

Motor Vehicle Procedure Manual

Title and Lien

Impoundment Notification for Racing on Highways Violations

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Legal Authority

[Section 316.191\(1\), Florida Statutes](#), provides definitions for “Drag race” as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; provides the definition for “Race” as the use of one or more vehicles in competition to demonstrate the superiority of a motor vehicle or driver and the acceptance of such competition; provides the definition for “Street takeover” as the taking over of a portion of a highway, roadway, or parking lot by blocking or impeding the regular flow of traffic to perform a race, drag race, burnout, doughnut, drifting, wheelie, or other stunt driving; **provides the definition for “Coordinated street takeover” as 10 or more vehicles operated in an organized manner to effect a street takeover.**

[Section 316.191\(2\), Florida Statutes](#), provides that a person may not: (a) drive any motor vehicle in any street takeover, stunt driving, race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record on any highway, roadway, or parking lot; (b) participate in, coordinate through social media or otherwise, facilitate or collect moneys at any location for any such race, drag race, street take over, stunt driving, competition, contest, test, or exhibition; (c) Knowingly ride as a passenger in any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition; (d) Purposefully cause the movement of traffic, including pedestrian traffic, to slow, stop, or be impeded in any way for any such race, drag race,

street takeover, stunt driving, competition, contest, test, or exhibition; (e) Operate a motor vehicle for the purpose of filming or recording the activities of participants in any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition. This paragraph does not apply to bona fide members of the news media; or (f) Operate a motor vehicle carrying any amount of fuel for the purposes of fueling a motor vehicle involved in any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition.

[Section 316.191\(3\)\(a\), Florida Statutes](#), provides any person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s.775.082 or s.775.083.

[Section 316.191\(4\)\(a\), Florida Statutes](#), provides a person may not be a spectator at any race, drag race, or street takeover prohibited under subsection (2). A person who violates paragraph (a) commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

[Section 316.191\(5\), Florida Statutes](#), provides Whenever a law enforcement officer has probable cause to believe that a person violated subsection (2), the officer may arrest and take such person into custody without a warrant. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle. (a) Notwithstanding any provision of law to the contrary, the impounding agency shall release a motor vehicle under the conditions provided in s. [316.193](#)(6)(e), (f), (g), and (h), if the owner or agent presents a valid driver license at the time of pickup of the motor vehicle (b) All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the motor vehicle or, if the motor vehicle is leased or rented, by the person leasing or renting the motor vehicle, unless the impoundment or immobilization order is dismissed. All provisions of s. [713.78](#) shall apply (c) Any motor vehicle used in violation of subsection (2) may be impounded for a period of 30 business days if a law enforcement officer has arrested and taken a person into custody pursuant to this subsection and the person being arrested is the registered owner or co-owner of the motor vehicle. If the arresting officer finds that the criteria of this paragraph are met, the officer may immediately impound the motor vehicle. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with

procedures established by the department. Paragraphs (a) and (b) shall be applicable to such impoundment.

[Section 316.191\(6\), Florida Statutes](#), provides that any motor vehicle used in violation of subsection (2) by any person within 5 years after the date of a prior conviction of that person for a violation under subsection (2) may be seized and forfeited as provided by the Florida Contraband Forfeiture Act. This subsection shall only be applicable if the owner of the motor vehicle is the person charged with violating subsection (2).

[Section 316.191\(3\)\(f\), Florida Statutes](#), provides that pursuant to the Florida Contraband Forfeiture Act a law enforcement agency can seize any vehicle used in a coordinated street takeover or specific racing-related violations. This provision applies when an individual commits a second or subsequent offense of racing on highways, as outlined in [s. 316.191\(2\)](#). Additionally, if the driver knowingly impedes, obstructs, or interferes with an authorized emergency vehicle defined in section 316.003(1), Florida Statutes, while on an active call, and be in response to an emergency that is unrelated to the racing incident, the law enforcement agency can seize the vehicle of individual(s) committing such offense.

Description and Use

This procedure provides information and instructions to assist tax collector employees, license plate agents and the Department of Highway Safety and Motor Vehicles about the notification process for violation of [s. 316.191, Florida Statutes](#).

General Information

The department must be notified by law enforcement of any impoundment for violation pursuant to [s. 316.191, Florida Statutes](#).

Notification Instructions for Law Enforcement

- A. The law enforcement officer must email a notice to the department on their agency letterhead stationery to report the motor vehicle has been impounded. The email is:

Email AdminStop@flhsmv.gov

- B. The notice must include the driver's name, driver's license number, vehicle identification number, and license plate number. Upon receiving this notice, the department will enter an administrative stop, which will remain in effect until further notification by the court or the reporting agency. See [TL-24, Placing and Removing Administrative Stops](#) for more information.

Revision(s) to Procedure

03/25: Legal Authority section rewritten.

07/10/2023- Removed fax number on page 3.

03/15/2023 - Updated statute information on pages 2-3 and added email information, corrected Fax number in Notification instructions for law enforcement.

09/14/2022 – Changed Fax number on page 3.

09/09/2010 - Updated statute information on pages 1-3.

06/03/2009 – Updated definition of “Race” on page 1, corrected statute numbering on page 2, and corrected number of days a motor vehicle may be impounded on page 3.

07/11/2008 – Changed fax number on page 3.

05/02/2006 – New Procedure

Revision Date: 03/25

Effective Date: Immediately