

HB29 ENROLLED



1 G39W22-3
2 By Representative Treadaway
3 RFD: Public Safety and Homeland Security
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23
6 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to motor vehicles; to prohibit certain motor
5 vehicle speed contests, motor vehicle exhibitions of speed,
6 and motor vehicle sideshows; to provide criminal penalties for
7 a violation; and in connection therewith would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds within the meaning of Section
10 111.05 of the Constitution of Alabama of 2022.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Article 14, commencing with Section
13 13A-11-300, is added to Chapter 11 of Title 13A of the Code of
14 Alabama 1975, to read as follows:

15 Article 14

16 §13A-11-300

17 (a) As used in this section, the following terms have
18 the following meanings:

19 (1) MOTOR VEHICLE BURNOUT. The practice of
20 intentionally keeping a motor vehicle stationary by using the
21 brake pedal or parking brake of the vehicle, while
22 simultaneously engaging the gas pedal to allow one set of
23 wheels to spin. The practice may result in the vehicle tires
24 being heated to a sufficient degree so as to cause smoke to
25 appear.

26 (2) MOTOR VEHICLE DONUT. The intentional and
27 unnecessary operation of a motor vehicle in a manner that
28 causes the vehicle to move in a zigzag or circular course or



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29 to gyrate or spin around. The term does not include
30 maneuvering the otherwise lawfully operated vehicle when
31 necessary to avoid collision, injury, or damage.

32 (3) MOTOR VEHICLE SPEED CONTEST. The operation of two
33 or more vehicles at accelerated speeds from a starting point
34 to an ending point in a competitive attempt to outdistance
35 each other, or the operation of one or more vehicles over a
36 common selected course from a starting point to an ending
37 point for the purpose of comparing the relative speeds or
38 power of acceleration of such vehicle or vehicles within a
39 certain distance or time limit. The term includes drag racing.

40 (4) MOTOR VEHICLE EXHIBITION OF SPEED. The operation of
41 one or more vehicles from a starting point to an ending point,
42 or over a common selected course, for the purpose of
43 exhibiting the speed or power of the vehicle.

44 (5) MOTOR VEHICLE SIDESHOW. An event in which one or
45 more persons perform motor vehicle stunts, including burnouts,
46 donuts, motor vehicle speed contests, motor vehicle
47 exhibitions of speed, or reckless driving, for spectators.

48 (6) OFF STREET PARKING FACILITY. Any public or private
49 lot, building, or space used for the parking of motor
50 vehicles, regardless of whether charges are made for the use
51 thereof.

52 (b) A person shall not engage in, or aid or abet the
53 furtherance of, any of the following on a public road or
54 highway, off street parking facility, or any other parcel of
55 public or private property, without the consent of the owner
56 of that property.



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57 (1) A motor vehicle speed contest.

58 (2) A motor vehicle exhibition of speed.

59 (3) A motor vehicle sideshow.

60 (4) A motor vehicle burnout, motor vehicle donut, or
61 other reckless driving maneuver.

62 (c) A person convicted of violating subsection (b), for
63 a first violation, shall be guilty of a Class C misdemeanor,
64 and for a second or subsequent violation shall be guilty of a
65 Class B misdemeanor. In addition, the court may prohibit the
66 person from driving a motor vehicle on the public highways of
67 this state for a period not exceeding six months.

68 (d) (1) If a person operating a motor vehicle in
69 violation of subsection (b) proximately causes bodily injury
70 to another individual, or the offense proximately causes
71 damage to any property, the person shall be guilty of a Class
72 A misdemeanor. In addition, the court shall prohibit the
73 person from operating a motor vehicle on the public highways
74 of this state for a period of six months.

75 (2) If a person commits a violation of subsection (b)
76 and the commission of the offense proximately causes serious
77 physical injury to a person other than the driver, the person
78 shall be guilty of a Class C felony. In addition, the court
79 shall prohibit the person from operating a motor vehicle on
80 the public highways of this state for a period of two years.

81 (3) If a person commits a violation of subsection (b)
82 and the commission of the offense proximately causes death to
83 any person, the person shall be guilty of a Class B felony. In
84 addition, the court shall prohibit the person from operating a



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85 motor vehicle on the public highways of this state for not
86 less than two years.

87 (e) Any contracts in place between an arresting
88 municipality and the county for the actual housing costs of
89 individuals housed in the county jail shall apply to an arrest
90 made by a municipal police officer resulting in misdemeanor
91 charges under this act. If no contract is in place, the
92 arresting municipality shall reimburse the county for the
93 actual housing costs of the incarceration of the individuals
94 held on misdemeanor charges.

95 (f) (1) A law enforcement officer who arrests a person
96 for a violation of this section, or who otherwise seizes a
97 vehicle in violation of this section, may cause the vehicle to
98 be towed and impounded at the registered owner's expense for
99 not less than 48 hours. The law enforcement officer making the
100 impoundment shall direct an approved towing service to tow the
101 vehicle to the garage of the towing service, storage lot, or
102 other place of safety and maintain custody and control of the
103 vehicle for a minimum of 48 hours. Thereafter, the registered
104 owner or authorized agent of the registered owner may claim
105 the vehicle by paying all reasonable and customary towing and
106 storage fees for the services of the towing company. The
107 vehicle shall then be released to the registered owner or an
108 agent of the owner. Any towing service or towing company
109 removing the vehicle at the direction of the law enforcement
110 officer in accordance with this section shall have a lien on
111 the motor vehicle for all reasonable and customary fees
112 relating to the towing and storage of the motor vehicle. This



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113 lien shall be subject and subordinate to all prior security
114 interests and other liens affecting the vehicle whether
115 evidenced on the certificate of title or otherwise. Notice of
116 any sale or other proceedings relative to this lien shall be
117 given to the holders of all prior security interests or other
118 liens by official service of process at least 30 days prior to
119 any sale or other proceedings. An owner of a motor vehicle
120 seized or impounded under this subdivision may contest the
121 propriety of the seizure, continued impoundment, and
122 associated fines or fees in accordance with the procedures of
123 Section 20-2-93(1) or Rule 3.13(a) of the Alabama Rules of
124 Criminal Procedure.

125 (2) If a person has been convicted of three or more
126 violations of this section, the motor vehicle operated by the
127 person in the commission of the offense shall be seized and
128 forfeited pursuant to the procedures of Section 20-2-93, Code
129 of Alabama 1975.

130 (g) If a person's privilege to operate a motor vehicle
131 is suspended or restricted by a court pursuant to this
132 section, the court shall notify the Alabama State Law
133 Enforcement Agency and the license of the person shall be
134 suspended or restricted for the period by the Secretary of the
135 Alabama State Law Enforcement Agency pursuant to Section
136 32-5A-195, Code of Alabama 1975.

137 (h) Nothing in this section applies to private motor
138 speedways or other areas of private land where racing or stunt
139 driving activities are authorized to be performed by the owner
140 and operator thereof.



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141 Section 2. Although this bill would have as its purpose
142 or effect the requirement of a new or increased expenditure of
143 local funds, the bill is excluded from further requirements
144 and application under Section 111.05 of the Constitution of
145 Alabama of 2022, because the bill defines a new crime or
146 amends the definition of an existing crime.

147 Section 3. This act shall take effect on the first day
148 of the third month, following its passage and approval by the
149 Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23, as amended.

John Treadwell
Clerk

Senate

02-May-23

Passed