

1 SB321
2 169434-3
3 By Senator Singleton
4 RFD: Transportation and Energy
5 First Read: 31-MAR-15

1 SB321

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4 ENROLLED, An Act,

5 Relating to drag racing; to further define the
6 crime; to increase the penalties; to provide for impoundment
7 or seizure of vehicles used in drag racing under certain
8 circumstances; and in connection therewith would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 32-5A-178, Code of Alabama 1975,
16 is amended to read as follows:

17 "§32-5A-178.

18 "(a) It is a violation of this section for any No
19 person shall to drive any vehicle on any public highway in any
20 race, speed competition or contest, drag race or acceleration
21 contest, test of physical endurance, exhibition of speed or
22 acceleration, or for the purpose of making a speed record, and
23 no person shall in any manner participate in any such race,
24 competition, contest, test, or exhibition.

1 "(b) "Drag race" is defined as the operation of two
2 or more vehicles from a point side by side at accelerating
3 speeds in a competitive attempt to outdistance each other, or
4 the operation of one or more vehicles over a common selected
5 course, from the same point to the same point, for the purpose
6 of comparing the relative speeds or power of acceleration of
7 such vehicle or vehicles within a certain distance or time
8 limit.

9 "(c) "Racing" is defined as the use of one or more
10 vehicles in an attempt to outgain, outdistance, or prevent
11 another vehicle from passing, to arrive at a given destination
12 ahead of another vehicle or vehicles, or to test the physical
13 stamina or endurance of drivers over long distance driving
14 routes.

15 "(d) Every person violating subsection (a), if
16 convicted, of racing on highways shall be punished upon as
17 follows:

18 "(1) For a first conviction by a fine in the amount
19 of five hundred dollars (\$500) and imprisonment for a period
20 of not less than five days nor more than 90 days, or by a fine
21 of not less than \$25.00 nor more than \$500.00, or by both such
22 fine and imprisonment, five hundred dollars (\$500) and 30 days
23 probation and on; provided that the sentence of imprisonment
24 shall be suspended and, in lieu thereof, the person shall
25 serve 30 days probation.

1 "(2) For a second or subsequent conviction, shall be
2 punished by a fine in the amount of three thousand dollars
3 (\$3,000) and imprisonment for not less than 10 days nor more
4 than six months, or by a fine of not less than \$50.00 nor more
5 than \$500.00, or by both such fine and imprisonment and, one
6 thousand dollars (\$1,000) and 90-days probation; provided that
7 the sentence of imprisonment shall be suspended, and in lieu
8 thereof, the person shall serve six months probation.

9 "(3) For a third or subsequent conviction, by a fine
10 in the amount of six thousand dollars (\$6,000) and
11 imprisonment for not more than one year, provided that the
12 sentence of imprisonment shall be suspended and, in lieu
13 thereof, the person shall serve one year probation.

14 "(e) In addition to the fines and penalties set out
15 in subsection (d), on a first conviction, the court shall
16 prohibit any person convicted of driving a vehicle in
17 violation of this section from driving a motor vehicle on the
18 public highways of this state for a period not exceeding six
19 months, and the license of the person shall be suspended for
20 such period by the Secretary of the Alabama Law Enforcement
21 Agency pursuant to Section 32-5A-195. On a second or
22 subsequent conviction, the court may shall prohibit the any
23 person so convicted of driving a vehicle in violation of this
24 section from driving a motor vehicle on the public highways of
25 this state for a period not exceeding six months one year, and

1 the license of the person shall be suspended for ~~such~~ that
2 period by the Director of Public Safety pursuant to Section
3 32-5A-195.

4 "(f) (1) Notwithstanding any other provision of law,
5 any person arrested for driving a vehicle in violation of
6 subsection (a) shall be immediately removed from the vehicle.
7 The vehicle, regardless of ownership or possessory interest of
8 the operator or person present in the vehicle, shall be
9 impounded by any duly sworn law enforcement officer. If there
10 is an emergency or medical necessity jeopardizing life or
11 limb, the law enforcement officer may elect not to impound the
12 vehicle. The law enforcement officer making the impoundment
13 shall direct an approved towing service to tow the vehicle to
14 the garage of the towing service, storage lot, or other place
15 of safety and maintain custody and control of the vehicle
16 until the registered owner or authorized agent of the
17 registered owner claims the vehicle by paying all reasonable
18 and customary towing and storage fees for the services of the
19 towing company. The vehicle shall then be released to the
20 registered owner or an agent of the owner.

21 "(2) Any towing service or towing company removing
22 the vehicle at the direction of the law enforcement officer in
23 accordance with this section shall have a lien on the motor
24 vehicle for all reasonable and customary fees relating to the
25 towing and storage of the motor vehicle. This lien shall be

1 subject and subordinate to all prior security interests and
2 other liens affecting the vehicle whether evidenced on the
3 certificate of title or otherwise. Notice of any sale or other
4 proceedings relative to this lien shall be given to the
5 holders of all prior security interests or other liens by
6 official service of process at least 15 days prior to any sale
7 or other proceedings.

8 "(g) It is also a violation of this section for any
9 person to participate in any race, competition, contest, test,
10 or exhibition prohibited in subsection (a) as an organizer or
11 spectator. For the purposes of this subsection, an "organizer"
12 is any person who promotes participation in, coordinates,
13 facilitates, or collects monies at any location for any race
14 or drag race, or purposefully causes the movement of traffic
15 to slow or stop for any such race or drag race. For the
16 purposes of this section, a "spectator" is any person who has
17 purchased a ticket for admission to the race or drag race or
18 who is otherwise knowingly present at and views the race or
19 drag race as the result of an affirmative choice to attend or
20 remain at the location of the race or drag race. A person who
21 is merely in the vicinity of the race or drag race, but is not
22 an organizer or spectator as defined herein, shall not be held
23 in violation of this subsection. Any person in violation of
24 this subsection shall be punished as provided in Section

1 32-5A-8, except no imprisonment shall be ordered for a
2 violation of this subsection."

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621 because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB321

Senate 05-MAY-15

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 26-MAY-15

Senate concurred in House amendment 28-MAY-15

By: Senator Singleton