

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 429
Mar 21, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30168-MW-41

Short Title: Make Street Takeovers Unlawful.

(Public)

Sponsors: Representative Logan.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE STREET TAKEOVERS UNLAWFUL.
3 The General Assembly of North Carolina enacts:

4
5 **MAKE STREET TAKEOVERS UNLAWFUL**

6 **SECTION 1.** Article 3 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 20-141.10. Street takeover.**

9 (a) The following definitions apply to this section:

- 10 (1) Reserved for future codification purposes.
11 (2) Burnout. – Operation of a motor vehicle where the motor vehicle is kept
12 stationary, or is in motion, while the wheels are spun, resulting in friction
13 which causes the motor vehicle's tires to heat up and emit smoke.
14 (3) Doughnut. – Operation of a motor vehicle where the front or rear of the motor
15 vehicle is rotated around the opposite set of wheels in a continuous motion
16 which may cause a circular skid-mark pattern of rubber on the driving surface
17 or the tires to heat up and emit smoke from friction, or both.
18 (4) Drifting. – Operation of a motor vehicle where the motor vehicle is steered so
19 that it makes a controlled skid sideways through a turn with the front wheels
20 pointed in a direction opposite to that of the turn.
21 (5) Reserved for future codification purposes.
22 (6) Present. – A person who is within 150 feet of the location of a street takeover.
23 (7) Spectator. – A person who is viewing, observing, watching, or witnessing a
24 street takeover as it progresses and includes any person at the location of the
25 event without regard to the means by which the person arrived.
26 (8) Street takeover. – The taking over of a portion of highway, street, or public
27 vehicular area by blocking or impeding the regular flow of traffic with a motor
28 vehicle to perform a motor vehicle stunt, contest, or exhibition.
29 (9) Stunt. – A burnout, doughnut, wheelie, drifting, or other dangerous motor
30 vehicle activity.
31 (10) Wheelie. – Operation of a motor vehicle where the motor vehicle is ridden for
32 a distance with the front wheel or wheels raised off the ground.

33 (b) It shall be unlawful for any person to operate a motor vehicle in a street takeover.

34 (c) A person who knowingly violates subsection (b) of this section is guilty of a Class A1
35 misdeemeanor and shall pay a fine of no less than one thousand dollars (\$1,000). A subsequent
36 violation of subsection (b) of this section within a 24-month period is a Class H felony including



1 a minimum fine equal to twice the value of the vehicle involved in the offense but no less than
2 one thousand dollars (\$1,000).

3 (d) A person who knowingly participates in, coordinates through social media or
4 otherwise, or facilitates a street takeover in violation of subsection (b) of this section is guilty of
5 a Class A1 misdemeanor.

6 (e) A person who is knowingly present as a spectator of a motor vehicle operated in
7 violation of subsection (b) of this section is guilty of a Class 3 misdemeanor, except that a second
8 violation within a period of 24 months is a Class 2 misdemeanor, and any subsequent violation
9 within a period of 24 months is a Class 1 misdemeanor.

10 (f) A person who knowingly operates a vehicle in violation of subsection (b) of this
11 section and who assaults a law enforcement officer or who knowingly and willfully threatens a
12 law enforcement officer shall be guilty of a Class H felony.

13 (g) A motor vehicle involved in a violation of subsection (b) of this section shall be seized
14 in accordance with the provisions of G.S. 20-141.3(g)."

15 16 **SEIZE VEHICLE INVOLVED IN STREET TAKEOVER**

17 **SECTION 2.** G.S. 20-141.3(g) reads as rewritten:

18 "(g) The following provisions apply to this section:

19 (1) When any officer of the law discovers that any person has operated or is
20 operating a motor vehicle willfully in ~~prearranged speed competition with~~
21 ~~another motor vehicle on a street or highway, he~~ violation of this section or
22 G.S. 20-141.10, the officer shall seize the motor vehicle and deliver the same
23 to the sheriff of the county in which such offense is committed, or the same
24 shall be placed under said sheriff's constructive possession if delivery of actual
25 possession is impractical, and the vehicle shall be held by the sheriff pending
26 the trial of the person or persons arrested for operating such motor vehicle in
27 violation of subsection (a) of this section. The sheriff shall restore the seized
28 motor vehicle to the owner upon execution by the owner of a good and valid
29 bond, with sufficient sureties, in an amount double the value of the property,
30 which bond shall be approved by said sheriff and shall be conditioned on the
31 return of the motor vehicle to the custody of the sheriff on the day of trial of
32 the person or persons accused. Upon the acquittal of the person charged ~~with~~
33 ~~operating said motor vehicle willfully in prearranged speed competition with~~
34 ~~another motor vehicle,~~ under this section or G.S. 20-141.10, the sheriff shall
35 return the motor vehicle to the owner thereof.

36 (2) Notwithstanding the provisions for sale set out above, on petition by a
37 lienholder, the court, in its discretion and upon such terms and conditions as
38 it may prescribe, may allow reclamation of the vehicle by the lienholder. The
39 lienholder shall file with the court an accounting of the proceeds of any
40 subsequent sale of the vehicle and pay into the court any proceeds received in
41 excess of the amount of the lien.

42 (3) Upon conviction of the operator of said motor vehicle of a violation of
43 subsection (a) of this section, the court shall order a sale at public auction of
44 said motor vehicle and the officer making the sale, after deducting the
45 expenses of keeping the motor vehicle, the fee for the seizure, and the costs of
46 the sale, shall pay all liens, according to their priorities, which are established,
47 by intervention or otherwise, at said hearing or in other proceeding brought
48 for said purpose, as being bona fide, and shall pay the balance of the proceeds
49 to the proper officer of the county who receives fines and forfeitures to be
50 used for the school fund of the county. All liens against a motor vehicle sold
51 under the provisions of this section shall be transferred from the motor vehicle

1 to the proceeds of its sale. If, at the time of hearing, or other proceeding in
2 which the matter is considered, the owner of the vehicle can establish to the
3 satisfaction of the court that said motor vehicle was used in prearranged speed
4 competition with another motor vehicle on a street or highway without the
5 knowledge or consent of the owner, and that the owner had no reasonable
6 grounds to believe that the motor vehicle would be used for such purpose, the
7 court shall not order a sale of the vehicle but shall restore it to the owner, and
8 the said owner shall, at his request, be entitled to a trial by jury upon such
9 issues.

10 (4) If the owner of said motor vehicle cannot be found, the taking of the same,
11 with a description thereof, shall be advertised in some newspaper published
12 in the city or county where taken, or, if there be no newspaper published in
13 such city or county, in a newspaper having circulation in the county, once a
14 week for two weeks and by handbills posted in three public places near the
15 place of seizure, and if said owner shall not appear within 10 days after the
16 last publication of the advertisement, the property shall be sold, or otherwise
17 disposed of in the manner set forth in this section.

18 (5) When any vehicle confiscated under the provisions of this section is found to
19 be specially equipped or modified from its original manufactured condition so
20 as to increase its speed, the court shall, prior to sale, order that the special
21 equipment or modification be removed and destroyed and the vehicle restored
22 to its original manufactured condition. However, if the court should find that
23 such equipment and modifications are so extensive that it would be
24 impractical to restore said vehicle to its original manufactured condition, then
25 the court may order that the vehicle be turned over to such governmental
26 agency or public official within the territorial jurisdiction of the court as the
27 court shall see fit, to be used in the performance of official duties only, and
28 not for resale, transfer, or disposition other than as junk: Provided, that nothing
29 herein contained shall affect the rights of lienholders and other claimants to
30 said vehicles as set out in this section."

31
32 **EFFECTIVE DATE**

33 **SECTION 3.** This act becomes effective May 1, 2023, and applies to offenses
34 committed on or after that date.