

By Senator Haridopolos

26-1721-04

See HB

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

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

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

14           316.191 Racing on highways.--

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

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

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

27           (c)(b) "Racing" means ~~is defined as~~ the use of one or  
28 more vehicles in an attempt to outgain or outdistance another  
29 vehicle, to ~~or~~ prevent another vehicle from passing, to arrive  
30 at a given destination ahead of another vehicle or vehicles,  
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1 or to test the physical stamina or endurance of drivers over  
2 long-distance driving 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 first  
14 ~~second~~ degree, punishable as provided in s. 775.082 or s.  
15 775.083. Any person who violates this paragraph shall pay a  
16 fine of not less than \$500~~\$250~~ and not more than \$1,000 ~~\$500~~,  
17 and the department shall revoke the driver license of a person  
18 so convicted for 1 year. A hearing may be requested pursuant  
19 to s. 322.271.

20 (b) Any person who violates paragraph (a) within 5  
21 years after the date of a prior violation that resulted in a  
22 conviction for a violation of this subsection commits a felony  
23 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided  
24 in s. 775.082, or s. 775.083, or s. 775.084, and shall pay a  
25 fine of not less than \$1,000~~\$500~~ and not more than \$5,000  
26 ~~\$1,000~~. The department shall also revoke the driver license of  
27 that person for 2 years. A hearing may be requested pursuant  
28 to s. 322.271.

29 (c) In any case charging a violation of paragraph (a),  
30 the court shall be provided a copy of the driving record of  
31 the person charged and may obtain any records from any other

1 source to determine if one or more prior convictions of the  
2 person for violation of paragraph (a) have occurred within 5  
3 years prior to the charged offense.

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

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

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

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

29 (5)~~(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           Section 2. This act shall take effect October 1, 2004.  
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