

By Senator Silver

38-66C-01

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A bill to be entitled  
An act relating to minors; amending ss. 318.17,  
316.191, F.S.; increasing penalties for racing  
on highways; amending s. 318.143, F.S.;  
requiring the courts to order the Department of  
Highway Safety and Motor Vehicles to revoke the  
driver's license of certain persons who are  
convicted of certain driving offenses;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 318.17, Florida Statutes, is  
amended to read:

318.17 Offenses excepted.--No provision of this  
chapter is available to a person who is charged with any of  
the following offenses:

- (1) Fleeing or attempting to elude a police officer,  
in violation of s. 316.1935;
- (2) Leaving the scene of a crash, in violation of ss.  
316.027 and 316.061;
- (3) Driving, or being in actual physical control of,  
any vehicle while under the influence of alcoholic beverages,  
any chemical substance set forth in s. 877.111, or any  
substance controlled under chapter 893, in violation of s.  
316.193, or driving with an unlawful blood-alcohol level;
- (4) Reckless driving, in violation of s. 316.192;
- (5) Making false crash reports, in violation of s.  
316.067;

1           (6) Willfully failing or refusing to comply with any  
2 lawful order or direction of any police officer or member of  
3 the fire department, in violation of s. 316.072(3);

4           (7) Racing on highways, in violation of s. 316.191;

5           ~~(8)(7)~~ Obstructing an officer, in violation of s.  
6 316.545(1); or

7           ~~(9)(8)~~ Any other offense in chapter 316 which is  
8 classified as a criminal violation.

9           Section 2. Section 316.191, Florida Statutes, is  
10 amended to read:

11           316.191 Racing on highways.--

12           (1) No person shall drive any vehicle in any race,  
13 speed competition or contest, drag race or acceleration  
14 contest, test of physical endurance, exhibition of speed or  
15 acceleration, or for the purpose of making a speed record, and  
16 no person shall in any manner participate in any such race,  
17 competition, contest, test, or exhibition.

18           (2) "Drag race" is defined as the operation of two or  
19 more vehicles from a point side by side at accelerating speeds  
20 in a competitive attempt to outdistance each other, or the  
21 operation of one or more vehicles over a common selected  
22 course, from the same point to the same point, for the purpose  
23 of comparing the relative speeds or power of acceleration of  
24 such vehicle or vehicles within a certain distance or time  
25 limit.

26           (3) "Racing" is defined as the use of one or more  
27 vehicles in an attempt to outgain, outdistance, or prevent  
28 another vehicle from passing, to arrive at a given destination  
29 ahead of another vehicle or vehicles, or to test the physical  
30 stamina or endurance of drivers over long-distance driving  
31 routes.

1           (4) This section does not apply to licensed or duly  
2 authorized racetracks, drag strips or other designated areas  
3 set aside by proper authorities for such purposes.

4           (5) A violation of this section is punishable as  
5 provided in s. 316.192 ~~is a noncriminal traffic infraction,~~  
6 ~~punishable pursuant to chapter 318 as either a pedestrian~~  
7 ~~violation or, if the infraction resulted from the operation of~~  
8 ~~a vehicle, as a moving violation.~~

9           Section 3. Present subsection (5) of section 318.143,  
10 Florida Statutes, is redesignated as subsection (6) and a new  
11 subsection (5) is added to that section to read:

12           318.143 Sanctions for infractions by minors.--

13           (5) Upon a conviction for a violation of s. 316.191 or  
14 s. 316.193 by a person under 21 years of age, the court shall  
15 order the Department of Highway Safety and Motor Vehicles to  
16 revoke the person's driver's license for a period of 5 years.

17           Section 4. This act shall take effect July 1, 2001.

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20           SENATE SUMMARY

21           Increases penalties for racing on highways. Requires  
22 courts to order the Department of Highway Safety and  
23 Motor Vehicles to revoke the driver's license of a minor  
24 who is convicted of racing on public highways, reckless  
25 driving, or driving under the influence for a period of 5  
26 years.  
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