

1 HB555
2 158482-1
3 By Representative Rich
4 RFD: Judiciary
5 First Read: 26-FEB-14

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SYNOPSIS: Under existing law, it is not specifically illegal to allow a person under the age of 21 to ride in the bed of a pickup truck.

This bill would specifically prohibit the operator of a pickup truck from allowing a person age 21 or under to ride in the bed of the pickup truck on a paved highway. The bill would prescribe a penalty for a violation. The bill would provide for a phased in implementation.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Prohibiting the operator of a pickup truck from
16 allowing a person of a certain age to ride in the bed of the
17 pickup truck on a paved highway; providing certain exceptions;
18 prescribing a penalty for a violation of this act; providing
19 for a phased in implementation of this act; and in connection
20 therewith would have as its purpose or effect the requirement
21 of a new or increased expenditure of local funds within the
22 meaning of Amendment 621 of the Constitution of Alabama of
23 1901, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) The operator of a pickup truck may
2 not allow any person age 21 or younger to ride as a passenger
3 in the bed of the pickup truck on any paved highway in this
4 state.

5 (b) Subsection (a) shall not apply to the operator
6 of a pickup truck while being used in a parade; while being
7 used for farming purposes; or while being used in an emergency
8 situation, if the person age 21 or younger is accompanied
9 within the bed of the truck by an adult.

10 (c) Any operator violating this section shall be
11 fined up to fifty dollars (\$50). A violation of this section
12 shall not constitute probable cause for search of the vehicle
13 involved.

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

22 Section 3. All laws or parts of laws which conflict
23 with this act are repealed.

24 Section 4. The period from the effective date of
25 this act until 12 months thereafter shall be a warning period
26 during which any person who violates this act shall be issued
27 a verbal warning or warning citation by a law enforcement

1 officer, but no monetary fine shall be assessed against the
2 offender. At the conclusion of the warning period, this act
3 shall be in full force and effect.

4 Section 5. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.