

By the Committees on Appropriations; Transportation; and  
Senators Smith and Villalobos

309-2279-02

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:

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

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

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

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

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

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

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3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                                   COMMITTEE SUBSTITUTE FOR  
5   CS/SB 1738

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Eliminates requirement to suspend, revoke, or withhold a  
drivers license of a minor for a violation s. 316.191, F.S.

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