

1 HB496
2 97027-1
3 By Representatives Fields, Thomas (E), Robinson (J), Harper,
4 England, McCampbell, Page and Salaam
5 RFD: Public Safety
6 First Read: 19-FEB-08

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8 SYNOPSIS: Under existing law, when certain vehicles,
9 including those vehicles transporting hazardous
10 cargo, fail to stop at a railroad grade crossing,
11 the person operating the vehicle, for a misdemeanor
12 violation, on conviction of a first offense, is
13 subject to a fine of not more than \$500 or by
14 imprisonment for not more than 10 days; on
15 conviction of a second offense committed within one
16 year after the date of the first offense, a fine of
17 not more than \$1,000 or by imprisonment for not
18 more 30 days, or both; and on conviction of a third
19 or subsequent offense committed within one year
20 after the date of the first offense, a fine of not
21 more than \$2,000 or by imprisonment for not more
22 than three months, or both.

23 This bill would increase the fines for said
24 violations and would provide for distribution of
25 the fines for law enforcement purposes to the State
26 General Fund, county general fund, or municipal
27 general fund, depending on whether the citation is

1 issued by a state trooper, sheriff or sheriff's
2 deputy, or by a municipal law enforcement officer.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to railroads; to increase the fines for
2 failure to stop at a railroad grade crossing; to provide for
3 distribution of the fines; and in connection therewith would
4 have as its purpose or effect the requirement of a new or
5 increased expenditure of local funds within the meaning of
6 Amendment 621 of the Constitution of Alabama of 1901, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. A person who drives a motor vehicle or a
11 truck who fails to stop at a railroad grade crossing clearly
12 marked with a red stop sign for a first conviction shall be
13 fined five hundred dollars (\$500); for conviction for a second
14 offense committed within one year after the date of the first
15 offense, shall be fined not less than one thousand dollars
16 (\$1,000); and for conviction of a third or subsequent offense
17 committed within one year after the date of the first offense,
18 shall be fined two thousand dollars (\$2,000).

19 Section 2. The fines collected upon conviction
20 pursuant to Section 1 shall be distributed to the State
21 General Fund for law enforcement purposes if the case is
22 brought pursuant to a citation issued by a state trooper. If
23 the citation is issued by the sheriff or a sheriff's deputy,
24 the fine collected upon conviction shall be distributed to the
25 county general fund for law enforcement purposes, and if the
26 citation is issued by a municipal law enforcement officer, the

1 fine collected upon conviction shall be distributed to the
2 municipal general fund for law enforcement purposes.

3 Section 3. 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 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.