

1 HB455
2 136476-1
3 By Representatives Farley, Ball, Johnson (W), Treadaway
4 and Tuggle
5 RFD: Judiciary
6 First Read: 01-MAR-12

7

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a driver of a motor
9 vehicle involved in a motor vehicle accident that
10 results in damage to a motor vehicle or injury to
11 or death of any person is required to report the
12 accident, give information, and render reasonable
13 assistance at the scene of the accident. A person
14 who violates any of the provisions imposing these
15 duties when the violation results in death or
16 personal injury is guilty of a Class C felony.

17 This bill would provide that a driver of a
18 motor vehicle who violates any of the provisions
19 imposing these duties when the violation results in
20 serious injury or death shall be guilty of a Class
21 B felony.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 32-10-6, Code of Alabama 1975,
21 providing penalties if a driver of a motor vehicle violates
22 any of the provisions of Sections 32-10-1 to 32-10-5, Code of
23 Alabama 1975, imposing duties upon the driver to report, give
24 information, and render reasonable assistance when involved in
25 a motor vehicle accident; to designate a violation as a Class
26 B felony if the violation involves serious injury or death;
27 and in connection therewith would have as its purpose or

1 effect the requirement of a new or increased expenditure of
2 local funds within the meaning of Amendment 621 of the
3 Constitution of Alabama of 1901, now appearing as Section
4 111.05 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 32-10-6, Code of Alabama 1975, is
8 amended to read as follows:

9 "§32-10-6.

10 "Every person convicted of violating Sections
11 32-10-1 through 32-10-5, or any of the provisions thereof,
12 when ~~such~~ the violation involved only damage to property,
13 shall be punished ~~the same as prescribed~~ as provided by law
14 for a Class A misdemeanor; provided, however, that every
15 person convicted of violating ~~such~~ the sections, or any
16 provisions thereof, when ~~such~~ the violation involved ~~death or~~
17 ~~personal~~ physical injury, shall be punished ~~the same as~~
18 ~~prescribed~~ as provided by law for a Class C felony; and every
19 person convicted of violating the sections, or any provisions
20 thereof, when the violation involved serious physical injury
21 or death, shall be punished as provided by law for a Class B
22 felony."

23 Section 2. 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 3. 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.