

- 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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4 SYNOPSIS:

5 Under existing law, a person is prohibited from 6 engaging in exhibition driving when on a public road, 7 off street parking facility, or other parcel of public 8 or private property, without the consent of the owner 9 of that property. Exhibition driving includes motor vehicle speed contests, exhibitions of speed, 10 11 sideshows, burnouts, donuts, and other reckless driving 12 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.

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A BILL



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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57 necessary to avoid collision, injury, or damage.

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

62 (4) MOTOR VEHICLE SPEED CONTEST. The operation of two 63 or more vehicles at accelerated speeds from a starting point 64 to an ending point in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a 65 common selected course from a starting point to an ending 66 67 point for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a 68 certain distance or time limit. The term includes drag racing. 69

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

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

78 <u>(7) TRAFFIC ENFORCEMENT OFFICER. Any parking</u>
79 enforcement officer or traffic enforcement officer, as
80 designated by the applicable local governing body, who is not
81 required to be certified by the Alabama Peace Officers'
82 Standards and Training Commission; and any law enforcement
83 officer.

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(b) (1) A person shall not engage in, or aid or abet the



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 other reckless driving maneuver. 94 95 (2) A person shall be deemed to give consent for his or her vehicle to be used in a violation of this subsection if 96 97 the person knew, or should have reasonably known based on the totality of the circumstances, that the person's vehicle would 98 99 be used to commit a violation of this subsection.

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

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



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

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

125 (e) Any contracts in place between an arresting 126 municipality and the county for the actual housing costs of 127 individuals housed in the county jail shall apply to an arrest made by a municipal police officer resulting in misdemeanor 128 129 charges under this section. If no contract is in place, the 130 arresting municipality shall reimburse the county for the 131 actual housing costs of the incarceration of the individuals 132 held on misdemeanor charges.

133 (f) (1) A law enforcement officer who arrests a person 134 for a violation of this section, or who otherwise seizes a 135 vehicle in violation of this section, If a motor vehicle is 136 observed by a traffic enforcement officer or recorded on an 137 automated photographic or video traffic enforcement system to 138 be in violation of this section, a traffic enforcement officer may cause the vehicle to be towed and impounded at the 139 140 registered owner's expense for not less than 48 hours. The



141 lawtraffic 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 extended by order of the court. Thereafter, the registered 146 147 owner or authorized agent of the registered owner may claim the vehicle by paying all reasonable and customary towing and 148 149 storage fees for the services of the towing company. The vehicle shall then be released to the registered owner or an 150 151 agent of the owner. Any towing service or towing company removing the vehicle at the direction of the law enforcement 152 153 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 Section 20-2-93(1) or Rule 3.13(a) of the Alabama Rules of 166 Criminal Procedure. 167

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



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 32-5A-195. 178 179 (h) Nothing in this section applies to private motor speedways or other areas of private land where racing or stunt 180 driving activities are authorized to be performed by the owner 181 182 and operator thereof. 183 (i) Any local governing body may use an automated photographic or video traffic enforcement system to assist in 184 185 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 red light or speed violations. 188

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Section 2. This act shall become effective immediately.