

1 HB613  
2 201089-1  
3 By Representatives Scott and Alexander (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 14-MAY-19

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act 448, 1967 Regular Session of the Alabama Legislature to provide for, regulate, and control ownership, use, operation, and maintenance of passenger automobiles by any Class 1 municipality; to provide the terms and conditions under which officers, deputies, any member of the governing board or body, deputies, agents, and employees of such cities may be provided with such automobiles by such cities, or may use the same and the storage thereof; to generally provide for the use, operation, maintenance, identification and general control of such automobiles so as to prevent fraud and imposition on such cities by those using the same, as well as others, and to provide the punishment for the violation hereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 1 and 2 of Act 448 of the 1967  
2 Regular Session (Acts 1967, p. 1121), are amended to read as  
3 follows:

4           "Section 1. This Act shall be effective only in  
5 ~~cities having a population of three hundred thousand persons~~  
6 ~~or more, according to the last or any subsequent federal~~  
7 ~~census, and when the word "City" is used herein, it shall be~~  
8 ~~understood as applying only to a city in such population class~~  
9 a Class 1 municipality.

10           "Section 2. When the word "automobile" is used  
11 herein the same shall mean a passenger automobile. Except as  
12 provided herein, no ~~No~~ person who is a member of the ~~governing~~  
13 ~~board or body by whatever name it may be called of a city~~  
14 council shall be provided at the expense of ~~such the~~ city with  
15 a passenger automobile for either the public, private, or  
16 official use of ~~such the~~ person, provided that for the  
17 purposes of this act the Mayor or other chief executive  
18 officer of ~~such the~~ city shall not be considered a member of  
19 ~~such governing board or body~~ the city council. Notwithstanding  
20 the foregoing, the city council, by ordinance, may authorize  
21 the members of the city council to use passenger automobiles  
22 owned by the city for temporary periods of time for official  
23 business of the city only. It shall be unlawful for ~~such the~~  
24 person to buy gasoline or other motor fuel or motor oil or  
25 automotive accessories, including tires, from ~~such the~~ city.  
26 It shall be unlawful for any member of ~~such governing body~~ the  
27 city council to buy, or receive as a gift or otherwise, from

1 ~~such~~ the city, either directly or indirectly, any gasoline,  
2 oil, grease, automobile or other article or commodity used or  
3 usables in connection with automobiles, owned or controlled by  
4 ~~such~~ the city, or to use the same except in the performance of  
5 his or her official duty, or for any person connected with  
6 ~~such~~ the city to vote for, or participate in, ~~any~~ ~~such~~ the  
7 sale or disposition to ~~such~~ the member. The Mayor or other  
8 chief executive officer of ~~each~~ ~~such~~ the city is hereby  
9 charged with the duty of causing each passenger automobile  
10 owned or controlled by ~~such~~ the city to have printed thereon  
11 in a conspicuous place the unobscured name of ~~such~~ the city in  
12 plain letters and figures at least four inches high, provided  
13 that the Mayor or other chief executive officer of ~~such~~ the  
14 city may authorize the operation by ~~such~~ the city of as many  
15 unmarked cars as he or she shall from time to time determine  
16 to be in the City's interest. When an automobile is designated  
17 or assigned or the custody thereof delivered to a given person  
18 or persons for use in and about the city's business for a  
19 period longer than one calendar week, ~~such~~ the assignment must  
20 be accomplished by written direction of the Mayor or other  
21 chief executive officer of the City. Any officer, agent,  
22 servant, or employee of any ~~such~~ the city, who for his or her  
23 own private use or purpose, or for the use or purpose of any  
24 person, firm, or corporation other than ~~such~~ the city, uses or  
25 authorizes any other person to use any automobile owned or  
26 controlled in whole or in part by ~~such~~ the city, or any  
27 gasoline or other motor fuel, any motor oil, any tires,

1 accessories, or automotive equipment belonging to ~~such~~ the  
2 city in whole or in part, shall be guilty of a misdemeanor.  
3 Any passenger automobiles owned by ~~such~~ the city, except those  
4 devoted exclusively to the use of the police and fire  
5 departments, shall be placed in the city's garage, barn, or  
6 lot at the close of each day's service, and there remain until  
7 removed therefrom for further use on the next business day,  
8 unless otherwise directed in writing by the Mayor or other  
9 chief executive officer of the city. Such automobile shall  
10 also remain in ~~such~~ the barn or garage during Sundays or  
11 holidays and during any other period when not in use. The  
12 possession of an automobile owned or controlled by ~~such~~ the  
13 city contrary to the provisions hereof is hereby declared to  
14 be a misdemeanor. Except as provided in this section it shall  
15 be unlawful for any officer, agent, or employee of ~~such~~ the  
16 city, or of any agency or instrumentality of ~~such~~ the city, to  
17 store or garage upon his or her residence premises, or upon  
18 premises controlled by ~~him~~ the person, or at any place other  
19 than a central garage, barn, or lot of ~~such~~ the city, any  
20 passenger automobile owned or controlled by ~~such~~ the city, at  
21 any time when ~~such~~ the automobile is not in actual use upon  
22 the business of ~~such~~ the city. It shall be unlawful for any  
23 person or persons to use or operate, or permit the use of  
24 operation of, any automobile owned or controlled by ~~any~~ ~~such~~  
25 the city for any purpose other than the public business of  
26 ~~such~~ the city. The doing of any act herein declared to be  
27 unlawful, or herein prohibited, or the violation of any of the

1 provisions hereof, or any intentional connivance at, or  
2 circumvention, or attempt to circumvent, the provisions of  
3 this section, shall constitute a misdemeanor, and any one  
4 adjudged to be guilty thereof shall be punished by fine not  
5 exceeding five hundred dollars (\$500), and may be sentenced to  
6 hard labor for the city affected for not exceeding ~~twelve~~ 12  
7 months, ~~one~~ or both.

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