

ACT No. 2006- 311

1 SB128
2 79115-4
3 By Senators Little (T), Barron, Sanders, Figures, Little (Z),
4 Lindsey, Denton, Smitherman, Mitchell, Singleton, Escott,
5 Holley, Byrne, Butler, Ross, Penn, Roberts, Means, and Preuitt
6 RFD: Judiciary
7 First Read: 10-JAN-06



1 SB128

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4 ENROLLED, An Act,

5 To amend Section 32-5A-154 of the Code of Alabama
6 1975, relating to the overtaking or passing of school buses
7 and church buses; to provide for penalties and fines for
8 first, second, third, and fourth offenses; to clarify
9 application related to a four-lane highway and other roads and
10 property; to provide an inference relating to commission of an
11 offense and the manner of refuting the presumption; and in
12 connection therewith would have as its purpose or effect the
13 requirement of a new or increased expenditure of local funds
14 within the meaning of Section 111.05 of the Official
15 Recompilation of the Constitution of Alabama of 1901
16 (Amendment 621).

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 32-5A-154 of the Code of Alabama
19 1975, is amended to read as follows:

20 "§32-5A-154.

21 "(a) The driver of a vehicle upon meeting or
22 overtaking from either direction any school bus which has
23 stopped for the purpose of receiving or discharging any school
24 children on a highway, on a roadway, on school property, or
25 upon a private road or any church bus which has stopped for

1 the purpose of receiving or discharging passengers shall bring
2 the vehicle to a complete stop before reaching the school or
3 church bus when there is in operation on the school or church
4 bus a visual signal as specified in Section 32-5A-155. The
5 driver shall not proceed until the school or church bus
6 resumes motion or is signaled by the school or church bus
7 driver to proceed or the visual signals are no longer
8 actuated.

9 "(b) Every bus used for the transportation of school
10 children shall bear upon the front and rear thereof plainly
11 visible signs containing the words "school bus" in letters not
12 less than eight inches in height, and in addition shall be
13 equipped with visual signals meeting the requirements of
14 Section 32-5A-155, which shall be actuated by the driver of
15 the school bus only when the vehicle is stopped for the
16 purpose of receiving or discharging school children. The
17 visual signals shall not be actuated at any other time.

18 "(c)(1) Every bus used for the transportation of
19 passengers to or from church shall bear upon the front and
20 rear thereof plainly visible signs containing the words
21 "church bus" in letters not less than eight inches in height,
22 and in addition only those church buses that are equipped with
23 visual signals meeting the requirements of Section 32-5A-155,
24 which shall be actuated by the driver of the church bus only

1 when the vehicle is stopped for the purpose of receiving or
2 discharging passengers.

3 "(2) A bus operated by the Association for Retarded
4 Citizens of Alabama, or an affiliate thereof, transporting its
5 clients shall be considered a bus to which this section is
6 applicable.

7 "(d) The driver of a vehicle upon a divided highway
8 having four or more lanes which permits at least two lanes of
9 traffic to travel in opposite directions need not stop the
10 vehicle upon meeting a school or church bus which is stopped
11 in the opposing roadway or if the school or church bus is
12 stopped in a loading zone which is a part of or adjacent to
13 such highway and where pedestrians are not permitted to cross
14 the roadway.

15 "(e) If the driver of any vehicle is witnessed by a
16 peace officer or the driver of a school bus to have violated
17 this section and the identity of the driver of the vehicle is
18 not otherwise apparent, it shall be an inference that the
19 person in whose name such vehicle is registered committed the
20 violation. In the event that charges are filed against
21 multiple owners of a motor vehicle, only one of the owners may
22 be convicted and court costs may be assessed against only one
23 of the owners. If the vehicle which is involved in the
24 violation is registered in the name of a rental or leasing
25 company and the vehicle is rented or leased to another person

1 at the time of the violation, the rental or leasing company
2 may rebut the inference by providing the peace officer or
3 prosecuting authority with a copy of the rental or lease
4 agreement in effect at the time of the violation.

5 "(f)(1) Upon first conviction, a person violating
6 subsection (a) shall be punished by a fine of not less than
7 one hundred fifty dollars (\$150) nor more than three hundred
8 dollars (\$300).

9 "(2) On a second conviction, a person convicted of
10 violating subsection (a) shall be punished by a fine of not
11 less than three hundred dollars (\$300) nor more than five
12 hundred dollars (\$500) and shall complete at least 100 hours
13 of community service. In addition, the Director of the
14 Department of Public Safety shall suspend the driving
15 privileges or driver's license of the person convicted for a
16 period of 30 days.

17 "(3) On a third conviction, a person convicted of
18 violating subsection (a) shall be punished by a fine of not
19 less than five hundred dollars (\$500) nor more than one
20 thousand dollars (\$1,000) and shall complete at least 200
21 hours of community service. In addition, the Director of the
22 Department of Public Safety shall suspend the driving
23 privileges or driver's license of the person convicted for a
24 period of 90 days.

1 "(4) On a fourth or subsequent conviction, a person
2 convicted of violating subsection (a) shall be guilty of a
3 Class C felony and punished by a fine of not less than one
4 thousand dollars (\$1,000) nor more than three thousand dollars
5 (\$3,000). In addition to the other penalties authorized, the
6 Director of the Department of Public Safety shall revoke the
7 driving privileges or driver's license of the person convicted
8 for a period of one year.

9 "(g) Any law to the contrary notwithstanding, the
10 Alabama habitual felony offender law shall not apply to a
11 conviction of a felony pursuant to subsection (f), and a
12 conviction of a felony pursuant to subsection (f) shall not be
13 a felony conviction for purposes of the enhancement of
14 punishment pursuant to Alabama's habitual felony offender law.

15 "(h) All fines and penalties imposed pursuant to
16 this section shall be forwarded immediately upon collection by
17 the officer of the court who collects the proceeds to the
18 general fund of the respective agency that enforced this
19 section.

20 "(i) Neither reckless driving nor any other traffic
21 infraction is a lesser included offense under a charge of
22 overtaking and passing a school bus or church bus."

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

1 requirements and application under Section 111.05 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
5 October 1, 2006, following its passage and approval by the
6 Governor, or its otherwise becoming law.

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Lucy Baxley

President and Presiding Officer of the Senate

McDowell Lee

Speaker of the House of Representatives

SB128

Senate 24-JAN-06

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 30-MAR-06

Senate concurred in House amendment 30-MAR-06

By: Senator Little (T)

APPROVED April 5, 2006
TIME 10:45 a.m.
Bob Riley
GOVERNOR