

HB29 INTRODUCED



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



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SYNOPSIS:

This bill would prohibit certain motor vehicle speed contests, motor vehicle exhibitions of speed, and motor vehicle sideshows and to provide criminal penalties for a violation.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL



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29 TO BE ENTITLED

30 AN ACT

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32 Relating to motor vehicles; to prohibit certain motor
33 vehicle speed contests, motor vehicle exhibitions of speed,
34 and motor vehicle sideshows; to provide criminal penalties for
35 a violation; and in connection therewith would have as its
36 purpose or effect the requirement of a new or increased
37 expenditure of local funds within the meaning of Section
38 111.05 of the Constitution of Alabama of 2022.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. (a) As used in this section, the following
41 terms have the following meanings:

42 (1) MOTOR VEHICLE BURNOUT. The practice of
43 intentionally keeping a motor vehicle stationary by using the
44 brake pedal or parking brake of the vehicle, while
45 simultaneously engaging the gas pedal to allow one set of
46 wheels to spin. The practice may result in the vehicle tires
47 being heated to a sufficient degree so as to cause smoke to
48 appear.

49 (2) MOTOR VEHICLE DONUT. The intentional and
50 unnecessary operation of a motor vehicle in a manner that
51 causes the vehicle to move in a zigzag or circular course or
52 to gyrate or spin around. The term does not include
53 maneuvering the otherwise lawfully operated vehicle when
54 necessary to avoid collision, injury, or damage.

55 (3) MOTOR VEHICLE SPEED CONTEST. The operation of two
56 or more vehicles at accelerated speeds from a starting point



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57 to an ending point in a competitive attempt to outdistance
58 each other, or the operation of one or more vehicles over a
59 common selected course from a starting point to an ending
60 point for the purpose of comparing the relative speeds or
61 power of acceleration of such vehicle or vehicles within a
62 certain distance or time limit. The term includes drag racing.

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

67 (5) MOTOR VEHICLE SIDESHOW. An event in which one or
68 more persons perform motor vehicle stunts, including burnouts,
69 donuts, motor vehicle speed contests, motor vehicle
70 exhibitions of speed, or reckless driving, for spectators.

71 (6) OFF STREET PARKING FACILITY. Any public or private
72 lot, building, or space used for the parking of motor
73 vehicles, regardless of whether charges are made for the use
74 thereof.

75 (b) A person shall not engage in, or aid or abet the
76 furtherance of, any of the following on a public road or
77 highway, off street parking facility, or any other parcel of
78 public or private property, without the consent of the owner
79 of that property.

80 (1) A motor vehicle speed contest.

81 (2) A motor vehicle exhibition of speed.

82 (3) A motor vehicle sideshow.

83 (4) A motor vehicle burnout, motor vehicle donut, or
84 other reckless driving maneuver.



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85 (c) A person convicted of violating subsection (b)
86 shall be punished upon a first conviction by imprisonment for
87 a period of not less than five days nor more than 90 days, or
88 by fine of not less than twenty-five dollars (\$25) nor more
89 than five hundred dollars (\$500), or by both fine and
90 imprisonment, and on a second or subsequent conviction shall
91 be punished by imprisonment for not less than 10 days nor more
92 than six months, or by a fine of not less than fifty dollars
93 (\$50) nor more than five hundred dollars (\$500), or by both
94 fine and imprisonment. In addition, the court may prohibit the
95 person from driving a motor vehicle on the public highways of
96 this state for a period not exceeding six months.

97 (d) (1) If a person operating a motor vehicle in
98 violation of subsection (b) proximately causes bodily injury
99 to another individual, or the offense proximately causes
100 damage to any property, the person shall be guilty of a Class
101 A misdemeanor. In addition, the court shall prohibit the
102 person from operating a motor vehicle on the public highways
103 of this state for a period of six months.

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

110 (3) If a person commits a violation of subsection (b)
111 and the commission of the offense proximately causes death to
112 any person, the person shall be guilty of a Class B felony. In



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113 addition, the court shall prohibit the person from operating a
114 motor vehicle on the public highways of this state for not
115 less than two years.

116 (e) (1) A law enforcement officer who arrests a person
117 for a violation of this section, or who otherwise seizes a
118 vehicle in violation of this section, may cause the vehicle to
119 be towed and impounded at the registered owner's expense for
120 not less than 48 hours. The law enforcement officer making the
121 impoundment shall direct an approved towing service to tow the
122 vehicle to the garage of the towing service, storage lot, or
123 other place of safety and maintain custody and control of the
124 vehicle for a minimum of 48 hours. Thereafter, the registered
125 owner or authorized agent of the registered owner may claim
126 the vehicle by paying all reasonable and customary towing and
127 storage fees for the services of the towing company. The
128 vehicle shall then be released to the registered owner or an
129 agent of the owner. Any towing service or towing company
130 removing the vehicle at the direction of the law enforcement
131 officer in accordance with this section shall have a lien on
132 the motor vehicle for all reasonable and customary fees
133 relating to the towing and storage of the motor vehicle. This
134 lien shall be subject and subordinate to all prior security
135 interests and other liens affecting the vehicle whether
136 evidenced on the certificate of title or otherwise. Notice of
137 any sale or other proceedings relative to this lien shall be
138 given to the holders of all prior security interests or other
139 liens by official service of process at least 15 days prior to
140 any sale or other proceedings.



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141 (2) If a person has been convicted of three or more
142 violations of this section, the motor vehicle operated by the
143 person in the commission of the offense shall be seized and
144 may be deemed contraband and forfeited pursuant to Section
145 20-2-93, Code of Alabama 1975.

146 (f) If a person's privilege to operate a motor vehicle
147 is suspended or restricted by a court pursuant to this
148 section, the court shall notify the Alabama State Law
149 Enforcement Agency and the license of the person shall be
150 suspended or restricted for the period by the Secretary of the
151 Alabama State Law Enforcement Agency pursuant to Section
152 32-5A-195, Code of Alabama 1975.

153 (g) Nothing in this section applies to private motor
154 speedways or other areas of private land where racing or stunt
155 driving activities are authorized to be performed by the owner
156 and operator thereof.

157 Section 2. Although this bill would have as its purpose
158 or effect the requirement of a new or increased expenditure of
159 local funds, the bill is excluded from further requirements
160 and application under Section 111.05 of the Constitution of
161 Alabama of 2022, because the bill defines a new crime or
162 amends the definition of an existing crime.

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