

1 HB105  
2 162855-1  
3 By Representative Rich  
4 RFD: Judiciary  
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, it is not specifically  
9 illegal for the operator of a pickup truck or  
10 similar vehicle to allow a person under the age of  
11 19 to ride in the bed of a pickup truck.

12 This bill would specifically prohibit the  
13 operator of a pickup truck or similar vehicle from  
14 allowing a person age 19 or under to ride in the  
15 bed of the pickup truck on a major thoroughfare.  
16 The bill would provide exceptions and would  
17 prescribe a penalty for a violation. The bill would  
18 provide for a phased in implementation.

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 Prohibiting the operator of a pickup truck or  
18 similar vehicle from allowing a person of a certain age to  
19 ride in the bed of the pickup truck or similar vehicle on a  
20 major thoroughfare; providing certain exceptions; prescribing  
21 a penalty for a violation of this act; providing for a phased  
22 in implementation of this act; and in connection therewith  
23 would have as its purpose or effect the requirement of a new  
24 or increased expenditure of local funds within the meaning of  
25 Amendment 621 of the Constitution of Alabama of 1901, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) For purposes of this section, a major  
3 thoroughfare includes any road or street which is a part of  
4 the state highway system, federal highway system, an arterial  
5 road, and any high capacity urban road which delivers traffic  
6 from collector roads to an interstate highway or between urban  
7 centers.

8 (b) No person shall operate a pickup truck or  
9 similar vehicle on any major thoroughfare when any person  
10 under 19 years of age is riding in the unenclosed bed or  
11 portion of the vehicle.

12 (c) The provisions of this section shall not apply  
13 to persons operating a pickup truck or similar vehicle under  
14 any of the following circumstances:

15 (1) Operating a pickup truck or similar vehicle for  
16 agricultural activities or purposes.

17 (2) Operating a pickup truck or similar vehicle for  
18 a purpose authorized by the municipal governing body within  
19 the municipal corporate limits or by the county commission  
20 outside of the corporate limits of a municipality pursuant to  
21 a permit including, but not limited to, a permit for a parade  
22 or hayride.

23 (3) Operating a pickup truck or similar vehicle  
24 during emergency situations.

25 (d) Any person violating this section shall be fined  
26 up to fifty dollars (\$50). A violation of this section shall

1 not constitute probable cause for search of the vehicle  
2 involved.

3 Section 2. 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 3. All laws or parts of laws which conflict  
12 with this act are repealed.

13 Section 4. The period from the effective date of  
14 this act until 12 months thereafter shall be a warning period  
15 during which any person who violates this act shall be issued  
16 a verbal warning or warning citation by a law enforcement  
17 officer, but no monetary fine shall be assessed against the  
18 offender. At the conclusion of the warning period, this act  
19 shall be in full force and effect.

20 Section 5. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.