

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

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2 ENROLLED, An Act,

3 Relating to the Alabama Move Over Act; to amend
4 Section 32-5A-58.2, Code of Alabama 1975, to increase the fine
5 associated with a violation of the act; and in connection
6 therewith would have as its purpose or effect the requirement
7 of a new or increased expenditure of local funds within the
8 meaning of Amendment 621 of the Constitution of Alabama of
9 1901, now appearing as Section 111.05 of the Official
10 Recompilation of the Constitution of Alabama of 1901, as
11 amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§32-5A-58.2.

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

18 "(b) (1) When an authorized law enforcement vehicle
19 or emergency vehicle making use of any visual signals is
20 parked, when a wrecker displaying amber rotating or flashing
21 lights is performing a recovery or loading on the roadside,
22 when a utility service vehicle operated by or on behalf of an
23 entity providing utility services displaying any rotating
24 lights, flashing lights, or other visual signals is parked on
25 the roadside while performing tasks associated with the

1 provision of utility services, when a vehicle displaying
2 flashing lights is parked or engaged in the performance of
3 official duties on or along a road, or when a garbage, trash,
4 refuse, or recycling collection vehicle is actively collecting
5 garbage, trash, refuse, or recycling materials on the
6 roadside, the driver of every other vehicle, as soon as it is
7 safe, shall do the following:

8 "a. When driving on an interstate highway or other
9 highway with two or more lanes traveling in the direction of
10 the law enforcement vehicle, emergency vehicle, wrecker,
11 utility service vehicle, vehicle displaying flashing lights,
12 or garbage, trash, refuse, or recycling collection vehicle,
13 the driver shall vacate the lane closest to the law
14 enforcement vehicle, emergency vehicle, wrecker, utility
15 service vehicle, vehicle displaying flashing lights, or
16 garbage, trash, refuse, or recycling collection vehicle,
17 unless otherwise directed by a law enforcement officer. If it
18 is not safe to move over, the driver shall slow to a speed
19 that is at least 15 miles per hour less than the posted speed
20 limit unless otherwise directed by a law enforcement officer.

21 "b. When driving on a two-lane road, the driver
22 shall move as far away from the law enforcement vehicle,
23 emergency vehicle, wrecker, utility service vehicle, vehicle
24 displaying flashing lights, or garbage, trash, refuse, or
25 recycling collection vehicle as possible within his or her

1 lane and slow to a speed that is 15 miles per hour less than
2 the posted speed limit when the posted speed limit is 25 miles
3 per hour or greater or travel at 10 miles per hour when the
4 posted speed limit is 20 miles per hour or less, unless
5 otherwise directed by a law enforcement officer.

6 "(2) A violation of this subsection is a misdemeanor
7 punishable by a fine of ~~twenty-five dollars (\$25)~~ one hundred
8 dollars (\$100). Upon a second violation of this subsection,
9 the fine shall be ~~fifty dollars (\$50)~~ one hundred fifty
10 dollars (\$150). Upon a third or subsequent violation, the fine
11 shall be ~~one hundred dollars (\$100)~~ two hundred dollars
12 (\$200).

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

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

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-MAY-19.

Jeff Woodard
Clerk

Senate

30-MAY-19

Passed