

1 SB15  
2 171659-3  
3 By Senators Orr and Melson  
4 RFD: Finance and Taxation General Fund  
5 First Read: 08-SEP-15

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8 SYNOPSIS: Under current law, there are no specific  
9 provisions that restrict the jurisdiction of law  
10 enforcement officers of the Department of Public  
11 Safety. This bill provides that law enforcement  
12 officers of the Department of Public Safety shall  
13 enforce traffic laws of the state on state and  
14 federal highways only.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to motor vehicles and traffic; to amend  
21 Sections 32-2-5, 32-5-1, 32-5-310, 32-5A-171, 32-5A-177, and  
22 32-10-5, Code of Alabama 1975, to provide for the law  
23 enforcement jurisdiction of law enforcement officers of the  
24 Department of Public Safety and the several counties and  
25 municipalities; and to specify that the Department of Public  
26 Safety shall enforce motor vehicle laws on state and federal  
27 highways only.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 32-2-5, 32-5-1, 32-5-310,  
3 32-5A-171, 32-5A-177, and 32-10-5, Code of Alabama 1975, are  
4 hereby amended to read as follows:

5 "§32-2-5.

6 "(a) It shall be the duty of the Director of the  
7 Department of Public Safety, and he shall have power to do all  
8 that is necessary to administer and enforce:

9 "(1) All laws contained in this title, as the same  
10 may now or hereafter be amended on the state and federal  
11 public highways of this state;

12 "(2) All other laws relating or pertaining to the  
13 operation or movement of vehicles on the state and federal  
14 public highways of this state;

15 "(3) Such other laws as the Department of Public  
16 Safety has heretofore administered and enforced.

17 "(b) The Department of Public Safety shall enforce  
18 all traffic laws, rules and regulations of the state upon all  
19 the state and federal highways of the state only and the  
20 rights-of-way of such highways.

21 "§32-5-1.

22 "(a) Except as herein otherwise provided, local  
23 authorities shall have no power to pass, enforce, or maintain  
24 any ordinance, rule, or regulation requiring from any owner or  
25 chauffeur or other authorized driver to whom this chapter is  
26 applicable, any additional license or permit for the use of  
27 the public highways, or excluding any such owner, chauffeur,

1 or other authorized driver from the public highway, nor to  
2 pass, enforce, or maintain any ordinance, rule, or regulation  
3 regulating motor vehicles or their speed contrary to the  
4 provisions of this chapter, nor shall any such law now in  
5 force or hereafter enacted have any effect.

6 "(b) Local authorities shall have no power or  
7 authority to charge a license or tax upon any motor carrier  
8 hauling passengers or any truck hauling freight for hire, when  
9 such motor carriers in the usual course of operations enter or  
10 pass through any county, municipality, or town of this state;  
11 provided, that this limitation shall not restrict the right of  
12 any municipality to charge a license for the privilege of  
13 maintaining or operating a terminal station, depot, or waiting  
14 room therein.

15 "(c) Local authorities may set aside for a given  
16 time a specified public highway for speed contests or races,  
17 to be conducted under proper restrictions for the safety of  
18 the public. Local authorities may exclude motor vehicles from  
19 any cemetery or grounds used for burial of the dead.

20 "(d) Local authorities shall have power to provide  
21 by ordinance for the regulation of traffic by means of traffic  
22 officers or semaphores or other signaling devices on any  
23 portion of the highway where traffic is heavy or continuous  
24 and may prohibit other than one-way traffic upon certain  
25 highways and may regulate the use of the highways by  
26 processions or assemblages.

1           "(e) Local authorities may also regulate or prohibit  
2 the parking of vehicles within the limits of their respective  
3 municipalities, and may also regulate the speed of vehicles in  
4 public parks and shall erect at all entrances to such parks  
5 adequate signs giving notice of any such special speed  
6 regulations.

7           "(f) Local authorities shall enforce all traffic  
8 laws, rules and regulations of the state upon all local public  
9 highways of the state and the rights-of-way of such highways.

10           "§32-5-310.

11           "Any peace officer, including state troopers,  
12 sheriffs and their deputies, constables and their deputies,  
13 police officers and marshals of cities or incorporated towns,  
14 county police or patrols, state or county license inspectors  
15 and their deputies, and special officers appointed by any  
16 agency of the State of Alabama for the enforcement of its laws  
17 relating to motor vehicles, now existing or hereafter enacted,  
18 shall be authorized, and it is hereby made the duty of each of  
19 them to enforce the provisions of this chapter and to make  
20 arrests for any violation or violations thereof, without  
21 warrant if the offense be committed in his or her presence,  
22 and with warrant if he or she does not observe the commission  
23 of the offense. If the arrest be made without warrant, the  
24 accused may elect to be immediately taken before the nearest  
25 court having jurisdiction, whereupon it shall be the duty of  
26 the officer to so take him or her. If the accused elects not  
27 to be so taken, then it shall be the duty of the officer to

1 require of the accused a bail bond in a sum not to exceed  
2 \$300.00, conditioned that the accused binds himself or herself  
3 to appear in the nearest court having jurisdiction at the time  
4 fixed in the bond. In case the arrested person fails to appear  
5 on the day fixed, the bond shall be forfeited in the manner as  
6 is provided for the forfeiture of bonds in other cases. No  
7 officer shall be permitted to take a cash bond. The officer  
8 making the arrest and taking the bond shall report the same to  
9 the court having jurisdiction within 18 hours after taking  
10 such bond. The Department of Public Safety shall be  
11 responsible for the enforcement of laws relating to motor  
12 vehicles on state and federal highways only.

13 "§32-5A-171.

14 "Except when a special hazard exists that requires  
15 lower speed for compliance with Section 32-5A-170, the limits  
16 hereinafter specified or established as hereinafter authorized  
17 shall be maximum lawful speeds, and no person shall drive a  
18 vehicle at a speed in excess of the maximum limits.

19 "(1) No person shall operate a vehicle in excess of  
20 30 miles per hour in any urban district.

21 "(2)a. No person shall operate a motor vehicle in  
22 excess of 35 miles per hour on any unpaved road. For purposes  
23 of this chapter the term unpaved road shall mean any highway  
24 under the jurisdiction of any county, the surface of which  
25 consists of natural earth, mixed soil, stabilized soil,  
26 aggregate, crushed sea shells, or similar materials without  
27 the use of asphalt, cement, or similar binders.

1            "b. No person shall operate a motor vehicle on any  
2 county-maintained paved road in an unincorporated area of the  
3 state at a speed in excess of 45 miles per hour unless a  
4 different maximum speed is established under authority granted  
5 in subdivision (6) or as provided in subdivision (7) subject  
6 to the maximum rate of speed provided in subdivision (3).

7            "(3) No person shall operate a motor vehicle on the  
8 highways in this state, other than interstate highways or  
9 highways having four or more traffic lanes, at a speed in  
10 excess of 55 miles per hour at any time unless a different  
11 maximum rate of speed is authorized by the Governor under  
12 authority granted in subdivision (6) or as provided in  
13 subdivision (7).

14            "(4) No person shall operate a motor vehicle, on an  
15 interstate highway within the State of Alabama, at a speed in  
16 excess of 70 miles per hour or on any other highway having  
17 four or more traffic lanes at a speed in excess of 65 miles  
18 per hour, unless a different maximum rate of speed is  
19 authorized by the Governor under authority granted in  
20 subdivision (6) or as provided in subdivision (7).

21 Notwithstanding the provisions of this subdivision, any  
22 portion of Corridor X/I-22 which is open between the  
23 Alabama/Mississippi state line and the Jefferson County line  
24 shall be considered an interstate highway for the purpose of  
25 the maximum speed limit on the highway.

26            "(5) Notwithstanding any provisions of this section  
27 to the contrary, no person shall operate a passenger vehicle,

1 motor truck, or passenger bus which carries or transports  
2 explosives or flammable liquids, as defined in Section  
3 32-1-1.1, or hazardous wastes, as defined in Section  
4 22-30-3(5), in this state unless the vehicle, truck, or bus  
5 prominently displays a current decal, plate, or placard which  
6 is required by the rules or regulations of the DOT or the PSC  
7 which indicates or warns that the vehicle, truck, or bus is  
8 carrying or transporting the substances. No person shall  
9 operate the vehicle, truck, or bus at a rate of speed greater  
10 than 55 miles per hour at any time unless a different maximum  
11 rate of speed is authorized by the Governor under authority  
12 granted in subdivision (6) or as provided in subdivision (7).

13 "(6) The Governor may prescribe the maximum rate of  
14 speed whenever a different rate of speed is required by  
15 federal law in order for Alabama to receive federal funds for  
16 highway maintenance and construction.

17 "(7) The maximum speed limits set forth in this  
18 section may be altered as authorized in Sections 32-5A-172 and  
19 32-5A-173.

20 "(8) A law enforcement officer or a peace officer of  
21 any incorporated municipality or town which has less than  
22 19,000 inhabitants according to the most recent federal  
23 decennial census shall not enforce this section on any  
24 interstate highway.

25 "(9) Any speed limit set pursuant to this section  
26 shall be enforced by any municipality or any law enforcement  
27 officer of a municipality only within the corporate limits of

1 the municipality and not within the police jurisdiction of the  
2 municipality.

3 "§32-5A-177.

4 "(a) In every charge of violation of any speed  
5 regulation in this article the complaint, also the summons or  
6 notice to appear, shall specify the speed at which the  
7 defendant is alleged to have driven, also the maximum speed  
8 applicable within the district or at the location.

9 "(b) The provision of this article declaring maximum  
10 speed limitations shall not be construed to relieve the  
11 plaintiff in any action from the burden of proving negligence  
12 on the part of the defendant as the proximate cause of an  
13 accident.

14 "(c) Any state trooper, upon receiving information  
15 relayed to him or her from a fellow officer stationed on the  
16 ground or in the air operating a speed measuring device that a  
17 driver of a vehicle has violated the speed laws of this state  
18 on any state or federal highway, may arrest the driver for  
19 violation of the laws where reasonable and proper  
20 identification of the vehicle and the speed of same has been  
21 communicated to the arresting officer.

22 "(d) A witness otherwise qualified to testify shall  
23 be competent to give testimony against an accused violator of  
24 the motor vehicle laws of this state when such testimony is  
25 derived from the use of such speed measuring device used in  
26 the calculation of speed, upon showing that the speed  
27 measuring device which was used had been tested. However, the

1 operator of any visual average speed computer device shall  
2 first be certified as a competent operator of such device by  
3 the department.

4 "(e) Any person accused pursuant to the provisions  
5 of this section shall be entitled to have the officer actually  
6 operating the device appear in court and testify upon oral or  
7 written motion.

8 "§32-10-5.

9 "(a) The driver of any motor vehicle involved in an  
10 accident resulting in injury to or the death of any person  
11 shall immediately by the quickest means of communication give  
12 notice of such accident to the local police department if such  
13 accident occurs within a municipality; otherwise to the office  
14 of the county sheriff if the accident occurs on any local  
15 public highway within the county that is not within a  
16 municipality or to the state highway patrol if the accident  
17 occurs on any state or federal highway.

18 "(b) Every coroner or other official performing like  
19 functions upon learning of the death of a person in his  
20 jurisdiction as the result of a traffic accident shall  
21 immediately notify the nearest office of the director."

22 Section 2. The Department of Public Safety, under  
23 the supervision of the Alabama Law Enforcement Agency, shall  
24 be responsible for enforcing all motor vehicle and traffic  
25 laws of this state, as provided for in Title 32, on the state  
26 and federal highways of this state only. Upon request of the  
27 sheriff or county commission of a county or the chief of

1 police or mayor of a municipality, and upon approval of the  
2 Secretary of the Alabama Law Enforcement Agency, the  
3 Department of Public Safety may respond to calls for  
4 assistance in a law enforcement incident on a local public  
5 highway. The Secretary of the Alabama Law Enforcement Agency  
6 may promulgate and adopt rules and regulations to implement  
7 the provisions of this section.

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