

REFERENCE TITLE: racing on highways

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1262**

Introduced by  
Senator Waring

AN ACT

AMENDING SECTION 28-708, ARIZONA REVISED STATUTES; RELATING TO VEHICLE SPEED RESTRICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-708, Arizona Revised Statutes, is amended to  
3 read:

4 28-708. Racing on highways: classification: exception:  
5 definitions

6 A. A person shall not drive a vehicle or participate in any manner in  
7 a race, speed competition or contest, drag race or acceleration contest, test  
8 of physical endurance or exhibition of speed or acceleration or for the  
9 purpose of making a speed record on a street or highway.

10 B. A person who violates this section is guilty of a class 1  
11 misdemeanor. If a person is convicted of a second or subsequent violation of  
12 this section within ~~twenty-four~~ FORTY-EIGHT months of a first conviction, the  
13 person is guilty of a class 6 felony and is not eligible for probation,  
14 pardon, suspension of sentence or release on any other basis until the person  
15 has served not less than ~~ten~~ THIRTY days in jail or prison.

16 C. A person who is convicted of a first violation of this section  
17 shall pay a fine of not less than ~~two~~ SEVEN hundred fifty dollars and may be  
18 ordered by the court to perform community restitution.

19 D. A person who is convicted of a subsequent violation of this section  
20 shall pay a fine of not less than ONE THOUSAND five hundred dollars and may  
21 be ordered by the court to perform community restitution.

22 E. On pronouncement of a jail sentence under this section and in cases  
23 of extreme hardship, the court may provide in the sentence that if the  
24 defendant is employed or attending school and can continue employment or  
25 school the defendant may continue the employment or school for not more than  
26 twelve hours per day nor more than five days per week, and the defendant  
27 shall spend the remaining days or parts of days in jail until the sentence is  
28 served. The court may allow the defendant to be out of jail only long enough  
29 to complete the defendant's actual hours of employment or school.

30 F. If a person is convicted of violating this section, the judge ~~may~~  
31 SHALL require the surrender to a police officer of any driver license of the  
32 person and immediately forward the abstract of conviction to the department.  
33 On a first conviction, the judge ~~may~~ SHALL order the suspension of the  
34 driving privileges of the person for a period of ~~not more than~~ ninety days.  
35 In the case of a first conviction and on receipt of the abstract of  
36 conviction and order of the court, the department shall suspend the driving  
37 privileges of the person for the period of time ordered by the judge. In the  
38 case of a second or subsequent conviction for an offense committed within a  
39 period of ~~twenty-four~~ FORTY-EIGHT months and on receipt of the abstract of  
40 conviction, the department shall revoke the driving privileges of the person.

41 G. The director may authorize in writing an organized and properly  
42 controlled event to utilize a highway or part of a highway even though it is  
43 prohibited by this section. The authorization shall specify the time of the  
44 event, the highway or part of a highway to be utilized and any special  
45 conditions the director may require for the particular event.

- 1           H. For the purposes of this section:  
2           1. "Drag race" means either:  
3           (a) The operation of two or more vehicles from a point side by side at  
4 accelerating speeds in a competitive attempt to outdistance each other.  
5           (b) The operation of one or more vehicles over a common selected  
6 course and from the same point for the purpose of comparing the relative  
7 speeds or power of acceleration of the vehicle or vehicles within a certain  
8 distance or time limit.  
9           2. "Racing" means the use of one or more vehicles in an attempt to  
10 outgain or outdistance another vehicle or prevent another vehicle from  
11 passing.