

1 SB436  
2 117565-2  
3 By Senator Waggoner  
4 RFD: Judiciary  
5 First Read: 17-FEB-10

SYNOPSIS: Existing law imposes a fine on a person who rides in the front seat of a passenger car without wearing his or her seat belt.

This bill would increase the fine for a second or subsequent offense and would provide for distribution of the fine.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 32-5B-5 and 32-5B-8 of the Code of Alabama 1975, relating to seat belt use; to increase the fine for a second or subsequent offense; and to provide for distribution of the fine.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-5B-5 and 32-5B-8 of the Code of Alabama 1975, are amended to read as follows:

"§32-5B-5.

1 "Any person violating the provisions of this chapter  
2 ~~may shall~~ be fined up to ~~\$25.00~~ twenty-five dollars (\$25) for  
3 the first offense, fifty dollars (\$50) for the second offense,  
4 and seventy-five dollars (\$75) for a third or subsequent  
5 offense. The violation of the provisions of this chapter shall  
6 not constitute probable cause for search of the vehicle  
7 involved.

8 "§32-5B-8.

9 "(a) A person subject to a penalty pursuant to  
10 Section 32-5B-5, shall not be assessed court costs on a  
11 conviction.

12 "(b) (1) In any case brought pursuant to this  
13 section, five dollars (\$5) of each fine shall be distributed  
14 to the Peace Officers' Annuity and Benefit Fund.

15 "(2) In any case brought by a law enforcement  
16 officer employed by the Department of Public Safety, ~~sixty~~ 60  
17 percent ~~(60%)~~ of the remainder of the funds after the  
18 deduction in subdivision (1) generated from the first offense  
19 shall be allocated to the Department of Public Safety, Law  
20 Enforcement Division. ~~The~~ and the remaining ~~forty~~ 40 percent  
21 ~~(40%)~~ of the funds shall be allocated to the State General  
22 Fund. ~~The~~ remainder of the funds generated from a second or  
23 subsequent offense in any case brought by a law enforcement  
24 officer employed by the Department of Public Safety after the  
25 deduction in subdivision (1) shall be allocated to the State  
26 General Fund.

1           "(c) A law enforcement officer may not search or  
2 inspect a motor vehicle, its content, the driver, or a  
3 passenger solely because of a violation of this chapter.

4           "(d) Each state, county, and municipal police  
5 department must maintain statistical information on traffic  
6 stops of this nature on minorities and report that information  
7 monthly to the Department of Public Safety and the Attorney  
8 General."

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