

Motor Vehicle Procedure Manual	
Title and Lien	
Impoundment Notification For Racing On Highways Violations	

Table of Contents

Legal Authority	1
Description and Use	3
General Information.....	3
Notification Instructions For Law Enforcement	3
Revision(s)	3

Legal Authority

[Section 316.191, Florida Statutes](#), provides definitions for the following:

- (1) (a) **“Conviction.”**
- (b) **“Drag race” in relation to motor vehicles.**
- (c) **“Race” in relation to motor vehicles.**

- (2) A person may not:
 - a. Drive any motor vehicle, including any motorcycle, in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance or exhibition of speed or acceleration or to make a speed record on any highway, roadway or parking lot;
 - b. In any manner participate in, coordinate, facilitate or collect moneys at any location for any such race, competition, contest, test or exhibition;
 - c. Knowingly ride as a passenger in any such race, competition, contest, test or exhibition;

or

 - d. Purposefully cause the movement of traffic to slow or stop for any such race, competition, contest, test or exhibition.

- (3) (a) A person may not be a spectator at any drag race prohibited under subsection (2).

- (b) A person who violates paragraph (a) commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.
- (4) When a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take them into custody. 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 section 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 section 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 arrested is the registered owner or co-owner of the motor vehicle. The arresting officer may also immediately impound the motor vehicle and 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.
- (5) 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 violation of subsection (2).

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

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 [section 316.191, Florida Statutes](#).

Notification Instructions For Law Enforcement

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

FAX (850) 617-3946

- B. The notice must include the driver's name, driver 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)

Reviewed Statutes and added links to statutes. Updated fax number and added Historical Revisions section

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