

1 HB216
2 189775-1
3 By Representative Gaston
4 RFD: Public Safety and Homeland Security
5 First Read: 16-JAN-18

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8 SYNOPSIS: This bill would allow the driver of a
9 motorcycle or bicycle to disregard a
10 traffic-control signal and proceed through an
11 intersection controlled by a traffic-control signal
12 under certain conditions.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 32-5A-32 of the Code of Alabama
19 1975, relating to traffic-control signals; to authorize the
20 driver of a motorcycle or bicycle to disregard a
21 traffic-control signal and proceed through an intersection
22 that is controlled by a traffic-control device under certain
23 conditions.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 32-5A-32 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§32-5A-32.

1 "Whenever traffic is controlled by traffic-control
2 signals exhibiting different colored lights, or colored
3 lighted arrows, successively one at a time or in combination,
4 only the colors green, red, and yellow shall be used, except
5 for special pedestrian signals carrying a word or symbol
6 legend, and the lights shall indicate and apply to drivers of
7 vehicles and pedestrians as follows:

8 "(1) Green indication:

9 "a. Vehicular traffic facing a circular green signal
10 may proceed straight through or turn right or left unless a
11 sign at such place prohibits either such turn. But vehicular
12 traffic, including vehicles turning right or left, shall yield
13 the right-of-way to other vehicles and to pedestrians lawfully
14 within the intersection or an adjacent crosswalk at the time
15 such signal is exhibited.

16 "b. Vehicular traffic facing a green arrow signal,
17 shown alone or in combination with another indication, may
18 cautiously enter the intersection only to make the movement
19 indicated by such arrow, or such other movement as is
20 permitted by other indications shown at the same time. Such
21 vehicular traffic shall yield the right-of-way to pedestrians
22 lawfully within an adjacent crosswalk and to other traffic
23 lawfully using the intersection.

24 "c. Unless otherwise directed by a
25 pedestrian-control signal, ~~as provided in~~ pursuant to Section
26 32-5A-33, pedestrians facing any green signal, except when the

1 sole green signal is a turn arrow, may proceed across the
2 roadway within any marked or unmarked crosswalk.

3 "(2) Steady yellow indication:

4 "a. Vehicular traffic facing a steady circular
5 yellow or yellow arrow signal is thereby warned that the
6 related green movement is being terminated or that a red
7 indication will be exhibited immediately thereafter.

8 "b. Pedestrians facing a steady circular yellow or
9 yellow arrow signal, unless otherwise directed by a
10 pedestrian-control signal ~~as provided in~~ pursuant to Section
11 32-5A-33, are thereby advised that there is insufficient time
12 to cross the roadway before a red indication is shown and no
13 pedestrian shall then start to cross the roadway.

14 "(3) Steady red indication:

15 "a. Vehicular traffic facing a steady circular red
16 signal alone shall stop at a clearly marked stop line, but if
17 none, before entering the crosswalk on the near side of the
18 intersection, or if none, then before entering the
19 intersection and shall remain standing until an indication to
20 proceed is shown except as provided in subdivision (3)b.

21 "b. Except when a sign is in place prohibiting a
22 turn, vehicular traffic facing any steady red signal may
23 cautiously enter the intersection to turn right, or to turn
24 left from a one-way street into a one-way street, after
25 stopping as required by subdivision (3)a. Such vehicular
26 traffic shall yield the right of way to pedestrians lawfully

1 within an adjacent crosswalk and to other traffic lawfully
2 using the intersection.

3 "c. Unless otherwise directed by a
4 pedestrian-control signal ~~as provided in~~ pursuant to Section
5 32-5A-33, pedestrians facing a steady circular red signal
6 alone shall not enter the roadway.

7 "(4) In the event an official traffic-control signal
8 is erected and maintained at a place other than an
9 intersection, ~~the provisions of~~ this section shall be
10 applicable except as to those provisions which by their nature
11 can have no application. Any stop required shall be made at a
12 sign or marking on the pavement indicating where the stop
13 shall be made, but in the absence of any such signal or
14 marking the stop shall be made at the signal.

15 "(5)a. Notwithstanding any other provision of law or
16 this section, if the driver of a motorcycle or bicycle has
17 stopped pursuant to the instructions of a traffic-control
18 signal and has a reasonable belief that the traffic-control
19 signal is inoperative due to the lightweight design of his or
20 her motorcycle or bicycle, the driver may disregard or disobey
21 the instructions of the traffic-control signal and proceed
22 through the intersection, provided both of the conditions
23 apply:

24 "1. There is no other motor vehicle within 500 feet
25 approaching or entering the same intersection from a different
26 road or highway, or from the same road or highway approaching
27 or entering the intersection from the opposite direction.

1 "2. The driver cautiously proceeds through the
2 intersection with reasonable care and consideration for all
3 other applicable rules of the road. Nothing in this
4 subdivision shall afford the right of a driver to make a turn
5 pursuant to subdivision (3).

6 "b. A driver who acts or purports to act pursuant to
7 this subdivision shall maintain the burden of proving that he
8 or she acted in accordance with this subdivision. The driver's
9 cause or proximate cause of an accident while acting or
10 purporting to act pursuant to this subdivision shall be prima
11 facie evidence that the driver did not exercise the requisite
12 level of caution, care, or consideration required for
13 compliance with the law.

14 "c. As used in this subdivision, the term reasonable
15 belief means the belief of a reasonable person in
16 consideration of the conditions of his or her stop, including,
17 but not limited to, the number of seconds the person has been
18 stopped or the number of signal changes he or she has observed
19 of the traffic-control signal which did not include a change
20 of instruction."

21 Section 2. 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.