

# HB474 INTRODUCED



1 HB474  
2 VX6WVPV-1  
3 By Representatives Treadaway, Carns  
4 RFD: Public Safety and Homeland Security  
5 First Read: 23-Apr-24



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SYNOPSIS:

Under existing law, a person is prohibited from engaging in exhibition driving when on a public road, off street parking facility, or other parcel of public or private property, without the consent of the owner of that property. Exhibition driving includes motor vehicle speed contests, exhibitions of speed, sideshows, burnouts, donuts, and other reckless driving maneuvers.

This bill would authorize any local governing body to enforce the prohibition against exhibition driving through the use of automated photographic or video traffic enforcement systems that have the ability to record violations.

This bill would provide that if a violation is observed by a traffic enforcement officer or recorded by an automated traffic enforcement system, the vehicle may be impounded for a minimum of 48 hours.

This bill would also provide that a violation may be committed if a person gives consent for another person to use his or her motor vehicle to commit a violation.

A BILL



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29 TO BE ENTITLED

30 AN ACT

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32 Relating to motor vehicles; to amend Section  
33 13A-11-300, Code of Alabama 1975, to further provide for the  
34 prohibition against motor vehicle speed contests and  
35 exhibitions of speed; to provide for the use of automated  
36 traffic enforcement systems to detect and record violations;  
37 and to further provide for the impoundment of a motor vehicle  
38 for a violation.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. Section 13A-11-300, Code of Alabama 1975, is  
41 amended to read as follows:

42 "§13A-11-300

43 (a) As used in this section, the following terms have  
44 the following meanings:

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

52 (2) MOTOR VEHICLE DONUT. The intentional and  
53 unnecessary operation of a motor vehicle in a manner that  
54 causes the vehicle to move in a zigzag or circular course or  
55 to gyrate or spin around. The term does not include  
56 maneuvering the otherwise lawfully operated vehicle when





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85 furtherance of, or give consent for his or her vehicle to be  
86 used in, any of the following on a public road or highway, off  
87 street parking facility, or any other parcel of public or  
88 private property, without the consent of the owner of that  
89 property.

90 ~~(1)~~a. A motor vehicle speed contest.

91 ~~(2)~~b. A motor vehicle exhibition of speed.

92 ~~(3)~~c. A motor vehicle sideshow.

93 ~~(4)~~d. A motor vehicle burnout, motor vehicle donut, or  
94 other reckless driving maneuver.

95 (2) A person shall be deemed to give consent for his or  
96 her vehicle to be used in a violation of this subsection if  
97 the person knew, or should have reasonably known based on the  
98 totality of the circumstances, that the person's vehicle would  
99 be used to commit a violation of this subsection.

100 (c) A person convicted of violating subsection (b), for  
101 a first violation, shall be guilty of a Class C misdemeanor,  
102 and for a second or subsequent violation shall be guilty of a  
103 Class B misdemeanor. In addition, the court may prohibit the  
104 person from driving a motor vehicle on the public highways of  
105 this state for a period not exceeding six months.

106 (d) (1) If a person operating a motor vehicle in  
107 violation of subsection (b) proximately causes bodily injury  
108 to another individual, or the offense proximately causes  
109 damage to any property, the person shall be guilty of a Class  
110 A misdemeanor. In addition, the court shall prohibit the  
111 person from operating a motor vehicle on the public highways  
112 of this state for a period of six months.





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141 ~~law~~traffic enforcement officer making the impoundment shall  
142 direct an approved towing service to tow the vehicle to the  
143 garage of the towing service, storage lot, or other place of  
144 safety and maintain custody and control of the vehicle for a  
145 minimum of 48 hours. The minimum impoundment period may be  
146 extended by order of the court. Thereafter, the registered  
147 owner or authorized agent of the registered owner may claim  
148 the vehicle by paying all reasonable and customary towing and  
149 storage fees for the services of the towing company. The  
150 vehicle shall then be released to the registered owner or an  
151 agent of the owner. Any towing service or towing company  
152 removing the vehicle at the direction of the law enforcement  
153 officer in accordance with this section shall have a lien on  
154 the motor vehicle for all reasonable and customary fees  
155 relating to the towing and storage of the motor vehicle. This  
156 lien shall be subject and subordinate to all prior security  
157 interests and other liens affecting the vehicle whether  
158 evidenced on the certificate of title or otherwise. Notice of  
159 any sale or other proceedings relative to this lien shall be  
160 given to the holders of all prior security interests or other  
161 liens by official service of process at least 30 days prior to  
162 any sale or other proceedings. An owner of a motor vehicle  
163 seized or impounded under this subdivision may contest the  
164 propriety of the seizure, continued impoundment, and  
165 associated fines or fees in accordance with the procedures of  
166 Section 20-2-93(1) or Rule 3.13(a) of the Alabama Rules of  
167 Criminal Procedure.

168 (2) If a person has been convicted of three or more



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169 violations of this section, the motor vehicle operated by the  
170 person in the commission of the offense shall be seized and  
171 forfeited pursuant to the procedures of Section 20-2-93.

172 (g) If a person's privilege to operate a motor vehicle  
173 is suspended or restricted by a court pursuant to this  
174 section, the court shall notify the Alabama State Law  
175 Enforcement Agency and the license of the person shall be  
176 suspended or restricted for the period by the Secretary of the  
177 Alabama State Law Enforcement Agency pursuant to Section  
178 32-5A-195.

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

183 (i) Any local governing body may use an automated  
184 photographic or video traffic enforcement system to assist in  
185 the detection and recording of a violation of this section.  
186 Nothing in this subsection shall authorize the use of an  
187 automated traffic enforcement system for purposes of detecting  
188 red light or speed violations.

189 Section 2. This act shall become effective immediately.