

1 SB209  
2 182150-2  
3 By Senator Albritton  
4 RFD: Transportation and Energy  
5 First Read: 16-FEB-17

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 32-5A-58.2, Code of Alabama 1975,  
12 the Alabama Move Over Act, relating to motor vehicles; to  
13 include Department of Transportation vehicles displaying amber  
14 or white flashing lights in the type of vehicles along the  
15 roadside for which the driver of another motor vehicle is  
16 required to move over or slow down when approaching; to  
17 provide for traffic violations; and in connection therewith  
18 would have as its purpose or effect the requirement of a new  
19 or increased expenditure of local funds within the meaning of  
20 Amendment 621 of the Constitution of Alabama of 1901, now  
21 appearing as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 "§32-5A-58.2.

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

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

20           "a. When driving on an interstate highway or other  
21 highway with two or more lanes traveling in the direction of  
22 the law enforcement vehicle, emergency vehicle, wrecker,  
23 utility service vehicle, Department of Transportation vehicle,  
24 ~~or~~ garbage, trash, refuse, or recycling collection vehicle, or  
25 any vehicle, the driver shall vacate the lane closest to the  
26 law enforcement vehicle, emergency vehicle, wrecker, utility  
27 service vehicle, Department of Transportation vehicle, ~~or~~

1 garbage, trash, refuse, or recycling collection vehicle, or  
2 any vehicle, unless otherwise directed by a law enforcement  
3 officer. If not safe to move over, the driver shall slow to a  
4 speed that is at least 15 miles per hour less than the posted  
5 speed limit unless otherwise directed by a law enforcement  
6 officer.

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

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

23 "(c) (1) The Department of Public Safety shall  
24 provide an educational awareness campaign informing the  
25 motoring public about this section. The department shall  
26 provide information about this section in all newly printed  
27 driver's license educational materials after January 1, 2010.

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

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

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

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Senate

Read for the first time and referred to the Senate  
committee on Transportation and Energy..... 16-FEB-17

Read for the second time and placed on the calen-  
dar..... 09-MAR-17

Read for the third time and passed as amended .... 16-MAR-17

Yeas 27  
Nays 0

Patrick Harris,  
Secretary.