

1 HB249
2 182150-1
3 By Representative Sells
4 RFD: Public Safety and Homeland Security
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, a driver of a motor
9 vehicle is required to move over or slow down when
10 approaching a law enforcement vehicle, emergency
11 vehicle, wrecker, or utility service vehicle that
12 is parked or engaged in the performance of official
13 duties along the roadside.

14 This bill would include Department of
15 Transportation vehicles displaying amber or white
16 flashing lights in the list of vehicles along the
17 roadside for which the driver of another motor
18 vehicle is required to move over or slow down when
19 approaching.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 32-5A-58.2, Code of Alabama 1975,
19 the Alabama Move Over Act, relating to motor vehicles; to
20 include Department of Transportation vehicles displaying amber
21 or white flashing lights in the type of vehicles along the
22 roadside for which the driver of another motor vehicle is
23 required to move over or slow down when approaching; to
24 provide for traffic violations; and in connection therewith
25 would have as its purpose or effect the requirement of a new
26 or increased expenditure of local funds within the meaning of
27 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§32-5A-58.2.

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

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

25 "a. When driving on an interstate highway or other
26 highway with two or more lanes traveling in the direction of
27 the law enforcement vehicle, emergency vehicle, wrecker,

1 utility service vehicle, Department of Transportation vehicle,
2 or garbage, trash, refuse, or recycling collection vehicle,
3 the driver shall vacate the lane closest to the law
4 enforcement vehicle, emergency vehicle, wrecker, utility
5 service vehicle, Department of Transportation vehicle, or
6 garbage, trash, refuse, or recycling collection vehicle,
7 unless otherwise directed by a law enforcement officer. If not
8 safe to move over, the driver shall slow to a speed that is at
9 least 15 miles per hour less than the posted speed limit
10 unless otherwise directed by a law enforcement officer.

11 "b. When driving on a two-lane road, the driver
12 shall move as far away from the law enforcement vehicle,
13 emergency vehicle, wrecker, utility service vehicle,
14 Department of Transportation vehicle, or garbage, trash,
15 refuse, or recycling collection vehicle as possible within his
16 or her lane and slow to a speed that is 15 miles per hour less
17 than the posted speed limit when the posted speed limit is 25
18 miles per hour or greater or travel at 10 miles per hour when
19 the posted speed limit is 20 miles per hour or less, unless
20 otherwise directed by a law enforcement officer.

21 "(2) A violation of this subsection is a misdemeanor
22 punishable by a fine of twenty-five dollars (\$25). Upon a
23 second violation of this subsection, the fine shall be fifty
24 dollars (\$50). Upon a third or subsequent violation, the fine
25 shall be one hundred dollars (\$100).

26 "(c) (1) The Department of Public Safety shall
27 provide an educational awareness campaign informing the

1 motoring public about this section. The department shall
2 provide information about this section in all newly printed
3 driver's license educational materials after January 1, 2010.

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

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

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