

1 SB261
2 127787-1
3 By Senator Brewbaker
4 RFD: Education
5 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, there is no prohibition
9 against operating a school bus while talking on a
10 cell phone.

11 This bill would prohibit a school bus driver
12 from communicating on a cell phone while operating
13 a school bus.

14 This bill would provide penalties for
15 violations and exceptions.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To prohibit the use of a cell phone while operating
16 a school bus; to provide penalties; to provide exceptions; and
17 in connection therewith would have as its purpose or effect
18 the requirement of a new or increased expenditure of local
19 funds within the meaning of Amendment 621 of the Constitution
20 of Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Except as provided in subsection (c),
25 no person may operate a school bus on a public street, road,
26 or highway while also communicating on a cell phone.

1 (b) Any person who violates subsection (a) is
2 subject to a fine of up to one hundred dollars (\$100) for each
3 violation.

4 (c) This section does not apply to an operator of a
5 school bus communicating on a cell phone in the event of an
6 emergency.

7 (d) For the purpose of this section, "cell phone"
8 means a cellular, analog, wireless, or digital telephone
9 device or similar device capable of sending or receiving
10 telephone or text communications without an access line for
11 service.

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

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