By Senator Haridopolos

26-1097-05 See HB 71

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 section 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 quilt that
19	is the result of a plea or trial, regardless of whether
20	adjudication is withheld.
21	$\frac{(b)(a)}{(a)}$ "Drag race" means is defined as the operation
22	of two or more <u>motor</u> 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 <u>motor</u> 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 <u>motor</u> vehicle or <u>motor</u> vehicles
28	within a certain distance or time limit.
29	$\frac{(c)(b)}{(b)}$ "Racing" means is defined as the use of one or
30	more $\underline{\text{motor}}$ vehicles in an attempt to outgain $\underline{\text{or}}_{7}$ outdistance
31	another motor vehicle, to or prevent another motor vehicle

from passing, to arrive at a given destination ahead of another <u>motor</u> vehicle or <u>motor</u> vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(2)(a) A person may not:

- 1. Drive any motor vehicle, including any motorcycle, in any race, properties speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record on any highway, roadway, or parking lot; and a person may not
- 2. In any manner participate in, coordinate, facilitate, or collect moneys at any location for any such race, competition, contest, test, or exhibition;
- 3. Ride as a passenger in <u>any such race, competition,</u> contest, test, or exhibition; or
- $\underline{4.}$ Purposefully cause the movement of traffic to slow or stop for, any such race, competition, contest, test, or exhibition.

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Any person who violates <u>any provision of</u> this paragraph commits a misdemeanor of the <u>first second</u> degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates <u>any provision of</u> this paragraph shall pay a fine of not less than \$500\$ and not more than \$1,000\$, and the department shall revoke the driver license of a person so convicted for 1 year. A hearing may be requested pursuant to s. 322.271.

(b) Any person who violates paragraph (a) within 5 years after the date of a prior violation that resulted in a conviction for a violation of this subsection commits a $\underline{\text{felony}}$

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misdemeanor of the third first degree, punishable as provided 2 in s. 775.082, or s. 775.083, or s. 775.084, and shall pay a fine of not less than \$1,000\$ and not more than \$5,0003 4 \$1,000. The department shall also revoke the driver license of 5 that person for 2 years. A hearing may be requested pursuant 6 to s. 322.271.

- (c) In any case charging a violation of paragraph (a), the court shall be provided a copy of the driving record of the person charged and may obtain any records from any other source to determine if one or more prior convictions of the person for violation of paragraph (a) have occurred within 5 years prior to the charged offense.
- (3) Whenever a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.
- (a) Notwithstanding any provision of law to the contrary, the impounding agency shall release a motor vehicle under the conditions provided in s. 316.193(6)(e), (f), (g), and (h), if the owner or agent presents a valid driver license at the time of pickup of the motor vehicle.
- (b) All costs and fees for the impoundment or immobilization, including the cost of notification, must be 31

paid by the owner of the motor vehicle or, if the motor vehicle is leased or rented, by the person leasing or renting the motor vehicle, unless the impoundment or immobilization order is dismissed. All provisions of s. 713.78 shall apply. (4) Any motor vehicle used in violation of subsection (2) may be seized and forfeited as provided by the Florida Contraband Forfeiture Act. (5)(4) This section does not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes. Section 2. This act shall take effect October 1, 2005.