

**HB474 ENROLLED**



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



## HB474 Enrolled

1 Enrolled, An Act,

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3 Relating to motor vehicles; to amend Section  
4 13A-11-300, Code of Alabama 1975, to further provide for the  
5 prohibition against motor vehicle speed contests and  
6 exhibitions of speed; to provide for the use of automated  
7 traffic enforcement systems to detect and record violations;  
8 and to further provide for the impoundment of a motor vehicle  
9 for a violation.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§13A-11-300

14 (a) As used in this section, the following terms have  
15 the following meanings:

16 (1) MOTOR VEHICLE BURNOUT. The practice of  
17 intentionally keeping a motor vehicle stationary by using the  
18 brake pedal or parking brake of the vehicle, while  
19 simultaneously engaging the gas pedal to allow one set of  
20 wheels to spin. The practice may result in the vehicle tires  
21 being heated to a sufficient degree so as to cause smoke to  
22 appear.

23 (2) MOTOR VEHICLE DONUT. The intentional and  
24 unnecessary operation of a motor vehicle in a manner that  
25 causes the vehicle to move in a zigzag or circular course or  
26 to gyrate or spin around. The term does not include  
27 maneuvering the otherwise lawfully operated vehicle when  
28 necessary to avoid collision, injury, or damage.



## HB474 Enrolled

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

33 (4) MOTOR VEHICLE SPEED CONTEST. The operation of two  
34 or more vehicles at accelerated speeds from a starting point  
35 to an ending point in a competitive attempt to outdistance  
36 each other, or the operation of one or more vehicles over a  
37 common selected course from a starting point to an ending  
38 point for the purpose of comparing the relative speeds or  
39 power of acceleration of such vehicle or vehicles within a  
40 certain distance or time limit. The term includes drag racing.

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

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

49 (7) TRAFFIC ENFORCEMENT OFFICER. Any parking  
50 enforcement officer or traffic enforcement officer, as  
51 designated by the applicable local governing body, who is not  
52 required to be certified by the Alabama Peace Officers'  
53 Standards and Training Commission; and any law enforcement  
54 officer.

55 (b) (1) A person shall not engage in, ~~or~~ aid or abet the  
56 furtherance of, or give consent for his or her vehicle to be



## HB474 Enrolled

57 used in, any of the following on a public road or highway, off  
58 street parking facility, or any other parcel of public or  
59 private property, without the consent of the owner of that  
60 property.

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

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

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

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

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

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

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

84 (2) If a person commits a violation of subsection (b)



## HB474 Enrolled

85 and the commission of the offense proximately causes serious  
86 physical injury to a person other than the driver, the person  
87 shall be guilty of a Class C felony. In addition, the court  
88 shall prohibit the person from operating a motor vehicle on  
89 the public highways of this state for a period of two years.

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

96 (e) Any contracts in place between an arresting  
97 municipality and the county for the actual housing costs of  
98 individuals housed in the county jail shall apply to an arrest  
99 made by a municipal police officer resulting in misdemeanor  
100 charges under this section. If no contract is in place, the  
101 arresting municipality shall reimburse the county for the  
102 actual housing costs of the incarceration of the individuals  
103 held on misdemeanor charges.

104 ~~(f) (1) A law enforcement officer who arrests a person~~  
105 ~~for a violation of this section, or who otherwise seizes a~~  
106 ~~vehicle in violation of this section,~~ If a motor vehicle is  
107 observed by a traffic enforcement officer or recorded on an  
108 automated photographic or video traffic enforcement system to  
109 be in violation of this section, a traffic enforcement officer  
110 may cause the vehicle to be towed and impounded at the  
111 registered owner's expense for not less than 48 hours. The  
112 ~~law~~ traffic enforcement officer making the impoundment shall



## HB474 Enrolled

113 direct an approved towing service to tow the vehicle to the  
114 garage of the towing service, storage lot, or other place of  
115 safety and maintain custody and control of the vehicle for a  
116 minimum of 48 hours. The minimum impoundment period may be  
117 extended by order of the court. Thereafter, the registered  
118 owner or authorized agent of the registered owner may claim  
119 the vehicle by paying all reasonable and customary towing and  
120 storage fees for the services of the towing company. The  
121 vehicle shall then be released to the registered owner or an  
122 agent of the owner. Any towing service or towing company  
123 removing the vehicle at the direction of the law enforcement  
124 officer in accordance with this section shall have a lien on  
125 the motor vehicle for all reasonable and customary fees  
126 relating to the towing and storage of the motor vehicle. This  
127 lien shall be subject and subordinate to all prior security  
128 interests and other liens affecting the vehicle whether  
129 evidenced on the certificate of title or otherwise. Notice of  
130 any sale or other proceedings relative to this lien shall be  
131 given to the holders of all prior security interests or other  
132 liens by official service of process at least 30 days prior to  
133 any sale or other proceedings. An owner of a motor vehicle  
134 seized or impounded under this subdivision may contest the  
135 propriety of the seizure, continued impoundment, and  
136 associated fines or fees in accordance with the procedures of  
137 Section 20-2-93(1) or Rule 3.13(a) of the Alabama Rules of  
138 Criminal Procedure.

139 (2) If a person has been convicted of three or more  
140 violations of this section, the motor vehicle operated by the



## HB474 Enrolled

141 person in the commission of the offense shall be seized and  
142 forfeited pursuant to the procedures of Section 20-2-93.

143 (g) If a person's privilege to operate a motor vehicle  
144 is suspended or restricted by a court pursuant to this  
145 section, the court shall notify the Alabama State Law  
146 Enforcement Agency and the license of the person shall be  
147 suspended or restricted for the period by the Secretary of the  
148 Alabama State Law Enforcement Agency pursuant to Section  
149 32-5A-195.

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

154 (i) Any local governing body may use an automated  
155 photographic or video traffic enforcement system to assist in  
156 the detection and recording of a violation of this section.  
157 Nothing in this subsection shall authorize the use of an  
158 automated traffic enforcement system for purposes of detecting  
159 red light or speed violations.

160 Section 2. This act shall become effective immediately.

