

1 HB245
2 206030-2
3 By Representative Greer
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 02-FEB-21

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8 SYNOPSIS: Under existing law, the Department of
9 Transportation and county commissions may designate
10 areas along the county roads and highways of the
11 state as construction zones and may set reduced
12 speed construction zone speed limits.

13 Existing law also provides that a person who
14 commits a violation of a construction zone speed
15 limit shall be assessed a fine of double the amount
16 prescribed by law outside of a construction zone.

17 This bill would further provide for the
18 violation to include all moving violations
19 committed within a construction zone while workers
20 are present and while there are work zone traffic
21 control devices or warning signs present to notify
22 motorists of construction and maintenance workers
23 in the area.

24 This bill would provide that the penalty for
25 a construction zone violation is the greater of
26 \$250 or double the amount prescribed by law outside
27 of a construction zone.

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

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

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the rules of the road; to amend Section
27 32-5A-176.1, Code of Alabama 1975, to provide further for

1 construction zone speed violations to include moving
2 violations; to further provide criminal penalties; and in
3 connection therewith would have as its purpose or effect the
4 requirement of a new or increased expenditure of local funds
5 within the meaning of Amendment 621 of the Constitution of
6 Alabama of 1901, now appearing as Section 111.05 of the
7 Official Recompilation of the Constitution of Alabama of 1901,
8 as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 32-5A-176.1, Code of Alabama
11 1975, is amended to read as follows:

12 "§32-5A-176.1.

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

17 "(1) The person is in a construction zone designated
18 by the Department of Transportation or a political subdivision
19 of the state.

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

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

26 "~~(a)~~ (b) The ~~State~~ Department of Transportation may
27 set the speed limits in urban and rural construction zones

1 along state and interstate highways and the county commission
2 of a county may set the speed limits in urban and rural
3 construction zones along county roads or highways. The
4 construction zone speed limits shall be posted on the
5 department's standard size speed limit signs at least one
6 hundred feet in advance of the entrance to a construction
7 zone. Law enforcement authorities shall enforce construction
8 zone speed limits.

9 "(c) Upon conviction of a construction zone ~~speed~~
10 moving violation, the operator of the motor vehicle shall be
11 assessed a fine of the greater of two hundred fifty dollars
12 (\$250) or double the amount prescribed by law outside a
13 construction zone. ~~The fine shall only be doubled for~~
14 ~~construction zone violations if construction personnel are~~
15 ~~present and that fact is indicated by appropriate signs.~~

16 "(d) ~~The~~ Warning signs, shall be placed at the
17 entrance of the construction zone, and shall warn of ~~the~~
18 ~~doubled~~ additional fines for ~~speeding~~ committing a moving
19 violation within a construction zone. The signs shall also
20 state that the ~~doubled~~ additional fines are applicable only
21 when construction personnel are present.

22 "~~(b)~~ (e) The ~~State~~ Department of Transportation may
23 ~~promulgate~~ adopt and implement administrative rules and
24 procedures ~~as it deems necessary to both carry out the~~
25 ~~provisions of subsection (a) on state and interstate highways~~
26 ~~and~~ enforce this section and to ensure the safety of private
27 and public construction and maintenance personnel working in

1 designated construction zones on state and interstate
2 highways. A county commission may promulgate and implement
3 administrative rules and procedures as it deems necessary to
4 ~~carry out the provisions of subsection (a)~~ enforce this
5 section on county roads and highways, provided the rules and
6 procedures are not in conflict with those set by the ~~State~~
7 Department of Transportation.

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

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

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