

**SB58 INTRODUCED**



1 O7S1WM-1  
2 By Senator Smitherman  
3 RFD: Judiciary  
4 First Read: 07-Mar-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

31

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.