

1 HB100
2 107428-3
3 By Representatives Canfield, Drake, Treadaway, DeMarco and
4 Williams (J)
5 RFD: Public Safety
6 First Read: 12-JAN-10
7 PFD: 01/06/2010

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8 SYNOPSIS: Under existing law, a municipality may
9 establish a school zone. However, county
10 commissions are not granted specific authority to
11 establish school zones in the unincorporated area
12 of the county.

13 This bill would authorize a county
14 commission to establish reduced speed school zones
15 along roads or highways except interstate highways
16 outside of the corporate limits of a municipality
17 under certain conditions. This bill would also
18 provide for the maintenance of the signs.

19 This bill would provide that the fine for a
20 speeding violation in a school zone in a
21 municipality or in the unincorporated area of a
22 county would be doubled as provided for in this
23 bill.

24 This bill would provide for the distribution
25 of the funds collected from any fines for a
26 violation.

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 county commissions and schools outside
27 of the corporate limits of municipalities; to authorize a

1 county commission to establish a reduced speed school zone on
2 any road or highway in the immediate area surrounding a school
3 in order to ensure the safety of school children and other
4 persons entering and leaving school property; to provide for
5 maintenance of the signs; to provide that the fine for a
6 traffic violation in a school zone would be doubled; to
7 provide for the distribution of the funds collected from any
8 fines for a violation; and in connection therewith would have
9 as its purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known as the "County
16 and Municipal Reduced Speed School Zone Act."

17 Section 2. (a) For the purposes of this act, the
18 following words have the following meanings:

19 (1) REDUCED SPEED SCHOOL ZONE. A designated length
20 of a road or highway extending between school zone speed limit
21 signs with or without warning lights.

22 (2) ROAD or HIGHWAY. Any road or highway except an
23 interstate highway.

24 (3) SCHOOL ZONE. All school property, including
25 school grounds and any road or highway abutting the school
26 grounds and extending 300 feet along the road or highway from
27 the school grounds.

1 (b) A county commission may establish a reduced
2 speed school zone for any school in the county outside the
3 corporate limits of a municipality, including schools along
4 state-maintained roads or highways.

5 (c) No person may operate a motor vehicle in excess
6 of 20 miles per hour when passing through a reduced speed
7 school zone during school hours when children are present and
8 outside the building or for a time period generally 30 minutes
9 before and after school hours.

10 (d) (1) A reduced speed school zone shall include a
11 distance of 300 hundred feet on either side of a school
12 building or school grounds and shall be posted with an
13 appropriate sign or signs showing: "SCHOOL-20 M.P.H. (here
14 state the times) or WHEN CHILDREN ARE PRESENT."

15 (2) At an appropriate distance before reaching a
16 reduced speed school zone, an appropriate sign or signs shall
17 be erected warning of the approaching reduced speed school
18 zone.

19 (3) A sign or signs at the end of the school zone
20 shall designate where the motor vehicle may resume the regular
21 speed limits.

22 (4) All signs and signing locations will be in
23 accordance with the regulations contained in the current
24 Manual of Uniform Traffic Control Devices.

25 Section 3. (a) Signs on a reduced speed school zone
26 located on a county-maintained road shall be maintained by the
27 county commission.

1 (b) Signs on a reduced speed school zone located on
2 a state-maintained road or highway within a county shall be
3 maintained by the State Department of Transportation.

4 Section 4. Any alteration of maximum limits on a
5 state highway by a county commission pursuant to this act
6 shall not be effective until 60 days after notification to the
7 State Department of Transportation.

8 Section 5. School zone speed limits shall be posted
9 on the State Department of Transportation's standard size
10 speed limit signs and the times when the reduced speed limits
11 are in effect. Law enforcement authorities shall enforce
12 school zone speed limits.

13 Section 6. Upon conviction of a school zone speed
14 violation, the operator of the motor vehicle shall be assessed
15 a fine of double the amount prescribed by law outside a school
16 zone. The signs, placed at the entrance of the school zone,
17 shall warn of the doubled fines for speeding within a school
18 zone. The signs shall also state that the doubled fines are
19 applicable only during the times posted on the signs.

20 Section 7. The proceeds from any fines collected
21 pursuant to this act shall be paid into the public road and
22 bridge fund of the county in which the offense occurred.

23 Section 8. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 9. All laws or parts of laws which conflict
5 with this act are repealed.

6 Section 10. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.