

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

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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

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Act 2010-564, 2010 Regular Session (Acts
10 2010, p. 1143), now appearing as Section 32-5A-171, Code of
11 Alabama 1975, is amended to read as follows:

12 "§32-5A-171.

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

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

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