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LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

05/01/2009 10:38 AM

Senator Constantine moved the following:

Senate Amendment (with title amendment)

Between lines 646 and 647

insert:

Section 8. Paragraph (c) of subsection (4) of section
316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(4) 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.



218066

13 Within 7 business days after the date the court issues the order
14 of impoundment or immobilization, the clerk of the court must
15 send notice by certified mail, return receipt requested, to the
16 registered owner of the motor vehicle, if the registered owner
17 is a person other than the defendant, and to each person of
18 record claiming a lien against the motor vehicle.

19 (c) Any motor vehicle used in violation of subsection (2) may be
20 impounded for 30 ~~a period of 10~~ business days if a law
21 enforcement officer has arrested and taken a person into custody
22 pursuant to this subsection and the person being arrested is the
23 registered owner or coowner of the motor vehicle. If the
24 arresting officer finds that the criteria of this paragraph are
25 met, the officer may immediately impound the motor vehicle. The
26 law enforcement officer shall notify the department ~~of Highway~~
27 ~~Safety and Motor Vehicles~~ of any impoundment for violation of
28 this subsection in accordance with procedures established by the
29 department. The provisions of paragraphs (a) and (b) are ~~shall~~
30 ~~be~~ applicable to such impoundment.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 34

35 and insert:

36 conforming a cross-reference; amending s. 316.191,
37 F.S.; increasing the time period that a vehicle may be
38 impounded for certain violations of state law relating
39 to racing on highways; amending s. 334.044, F.S.;