

## Council Substitute for House Bill No. 1225

An act relating to motor vehicle racing contests; amending s. 316.191, F.S.; providing penalties for certain participation in such contests or competitions; providing an effective date.

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

Section 1. Section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(1) ~~As used in this section, the term: No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.~~

(a)(2) “Drag race” is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(b)(3) “Racing” is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(2)(a) A person may not drive any vehicle, including any motorcycle, in any race; speed competition or contest; drag race or acceleration contest; test of physical endurance; 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 in any manner participate in, coordinate, facilitate, or collect moneys at any location for any such race; ride as a passenger in; or purposefully cause the movement of traffic to slow or stop for, any such race, competition, contest, test, or exhibition. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates this paragraph shall pay a fine of not less than \$250 and not more than \$500, 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 misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and shall pay a fine of not less than \$500 and not more than \$1,000. The department shall also revoke the driver license of that person for 2 years. A hearing may be requested pursuant 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 vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the 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 vehicle.

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

(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.

~~(5) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.~~

Section 2. This act shall take effect October 1, 2002.

Approved by the Governor May 13, 2002.

Filed in Office Secretary of State May 13, 2002.