

By the Committee on Rules; and Senator Stewart

595-04818-19

2019116c1

1                                   A bill to be entitled  
2       An act relating to motor vehicle racing; amending s.  
3       316.191, F.S.; authorizing a law enforcement officer  
4       to arrest a person without a warrant upon probable  
5       cause that the person committed a criminal racing  
6       violation; amending s. 901.15, F.S.; authorizing a law  
7       enforcement officer to arrest a person without a  
8       warrant upon probable cause that the person committed  
9       a criminal racing violation; providing an effective  
10      date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Subsection (5) of section 316.191, Florida  
15 Statutes, is amended to read:

16       316.191 Racing on highways.—

17       (5) Whenever a law enforcement officer has probable cause  
18 to believe ~~determines~~ that a person violated subsection (2) ~~was~~  
19 ~~engaged in a drag race or race, as described in subsection (1),~~  
20 the officer may ~~immediately~~ arrest and take such person into  
21 custody, without a warrant. The court may enter an order of  
22 impoundment or immobilization as a condition of incarceration or  
23 probation. Within 7 business days after the date the court  
24 issues the order of impoundment or immobilization, the clerk of  
25 the court must send notice by certified mail, return receipt  
26 requested, to the registered owner of the motor vehicle, if the  
27 registered owner is a person other than the defendant, and to  
28 each person of record claiming a lien against the motor vehicle.

29       (a) Notwithstanding any provision of law to the contrary,

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30 the impounding agency shall release a motor vehicle under the  
31 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if  
32 the owner or agent presents a valid driver license at the time  
33 of pickup of the motor vehicle.

34 (b) All costs and fees for the impoundment or  
35 immobilization, including the cost of notification, must be paid  
36 by the owner of the motor vehicle or, if the motor vehicle is  
37 leased or rented, by the person leasing or renting the motor  
38 vehicle, unless the impoundment or immobilization order is  
39 dismissed. All provisions of s. 713.78 shall apply.

40 (c) Any motor vehicle used in violation of subsection (2)  
41 may be impounded for a period of 30 business days if a law  
42 enforcement officer has arrested and taken a person into custody  
43 pursuant to this subsection and the person being arrested is the  
44 registered owner or coowner of the motor vehicle. If the  
45 arresting officer finds that the criteria of this paragraph are  
46 met, the officer may immediately impound the motor vehicle. The  
47 law enforcement officer shall notify the Department of Highway  
48 Safety and Motor Vehicles of any impoundment for violation of  
49 this subsection in accordance with procedures established by the  
50 department. Paragraphs (a) and (b) shall be applicable to such  
51 impoundment.

52 Section 2. Paragraph (d) is added to subsection (9) of  
53 section 901.15, Florida Statutes, to read:

54 901.15 When arrest by officer without warrant is lawful.—A  
55 law enforcement officer may arrest a person without a warrant  
56 when:

57 (9) There is probable cause to believe that the person has  
58 committed:

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(d) A racing violation as described in s. 316.191(2).

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Section 3. This act shall take effect July 1, 2019.