

HB 1923

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1                                   A bill to be entitled  
 2           An act relating to motor vehicle speed competitions;  
 3           amending s. 316.191, F.S.; defining "conviction"; revising  
 4           penalties for violation of prohibitions against described  
 5           motor vehicle speed competitions; providing for  
 6           application of the Florida Contraband Forfeiture Act;  
 7           providing an effective date.

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

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

13           316.191   Racing on highways.--

14           (1)   As used in this section, the term:

15           (a) "Conviction" means a determination of guilt that is  
 16 the result of a plea or trial, regardless of whether  
 17 adjudication is withheld.

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

26           (c)(b) "Racing" means ~~is defined as~~ the use of one or more  
 27 motor vehicles in an attempt to outgain ~~or~~ outdistance another  
 28 motor vehicle, ~~to~~ ~~or~~ prevent another motor vehicle from passing,  
 29 to arrive at a given destination ahead of another motor vehicle

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30 or motor vehicles, or to test the physical stamina or endurance  
 31 of drivers over long-distance driving routes.

32 (2)(a) A person may not drive any motor vehicle, including  
 33 any motorcycle, in any race; speed competition or contest; drag  
 34 race or acceleration contest; test of physical endurance;  
 35 exhibition of speed or acceleration; or for the purpose of  
 36 making a speed record on any highway, roadway, or parking lot,  
 37 and a person may not in any manner participate in, coordinate,  
 38 facilitate, or collect moneys at any location for any such race;  
 39 ride as a passenger in; or purposefully cause the movement of  
 40 traffic to slow or stop for, any such race, competition,  
 41 contest, test, or exhibition. Any person who violates this  
 42 paragraph commits a misdemeanor of the first ~~second~~ degree,  
 43 punishable as provided in s. 775.082 or s. 775.083. Any person  
 44 who violates this paragraph shall pay a fine of not less than  
 45 \$500 ~~\$250~~ and not more than \$1,000 ~~\$500~~, and the department  
 46 shall revoke the driver license of a person so convicted for 1  
 47 year. A hearing may be requested pursuant to s. 322.271.

48 (b) Any person who violates paragraph (a) within 5 years  
 49 after the date of a prior violation that resulted in a  
 50 conviction for a violation of this subsection commits a felony  
 51 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in  
 52 s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and shall pay a fine  
 53 of not less than \$1,000 ~~\$500~~ and not more than \$5,000 ~~\$1,000~~.  
 54 The department shall also revoke the driver license of that  
 55 person for 2 years. A hearing may be requested pursuant to s.  
 56 322.271.

57 (c) In any case charging a violation of paragraph (a), the  
 58 court shall be provided a copy of the driving record of the

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59 person charged and may obtain any records from any other source  
60 to determine if one or more prior convictions of the person for  
61 violation of paragraph (a) have occurred within 5 years prior to  
62 the charged offense.

63 (3) Whenever a law enforcement officer determines that a  
64 person was engaged in a drag race or race, as described in  
65 subsection (1), the officer may immediately arrest and take such  
66 person into custody. The court may enter an order of impoundment  
67 or immobilization as a condition of incarceration or probation.  
68 Within 7 business days after the date the court issues the order  
69 of impoundment or immobilization, the clerk of the court must  
70 send notice by certified mail, return receipt requested, to the  
71 registered owner of the motor vehicle, if the registered owner  
72 is a person other than the defendant, and to each person of  
73 record claiming a lien against the motor vehicle.

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

79 (b) All costs and fees for the impoundment or  
80 immobilization, including the cost of notification, must be paid  
81 by the owner of the motor vehicle or, if the motor vehicle is  
82 leased or rented, by the person leasing or renting the motor  
83 vehicle, unless the impoundment or immobilization order is  
84 dismissed. All provisions of s. 713.78 shall apply.

85 (4) Any motor vehicle used in violation of subsection (2)  
86 may be seized and forfeited as provided by the Florida  
87 Contraband Forfeiture Act.

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88        (5)~~(4)~~ This section does not apply to licensed or duly  
89 authorized racetracks, drag strips, or other designated areas  
90 set aside by proper authorities for such purposes.

91        Section 2. This act shall take effect October 1, 2004.