

1 HB71
2 115317-1
3 By Representative McClendon
4 RFD: Public Safety
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

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8 SYNOPSIS: This bill would authorize the State
9 Department of Transportation and county commissions
10 to designate as "safety zones" sections of highways
11 and roads where there have occurred a number of
12 serious motor vehicle accidents in which excessive
13 speed was a contributing factor. The bill would
14 define serious motor vehicle accidents as accidents
15 resulting in fatality or serious bodily injury,
16 including pedestrians. Drivers convicted of
17 excessive speed in a safety zone would be assessed
18 an additional fine of \$100 over and above the fine
19 prescribed by law outside the safety zone.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to the public highways; to authorize the
19 Department of Transportation and county commissions to
20 designate as safety zones sections of highways and roads where
21 there have occurred a number of serious motor vehicle
22 accidents in which excessive speed was a contributing factor;
23 to provide for the assessment of an additional fine for
24 speeding violations in these safety zones; and in connection
25 therewith would have as its purpose or effect the requirement
26 of a new or increased expenditure of local funds within the
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) For purposes of this section, a
6 "serious motor vehicle accident" means any motor vehicle
7 accident that results in fatality or serious bodily injury,
8 including the death of or serious bodily injury to a
9 pedestrian.

10 (b) The State Department of Transportation along
11 state or interstate highways, and county commissions along
12 county roads, may designate any section of such highways or
13 roads as a "safety zone" where there have occurred a number of
14 serious motor vehicle accidents in which excessive speed was a
15 contributing cause.

16 (c) Upon conviction of a speeding violation in a
17 safety zone, the operator of the motor vehicle shall be
18 assessed an additional fine of one-hundred dollars (\$100) over
19 and above the fine prescribed by law outside the safety zone.
20 A person subject to a penalty pursuant to this section shall
21 not be assessed additional court costs on conviction.

22 (d) The presence of a safety zone shall be indicated
23 by signs posted at least one thousand, five hundred feet in
24 advance of the entrance to a safety zone. The signs shall warn
25 of increased fines for speeding within a safety zone.

1 Section 2. The Department of Transportation may
2 adopt administrative rules it deems necessary to carry out
3 this section.

4 Section 3. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 4. This Act shall become effective
13 immediately upon its passage and approval by the Governor, or
14 upon its otherwise becoming a law.