

1 SB4
2 206030-5
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 02-FEB-21
6 PFD: 07/22/2020

1 SB4

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4 ENROLLED, An Act,

5 Relating to the rules of the road; to amend Section
6 32-5A-176.1, Code of Alabama 1975, to provide further for
7 construction zone speed violations to include moving
8 violations; to further provide criminal penalties; and in
9 connection therewith would have as its purpose or effect the
10 requirement of a new or increased expenditure of local funds
11 within the meaning of Amendment 621 of the Constitution of
12 Alabama of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 32-5A-176.1, Code of Alabama
17 1975, is amended to read as follows:

18 "§32-5A-176.1.

19 "(a) A person commits a construction zone moving
20 violation if, while operating a motor vehicle, he or she
21 commits any violation of Chapter 5 or Chapter 5A of Title 32
22 under all of the following conditions:

23 "(1) The person is in a construction zone designated
24 by the Department of Transportation or a political subdivision
25 of the state.

1 "(2) Construction or maintenance workers are present
2 and performing construction or maintenance work.

3 "(3) There are work zone traffic control devices,
4 traffic controls, or warning signs present to notify motorists
5 and pedestrians of construction or maintenance workers in the
6 area.

7 "~~(a)~~ (b) The ~~State~~ Department of Transportation may
8 set the speed limits in urban and rural construction zones
9 along state and interstate highways and the county commission
10 of a county may set the speed limits in urban and rural
11 construction zones along county roads or highways. The
12 construction zone speed limits shall be posted on the
13 department's standard size speed limit signs at least one
14 hundred feet in advance of the entrance to a construction
15 zone. Law enforcement authorities shall enforce construction
16 zone speed limits.

17 "(c) Upon conviction of a construction zone ~~speed~~
18 moving violation, the operator of the motor vehicle shall be
19 assessed a fine of the greater of two hundred fifty dollars
20 (\$250) or double the amount prescribed by law outside a
21 construction zone. ~~The fine shall only be doubled for~~
22 ~~construction zone violations if construction personnel are~~
23 ~~present and that fact is indicated by appropriate signs.~~

24 "(d) ~~The~~ Warning signs, shall be placed at the
25 entrance of the construction zone, and shall warn of ~~the~~

1 ~~doubled~~ additional fines for ~~speeding~~ committing a moving
2 violation within a construction zone. The signs shall also
3 state that the ~~doubled~~ additional fines are applicable only
4 when construction personnel are present.

5 "~~(b)~~ (e) The ~~State~~ Department of Transportation may
6 ~~promulgate~~ adopt and implement administrative rules and
7 procedures ~~as it deems necessary to both carry out the~~
8 ~~provisions of subsection (a) on state and interstate highways~~
9 ~~and~~ enforce this section and to ensure the safety of private
10 and public construction and maintenance personnel working in
11 designated construction zones on state and interstate
12 highways. A county commission may promulgate and implement
13 administrative rules and procedures as it deems necessary to
14 ~~carry out the provisions of subsection (a)~~ enforce this
15 section on county roads and highways, provided the rules and
16 procedures are not in conflict with those set by the ~~State~~
17 Department of Transportation.

18 "~~(c)~~ (f) A person subject to a penalty pursuant to
19 this section ~~shall~~ may not be assessed additional court costs
20 on conviction.

21 "(g) Fines assessed under this section shall be
22 collected and distributed as other fines for moving violations
23 are collected and distributed, as provided by law."

24 Section 2. Although this bill would have as its
25 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB4

Senate 04-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 29-APR-21

By: Senator Allen