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8 SYNOPSIS: This bill would prohibit certain motor
9 vehicle speed contests, motor vehicle exhibitions
10 of speed, and motor vehicle sideshows and would
11 provide criminal penalties for a violation.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, as amended by Amendment 890, now appearing
14 as Section 111.05 of the Official ReCompilation of
15 the Constitution of Alabama of 1901, as amended,
16 prohibits a general law whose purpose or effect
17 would be to require a new or increased expenditure
18 of local funds from becoming effective with regard
19 to a local governmental entity without enactment by
20 a 2/3 vote unless: it comes within one of a number
21 of specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to motor vehicles; to prohibit certain
11 motor vehicle speed contests, motor vehicle exhibitions of
12 speed, and motor vehicle sideshows; to provide criminal
13 penalties for a violation; and in connection therewith would
14 have as its purpose or effect the requirement of a new or
15 increased expenditure of local funds within the meaning of
16 Amendment 621 of the Constitution of Alabama of 1901, as
17 amended by Amendment 890, now appearing as Section 111.05 of
18 the Official Recompilation of the Constitution of Alabama of
19 1901, as amended

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) As used in this section, the
22 following terms have the following meanings:

23 (1) MOTOR VEHICLE BURNOUT. The practice of
24 intentionally keeping a motor vehicle stationary by using the
25 brake pedal or parking brake of the vehicle, while
26 simultaneously engaging the gas pedal to allow one set of
27 wheels to spin. The practice may result in the vehicle tires

1 being heated to a sufficient degree so as to cause smoke to
2 appear.

3 (2) MOTOR VEHICLE DONUT. The intentional and
4 unnecessary operation of a motor vehicle in a manner that
5 causes the vehicle to move in a zigzag or circular course or
6 to gyrate or spin around. The term does not include
7 maneuvering the otherwise lawfully operated vehicle when
8 necessary avoid collision, injury, or damage.

9 (3) MOTOR VEHICLE SPEED CONTEST. The operation of
10 two or more vehicles at accelerated speeds from a starting
11 point to an ending point in a competitive attempt to
12 outdistance each other, or the operation of one or more
13 vehicles over a common selected course from a starting point
14 to an ending point for the purpose of comparing the relative
15 speeds or power of acceleration of such vehicle or vehicles
16 within a certain distance or time limit. The term includes
17 drag racing.

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

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

26 (6) OFF STREET PARKING FACILITY. Any public or
27 private lot, building, or space used for the parking of motor

1 vehicles, regardless of whether charges are made for the use
2 thereof.

3 (b) A person shall not engage in, or aid or abet the
4 furtherance of, any of the following on a public road or
5 highway, off street parking facility, or any other parcel of
6 public or private property, without the consent of the owner
7 of that property:

8 (1) A motor vehicle speed contest.

9 (2) A motor vehicle exhibition of speed.

10 (3) A motor vehicle sideshow.

11 (4) A motor vehicle burnout, motor vehicle donut, or
12 other reckless driving maneuver.

13 (c) A person convicted of violating subsection (b)
14 shall be punished upon a first conviction by imprisonment for
15 a period of not less than five days nor more than 90 days, or
16 by fine of not less than twenty-five dollars (\$25.00) nor more
17 than five hundred dollars (\$500.00), or by both fine and
18 imprisonment, and on a second or subsequent conviction shall
19 be punished by imprisonment for not less than 10 days nor more
20 than six months, or by a fine of not less than fifty dollars
21 (\$50.00) nor more than five hundred dollars (\$500.00), or by
22 both fine and imprisonment. In addition, the court may
23 prohibit the person from driving a motor vehicle on the public
24 highways of this state for a period not exceeding six months.

25 (d) (1) If a person operating a motor vehicle in
26 violation of subsection (b) proximately causes bodily injury
27 to another individual, or the offense proximately causes

1 damage to any property, the person shall be guilty of a Class
2 A misdemeanor. In addition, the court shall prohibit the
3 person from operating a motor vehicle on the public highways
4 of this state for a period of six months.

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

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

18 (e)(1) A law enforcement officer who arrests a
19 person for a violation of this section, or who otherwise
20 seizes a vehicle in violation of this section, may cause the
21 vehicle to be towed and impounded at the registered owner's
22 expense for not less than 48 hours. The law enforcement
23 officer making the impoundment shall direct an approved towing
24 service to tow the vehicle to the garage of the towing
25 service, storage lot, or other place of safety and maintain
26 custody and control of the vehicle for a minimum of 48 hours.
27 Thereafter, the registered owner or authorized agent of the

1 registered owner may claim the vehicle by paying all
2 reasonable and customary towing and storage fees for the
3 services of the towing company. The vehicle shall then be
4 released to the registered owner or an agent of the owner. Any
5 towing service or towing company removing the vehicle at the
6 direction of the law enforcement officer in accordance with
7 this section shall have a lien on the motor vehicle for all
8 reasonable and customary fees relating to the towing and
9 storage of the motor vehicle. This lien shall be subject and
10 subordinate to all prior security interests and other liens
11 affecting the vehicle whether evidenced on the certificate of
12 title or otherwise. Notice of any sale or other proceedings
13 relative to this lien shall be given to the holders of all
14 prior security interests or other liens by official service of
15 process at least 15 days prior to any sale or other
16 proceedings.

17 (2) If a person has been convicted of three or more
18 violations of this section, the motor vehicle operated by the
19 person in the commission of the offense shall be seized and
20 may be deemed contraband and forfeited pursuant to Section
21 20-2-93, Code of Alabama 1975.

22 (f) If a person's privilege to operate a motor
23 vehicle is suspended or restricted by a court pursuant to this
24 section, the court shall notify the Alabama State Law
25 Enforcement Agency and the license of the person shall be
26 suspended or restricted for the period by the Secretary of the

1 Alabama State Law Enforcement Agency pursuant to Section
2 32-5A-195, Code of Alabama 1975.

3 (g) Nothing in this section applies to private motor
4 speedways or other areas of private land where racing or stunt
5 driving activities are authorized to be performed by the owner
6 and operator thereof.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, as amended
11 by Amendment 890, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended, because the bill defines a new crime or amends the
14 definition of an existing crime.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.