

1 HB578
2 130500-1
3 By Representative Wallace
4 RFD: Public Safety and Homeland Security
5 First Read: 27-APR-11

1 130500-1:n:04/27/2011:KBH/11 LRS2011-2667

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8 SYNOPSIS: Under existing law, a law enforcement
9 officer of an incorporated municipality with less
10 than 19,000 inhabitants is prohibited from
11 enforcing any speed limit set by general law on any
12 interstate highway.

13 Existing law provides that any law
14 enforcement officer of a municipality can enforce
15 any speed limit set by general law inside the
16 corporate limits of the municipality but cannot
17 enforce the speed limit within the police
18 jurisdiction of the municipality.

19 This bill would delete both of these
20 provisions.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

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26 To amend Act 2010-564, 2010 Regular Session (Acts
27 2010, p. 1143), now appearing as Section 32-5A-171, Code of

Alabama 1975, relating to maximum speed limits; to delete the provision relating to the enforcement of speed limits on interstate highways by certain municipal law enforcement officers; and to delete the provision prohibiting municipal law enforcement officers from enforcing speed limits on interstate highways within the police jurisdiction of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2010-564, 2010 Regular Session (Acts 2010, p. 1143), now appearing as Section 32-5A-171, Code of Alabama 1975, is amended to read as follows:

"§32-5A-171.

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

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

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

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

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

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

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

"(5) Notwithstanding any provisions of this section 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 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.