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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB462
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8 SYNOPSIS: Under existing law, drag racing on any
9 public highway is prohibited.

10 This bill would provide that organizers and
11 spectators would be guilty of the offense, would
12 increase the penalties for drag racing, and would
13 provide for impoundment of vehicles under certain
14 circumstances.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
8

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to drag racing; to further define the
14 crime; to increase the penalties; to provide for impoundment
15 or seizure of vehicles used in drag racing under certain
16 circumstances; and in connection therewith would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official ReCompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§32-5A-178.

26 "(a) It is a violation of this section for any No
27 person ~~shall~~ to drive any vehicle on any public highway in any

1 race, speed competition or contest, drag race or acceleration
2 contest, test of physical endurance, exhibition of speed or
3 acceleration, or for the purpose of making a speed record,~~7~~
4 ~~and no~~ It is also a violation of this section for any person
5 ~~shall in any manner to~~ participate in any ~~such race,~~
6 ~~competition, contest, test, or exhibition~~ of the above named
7 activities as an organizer, spectator, or in any other manner.

8 "(b) "Drag race" is defined as the operation of two
9 or more vehicles from a point side by side at accelerating
10 speeds in a competitive attempt to outdistance each other, or
11 the operation of one or more vehicles over a common selected
12 course, from the same point to the same point, for the purpose
13 of comparing the relative speeds or power of acceleration of
14 such vehicle or vehicles within a certain distance or time
15 limit.

16 "(c) "Racing" is defined as the use of one or more
17 vehicles in an attempt to outgain, outdistance, or prevent
18 another vehicle from passing, to arrive at a given destination
19 ahead of another vehicle or vehicles, or to test the physical
20 stamina or endurance of drivers over long distance driving
21 routes.

22 "(d) Every person violating this section, if
23 ~~convicted, of racing on highways~~ shall be punished upon as
24 follows:

25 "(1) For a first conviction by a fine in the amount
26 of five hundred dollars (\$500) and imprisonment for a period
27 of not less than five days nor more than 90 days, or by a fine

1 of not less than \$25.00 nor more than \$500.00, or by both such
2 fine and imprisonment, five hundred dollars (\$500) and 30-days
3 probation and on; provided that the sentence of imprisonment
4 shall be suspended and, in lieu thereof, the person shall
5 serve 30 days probation.

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

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

19 "(e) In addition to the fines and penalties set out
20 in subdivision (d), on a first conviction, the court shall
21 prohibit any person convicted of driving a vehicle in
22 violation of this section from driving a motor vehicle on the
23 public highways of this state for a period not exceeding six
24 months, and the license of the person shall be suspended for
25 such period by the Director of Public Safety pursuant to
26 Section 32-5A-195. On a second or subsequent conviction, the
27 court may shall prohibit the any person so convicted of

1 driving a vehicle in violation of this section from driving a
2 motor vehicle on the public highways of this state for a
3 period not exceeding ~~six months~~ one year, and the license of
4 the person shall be suspended for ~~such~~ that period by the
5 Director of Public Safety pursuant to Section 32-5A-195.

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

25 "(2) Any towing service or towing company removing
26 the vehicle at the direction of the law enforcement officer in
27 accordance with this section shall have a lien on the motor

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

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621 because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.