the
22 movement or traffic to slow or stop" for any such race,
23 competition, contest, test or exhibition".
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