

1 HB290
2 198415-1
3 By Representative Sells
4 RFD: Public Safety and Homeland Security
5 First Read: 02-APR-19

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8 SYNOPSIS: Under existing law, a violation of the
9 Alabama Move Over Act is a misdemeanor punishable
10 by a fine of \$25 for a first violation, \$50 for a
11 second violation, and \$100 for a third or
12 subsequent violation.

13 This bill would increase the fine for a
14 first, second, and third or subsequent violation.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to the Alabama Move Over Act; to amend
14 Section 32-5A-58.2, Code of Alabama 1975, to increase the fine
15 associated with a violation of the act; and in connection
16 therewith would have as its purpose or effect the requirement
17 of a new or increased expenditure of local funds within the
18 meaning of Amendment 621 of the Constitution of Alabama of
19 1901, now appearing as Section 111.05 of the Official
20 Recompilation of the Constitution of Alabama of 1901, as
21 amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 32-5A-58.2, Code of Alabama 1975,
24 is amended to read as follows:

25 "§32-5A-58.2.

26 "(a) This section shall be known as the "Alabama
27 Move Over Act."

1 "(b) (1) When an authorized law enforcement vehicle
2 or emergency vehicle making use of any visual signals is
3 parked, when a wrecker displaying amber rotating or flashing
4 lights is performing a recovery or loading on the roadside,
5 when a utility service vehicle operated by or on behalf of an
6 entity providing utility services displaying any rotating
7 lights, flashing lights, or other visual signals is parked on
8 the roadside while performing tasks associated with the
9 provision of utility services, when a vehicle displaying
10 flashing lights is parked or engaged in the performance of
11 official duties on or along a road, or when a garbage, trash,
12 refuse, or recycling collection vehicle is actively collecting
13 garbage, trash, refuse, or recycling materials on the
14 roadside, the driver of every other vehicle, as soon as it is
15 safe, shall do the following:

16 "a. When driving on an interstate highway or other
17 highway with two or more lanes traveling in the direction of
18 the law enforcement vehicle, emergency vehicle, wrecker,
19 utility service vehicle, vehicle displaying flashing lights,
20 or garbage, trash, refuse, or recycling collection vehicle,
21 the driver shall vacate the lane closest to the law
22 enforcement vehicle, emergency vehicle, wrecker, utility
23 service vehicle, vehicle displaying flashing lights, or
24 garbage, trash, refuse, or recycling collection vehicle,
25 unless otherwise directed by a law enforcement officer. If it
26 is not safe to move over, the driver shall slow to a speed

1 that is at least 15 miles per hour less than the posted speed
2 limit unless otherwise directed by a law enforcement officer.

3 "b. When driving on a two-lane road, the driver
4 shall move as far away from the law enforcement vehicle,
5 emergency vehicle, wrecker, utility service vehicle, vehicle
6 displaying flashing lights, or garbage, trash, refuse, or
7 recycling collection vehicle as possible within his or her
8 lane and slow to a speed that is 15 miles per hour less than
9 the posted speed limit when the posted speed limit is 25 miles
10 per hour or greater or travel at 10 miles per hour when the
11 posted speed limit is 20 miles per hour or less, unless
12 otherwise directed by a law enforcement officer.

13 "(2) A violation of this subsection is a misdemeanor
14 punishable by a fine of ~~twenty-five dollars (\$25)~~ one hundred
15 dollars (\$100). Upon a second violation of this subsection,
16 the fine shall be ~~fifty dollars (\$50)~~ one hundred fifty
17 dollars (\$150). Upon a third or subsequent violation, the fine
18 shall be ~~one hundred dollars (\$100)~~ two hundred dollars
19 (\$200).

20 "(c) (1) The Alabama State Law Enforcement Agency
21 shall provide an educational awareness campaign informing the
22 motoring public about this section. The agency shall provide
23 information about this section in all newly printed driver's
24 license educational materials after January 1, 2010.

25 "(2) This section shall not relieve the driver of an
26 authorized emergency vehicle from the duty to drive with due
27 regard for the safety of all persons using the highway."

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.