



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: TAT DP 8-0-1-0 | 3rd Read 25-3-2-0

SB 1533: obstructing highways; racing; assessment; impoundment

Sponsor: Senator Boyer, LD 20

Committee on Transportation

Overview

Outlines additional penalties relating to racing on highways and obstructing a highway or other public thoroughfares.

History

A person commits obstructing a highway or other public thoroughfare if the person, alone or with other persons, having no legal privilege to do so, recklessly interferes with the passage of any highway or public thoroughfares by creating an unreasonable inconvenience or hazard. A violation of obstructing a highway or other public thoroughfares by inconvenience or hazard is prescribed a class 3 misdemeanor ([30 days/up to \\$500](#)) ([A.R.S. § 13-2906](#)).

A person is prohibited from driving a vehicle or participating in any manner in a 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 a street or highway. A person is guilty of a class 1 misdemeanor ([6 months/up to \\$2500](#)) and must pay a fine of not less than \$250 for an initial violation. If a person is convicted of a subsequent violation within 24-months after the first conviction, the person is guilty of a class 6 felony ([1 year/up to \\$150,000](#)), must pay a fine of not less than \$500 and is not eligible for probation, pardon, suspension of sentence or release on any other basis until the person has served not less than 10 days in jail or prison ([A.R.S. § 28-708](#)).

A person who drives a vehicle in reckless disregard for the safety of persons or property is guilty of reckless driving. A conviction of reckless driving carries the penalty of a class 2 misdemeanor ([4 months/up to \\$750](#)). A subsequent violation within a period of 24 months carries the penalty of a class 1 misdemeanor ([6 months/up to \\$2500](#)) and the person is not eligible for probation, suspension of sentence or release on any basis until the person has served not less than 20 days in jail ([A.R.S. § 28-693](#)).

Provisions

1. Prescribes a class 2 misdemeanor ([4 months/up to \\$750](#)), rather than a class 3 misdemeanor ([30 days/up to \\$500](#)), for obstructing a highway by inconvenience or hazard, except that a second or subsequent violation within a 24-month period is a class 1 misdemeanor ([6 months/up to \\$2500](#)). (Sec. 1)
2. Prescribes a class 2 misdemeanor ([4 months/up to \\$750](#)), to a person who knowingly aids and abets another person in the commission of reckless driving or racing on highways, except that a second or subsequent violation within a 24-month period is a class 1 misdemeanor ([6 months/up to \\$2500](#)). (Sec. 5, 6)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

3. Requires a penalty assessment to be levied in an amount of \$1000 on every fine, penalty and forfeiture imposed and collected by the courts for a racing on highways violation, in addition to any other penalty assessment provided by law. (Sec. 1)
4. Requires the court to transmit the assessment collected to the county treasurer, except that a municipal court must transmit to the city or town treasurer. (Sec. 1)
5. Requires the city, town or county treasurer to transmit the assessments to the State Treasurer. (Sec. 1)
6. Requires the State Treasurer to deposit the assessments in the Drag Racing Prevention Enforcement Fund. (Sec. 1)
7. Establishes the Drag Race Prevention Enforcement Fund (Fund) consisting of monies deposited from penalties assessments on a racing on highways violation. (Sec. 3)
8. Requires the Governor's Office of Highway Safety to administer the Fund. (Sec. 3)
9. States that monies in the Fund are continuously appropriated. (Sec. 3)
10. Requires monies in the Fund to be used to prevent racing on streets and highways in Arizona and to enforce statute that prohibits racing on highways. (Sec. 3)
11. Allows the Governor's Office of Highway Safety to distribute monies to local law enforcement agencies to help prevent racing on streets and highways in Arizona and to enforce statute that prohibits racing on highways.
12. Requires a peace officer to remove and either immobilize or impound a vehicle if the person driving the vehicle has committed reckless driving, racing on highways or obstructing a highway and the peace officer reasonably believes that allowing the person to continue driving the vehicle would expose other persons to the risk of serious injury or death. (Sec. 7)
13. Requires a vehicle that is removed and either immobilized or impounded for obstructing a highway to be immobilized or impounded for seven days. (Sec. 7)
14. Clarifies that a vehicle is required to be release to a registered owner after an immobilization or impoundment period if the owner presents a valid driver license. (Sec. 8)
15. Makes technical and conforming changes. (Sec. 2, 5-9)