

By the Committee on Criminal Justice; and Senator Haridopolos

307-2241-04

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

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

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

16 316.191 Racing on highways.--

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

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

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

29 **(c)**~~(b)~~ "Racing" means is defined as the use of one or
 30 more motor vehicles in an attempt to outgain or, outdistance
 31 another motor vehicle, to or prevent another motor vehicle

1 from passing, to arrive at a given destination ahead of
2 another motor vehicle or motor vehicles, or to test the
3 physical stamina or endurance of drivers over long-distance
4 driving routes.

5 (2)(a) A person may not drive any motor vehicle,
6 including any motorcycle, in any race; speed competition or
7 contest; drag race or acceleration contest; test of physical
8 endurance; exhibition of speed or acceleration; or for the
9 purpose of making a speed record on any highway, roadway, or
10 parking lot, and a person may not in any manner participate
11 in, coordinate, facilitate, or collect moneys at any location
12 for any such race; ride as a passenger in; or purposefully
13 cause the movement of traffic to slow or stop for, any such
14 race, competition, contest, test, or exhibition. Any person
15 who violates this paragraph commits a misdemeanor of the first
16 ~~second~~ degree, punishable as provided in s. 775.082 or s.
17 775.083. Any person who violates this paragraph shall pay a
18 fine of not less than \$500~~\$250~~ and not more than \$1,000 ~~\$500~~,
19 and the department shall revoke the driver license of a person
20 so convicted for 1 year. A hearing may be requested pursuant
21 to s. 322.271.

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

31

1 (c) In any case charging a violation of paragraph (a),
2 the court shall be provided a copy of the driving record of
3 the person charged and may obtain any records from any other
4 source to determine if one or more prior convictions of the
5 person for violation of paragraph (a) have occurred within 5
6 years prior to the charged offense.

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), if the owner or agent presents a valid driver license
22 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) Any motor vehicle used in violation of subsection
30 (2) may be seized and forfeited as provided by the Florida
31 Contraband Forfeiture Act.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2472

9 The CS amends ss. 316.191(1) and (2), F.S., to restrict
10 application of the statute to the operation of motor vehicles,
11 rather than the broader class of all vehicles.

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