SB 128
79115-4
By Senators Little (T), Barron, Sanders, Figures, Little (Z),
Lindsey, Denton, Smitherman, Mitchell, Singleton, Escott,
Holley, Byrne, Butler, Ross, Penn, Roberts, Means, and Preuitt
RFD: Judiciary
First Read: 10-JAN-06
SB128

ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-5A-154.

"(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children on a highway, on a roadway, on school property, or upon a private road or any church bus which has stopped for
the purpose of receiving or discharging passengers shall bring
the vehicle to a complete stop before reaching the school or
church bus when there is in operation on the school or church
bus a visual signal as specified in Section 32-5A-155. The
driver shall not proceed until the school or church bus
resumes motion or is signaled by the school or church bus
driver to proceed or the visual signals are no longer
actuated.

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

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

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

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

"(e) If the driver of any vehicle is witnessed by a
peace officer or the driver of a school bus to have violated
this section and the identity of the driver of the vehicle is
not otherwise apparent, it shall be an inference that the
person in whose name such vehicle is registered committed the
violation. In the event that charges are filed against
multiple owners of a motor vehicle, only one of the owners may
be convicted and court costs may be assessed against only one
of the owners. If the vehicle which is involved in the
violation is registered in the name of a rental or leasing
company and the vehicle is rented or leased to another person
at the time of the violation, the rental or leasing company
may rebut the inference by providing the peace officer or
prosecuting authority with a copy of the rental or lease
agreement in effect at the time of the violation.

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

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

"(3) On a third conviction, a person convicted of
violating subsection (a) shall be punished by a fine of not
less than five hundred dollars ($500) nor more than one
thousand dollars ($1,000) and shall complete at least 200
hours of community service. In addition, the Director of the
Department of Public Safety shall suspend the driving
privileges or driver's license of the person convicted for a
period of 90 days.
“(4) On a fourth or subsequent conviction, a person
convicted of violating subsection (a) shall be guilty of a
Class C felony and punished by a fine of not less than one
thousand dollars ($1,000) nor more than three thousand dollars
($3,000). In addition to the other penalties authorized, the
Director of the Department of Public Safety shall revoke the
driving privileges or driver's license of the person convicted
for a period of one year.

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

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

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

Section 2. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Section 111.05 because the
bill defines a new crime or amends the definition of an
existing crime.

Section 3. This act shall become effective on
October 1, 2006, following its passage and approval by the
Governor, or its otherwise becoming law.
SB128

President and Presiding Officer of the Senate

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
10:45 a.m.

GOVERNOR

Page 7