

1 HB230
2 197328-1
3 By Representative Sells
4 RFD: Public Safety and Homeland Security
5 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, the front seat occupant
9 of a passenger car manufactured in compliance with
10 Federal Motor Vehicle Standard No. 208 is required
11 to have a safety belt fastened while the vehicle is
12 in motion. Children under the age of 15 in a motor
13 vehicle are required to wear a seat belt or be
14 protected by another child passenger restraint
15 system.

16 This bill would require each occupant of a
17 passenger motor vehicle to have a safety belt
18 fastened while the vehicle is in motion.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 32-5B-4 of the Code of Alabama
18 1975, to further require each occupant of passenger cars
19 manufactured with safety belts to have a safety belt fastened
20 when the vehicle is in motion; and in connection therewith
21 would have as its purpose or effect the requirement of a new
22 or increased expenditure of local funds within the meaning of
23 Amendment 621 of the Constitution of Alabama of 1901, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known and may be cited
2 as the Roderic Deshaun Scott Seat Belt Safety Act.

3 Section 2. Section 32-5B-4 of the Code of Alabama
4 1975, is amended to read as follows:

5 "§32-5B-4.

6 "(a) (1) Each ~~front seat~~ occupant of a passenger car
7 manufactured with safety belts in compliance with Federal
8 Motor Vehicle Safety Standard No. 208 shall have a safety belt
9 properly fastened about his or her body at all times when the
10 vehicle is in motion.

11 "(2) An adult occupant of a passenger car in
12 violation of subdivision (1) shall be the proper person to be
13 charged with the violation.

14 "(b) The provisions of subsection (a) shall not
15 apply to:

16 "(1) A child passenger under the purview of Section
17 32-5-222, who is required to use a child passenger restraint
18 system or a seat belt pursuant to Section 32-5-222.

19 "(2) An occupant of a passenger car who possesses a
20 written statement from a licensed physician that he or she is
21 unable for medical reasons to wear a safety belt.

22 "(3) A rural letter carrier of the United States
23 Postal Service while performing his or her duties as a rural
24 letter carrier.

25 "(4) A driver or passenger delivering newspapers or
26 mail from house to house.

1 "(5) Passengers in a passenger car with model year
2 prior to 1965.

3 "(6) Passengers in motor vehicles which normally
4 operate in reverse."

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

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