

1 SB214
2 197377-1
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 02-APR-19

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8 SYNOPSIS: Under existing law, when a driver of a
9 vehicle approaches a stopped school bus that is
10 flashing its lights for the purpose of receiving or
11 discharging school children, the driver is required
12 to completely stop his or her vehicle until the
13 school bus resumes motion or ceases to flash its
14 lights. Existing law provides penalties for a
15 violation, including a fine, suspension of driving
16 privileges or driver's license, and community
17 service.

18 This bill would specify that the penalties
19 for a violation are criminal and would establish
20 the penalty based on the number of prior
21 convictions.

22 This bill would increase the time period for
23 which a person's driving privileges or driver's
24 license is suspended or revoked for a conviction.

25 This bill would provide criminal penalties
26 for a violation where, as a proximate cause of the
27 violation, another person is injured.

1 This bill would provide criminal penalties
2 for a violation where, another person dies as a
3 proximate cause of the violation.

4 This bill would specify that a person whose
5 driving privileges or driver's license is suspended
6 as a result of a violation may not drive under any
7 conditions during the suspension or revocation
8 period, including with a limited driving permit or
9 ignition interlock device.

10 Amendment 621 of the Constitution of Alabama
11 of 1901, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of
13 Alabama of 1901, as amended, prohibits a general
14 law whose purpose or effect would be to require a
15 new or increased expenditure of local funds from
16 becoming effective with regard to a local
17 governmental entity without enactment by a 2/3 vote
18 unless: it comes within one of a number of
19 specified exceptions; it is approved by the
20 affected entity; or the Legislature appropriates
21 funds, or provides a local source of revenue, to
22 the entity for the purpose.

23 The purpose or effect of this bill would be
24 to require a new or increased expenditure of local
25 funds within the meaning of the amendment. However,
26 the bill does not require approval of a local
27 governmental entity or enactment by a 2/3 vote to

1 become effective because it comes within one of the
2 specified exceptions contained in the amendment.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to unlawfully overtaking a school or church
9 bus; to amend Section 32-5A-154, Code of Alabama 1975, to
10 further provide criminal penalties for a violation; to further
11 provide for the suspension or revocation of driving privileges
12 or driver's license for a violation; to provide criminal
13 penalties for a violation when the violation causes bodily
14 injury or death; and in connection therewith would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official Recompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 32-5A-154, Code of Alabama 1975,
22 is amended to read as follows:

23 "§32-5A-154.

24 "(a) The driver of a vehicle upon meeting or
25 overtaking from either direction any school bus which has
26 stopped for the purpose of receiving or discharging any school
27 children on a highway, on a roadway, on school property, or

1 upon a private road or any church bus which has stopped for
2 the purpose of receiving or discharging passengers shall bring
3 the vehicle to a complete stop before reaching the school or
4 church bus when there is in operation on the school or church
5 bus a visual signal as specified in Section 32-5A-155. The
6 driver shall not proceed until the school or church bus
7 resumes motion or is signaled by the school or church bus
8 driver to proceed or the visual signals are no longer
9 actuated.

10 "(b) Every bus used for the transportation of school
11 children shall bear upon the front and rear thereof plainly
12 visible signs containing the words "school bus" in letters not
13 less than eight inches in height, and in addition shall be
14 equipped with visual signals meeting the requirements of
15 Section 32-5A-155, which shall be actuated by the driver of
16 the school bus only when the vehicle is stopped for the
17 purpose of receiving or discharging school children. The
18 visual signals shall not be actuated at any other time.

19 "(c) (1) Every bus used for the transportation of
20 passengers to or from church shall bear upon the front and
21 rear thereof plainly visible signs containing the words
22 "church bus" in letters not less than eight inches in height.
23 Visual signals meeting the requirements of Section 32-5A-155,
24 on a church bus, if any, may be actuated by the driver of the
25 church bus only when the vehicle is stopped for the purpose of
26 receiving or discharging passengers.

1 "(2) A bus operated by the ~~Association for Retarded~~
2 ~~Citizens of~~ Arc of Alabama, or an affiliate thereof,
3 transporting its clients shall be considered a bus to which
4 this section is applicable.

5 "(d) The driver of a vehicle upon a divided highway
6 having four or more lanes which permits at least two lanes of
7 traffic to travel in opposite directions need not stop the
8 vehicle upon meeting a school or church bus which is stopped
9 in the opposing roadway or if the school or church bus is
10 stopped in a loading zone which is a part of or adjacent to
11 such highway and where pedestrians are not permitted to cross
12 the roadway.

13 "(e) If the driver of any vehicle is witnessed by a
14 peace officer or the driver of a school bus to have violated
15 this section and the identity of the driver of the vehicle is
16 not otherwise apparent, it shall be an inference that the
17 person in whose name such vehicle is registered committed the
18 violation. In the event that charges are filed against
19 multiple owners of a motor vehicle, only one of the owners may
20 be convicted and court costs may be assessed against only one
21 of the owners. If the vehicle which is involved in the
22 violation is registered in the name of a rental or leasing
23 company and the vehicle is rented or leased to another person
24 at the time of the violation, the rental or leasing company
25 may rebut the inference by providing the peace officer or
26 prosecuting authority with a copy of the rental or lease
27 agreement in effect at the time of the violation.

1 "(f) (1) Upon first conviction, a person violating
2 subsection (a) is guilty of a Class B misdemeanor and shall be
3 punished by a fine of not less than ~~one hundred fifty three~~
4 hundred dollars ~~(\$150)~~ (\$300) nor more than ~~three hundred five~~
5 hundred dollars ~~(\$300)~~ (\$500) and shall complete at least 100
6 hours of community service. In addition, the Secretary of the
7 Alabama State Law Enforcement Agency shall suspend the driving
8 privileges or driver's license of the person convicted for a
9 period of 90 days.

10 "(2) On a second conviction, a person convicted of
11 violating subsection (a) is guilty of a Class A misdemeanor
12 and shall be punished by a fine of not less than ~~three~~ five
13 hundred dollars ~~(\$300)~~ (\$500) nor more than ~~five hundred one~~
14 thousand dollars ~~(\$500)~~ (\$1,000) and shall complete at least
15 ~~100~~ 200 hours of community service. In addition, the ~~Director~~
16 of the Department of Public Safety Secretary of the Alabama
17 State Law Enforcement Agency shall suspend the driving
18 privileges or driver's license of the person convicted for a
19 period of ~~30 days~~ one year.

20 "(3) On a third or subsequent conviction, a person
21 convicted of violating subsection (a) is guilty of a Class C
22 felony and shall be punished by a fine of not less than ~~five~~
23 hundred one thousand dollars ~~(\$500)~~ (\$1,000) nor more than ~~one~~
24 three thousand dollars ~~(\$1,000)~~ (\$3,000) and shall complete at
25 least ~~200~~ 300 hours of community service. In addition, the
26 Director of the Department of Public Safety Secretary of the
27 Alabama State Law Enforcement Agency shall ~~suspend~~ revoke the

1 driving privileges or driver's license of the person convicted
2 for a period of ~~90 days~~ not less than one year nor more than
3 three years.

4 ~~"(4) On a fourth or subsequent conviction, a person~~
5 ~~convicted of violating subsection (a) shall be guilty of a~~
6 ~~Class C felony and punished by a fine of not less than one~~
7 ~~thousand dollars (\$1,000) nor more than three thousand dollars~~
8 ~~(\$3,000). In addition to the other penalties authorized, the~~
9 ~~Director of the Department of Public Safety shall revoke the~~
10 ~~driving privileges or driver's license of the person convicted~~
11 ~~for a period of one year.~~

12 "(g) (1) A person who violates subsection (a) and, as
13 a proximate cause of that violation, causes bodily injury to
14 another person, is guilty of a Class C felony and shall be
15 fined in an amount not to exceed ten thousand dollars
16 (\$10,000). In addition, the Secretary of the Alabama State Law
17 Enforcement Agency shall revoke the driving privileges or
18 driver's license of the person convicted for not less than one
19 year nor more than three years.

20 "(2) A person who violates subsection (a) and, as a
21 proximate cause of that violation, causes the death of another
22 person, is guilty of a Class B felony and shall be fined in an
23 amount not to exceed twenty thousand dollars (\$20,000). In
24 addition, the Secretary of the Alabama State Law Enforcement
25 Agency shall revoke the driving privileges or driver's license
26 of the person convicted for five years.

1 "~~(g)~~ (h) Any law to the contrary notwithstanding,
2 the Alabama habitual felony offender law shall not apply to a
3 conviction of a felony pursuant to subsection (f), and a
4 conviction of a felony pursuant to subsection (f) shall not be
5 a felony conviction for purposes of the enhancement of
6 punishment pursuant to Alabama's habitual felony offender law.

7 "~~(h)~~ (i) All fines and penalties imposed pursuant to
8 this section shall be forwarded immediately upon collection by
9 the officer of the court who collects the proceeds to the
10 general fund of the respective agency that enforced this
11 section.

12 "~~(i)~~ (j) Neither reckless driving nor any other
13 traffic infraction is a lesser included offense under a charge
14 of overtaking and passing a school bus or church bus.

15 "(k) Notwithstanding any law to the contrary and
16 Section 32-6-12.1, relating to limited driving permits, and
17 Section 32-5A-191, relating to ignition interlock devices, a
18 person whose license is suspended or revoked under this
19 section may not be authorized to drive under any conditions
20 during the suspension or revocation period."

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.