

1 SB196  
2 173530-1  
3 By Senator Pittman  
4 RFD: Transportation and Energy  
5 First Read: 09-FEB-16

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, there is no specific  
9 crime for the injury or death to a highway worker  
10 in a construction zone.

11 This bill would establish the Marshall James  
12 Walton Highway Worker Safety Act and would provide  
13 for the crime of endangerment of a highway worker  
14 in a construction zone and provide penalties.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

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

8  
9   A BILL  
10    TO BE ENTITLED  
11    AN ACT

12  
13                   Relating to motor vehicles and traffic; to establish  
14                   the Marshall James Walton Highway Worker Safety Act; to  
15                   provide for the crime of endangerment of a highway worker in a  
16                   construction zone; to provide penalties; and in connection  
17                   therewith to have as its purpose or effect the requirement of  
18                   a new or increased expenditure of local funds within the  
19                   meaning of Amendment 621 of the Constitution of Alabama of  
20                   1901, now appearing as Section 111.05 of the Official  
21                   Recompilation of the Constitution of Alabama of 1901, as  
22                   amended.

23                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24    Section 1. This act may be cited as the Marshall  
25                   James Walton Highway Worker Safety Act.

1                   Section 2. (a) A person commits the crime of  
2                   endangerment of a highway worker in a construction zone when  
3                   he or she does any of the following in the construction zone:

4                   (1) Exceeds the posted speed limit by 15 miles per  
5                   hour or more.

6                   (2) Fails to stop for a construction zone flagman or  
7                   fails to obey traffic control devices erected in the  
8                   construction zone for the purpose of controlling the flow of  
9                   motor vehicles through the zone.

10                  (3) Drives through or around a construction zone by  
11                  a lane not clearly designated to motorists for the flow of  
12                  traffic through or around the construction zone.

13                  (4) Physically assaults, attempts to assault, or  
14                  threatens to assault a highway worker in a construction zone  
15                  with a motor vehicle or other object.

16                  (5) Intentionally strikes, moves, or alters barrels,  
17                  barriers, signs, or other devices erected to control the flow  
18                  of traffic to protect workers and motorists in the  
19                  construction zone for a reason other than avoidance of an  
20                  obstacle, an emergency, or to protect the health and safety of  
21                  an occupant in the motor vehicle or of another person.

22                  (6) Commits any of the following offenses in the  
23                  construction zone:

24                  a. Reckless driving, in violation of Section  
25                  32-5A-190 of the Code of Alabama 1975.

1           b. Driving while under the influence of alcohol or a  
2 controlled substance, in violation of Section 32-5A-191 of the  
3 Code of Alabama 1975.

4           c. Text messaging while operating a motor vehicle,  
5 in violation of Section 32-5A-350 of the Code of Alabama 1975.

6           d. Driving without a license or with a suspended or  
7 revoked license, in violation of Sections 32-6-1, 32-6-18, and  
8 32-6-19 of the Code of Alabama 1975.

9           e. Leaving the scene of an accident, in violation of  
10 Section 32-10-1 of the Code of Alabama 1975.

11           f. Failing to give information and render aid after  
12 an accident, in violation of Section 32-10-2 of the Code of  
13 Alabama 1975.

14           g. Failing to notify the owner of an unattended  
15 vehicle of an accident, in violation of Section 32-10-3 of the  
16 Code of Alabama 1975.

17           h. Failing to notify the owner of fixtures struck  
18 while on the highway, in violation of Section 32-10-4 of the  
19 Code of Alabama 1975.

20           i. Failing to immediately report an accident, in  
21 violation of Section 32-10-5 of the Code of Alabama 1975.

22           j. Any felony involving the use of a motor vehicle.

23           (b) Where no injury or death to the highway worker  
24 occurred as a result of the offense, endangerment of a highway  
25 worker in a construction zone is a Class C misdemeanor.

26           (c) Where injury to, but not the death of, the  
27 highway worker occurred as a result of the offense,

1       endangerment of a highway worker in a construction zone is a  
2       Class A misdemeanor.

3               (d) Where the death of the highway worker occurred  
4       as a result of the offense, endangerment of a highway worker  
5       in a construction zone is a Class C felony.

6               (e) Except for the offense established under  
7       subdivision (5) of subsection (a), a person may not be guilty  
8       of endangerment of a highway worker in a construction zone  
9       unless the act or omission constituting the offense occurred  
10       when one or more highway workers were in the construction  
11       zone.

12              (f) A person may not be convicted of endangerment of  
13       a highway worker in a construction zone for any act or  
14       omission otherwise constituting an offense under subsection  
15       (a) if the act or omission resulted in whole or in part from  
16       mechanical failure of the vehicle of the person or from the  
17       negligence of another person or a highway worker.

18              Section 3. Although this bill would have as its  
19       purpose or effect the requirement of a new or increased  
20       expenditure of local funds, the bill is excluded from further  
21       requirements and application under Amendment 621, now  
22       appearing as Section 111.05 of the Official Recompilation of  
23       the Constitution of Alabama of 1901, as amended, because the  
24       bill defines a new crime or amends the definition of an  
25       existing crime.

1                   Section 4. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.