

1 HB79
2 173201-1
3 By Representative Pringle
4 RFD: Judiciary
5 First Read: 02-FEB-16

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8 SYNOPSIS: Under existing law, there is no specific
9 crime for the injury or death to a highway worker
10 in a construction zone.

11 This bill would provide for the crime of
12 endangerment of a highway worker in a construction
13 zone and would provide penalties.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to motor vehicles and traffic; to provide
14 for the crime of endangerment of a highway worker in a
15 construction zone; to provide penalties; and in connection
16 therewith to have as its purpose or effect the requirement of
17 a new or increased expenditure of local funds within the
18 meaning of Amendment 621 of the Constitution of Alabama of
19 1901, now appearing as Section 111.05 of the Official
20 Recompilation of the Constitution of Alabama of 1901, as
21 amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) A person commits the crime of
24 endangerment of a highway worker in a construction zone when
25 he or she does any of the following in the construction zone:

26 (1) Exceeds the posted speed limit by 15 miles per
27 hour or more.

1 (2) Fails to stop for a construction zone flagman or
2 fails to obey traffic control devices erected in the
3 construction zone for the purpose of controlling the flow of
4 motor vehicles through the zone.

5 (3) Drives through or around a construction zone by
6 a lane not clearly designated to motorists for the flow of
7 traffic through or around the construction zone.

8 (4) Physically assaults, attempts to assault, or
9 threatens to assault a highway worker in a construction zone
10 with a motor vehicle or other object.

11 (5) Intentionally strikes, moves, or alters barrels,
12 barriers, signs, or other devices erected to control the flow
13 of traffic to protect workers and motorists in the
14 construction zone for a reason other than avoidance of an
15 obstacle, an emergency, or to protect the health and safety of
16 an occupant in the motor vehicle or of another person.

17 (6) Commits any of the following offenses in the
18 construction zone:

19 a. Reckless driving, in violation of Section
20 32-5A-190 of the Code of Alabama 1975.

21 b. Driving while under the influence of alcohol or a
22 controlled substance, in violation of Section 32-5A-191 of the
23 Code of Alabama 1975.

24 c. Text messaging while operating a motor vehicle,
25 in violation of Section 32-5A-350 of the Code of Alabama 1975.

1 d. Driving without a license or with a suspended or
2 revoked license, in violation of Sections 32-6-1, 32-6-18, and
3 32-6-19 of the Code of Alabama 1975.

4 e. Leaving the scene of an accident, in violation of
5 Section 32-10-1 of the Code of Alabama 1975.

6 f. Failing to give information and render aid after
7 an accident, in violation of Section 32-10-2 of the Code of
8 Alabama 1975.

9 g. Failing to notify the owner of an unattended
10 vehicle of an accident, in violation of Section 32-10-3 of the
11 Code of Alabama 1975.

12 h. Failing to notify the owner of fixtures struck
13 while on the highway, in violation of Section 32-10-4 of the
14 Code of Alabama 1975.

15 i. Failing to immediately report an accident, in
16 violation of Section 32-10-5 of the Code of Alabama 1975.

17 j. Any felony involving the use of a motor vehicle.

18 (b) Where no injury or death to the highway worker
19 occurred as a result of the offense, endangerment of a highway
20 worker in a construction zone is a Class C misdemeanor.

21 (c) Where injury to, but not the death of, the
22 highway worker occurred as a result of the offense,
23 endangerment of a highway worker in a construction zone is a
24 Class A misdemeanor.

25 (d) Where the death of the highway worker occurred
26 as a result of the offense, endangerment of a highway worker
27 in a construction zone is a Class C felony.

1 (e) Except for the offense established under
2 subdivision (5) of subsection (a), no person shall be guilty
3 of endangerment of a highway worker in a construction zone
4 unless the act or omission constituting the offense occurred
5 when one or more highway workers were in the construction
6 zone.

7 (f) No person shall be convicted of endangerment of
8 a highway worker in a construction zone for any act or
9 omission otherwise constituting an offense under subsection
10 (a) if the act or omission resulted in whole or in part from
11 mechanical failure of the vehicle of the person or from the
12 negligence of another person or a highway worker.

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

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