

1 HB229  
2 138043-3  
3 By Representative Hubbard (J)  
4 RFD: Public Safety and Homeland Security  
5 First Read: 08-FEB-12

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to public K-12 education; to prohibit the  
9 use of cell phones by school bus drivers; and in connection  
10 therewith would have as its purpose or effect the requirement  
11 of a new or increased expenditure of local funds within the  
12 meaning of Amendment 621 of the Constitution of Alabama of  
13 1901, now appearing as Section 111.05 of the Official  
14 Recompilation of the Constitution of Alabama of 1901, as  
15 amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) For the purposes of this section, the  
18 following terms shall have the following meanings:

19 (1) ADDITIONAL TECHNOLOGY. Any technology that  
20 provides access to digital media including, but not limited  
21 to, cameras, electronic mail, music, the Internet, and games.

22 (2) EMERGENCY SITUATION. Circumstances such as  
23 medical concerns, unsafe road conditions, matters of public  
24 safety, or mechanical problems that create a risk of harm for  
25 the operator or the passengers of a school bus.

26 (3) MOBILE TELEPHONE. Includes, but is not limited  
27 to, all of the following:

1           a. A device with which a user engages in  
2 communication using at least one hand.

3           b. A device that has an internal feature or  
4 function, or that is equipped with an attachment or addition,  
5 whether or not permanently part of the mobile telephone, by  
6 which a user engages in a call without the use of either hand,  
7 whether or not the use of either hand is necessary to  
8 activate, deactivate, or initiate a function of such  
9 telephone.

10          c. A citizens band radio, a citizens band radio  
11 hybrid, or any other two-way radio.

12           (4) SCHOOL BUS. Every motor vehicle owned by a  
13 public, private, or parochial school or school district or  
14 operated under contract or hire for a public, private, or  
15 parochial school or school district and used for the  
16 transportation of children to or from school or  
17 school-sponsored activities.

18           (b) Except as otherwise provided in this section, no  
19 person shall operate a school bus on a public or private  
20 street or highway or a public or private vehicular area while  
21 using a mobile telephone or any additional technology  
22 associated with a mobile telephone while the school bus is in  
23 motion. This prohibition does not apply to the use of a mobile  
24 telephone or additional technology associated with a mobile  
25 telephone in an appropriately secured, stationary school bus  
26 parked in a safe area off of a public or private street or  
27 highway or a public or private vehicular area.

1           (c) This section may not be construed as authorizing  
2 the seizure or forfeiture of a mobile telephone or additional  
3 technology, unless otherwise provided by law.

4           (d) This section does not prohibit the use of a  
5 mobile telephone or additional technology associated with a  
6 mobile telephone for the sole purpose of communicating in an  
7 emergency situation.

8           (e) No local government may pass any ordinance  
9 regulating the use of mobile telephones or additional  
10 technology associated with a mobile telephone by the operator  
11 of a school bus.

12           (f) Violation of this section shall be a Class C  
13 misdemeanor, punishable by a fine of not more than five  
14 hundred dollars (\$500), and shall result in the assessment of  
15 not more than 2 points per offense on the operator's driver's  
16 license record. Failure to comply with this section does not  
17 constitute negligence per se or contributory negligence by the  
18 operator in any action for the recovery of damages arising out  
19 of the operation, ownership, or maintenance of a school bus.

20           (g) Any school bus driver employed by a public  
21 school system who is convicted of a repeat offense under this  
22 section, in addition to the fines and points provided in  
23 subsection (f), shall be subject to the suspension or  
24 revocation of his or her school bus driver certificate as  
25 issued by the State Department of Education. The decision to  
26 suspend or revoke a school bus driver certificate shall be  
27 made by the State Superintendent of Education in accordance

1 with Section 16-23-5, Code of Alabama 1975, and rules  
2 promulgated by the State Board of Education.

3 Section 2. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11 Section 3. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Public Safety  
and Homeland Security..... . . . . . 08-FEB-12

Read for the second time and placed  
on the calendar with 1 substitute  
and..... . . . . . 01-MAR-12

Read for the third time and passed  
as amended..... . . . . . 14-MAR-12

Yeas 83, Nays 1, Abstains 3

Greg Pappas  
Clerk