

1 HB435
2 150962-4
3 By Representatives Treadaway and Payne
4 RFD: Public Safety and Homeland Security
5 First Read: 06-FEB-14

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8 SYNOPSIS: This bill would prohibit a dump truck from
9 operating on any highway, road, or street in this
10 state with the bed of the truck in the up position
11 and would provide penalties.

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

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to motor vehicles; to prohibit a dump truck
11 from operating on any highway, road, or street in this state
12 with the bed of the truck in the up position; would provide
13 penalties; and in connection therewith would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds within the meaning of Amendment 621
16 of the Constitution of Alabama of 1901, now appearing as
17 Section 111.05 of the Official Recompilation of the
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) For the purposes of this act, the
21 following words shall have the following meanings:

22 (1) DUMP TRUCK. A motor vehicle which has a bed
23 attached to the truck which allows the front of the bed near
24 the passenger compartment to be raised to over a 20-degree
25 angle to allow the load to be dumped from the rear of the bed.

26 (2) HIGHWAY. Any public highway, road, or municipal
27 street.

1 (b) A dump truck may not be driven on any highway of
2 this state with the bed of the truck raised to more than a
3 20-degree angle except when the dump truck is actively engaged
4 in dumping its load.

5 (c) A violation of this section is a Class C
6 misdemeanor on the first offense. Any second or subsequent
7 offense is a Class B misdemeanor.

8 (d) This section may be enforced by any law
9 enforcement officer. At the scene of an accident, a law
10 enforcement officer may give a citation for a violation if the
11 officer has reasonable cause to believe a violation has been
12 committed even if the officer did not witness the violation.

13 (e) This section shall not be construed to repeal
14 any other criminal law. Whenever conduct prohibited by this
15 section is also prohibited by any other provision of law, the
16 provision that carries the more serious penalty shall be
17 applied.

18 Section 2. This act shall be known as "The Ricky
19 Morgan Act."

20 Section 3. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621 because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

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