SB303

197377-1

By Senator Allen

RFD: Judiciary

First Read: 12-MAR-20
SYNOPSIS: Under existing law, when a driver of a vehicle approaches a stopped school bus that is flashing its lights for the purpose of receiving or discharging school children, the driver is required to completely stop his or her vehicle until the school bus resumes motion or ceases to flash its lights. Existing law provides penalties for a violation, including a fine, suspension of driving privileges or driver's license, and community service.

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

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

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

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

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

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to
become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-5A-154.

"(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children on a highway, on a roadway, on school property, or
upon a private road or any church bus which has stopped for
the purpose of receiving or discharging passengers shall bring
the vehicle to a complete stop before reaching the school or
church bus when there is in operation on the school or church
bus a visual signal as specified in Section 32-5A-155. The
driver shall not proceed until the school or church bus
resumes motion or is signaled by the school or church bus
driver to proceed or the visual signals are no longer
actuated.

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

"(c)(1) Every bus used for the transportation of
passengers to or from church shall bear upon the front and
rear thereof plainly visible signs containing the words
"church bus" in letters not less than eight inches in height.
Visual signals meeting the requirements of Section 32-5A-155,
on a church bus, if any, may be actuated by the driver of the
church bus only when the vehicle is stopped for the purpose of
receiving or discharging passengers.
(2) A bus operated by the Association for Retarded Citizens of Arc of Alabama, or an affiliate thereof, transporting its clients shall be considered a bus to which this section is applicable.

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

(e) If the driver of any vehicle is witnessed by a peace officer or the driver of a school bus to have violated this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be an inference that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.
"(f)(1) Upon first conviction, a person violating subsection (a) is guilty of a Class B misdemeanor and shall be punished by a fine of not less than one hundred fifty three hundred dollars ($150) ($300) nor more than three hundred five hundred dollars ($300) ($500) and shall complete at least 100 hours of community service. In addition, the Secretary of the Alabama State Law Enforcement Agency shall suspend the driving privileges or driver's license of the person convicted for a period of 90 days.

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

"(3) On a third or subsequent conviction, a person convicted of violating subsection (a) is guilty of a Class C felony and shall be punished by a fine of not less than five hundred one thousand dollars ($500) ($1,000) nor more than one three thousand dollars ($1,000) ($3,000) and shall complete at least 300 hours of community service. In addition, the Director of the Department of Public Safety Secretary of the Alabama State Law Enforcement Agency shall suspend revoke the
driving privileges or driver's license of the person convicted for a period of 90 days not less than one year nor more than three years.

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

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

"(2) A person who violates subsection (a) and, as a proximate cause of that violation, causes the death of another person, is guilty of a Class B felony and shall be fined in an amount not to exceed twenty thousand dollars ($20,000). In addition, the Secretary of the Alabama State Law Enforcement Agency shall revoke the driving privileges or driver's license of the person convicted for five years.
"(g) (h) Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to subsection (f), and a conviction of a felony pursuant to subsection (f) shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.

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

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

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

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an existing crime.

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