

SB58 ENGROSSED



1 O7S1WM-2
2 By Senator Smitherman
3 RFD: Judiciary
4 First Read: 07-Mar-23
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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. Article 14, commencing with Section 13A-11-300, is added to Chapter 11 of Title 13A of the Code of Alabama 1975, to read as follows:

Article 14

§13A-11-300

(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



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29 wheels to spin. The practice may result in the vehicle tires
30 being heated to a sufficient degree so as to cause smoke to
31 appear.

32 (2) MOTOR VEHICLE DONUT. The intentional and
33 unnecessary operation of a motor vehicle in a manner that
34 causes the vehicle to move in a zigzag or circular course or
35 to gyrate or spin around. The term does not include
36 maneuvering the otherwise lawfully operated vehicle when
37 necessary to avoid collision, injury, or damage.

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

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

50 (5) MOTOR VEHICLE SIDESHOW. An event in which one or
51 more persons perform motor vehicle stunts, including burnouts,
52 donuts, motor vehicle speed contests, motor vehicle
53 exhibitions of speed, or reckless driving, for spectators.

54 (6) OFF STREET PARKING FACILITY. Any public or private
55 lot, building, or space used for the parking of motor
56 vehicles, regardless of whether charges are made for the use



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57 thereof.

58 (b) A person shall not engage in, or aid or abet the
59 furtherance of, any of the following on a public road or
60 highway, off street parking facility, or any other parcel of
61 public or private property, without the consent of the owner
62 of that property.

63 (1) A motor vehicle speed contest.

64 (2) A motor vehicle exhibition of speed.

65 (3) A motor vehicle sideshow.

66 (4) A motor vehicle burnout, motor vehicle donut, or
67 other reckless driving maneuver.

68 (c) A person convicted of violating subsection (b), for
69 a first violation, shall be guilty of a Class C misdemeanor,
70 and for a second or subsequent violation shall be guilty of a
71 Class B misdemeanor. In addition, the court may prohibit the
72 person from driving a motor vehicle on the public highways of
73 this state for a period not exceeding six months.

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

81 (2) If a person commits a violation of subsection (b)
82 and the commission of the offense proximately causes serious
83 physical injury to a person other than the driver, the person
84 shall be guilty of a Class C felony. In addition, the court



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85 shall prohibit the person from operating a motor vehicle on
86 the public highways of this state for a period of two years.

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

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

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



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113 vehicle shall then be released to the registered owner or an
114 agent of the owner. Any towing service or towing company
115 removing the vehicle at the direction of the law enforcement
116 officer in accordance with this section shall have a lien on
117 the motor vehicle for all reasonable and customary fees
118 relating to the towing and storage of the motor vehicle. This
119 lien shall be subject and subordinate to all prior security
120 interests and other liens affecting the vehicle whether
121 evidenced on the certificate of title or otherwise. An owner
122 of a motor vehicle seized or impounded under this subdivision
123 may contest the propriety of the seizure, continued
124 impoundment, and associated fines or fees in accordance with
125 the procedures of Section 20-2-93(1) or Rule 3.13(a) of the
126 Alabama Rules of Criminal Procedure.

127 (2) A financial institution that has a lien on a motor
128 vehicle as collateral for a loan shall have the right to
129 preserve its lien in accordance with the terms of the loan
130 agreement and applicable law. A credit union shall be entitled
131 to receive notice, by first class mail, at least 15 days prior
132 to any sale or transfer of a vehicle on which it has a lien.

133 (g) If a person has been convicted of three or more
134 violations of this section, the motor vehicle operated by the
135 person in the commission of the offense shall be seized and
136 forfeited pursuant to the procedures of Section 20-2-93, Code
137 of Alabama 1975.

138 (h) If a person's privilege to operate a motor vehicle
139 is suspended or restricted by a court pursuant to this
140 section, the court shall notify the Alabama State Law



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141 Enforcement Agency and the license of the person shall be
142 suspended or restricted for the period by the Secretary of the
143 Alabama State Law Enforcement Agency pursuant to Section
144 32-5A-195, Code of Alabama 1975.

145 (i) Nothing in this section applies to private motor
146 speedways or other areas of private land where racing or stunt
147 driving activities are authorized to be performed by the owner
148 and operator thereof.

149 Section 2. Although this bill would have as its purpose
150 or effect the requirement of a new or increased expenditure of
151 local funds, the bill is excluded from further requirements
152 and application under Section 111.05 of the Constitution of
153 Alabama of 2022, because the bill defines a new crime or
154 amends the definition of an existing crime.

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



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160 Senate

161 Read for the first time and referred07-Mar-23
162 to the Senate committee on Judiciary

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164 Read for the second time and placed05-Apr-23
165 on the calendar:
166 3 amendments

167
168 Read for the third time and passed06-Apr-23
169 as amended

170 Yeas 33
171 Nays 0
172 Abstains 0

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175 Patrick Harris,
176 Secretary.
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