

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

9

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 amended  
 13   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 is  
 17 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 of  
 20 two or more motor vehicles from a point side by side at  
 21 accelerating speeds in a competitive attempt to outdistance each  
 22 other, or the operation of one or more motor 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 motor vehicle or motor vehicles within a  
 26 certain distance or time limit.

27           (c)(b) "Racing" means ~~is defined as~~ the use of one or more  
 28 motor vehicles in an attempt to outgain or, outdistance another

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29 motor vehicle, to ~~or~~ prevent another motor vehicle from passing,  
 30 to arrive at a given destination ahead of another motor vehicle  
 31 or motor vehicles, or to test the physical stamina or endurance  
 32 of drivers over long-distance driving routes.

33 (2)(a) A person may not:

34 1. Drive any motor vehicle, including any motorcycle, in  
 35 any race,+ speed competition or contest,+ drag race or  
 36 acceleration contest,+ test of physical endurance, or+  
 37 exhibition of speed or acceleration~~+~~ or for the purpose of  
 38 making a speed record on any highway, roadway, or parking lot;+  
 39 ~~and a person may not~~

40 2. In any manner participate in, coordinate, facilitate,  
 41 or collect moneys at any location for any such race,  
 42 competition, contest, test, or exhibition;

43 3. Ride as a passenger in any such race, competition,  
 44 contest, test, or exhibition; or

45 4. Purposefully cause the movement of traffic to slow or  
 46 stop for~~+~~ any such race, competition, contest, test, or  
 47 exhibition.

48  
 49 Any person who violates any provision of this paragraph commits  
 50 a misdemeanor of the first ~~second~~ degree, punishable as provided  
 51 in s. 775.082 or s. 775.083. Any person who violates any  
 52 provision of this paragraph shall pay a fine of not less than  
 53 \$500 ~~\$250~~ and not more than \$1,000 ~~\$500~~, and the department  
 54 shall revoke the driver license of a person so convicted for 1  
 55 year. A hearing may be requested pursuant to s. 322.271.

56 (b) Any person who violates paragraph (a) within 5 years  
 57 after the date of a prior violation that resulted in a  
 58 conviction for a violation of this subsection commits a felony  
 59 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided in  
 60 s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and shall pay a fine  
 61 of not less than \$1,000 ~~\$500~~ and not more than \$5,000 ~~\$1,000~~.  
 62 The department shall also revoke the driver license of that  
 63 person for 2 years. A hearing may be requested pursuant to s.  
 64 322.271.

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

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

82 (a) Notwithstanding any provision of law to the contrary,  
 83 the impounding agency shall release a motor vehicle under the

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84 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if  
85 the owner or agent presents a valid driver license at the time  
86 of pickup of the motor vehicle.

87 (b) All costs and fees for the impoundment or  
88 immobilization, including the cost of notification, must be paid  
89 by the owner of the motor vehicle or, if the motor vehicle is  
90 leased or rented, by the person leasing or renting the motor  
91 vehicle, unless the impoundment or immobilization order is  
92 dismissed. All provisions of s. 713.78 shall apply.

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

96 (5)~~(4)~~ This section does not apply to licensed or duly  
97 authorized racetracks, drag strips, or other designated areas  
98 set aside by proper authorities for such purposes.

99 Section 2. This act shall take effect October 1, 2005.