

1 SB406
2 196731-6
3 By Senator Reed
4 RFD: Transportation and Energy
5 First Read: 14-MAY-19

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8 SYNOPSIS: Under existing law, a person must obtain a
9 permit from the Department of Transportation to
10 move upon the state's public roads a vehicle and
11 its load, the weight, width, length, or height of
12 which exceeds the maximum limit specified by law.

13 This bill would authorize the Department of
14 Transportation to issue a permit to allow tow
15 trucks to tow disabled, damaged, abandoned, or
16 wrecked commercial vehicles, including combination
17 vehicles, which together exceed the maximum weight,
18 width, length, or height limits specified by law.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to motor vehicles; to amend Section
25 32-9-29, Code of Alabama 1975, to authorize the Department of
26 Transportation to issue an annual commercial wrecker emergency
27 tow permit under certain conditions.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 32-9-29, Code of Alabama 1975, is
3 amended to read as follows:

4 "§32-9-29.

5 "(a) Authorized; application; issuance; seasonal,
6 etc., limitations; refusal, revocation, or cancellation.

7 "(1) The Director of the Department of
8 Transportation or the official of the department designated by
9 the director ~~may, in his or her discretion,~~ upon application
10 and for good cause being shown therefor, may issue a permit in
11 writing authorizing the applicant to operate or move upon the
12 state's public roads a vehicle or combination of no more than
13 two vehicles and loads whose weight, width, length, or height,
14 or combination thereof, exceeds the maximum limit specified by
15 law; provided, that the load transported by such vehicle or
16 vehicles is of such nature that it is a unit which cannot be
17 readily dismantled or separated; provided, however, that
18 bulldozers and similar construction equipment shall not be
19 deemed readily separable for purposes of this chapter; and
20 further provided, that no permit shall be issued to any
21 vehicle whose operation upon the public roads of this state
22 threatens to unduly damage a road or any appurtenances
23 thereto.

24 "(2) Permits may be issued on application to the
25 department to persons, firms, or corporations. The director
26 shall promulgate reasonable rules ~~and regulations~~ which are
27 necessary or desirable governing the issuance of such permits;

1 provided, that such rules ~~and regulations~~ shall not conflict
2 with the provisions of this title and other provisions of law.

3 "(3) The original copy of every such permit shall be
4 carried in the vehicle itself and shall be open to inspection
5 by any ~~police officer or state trooper~~ law enforcement officer
6 or authorized agent of the department.

7 "(4) The application for any such permit shall
8 specifically describe the type of permit applied for, as ~~the~~
9 ~~types of permits are~~ described in subsection (b) ~~of this~~
10 ~~section~~, and the application for a single trip permit shall,
11 in addition, describe the points of departure and destination.

12 "(5) The director or the official of the department
13 designated by the director ~~is authorized to~~ may withhold such
14 permit or, if such permit is issued, ~~to~~ may establish seasonal
15 or other time limitations within which the vehicles described
16 may be operated on the public road indicated, or may otherwise
17 ~~to~~ limit or prescribe conditions of operation of such vehicle,
18 when necessary to assure against undue damage to the road
19 foundation, surfaces, or bridge structures, and require such
20 undertaking or other security as may be deemed necessary to
21 compensate the state for any injury to any roadway or bridge
22 structure.

23 "(6) For just cause, including, but not limited to,
24 repeated and consistent past violations, the director or an
25 official of the department designated by the director may
26 refuse to issue, or may cancel, suspend, or revoke, the permit
27 of an applicant or permittee.

1 "(b) Duration and limits of permits; bond or
2 insurance requirements.

3 "(1)a. ANNUAL. The director or the official of the
4 department designated by the director ~~may~~, pursuant to the
5 provisions of this section, may issue an annual permit which
6 shall permit the vehicle or combination vehicle and load to be
7 operated on the state highway system of this state for 12
8 months from the date the permit is issued, even though the
9 vehicle or its load exceeds the maximum limits specified in
10 this article; provided, that an annual permit shall not
11 authorize the operation of a vehicle including all enforcement
12 tolerances:

13 "1. Whose total gross weight exceeds 150,000 pounds;
14 provided, that gross weights over 100,000 pounds shall require
15 advance routing by the department;

16 "2. Whose single axle weight exceeds 22,000 pounds;

17 "3. Whose total length exceeds 75 feet; with the
18 exception of mobile homes, whose length limitations, including
19 towing vehicle, shall be 85 feet;

20 "4. Whose total width exceeds 120 inches or whose
21 load width exceeds 144 inches; with the exception of mobile
22 homes, whose width limitation shall be 168 inches; provided,
23 that mobile homes whose width exceeds 144 inches shall require
24 advance route approval by the department; or

25 "5. Whose height exceeds 14 feet.

26 "A permit to operate a vehicle which exceeds the
27 statutory limits of height, weight, width, or length shall be

1 issued only on condition of payment of an indemnity bond or
2 proof of insurance protection for \$300,000.00, the bond or
3 insurance protection conditioned for payment to the department
4 to be held in trust for the benefit of the owners of bridges
5 and appurtenances thereof, traffic signals, signs, or other
6 highway structures damaged by a vehicle operating under
7 authority of such overheight permit. The liability under the
8 bond or insurance certificate shall be contingent upon proof
9 of negligence or fault on the part of the permittee, his or
10 her agents, or operators.

11 "b. Notwithstanding paragraph a., the director,
12 pursuant to this section, may issue an annual permit to
13 operate a vehicle which exceeds the maximum limits otherwise
14 provided in this article for rubber-tired equipment used
15 solely in the scope and operation of mining refractory grade
16 bauxite. The equipment may not exceed the limits of paragraph
17 a., except that the permit may not authorize the operation of
18 a vehicle, including enforcement tolerances, which exceeds 16
19 feet in width, exceeds 18 feet in height, or exceeds a single
20 axle weight of 27,000 pounds. In addition, the permit may not
21 authorize the operation of the vehicle on any bridge, over or
22 under any overpass, or on an interstate highway. The fee for
23 the annual permit shall be one hundred dollars (\$100).

24 "(2) SINGLE TRIP. The director may issue a single
25 trip permit, pursuant to the provisions of this section, to
26 any vehicle.

1 "(c) Fees. The director may promulgate rules and
2 regulations concerning the issuance of permits and charge a
3 fee for the issuance as follows:

4 "(1) ANNUAL. Charges for the issuance of annual
5 permits shall be as follows:

6 "a. For modular homes, sectional houses, portable
7 buildings, boats, and any vehicle or combination of vehicles,
8 \$100.00; except, that a vehicle or combination of vehicles
9 having trailer or combination of trailers with sidewalls or
10 roof which has transported modular homes, sectional houses,
11 and portable buildings may, after depositing any load, return
12 unloaded to its point of origin, even though the unloaded
13 vehicles exceed the 55-foot limitation provided for in this
14 article, up to and including 12 feet wide and 75 feet long.

15 "b. For heavy commodities or equipment, overweight,
16 overlength, overheight, and overwidth, \$100.00. A tractor and
17 trailer (low boy type) may, after depositing a load referred
18 to in this subparagraph, return to its point of origin, even
19 though the unloaded tractor and trailer (low boy type) may
20 exceed the 55-foot limitation provided for in this article up
21 to and including 12 feet wide and 75 feet long.

22 "c. For mobile homes up to and including 14 feet
23 wide and 85 feet long, including towing vehicle, \$100.00.

24 "(2) SINGLE TRIP. Charges for the issuance of single
25 trip permits shall be as follows:

26 "a. Mobile homes, modular homes, sectional houses,
27 portable buildings, and boats:

1 "1. Up to and including 12 feet wide and 75 feet
2 long, \$10.00.

3 "2. Boats in excess of 12 feet wide, \$20.00.

4 "3. Mobile homes, modular homes, sectional houses,
5 and portable buildings in excess of 12 feet wide and/or 75
6 feet long, \$20.00.

7 "b. Heavy commodities or equipment:

8 "1. Over on any limitations as to length, height, or
9 width, \$10.00.

10 "2. Over on weight, as follows:

11	WEIGHT PERMITTED	PERMIT FEE
12	From 80,001 pounds up to 100,000 pounds	\$ 10.00
13	From 100,001 pounds up to 125,000 pounds	30.00
14	From 125,001 pounds up to 150,000 pounds	60.00
15	From 150,001 pounds and over	100.00

16 "c. Miscellaneous:

17 "1. Houses, \$20.00.

18 "2. Off-the-road equipment, \$10.00.

19 "3. Other oversized vehicles, loads, and equipment
20 not herein specified, \$20.00.

21 "4. Other overheight loads not herein specified,
22 \$10.00.

1 "(d) Certain vehicles on interstate highways. Under
2 the provisions of this section, 14 feet-wide vehicles and
3 combination vehicles and load may be issued a permit to travel
4 the interstate highways.

5 "(e) The Director of the Department of
6 Transportation, by rule, may establish limits for combinations
7 of commercial wreckers and towed disabled or abandoned
8 vehicles that exceed the maximum height, weight, or length
9 limitations established by law. The director may establish a
10 permitting method for such commercial wreckers and may
11 establish a fee for any permits that are issued. The director
12 may authorize exceptions to any permit required under this
13 subsection or may waive any permit required under this
14 subsection under emergency, exigent, or other extraordinary
15 conditions.

16 "~~(e)~~ (f) Violations of federal law, etc. No permit
17 shall be issued under this section if the issuance of the
18 permit would violate United States law or would cause the
19 State of Alabama to lose federal-aid funds. Notwithstanding
20 any provisions of any statute to the contrary, all permit fees
21 collected in accordance with this section shall be paid to the
22 Public Road and Bridge Fund in addition to any sums
23 appropriated therefor to the department.

24 "~~(f)~~ (g) Farm and agricultural commodities and
25 equipment exempt. The term heavy commodities or equipment, as
26 used in this section, is not intended to include farm and
27 agricultural commodities or equipment, and such farm or

1 agricultural commodities and equipment are exempt from the
2 requirement of obtaining permits for movement on the state
3 highway system of Alabama."

4 Section 2. 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.