

1 HB198  
2 163525-3  
3 By Representatives Harper, Ball, Pettus and Wood  
4 RFD: Public Safety and Homeland Security  
5 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, it is unlawful to write,  
9 send, or read a text-based communication on a  
10 wireless communication device while operating a  
11 motor vehicle.

12 This bill would provide it is also unlawful  
13 to engage in distracted driving, resulting in the  
14 unsafe operation of the vehicle where inattention  
15 is caused by reading, writing, performing personal  
16 grooming, interacting with pets or unsecured cargo,  
17 using a wireless telecommunication device, or  
18 engaging in any other activity that causes  
19 distractions.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official ReCompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1           unless: it comes within one of a number of  
2           specified exceptions; it is approved by the  
3           affected entity; or the Legislature appropriates  
4           funds, or provides a local source of revenue, to  
5           the entity for the purpose.

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

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14                           A BILL  
15                           TO BE ENTITLED  
16                           AN ACT

17  
18           Relating to the operation of motor vehicles; to  
19   prohibit distracted driving; to provide penalties; and in  
20   connection therewith would have as its purpose or effect the  
21   requirement of a new or increased expenditure of local funds  
22   within the meaning of Amendment 621 of the Constitution of  
23   Alabama of 1901, now appearing as Section 111.05 of the  
24   Official Recompile of the Constitution of Alabama of 1901,  
25   as amended.

26   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. This act shall be known and may be cited  
2 as "Bryant's Law."

3           Section 2. (a) For the purposes of this section, the  
4 following words shall have the following meanings:

5           (1) DISTRACTED DRIVING. Inattentive driving while  
6 operating a motor vehicle that results in the unsafe operation  
7 of the vehicle where the inattention is caused by reading,  
8 writing, personal grooming, interacting with pets or unsecured  
9 cargo, using wireless telecommunication devices, or engaging  
10 in any other activity that prevents a driver from devoting  
11 necessary attention to driving.

12           (2) WIRELESS TELECOMMUNICATION DEVICE. A handheld  
13 cellular telephone, a text-messaging device, a personal  
14 digital assistant, a stand alone computer, or any other  
15 similar wireless device.

16           (b) A person may not engage in distracted driving  
17 while operating a motor vehicle on a public road, street, or  
18 highway in this state.

19           (c) A person who violates subsection (b) is subject  
20 to the following fines:

21           (1) Twenty-five dollars (\$25) for a first violation.

22           (2) Fifty dollars (\$50) for a second violation.

23           (3) Seventy-five dollars (\$75) for a third or  
24 subsequent violation.

25           (d) Law enforcement officers enforcing this section  
26 may treat a violation of this section as the primary or sole  
27 reason for issuing a citation to a driver.

1           (e) A conviction of this section shall be entered on  
2 the driving record of any individual charged under this  
3 section as a two-point violation.

4           Section 3. Although this bill would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds, the bill is excluded from further  
7 requirements and application under Amendment 621, now  
8 appearing as Section 111.05 of the Official Recompilation of  
9 the Constitution of Alabama of 1901, as amended, because the  
10 bill defines a new crime or amends the definition of an  
11 existing crime.

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