

ENROLLED

CS/HB 611

2019 Legislature

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 2 An act relating to motor vehicle racing; amending ss.
 3 316.191 and 901.15, F.S.; authorizing a law
 4 enforcement officer to arrest a person without a
 5 warrant upon probable cause that the person committed
 6 a criminal racing violation; providing an effective
 7 date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (5) of section 316.191, Florida
 12 Statutes, is amended to read:

13 316.191 Racing on highways.—

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

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26 (a) Notwithstanding any provision of law to the contrary,
27 the impounding agency shall release a motor vehicle under the
28 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if
29 the owner or agent presents a valid driver license at the time
30 of pickup of the motor vehicle.

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

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

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

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51 901.15 When arrest by officer without warrant is lawful.—A
52 law enforcement officer may arrest a person without a warrant
53 when:

54 (9) There is probable cause to believe that the person has
55 committed:

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

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