

1 SB4
2 197211-1
3 By Senators Stutts and Barfoot
4 RFD: Transportation and Energy
5 First Read: 08-MAR-19

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8 SYNOPSIS: Under existing law, only authorized
9 emergency vehicles may use emergency lights and
10 sirens when responding to an emergency.

11 This bill would authorize volunteer
12 firefighters to use purple emergency lights on
13 their personal vehicles when responding to an
14 emergency.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to volunteer firefighters; to amend
21 Sections 32-1-1.1 and 32-5A-115, Code of Alabama 1975, to
22 authorize volunteer firefighters to use emergency lights under
23 certain conditions.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 32-1-1.1 and 32-5A-115, Code of
26 Alabama 1975, are amended to read as follows:

27 "§32-1-1.1.

1 "The following words and phrases when used in this
2 title shall, for the purpose of this title, have meanings
3 respectively ascribed to them in this section, except when the
4 context otherwise requires:

5 "(1) ALLEY. A street or highway intended to provide
6 access to the rear or side of lots or buildings in urban
7 districts and not intended for the purpose of through
8 vehicular traffic.

9 "(2) ARTERIAL STREET. Any United States or state
10 numbered route, controlled-access highway, or other major
11 radial or circumferential street or highway designated by
12 local authorities within their respective jurisdictions as
13 part of a major arterial system of streets or highways.

14 "(3) AUTHORIZED EMERGENCY VEHICLE. ~~Such~~ Any of the
15 following:

16 "a. Publicly owned fire department vehicles, police
17 vehicles, and ambulances. ~~as are publicly owned, and such~~
18 ~~other~~

19 "b. Publicly ~~publicly~~ or privately owned vehicles ~~as~~
20 that are designated by the Secretary of the Alabama State Law
21 Enforcement Agency or the chief of police of an incorporated
22 city as an authorized emergency vehicle.

23 "c. Privately owned vehicles of volunteer
24 firefighters designated by the Alabama State Law Enforcement
25 Agency as an authorized emergency vehicle.

1 "(4) BICYCLE. Every device propelled by human power
2 upon which any person may ride, having two tandem wheels
3 either of which is more than 14 inches in diameter.

4 "(5) BUS. Every motor vehicle designed for carrying
5 more than 10 passengers and used for the transportation of
6 persons; and every motor vehicle other than a taxicab,
7 designed and used for the transportation of persons for
8 compensation.

9 "(6) BUSINESS DISTRICT. The territory contiguous to
10 and including a highway when within any 600 feet along such
11 highway there are buildings in use for business or industrial
12 purposes, including, but not limited to, hotels, banks or
13 office buildings, railroad stations, and public buildings
14 which occupy at least 300 feet of frontage on one side or 300
15 feet collectively on both sides of the highway.

16 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
17 or termination by formal action of the Secretary of the
18 Alabama State Law Enforcement Agency of a person's driver's
19 license because of some error or defect in the license or
20 because the licensee is no longer entitled to such license,
21 but the cancellation of a license is without prejudice and
22 application for a new license may be made at any time after
23 such cancellation.

24 "(8) CONTROLLED-ACCESS HIGHWAY. Every highway,
25 street, or roadway in respect to which owners or occupants of
26 abutting lands and other persons have no legal right of access
27 to or from the same except at such points only and in such

1 manner as may be determined by the public authority having
2 jurisdiction over such highway, street, or roadway.

3 "(9) CROSSWALK.

4 "a. That part of a roadway at an intersection
5 included within the connections of the lateral lines of the
6 sidewalks on opposite sides of the highway measured from the
7 curbs or, in the absence of curbs, from the edges of the
8 traversable roadway;

9 "b. Any portion of a roadway at an intersection or
10 elsewhere distinctly indicated for pedestrian crossing by
11 lines or other markings on the surface.

12 "(10) DEALER. Every person engaged in the business
13 of buying, selling, or exchanging vehicles who has an
14 established place of business for such purpose in this state
15 and to whom current dealer registration plates have been
16 issued by the Department of Revenue.

17 "(11) DEPARTMENT. The Alabama State Law Enforcement
18 Agency acting directly or through its duly authorized officers
19 and agents.

20 "(12) DIRECTOR. The Secretary of the Alabama State
21 Law Enforcement Agency.

22 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
23 which any motor vehicle, trailer, or semitrailer, singly or in
24 combination, new or used, constitutes the commodity being
25 transported, when one set or more of wheels of any such
26 vehicle are on the roadway during the course of

1 transportation, whether or not any such vehicle furnishes the
2 motive power.

3 "(14) DRIVER. Every person who drives or is in
4 actual physical control of a vehicle.

5 "(15) DRIVER'S LICENSE. Any license to operate a
6 motor vehicle issued under the laws of this state.

7 "(15.1) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.
8 A self-balancing two non-tandem wheeled device designed to
9 transport only one person with an electric propulsion system
10 with an average power of 750 watts (1 h.p.), whose maximum
11 speed on a paved level surface, when powered solely by such a
12 propulsion system while ridden by an operator who weighs not
13 more than 170 pounds, is less than 20 m.p.h. The term shall
14 not include a motorized bicycle, motorized scooter, or
15 motorized skateboard.

16 "(16) ESSENTIAL PARTS. All integral and body parts
17 of a vehicle of a type required to be registered hereunder,
18 the removal, alteration, or substitution of which would tend
19 to conceal the identity of the vehicle or substantially alter
20 its appearance, model, type, or mode of operation.

21 "(17) ESTABLISHED PLACE OF BUSINESS. The place
22 actually occupied either continuously or at regular periods by
23 a dealer or manufacturer where his or her books and records
24 are kept and a large share of his or her business is
25 transacted.

26 "(18) EXPLOSIVES. Any chemical compound or
27 mechanical mixture that is commonly used or intended for the

1 purpose of producing an explosion and which contains any
2 oxidizing and combustive units or other ingredients in such
3 proportions, quantities, or packing that an ignition by fire,
4 by friction, by concussion, by percussion, or by detonator of
5 any part of the compound or mixture may cause such a sudden
6 generation of highly heated gases that the resultant gaseous
7 pressures are capable of producing destructive effects on
8 contiguous objects or of destroying life or limb.

9 "(19) FARM TRACTOR. Every motor vehicle designed and
10 used primarily as a farm implement, for drawing plows, mowing
11 machines, and other implements of husbandry.

12 "(20) FLAMMABLE LIQUID. Any liquid which has a flash
13 point of 70 F., or less as determined by a fagliabue or
14 equivalent closed-cup test device.

15 "(21) FOREIGN VEHICLE. Every vehicle of a type
16 required to be registered hereunder brought into this state
17 from another state, territory, or country other than in the
18 ordinary course of business by or through a manufacturer or
19 dealer and not registered in this state.

20 "(22) GROSS WEIGHT. The weight of a vehicle without
21 load plus the weight of any load thereon.

22 "(23) HIGHWAY. The entire width between the boundary
23 lines of every way publicly maintained when any part thereof
24 is open to the use of the public for purposes of vehicular
25 travel.

26 "(24) HOUSE TRAILER.

1 "a. A trailer or semitrailer which is designed,
2 constructed, and equipped as a dwelling place, living abode,
3 or sleeping place (either permanently or temporarily) and is
4 equipped for use as a conveyance on streets and highways; or

5 "b. A trailer or semitrailer whose chassis and
6 exterior shell is designed and constructed for use as a house
7 trailer, as defined in paragraph a., but which is used instead
8 permanently or temporarily for the advertising, sales,
9 display, or promotion of merchandise or services, or for any
10 other commercial purpose except the transportation of property
11 for hire or the transportation of property for distribution by
12 a private carrier.

13 "(25) IMPLEMENT OF HUSBANDRY. Every vehicle designed
14 and adapted exclusively for agricultural, horticultural, or
15 livestock raising operations or for lifting or carrying an
16 implement of husbandry and in either case not subject to
17 registration if used upon the highways.

18 "(26) INTERSECTION.

19 "a. The area embraced within the prolongation or
20 connection of the lateral curb lines, or, if none, then the
21 lateral boundary lines of the roadways of two highways which
22 join one another at, or approximately at, right angles, or the
23 area within which vehicles traveling upon different highways
24 joining at any other angle may come in conflict.

25 "b. Where a highway includes two roadways 30 feet or
26 more apart, then every crossing of each roadway of such
27 divided highway by an intersecting highway shall be regarded

1 as a separate intersection. In the event such intersecting
2 highway also includes two roadways 30 feet or more apart, then
3 every crossing of two roadways of such highways shall be
4 regarded as a separate intersection.

5 "c. The junction of an alley with a street or
6 highway shall not constitute an intersection.

7 "(27) LANED ROADWAY. A roadway which is divided into
8 two or more clearly marked lanes for vehicular traffic.

9 "(28) LICENSE or LICENSE TO OPERATE A MOTOR VEHICLE.
10 Any driver's license or any other license or permit to operate
11 a motor vehicle issued by the director under the laws of this
12 state, including any nonresident's operating privilege as
13 defined herein.

14 "(29) LOCAL AUTHORITIES.

15 "a. Every county commission; and

16 "b. Every municipal and other local board or body
17 having authority to enact laws relating to traffic under the
18 constitution and laws of this state.

19 "(30) MAIL. To deposit in the United States mail
20 properly addressed and with postage prepaid.

21 "(31) METAL TIRE. Every tire the surface of which in
22 contact with the highway is wholly or partly of metal or other
23 hard, nonresilient material.

24 "(32) MOTOR VEHICLE. Every vehicle which is
25 self-propelled and every vehicle which is propelled by
26 electric power obtained from overhead trolley wires, but not

1 operated upon rails, except for electric personal assistive
2 mobility devices.

3 "(33) MOTORCYCLE. Every motor vehicle having a seat
4 or saddle for the use of the rider and designed to travel on
5 not more than three wheels in contact with the ground, but
6 excluding a tractor.

7 "(34) MOTOR-DRIVEN CYCLE. Every motorcycle,
8 including every motor scooter, with a motor which produces not
9 to exceed five brake horsepower nor to exceed 150 cubic
10 centimeter engine displacement, and weighs less than 200
11 pounds fully equipped, and every bicycle with motor attached.

12 "(35) NONRESIDENT. Every person who is not a
13 resident of this state.

14 "(36) NONRESIDENT'S OPERATING PRIVILEGE. The
15 privilege conferred upon a nonresident by the laws of this
16 state pertaining to the operation by such person of a motor
17 vehicle, or the use of a vehicle owned by such person, in this
18 state.

19 "(37) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,
20 signals, markings, and devices not inconsistent with this
21 title placed or erected by authority of a public body or
22 official having jurisdiction, for the purpose of regulating,
23 warning, or guiding traffic.

24 "(38) OWNER. A person, other than a lienholder,
25 having the property in or title to a vehicle. The term
26 includes a person entitled to the use and possession of a

1 vehicle subject to a security interest in another person, but
2 excludes a lessee under a lease not intended as security.

3 "(39) PARK or PARKING. The standing of a vehicle,
4 whether occupied or not, otherwise than temporarily for the
5 purpose of and while actually engaged in loading or unloading
6 merchandise or passengers.

7 "(40) PASSENGER CAR. Every motor vehicle, except
8 motorcycles and motor-driven cycles, designed for carrying 10
9 passengers or less and used for the transportation of persons.

10 "(41) PEDESTRIAN. Any person afoot.

11 "(42) PERSON. Every natural person, firm,
12 copartnership, association, or corporation.

13 "(43) PNEUMATIC TIRE. Every tire in which compressed
14 air is designed to support the load.

15 "(44) POLE TRAILER. Every vehicle without motive
16 power designed to be drawn by another vehicle and attached to
17 the towing vehicle by means of a reach or pole, or by being
18 boomed or otherwise secured to the towing vehicle, and
19 ordinarily used for transporting long or irregularly shaped
20 loads such as poles, pipes, or structural members capable,
21 generally, of sustaining themselves as beams between the
22 supporting connections.

23 "(45) POLICE OFFICER. Every officer authorized to
24 direct or regulate traffic or to make arrests for violations
25 of traffic regulations.

26 "(46) PRIVATE ROAD or DRIVEWAY. Every way or place
27 in private ownership and used for vehicular travel by the

1 owner and those having express or implied permission from the
2 owner, but not by other persons.

3 "(47) RAILROAD. A carrier of persons or property
4 upon cars other than street cars, operated upon stationary
5 rails.

6 "(48) RAILROAD SIGN or SIGNAL. Any sign, signal, or
7 device erected by authority of a public body or official or by
8 a railroad and intended to give notice of the presence of
9 railroad tracks or the approach of a railroad train.

10 "(49) RAILROAD TRAIN. A steam engine, electric or
11 other motor, with or without cars coupled thereto, operated
12 upon rails.

13 "(50) RECONSTRUCTED VEHICLE. Every vehicle of a type
14 required to be registered hereunder materially altered from
15 its original construction by the removal, addition, or
16 substitution of essential parts, new or used.

17 "(51) REGISTRATION. The registration certificate or
18 certificates and registration plates issued under the laws of
19 this state pertaining to the registration of vehicles.

20 "(52) RESIDENCE DISTRICT. The territory contiguous
21 to and including a highway not comprising a business district
22 when the property on such highway for a distance of 300 feet
23 or more is in the main improved with residences or residences
24 and buildings in use for business.

25 "(53) REVOCATION OF DRIVER'S LICENSE. The
26 termination by formal action of the director of a person's
27 license or privilege to operate a motor vehicle on the public

1 highways, which termination shall not be subject to renewal or
2 restoration except that an application for a new license may
3 be presented and acted upon by the director after the
4 expiration of the applicable period of time prescribed in this
5 title.

6 "(54) RIGHT-OF-WAY. The right of one vehicle or
7 pedestrian to proceed in a lawful manner in preference to
8 another vehicle or pedestrian approaching under such
9 circumstances of direction, speed, and proximity as to give
10 rise to danger of collision unless one grants precedence to
11 the other.

12 "(55) ROAD TRACTOR. Every motor vehicle designed and
13 used for drawing other vehicles and not so constructed as to
14 carry any load thereon either independently or any part of the
15 weight of a vehicle or load so drawn.

16 "(56) ROADWAY. That portion of a highway improved,
17 designed, or ordinarily used for vehicular travel, exclusive
18 of the berm or shoulder. In the event a highway includes two
19 or more separate roadways the term "roadway" as used herein
20 shall refer to any such roadway separately but not to all such
21 roadways collectively.

22 "(57) SAFETY ZONE. The area or space officially set
23 apart within a roadway for the exclusive use of pedestrians
24 and which is protected or is so marked or indicated by
25 adequate signs as to be plainly visible at all times while set
26 apart as a safety zone.

1 "(58) SCHOOL BUS. Every motor vehicle that complies
2 with the color and identification requirements set forth by
3 statute or regulation and is used to transport children to or
4 from school or in connection with school activities, but not
5 including buses operated by common carriers in urban
6 transportation of school children.

7 "(59) SECURITY AGREEMENT. A written agreement which
8 reserves or creates a security interest.

9 "(60) SECURITY INTEREST. An interest in a vehicle
10 reserved or created by agreement and which secures payment or
11 performance of an obligation. The term includes the interest
12 of a lessor under a lease intended as security. A security
13 interest is perfected when it is valid against third parties
14 generally, subject only to specific statutory exceptions.

15 "(61) SEMITRAILER. Every vehicle with or without
16 motive power, other than a pole trailer, designed for carrying
17 persons or property and for being drawn by a motor vehicle and
18 so constructed that some part of its weight and that of its
19 load rests upon or is carried by another vehicle.

20 "(62) SIDEWALK. That portion of a street between the
21 curb lines, or the lateral lines of a roadway, and the
22 adjacent property lines, intended for use by pedestrians.

23 "(63) SOLID TIRE. Every tire of rubber or other
24 resilient material which does not depend upon compressed air
25 for the support of the load.

26 "(64) SPECIAL MOBILE EQUIPMENT. Every vehicle not
27 designed or used primarily for the transportation of persons

1 or property and only incidentally operated or moved over a
2 highway, including, but not limited to: Ditch digging
3 apparatus, well boring apparatus, and road construction and
4 maintenance machinery such as asphalt spreaders, bituminous
5 mixers, bucket loaders, tractors other than truck tractors,
6 ditchers, levelling graders, finishing machines, motor
7 graders, road rollers, scarifiers, earth moving carry-alls and
8 scrapers, power shovels and drag lines, and self-propelled
9 cranes, and earth moving equipment. The term does not include
10 house trailers, dump trucks, truck mounted transit mixers,
11 cranes or shovels, or other vehicles designed for the
12 transportation of persons or property to which machinery has
13 been attached.

14 "(65) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle
15 of a type required to be registered hereunder not originally
16 constructed under a distinctive name, make, model, or type by
17 a generally recognized manufacturer of vehicles and not
18 materially altered from its original construction.

19 "(66) STAND or STANDING. The halting of a vehicle,
20 whether occupied or not, otherwise than temporarily for the
21 purpose of and while actually engaged in receiving or
22 discharging passengers.

23 "(67) STATE. A state, territory, or possession of
24 the United States, the District of Columbia, the Commonwealth
25 of Puerto Rico, or a province of Canada.

26 "(68) STOP. When required, means complete cessation
27 from movement.

1 "(69) STOP or STOPPING. When prohibited means any
2 halting even momentarily of a vehicle, whether occupied or
3 not, except when necessary to avoid conflict with other
4 traffic or in compliance with the directions of a police
5 officer or traffic-control sign or signal.

6 "(70) STREET. The entire width between boundary
7 lines of every way publicly maintained when any part thereof
8 is open to the use of the public for purposes of vehicular
9 travel.

10 "(71) SUSPENSION OF DRIVER'S LICENSE. The temporary
11 withdrawal by formal action of the Secretary of the Alabama
12 State Law Enforcement Agency of a person's license or
13 privilege to operate a motor vehicle on the public highways,
14 which temporary withdrawal shall be for a period specifically
15 designated by the director.

16 "(72) THROUGH HIGHWAY. Every highway or portion
17 thereof on which vehicular traffic is given preferential
18 right-of-way, and at the entrances to which vehicular traffic
19 from intersecting highways is required by law to yield the
20 right-of-way to vehicles on such through highway in obedience
21 to a stop sign, yield sign, or other official traffic-control
22 device, when such signs or devices are erected as provided in
23 this title.

24 "(73) TRACKLESS TROLLEY COACH. Every motor vehicle
25 which is propelled by electric power obtained from overhead
26 trolley wires but not operated upon rails.

1 "(74) TRAFFIC. Pedestrians, ridden or herded
2 animals, vehicles, streetcars, and other conveyances either
3 singly or together while using any highway for purposes of
4 travel.

5 "(75) TRAFFIC-CONTROL SIGNAL. Any device, whether
6 manually, electrically, or mechanically operated, by which
7 traffic is alternately directed to stop and permitted to
8 proceed.

9 "(76) TRAILER. Every vehicle with or without motive
10 power, other than a pole trailer, designed for carrying
11 persons or property and for being drawn by a motor vehicle and
12 so constructed that no part of its weight rests upon the
13 towing vehicle.

14 "(77) TRANSPORTER. Every person engaged in the
15 business of delivering vehicles of a type required to be
16 registered hereunder from a manufacturing, assembling, or
17 distributing plant to dealers or sales agents of a
18 manufacturer.

19 "(78) TRUCK. Every motor vehicle designed, used, or
20 maintained primarily for the transportation of property.

21 "(79) TRUCK PLATOON. A group of individual
22 commercial trucks traveling in a unified manner at
23 electronically coordinated speeds at following distances that
24 are closer than would be reasonable and prudent without the
25 electronic coordination.

26 "(80) TRUCK TRACTOR. Every motor vehicle designed
27 and used primarily for drawing other vehicles and not so

1 constructed as to carry a load other than a part of the weight
2 of the vehicle and load so drawn.

3 "(81) URBAN DISTRICT. The territory contiguous to
4 and including any street which is built up with structures
5 devoted to business, industry, or dwelling houses situated at
6 intervals of less than 100 feet for a distance of a quarter of
7 a mile or more.

8 "(82) VEHICLE. Every device in, upon, or by which
9 any person or property is or may be transported or drawn upon
10 a highway, excepting devices moved by human power or used
11 exclusively upon stationary rails or tracks or electric
12 personal assistive mobility devices; provided, that for the
13 purposes of this title, a bicycle or a ridden animal shall be
14 deemed a vehicle, except those provisions of this title, which
15 by their very nature can have no application.

16 "§32-5A-115.

17 "(a) Upon the immediate approach of an authorized
18 emergency vehicle equipped with at least one lighted lamp and
19 audible signal as is required by law, the driver of every
20 other vehicle shall yield the right-of-way and shall
21 immediately drive to a position parallel to, and as close as
22 possible to, the right-hand edge or curb of the roadway clear
23 of any intersection and shall stop and remain in such position
24 until the authorized emergency vehicle has passed, except when
25 otherwise directed by a police officer.

26 "(b) This section shall not operate to relieve the
27 driver of an authorized emergency vehicle from the duty to

1 drive with regard for the safety of all persons using the
2 highways.

3 "(c) Authorized emergency vehicles shall be equipped
4 with at least one lighted lamp exhibiting a colored light as
5 hereinafter provided visible under normal atmospheric
6 conditions from a distance of 500 feet to the front of such
7 vehicle and a siren, exhaust whistle, or bell capable of
8 giving an audible signal.

9 "(1) The color of the lighted lamp exhibited by
10 police vehicles may be red or blue. No vehicle other than a
11 police vehicle may exhibit a blue light.

12 "(2) Except as provided in subdivision (3), ~~and the~~
13 color of the lighted lamp exhibited by ~~the~~ fire department and
14 other authorized emergency vehicles, including ambulances,
15 shall be red. ~~No vehicle other than a police vehicle will use~~
16 ~~a blue light.~~

17 "(3) The color of the lighted lamp exhibited by
18 volunteer firefighters using privately owned vehicles as
19 authorized emergency vehicles as defined in Section 32-1-1.1,
20 to respond to an emergency shall be purple.

21 "(4) An amber or yellow light may be installed on
22 any vehicle or class of vehicles designated by the Director of
23 Public Safety, but such light shall serve as a warning or
24 caution light only, and shall not cause other vehicles to
25 yield the right-of-way.

26 "(d) This ~~provision~~ section shall not operate to
27 relieve the driver of an emergency vehicle from the duty to

1 drive with due regard for the safety of all persons using the
2 highway nor shall it protect the driver of any such vehicle
3 from the consequences of an arbitrary exercise of such
4 right-of-way."

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