



House Public Safety and Homeland Security
Engrossed Substitute for HB29

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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) MOTOR VEHICLE DONUT. The intentional and unnecessary operation of a motor vehicle in a manner that



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29 causes the vehicle to move in a zigzag or circular course or
30 to gyrate or spin around. The term does not include
31 maneuvering the otherwise lawfully operated vehicle when
32 necessary to avoid collision, injury, or damage.

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

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

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

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

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



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57 of that property.

58 (1) A motor vehicle speed contest.

59 (2) A motor vehicle exhibition of speed.

60 (3) A motor vehicle sideshow.

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

63 (c) A person convicted of violating subsection (b)
64 shall be punished upon a first conviction by imprisonment for
65 a period of not less than five days nor more than 90 days, or
66 by fine of not less than twenty-five dollars (\$25) nor more
67 than five hundred dollars (\$500), or by both fine and
68 imprisonment, and on a second or subsequent conviction shall
69 be punished by imprisonment for not less than 10 days nor more
70 than six months, or by a fine of not less than fifty dollars
71 (\$50) nor more than five hundred dollars (\$500), or by both
72 fine and imprisonment. In addition, the court may prohibit the
73 person from driving a motor vehicle on the public highways of
74 this state for a period not exceeding six months.

75 (d) (1) If a person operating a motor vehicle in
76 violation of subsection (b) proximately causes bodily injury
77 to another individual, or the offense proximately causes
78 damage to any property, the person shall be guilty of a Class
79 A misdemeanor. In addition, the court shall prohibit the
80 person from operating a motor vehicle on the public highways
81 of this state for a period of six months.

82 (2) If a person commits a violation of subsection (b)
83 and the commission of the offense proximately causes serious
84 physical injury to a person other than the driver, the person



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85 shall be guilty of a Class C felony. In addition, the court
86 shall prohibit the person from operating a motor vehicle on
87 the public highways of this state for a period of two years.

88 (3) If a person commits a violation of subsection (b)
89 and the commission of the offense proximately causes death to
90 any person, the person shall be guilty of a Class B felony. In
91 addition, the court shall prohibit the person from operating a
92 motor vehicle on the public highways of this state for not
93 less than two years.

94 (e) Any contracts in place between an arresting
95 municipality and the county for the housing and medical care
96 costs of individuals housed in the county jail shall apply to
97 an arrest made by a municipal police officer resulting in
98 misdemeanor charges under this act. If no contract is in
99 place, the arresting municipality shall reimburse the county
100 for the housing and medical care costs of the incarceration of
101 the individuals held on misdemeanor charges.

102 (f) (1) A law enforcement officer who arrests a person
103 for a violation of this section, or who otherwise seizes a
104 vehicle in violation of this section, may cause the vehicle to
105 be towed and impounded at the registered owner's expense for
106 not less than 48 hours. The law enforcement officer making the
107 impoundment shall direct an approved towing service to tow the
108 vehicle to the garage of the towing service, storage lot, or
109 other place of safety and maintain custody and control of the
110 vehicle for a minimum of 48 hours. Thereafter, the registered
111 owner or authorized agent of the registered owner may claim
112 the vehicle by paying all reasonable and customary towing and



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113 storage fees for the services of the towing company. The
114 vehicle shall then be released to the registered owner or an
115 agent of the owner. Any towing service or towing company
116 removing the vehicle at the direction of the law enforcement
117 officer in accordance with this section shall have a lien on
118 the motor vehicle for all reasonable and customary fees
119 relating to the towing and storage of the motor vehicle. This
120 lien shall be subject and subordinate to all prior security
121 interests and other liens affecting the vehicle whether
122 evidenced on the certificate of title or otherwise. Notice of
123 any sale or other proceedings relative to this lien shall be
124 given to the holders of all prior security interests or other
125 liens by official service of process at least 15 days prior to
126 any sale or other proceedings.

127 (2) If a person has been convicted of three or more
128 violations of this section, the motor vehicle operated by the
129 person in the commission of the offense shall be seized and
130 may be deemed contraband and forfeited pursuant to Section
131 20-2-93, Code of Alabama 1975.

132 (g) If a person's privilege to operate a motor vehicle
133 is suspended or restricted by a court pursuant to this
134 section, the court shall notify the Alabama State Law
135 Enforcement Agency and the license of the person shall be
136 suspended or restricted for the period by the Secretary of the
137 Alabama State Law Enforcement Agency pursuant to Section
138 32-5A-195, Code of Alabama 1975.

139 (h) Nothing in this section applies to private motor
140 speedways or other areas of private land where racing or stunt



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141 driving activities are authorized to be performed by the owner
142 and operator thereof.

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

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