

1 SB4
2 206030-3
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 02-FEB-21
6 PFD: 07/22/2020

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to the rules of the road; to amend Section
12 32-5A-176.1, Code of Alabama 1975, to provide further for
13 construction zone speed violations to include moving
14 violations; to further provide criminal penalties; and in
15 connection therewith would have as its purpose or effect the
16 requirement of a new or increased expenditure of local funds
17 within the meaning of Amendment 621 of the Constitution of
18 Alabama of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of Alabama of 1901,
20 as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 32-5A-176.1, Code of Alabama
23 1975, is amended to read as follows:

24 "§32-5A-176.1.

25 "(a) A person commits a construction zone moving
26 violation if, while operating a motor vehicle, he or she

1 commits any violation of Chapter 5 or Chapter 5A of Title 32
2 under all of the following conditions:

3 "(1) The person is in a construction zone designated
4 by the Department of Transportation or a political subdivision
5 of the state.

6 "(2) Construction or maintenance workers are present
7 and performing construction or maintenance work.

8 "(3) There are work zone traffic control devices,
9 traffic controls, or warning signs present to notify motorists
10 and pedestrians of construction or maintenance workers in the
11 area.

12 "(a) (b) The ~~State~~ Department of Transportation may
13 set the speed limits in urban and rural construction zones
14 along state and interstate highways and the county commission
15 of a county may set the speed limits in urban and rural
16 construction zones along county roads or highways. The
17 construction zone speed limits shall be posted on the
18 department's standard size speed limit signs at least one
19 hundred feet in advance of the entrance to a construction
20 zone. Law enforcement authorities shall enforce construction
21 zone speed limits.

22 "(c) Upon conviction of a construction zone ~~speed~~
23 moving violation, the operator of the motor vehicle shall be
24 assessed a fine of the greater of two hundred fifty dollars
25 (\$250) or double the amount prescribed by law outside a
26 construction zone. ~~The fine shall only be doubled for~~

1 ~~construction zone violations if construction personnel are~~
2 ~~present and that fact is indicated by appropriate signs.~~

3 "(d) The Warning signs, shall be placed at the
4 entrance of the construction zone, and shall warn of the
5 doubled additional fines for speeding committing a moving
6 violation within a construction zone. The signs shall also
7 state that the ~~doubled~~ additional fines are applicable only
8 when construction personnel are present.

9 "~~(b)~~ (e) The ~~State~~ Department of Transportation may
10 ~~promulgate~~ adopt and implement administrative rules and
11 ~~procedures as it deems necessary to both carry out the~~
12 ~~provisions of subsection (a) on state and interstate highways~~
13 ~~and~~ enforce this section and to ensure the safety of private
14 and public construction and maintenance personnel working in
15 designated construction zones on state and interstate
16 highways. A county commission may promulgate and implement
17 administrative rules and procedures as it deems necessary to
18 ~~carry out the provisions of subsection (a)~~ enforce this
19 section on county roads and highways, provided the rules and
20 procedures are not in conflict with those set by the ~~State~~
21 ~~Department of Transportation.~~

22 "~~(c)~~ (f) A person subject to a penalty pursuant to
23 this section ~~shall~~ may not be assessed additional court costs
24 on conviction.

25 "(g) Fines assessed under this section shall be
26 collected and distributed as other fines for moving violations
27 are collected and distributed, as provided by law."

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

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

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 02-FEB-21

Read for the second time and placed on the calen-
dar..... 11-FEB-21

Read for the third time and passed as amended 04-MAR-21

Yeas 25
Nays 1

Patrick Harris,
Secretary.