

1 SB321
2 167907-4
3 By Senator Singleton
4 RFD: Transportation and Energy
5 First Read: 31-MAR-15

1 SB321

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to drag racing; to further define the
12 crime; to increase the penalties; to provide for impoundment
13 or seizure of vehicles used in drag racing under certain
14 circumstances; and in connection therewith would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official ReCompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 32-5A-178, Code of Alabama 1975,
22 is amended to read as follows:

23 "§32-5A-178.

24 "(a) It is a violation of this section for any No
25 person ~~shall~~ to drive any vehicle on any public highway in any
26 race, speed competition or contest, drag race or acceleration

1 contest, test of physical endurance, exhibition of speed or
2 acceleration, or for the purpose of making a speed record.7
3 ~~and no~~ It is also a violation of this section for any person
4 ~~shall in any manner to~~ participate in any ~~such race,~~
5 ~~competition, contest, test, or exhibition~~ of the above named
6 activities as an organizer, spectator, or in any other manner.
7 A spectator is any person who is knowingly present at and
8 views a drag race, when his or her presence is the result of
9 an affirmative choice to attend or participate in the race.

10 "(b) "Drag race" is defined as the operation of two
11 or more vehicles from a point side by side at accelerating
12 speeds in a competitive attempt to outdistance each other, or
13 the operation of one or more vehicles over a common selected
14 course, from the same point to the same point, for the purpose
15 of comparing the relative speeds or power of acceleration of
16 such vehicle or vehicles within a certain distance or time
17 limit.

18 "(c) "Racing" is defined as the use of one or more
19 vehicles in an attempt to outgain, outdistance, or prevent
20 another vehicle from passing, to arrive at a given destination
21 ahead of another vehicle or vehicles, or to test the physical
22 stamina or endurance of drivers over long distance driving
23 routes.

24 "(d) Every person violating this section, if
25 ~~convicted, of racing on highways~~ shall be punished ~~upon~~ as
26 follows:

1 "(1) For a first conviction by a fine in the amount
2 of five hundred dollars (\$500) and imprisonment for a period
3 of not less than five days nor more than 90 days, ~~or by a fine~~
4 ~~of not less than \$25.00 nor more than \$500.00, or by both such~~
5 ~~fine and imprisonment, five hundred dollars (\$500) and 30 days~~
6 ~~probation and on;~~ provided that the sentence of imprisonment
7 shall be suspended and, in lieu thereof, the person shall
8 serve 30 days probation.

9 "(2) For a second ~~or subsequent~~ conviction, ~~shall be~~
10 ~~punished by a fine in the amount of three thousand dollars~~
11 ~~(\$3,000) and imprisonment for not less than 10 days nor more~~
12 ~~than six months, or by a fine of not less than \$50.00 nor more~~
13 ~~than \$500.00, or by both such fine and imprisonment and, one~~
14 ~~thousand dollars (\$1,000) and 90 days probation;~~ provided that
15 the sentence of imprisonment shall be suspended, and in lieu
16 thereof, the person shall serve six months probation.

17 "(3) For a third or subsequent conviction, by a fine
18 in the amount of six thousand dollars (\$6,000) and
19 imprisonment for not more than one year, provided that the
20 sentence of imprisonment shall be suspended and, in lieu
21 thereof, the person shall serve one year probation.

22 "(e) In addition to the fines and penalties set out
23 in subdivision (d), on a first conviction, the court shall
24 prohibit any person convicted of driving a vehicle in
25 violation of this section from driving a motor vehicle on the
26 public highways of this state for a period not exceeding six

1 months, and the license of the person shall be suspended for
2 such period by the Director of Public Safety pursuant to
3 Section 32-5A-195. On a second or subsequent conviction, the
4 court ~~may~~ shall prohibit ~~the~~ any person ~~so~~ convicted of
5 driving a vehicle in violation of this section from driving a
6 motor vehicle on the public highways of this state for a
7 period not exceeding ~~six months~~ one year, and the license of
8 the person shall be suspended for ~~such~~ that period by the
9 Director of Public Safety pursuant to Section 32-5A-195.

10 "(f) (1) Notwithstanding any other provision of law,
11 any person arrested for driving a vehicle in violation of this
12 section shall be immediately removed from the vehicle. The
13 vehicle, regardless of ownership or possessory interest of the
14 operator or person present in the vehicle, except when the
15 owner of the vehicle or another family member of the owner is
16 present in the vehicle and presents a valid driver's license,
17 shall be impounded by any duly sworn law enforcement officer.
18 If there is an emergency or medical necessity jeopardizing
19 life or limb, the law enforcement officer may elect not to
20 impound the vehicle. The law enforcement officer making the
21 impoundment shall direct an approved towing service to tow the
22 vehicle to the garage of the towing service, storage lot, or
23 other place of safety and maintain custody and control of the
24 vehicle until the registered owner or authorized agent of the
25 registered owner claims the vehicle by paying all reasonable
26 and customary towing and storage fees for the services of the

1 towing company. The vehicle shall then be released to the
2 registered owner or an agent of the owner.

3 "(2) Any towing service or towing company removing
4 the vehicle at the direction of the law enforcement officer in
5 accordance with this section shall have a lien on the motor
6 vehicle for all reasonable and customary fees relating to the
7 towing and storage of the motor vehicle. This lien shall be
8 subject and subordinate to all prior security interests and
9 other liens affecting the vehicle whether evidenced on the
10 certificate of title or otherwise. Notice of any sale or other
11 proceedings relative to this lien shall be given to the
12 holders of all prior security interests or other liens by
13 official service of process at least 15 days prior to any sale
14 or other proceedings."

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621 because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 3. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Transportation and Energy.....	31-MAR-15
Read for the second time and placed on the calen- dar with 1 substitute and.....	28-APR-15
Read for the third time and passed as amended	05-MAY-15

Yeas 27
Nays 0

Patrick Harris
Secretary