

1 SB19  
2 62375-1  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 01-MAR-11  
6 PFD: 01/20/2011

SYNOPSIS: Under existing law, a law enforcement officer or a peace officer of any incorporated municipality which has less than 19,000 inhabitants according to the most recent federal decennial census is prohibited from enforcing speed limits on any interstate highway.

This bill would delete this provision.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32-5A-171 of the Code of Alabama 1975, relating to maximum speed limits on highways; to provide for enforcement of speed limits by any municipality or any law enforcement officer of a municipality on any interstate within the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-171 of the Code of Alabama 1975, is amended to read as follows:

1           "§32-5A-171.

2           "Except when a special hazard exists that requires  
3 lower speed for compliance with Section 32-5A-170, the limits  
4 hereinafter specified or established as hereinafter authorized  
5 shall be maximum lawful speeds, and no person shall drive a  
6 vehicle at a speed in excess of the maximum limits.

7           "(1) No person shall operate a vehicle in excess of  
8 30 miles per hour in any urban district.

9           "(2)a. No person shall operate a motor vehicle in  
10 excess of 35 miles per hour on any unpaved road. For purposes  
11 of this chapter the term "unpaved road" shall mean any highway  
12 under the jurisdiction of any county, the surface of which  
13 consists of natural earth, mixed soil, stabilized soil,  
14 aggregate, crushed sea shells, or similar materials without  
15 the use of asphalt, cement, or similar binders.

16           "b. No person shall operate a motor vehicle on any  
17 county-maintained paved road in an unincorporated area of the  
18 state at a speed in excess of 45 miles per hour unless a  
19 different maximum speed is established under authority granted  
20 in subdivision (6) or as provided in subdivision (7) subject  
21 to the maximum rate of speed provided in subdivision (3).

22           "(3) No person shall operate a motor vehicle on the  
23 highways in this state, other than interstate highways or  
24 highways having four or more traffic lanes, at a speed in  
25 excess of 55 miles per hour at any time unless a different  
26 maximum rate of speed is authorized by the Governor under

1 authority granted in subdivision (6) or as provided in  
2 subdivision (7).

3 "(4) No person shall operate a motor vehicle, on an  
4 interstate highway within the State of Alabama, at a speed in  
5 excess of 70 miles per hour or on any other highway having  
6 four or more traffic lanes at a speed in excess of 65 miles  
7 per hour, unless a different maximum rate of speed is  
8 authorized by the Governor under authority granted in  
9 subdivision (6) or as provided in subdivision (7).

10 "(5) Notwithstanding any provisions of this section  
11 to the contrary, no person shall operate a passenger vehicle,  
12 motor truck, or passenger bus which carries or transports  
13 explosives or flammable liquids, as defined in Section  
14 32-1-1.1, or hazardous wastes, as defined in Section  
15 22-30-3(5), in this state unless the vehicle, truck, or bus  
16 prominently displays a current decal, plate, or placard which  
17 is required by the rules or regulations of the DOT or the PSC  
18 which indicates or warns that the vehicle, truck, or bus is  
19 carrying or transporting the substances. No person shall  
20 operate the vehicle, truck, or bus at a rate of speed greater  
21 than 55 miles per hour at any time unless a different maximum  
22 rate of speed is authorized by the Governor under authority  
23 granted in subdivision (6) or as provided in subdivision (7).

24 "(6) The Governor may prescribe the maximum rate of  
25 speed whenever a different rate of speed is required by  
26 federal law in order for Alabama to receive federal funds for  
27 highway maintenance and construction.

1                   "(7) The maximum speed limits set forth in this  
2 section may be altered as authorized in Sections 32-5A-172 and  
3 32-5A-173.

4                   "~~(8) A law enforcement officer or a peace officer of~~  
5 ~~any incorporated municipality or town which has less than~~  
6 ~~19,000 inhabitants according to the most recent federal~~  
7 ~~decennial census shall not enforce this section on any~~  
8 ~~interstate highway.~~

9                   "~~(9)~~ (8) Any speed limit set pursuant to this section  
10 shall be enforced by any municipality or any law enforcement  
11 officer of a municipality only within the corporate limits of  
12 the municipality and ~~not~~ within the police jurisdiction of the  
13 municipality."

14                   Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.