

1 HJR231  
2 151408-2  
3 By Representatives DeMarco, Wood, Ball, Patterson, Greer,  
4 Hill, Weaver, Harper, Farley, Rich, Johnson (W), Scott,  
5 Coleman-Evans, McAdory, Henry, Hurst, Williams (J), Carns,  
6 Drake, Johnson (K), Collins, Fincher, Hammon, Vance, Jones,  
7 Moore (M), Todd, Ison, Barton, Merrill, Poole, England,  
8 Sessions, Rogers, Givan, Treadaway, Payne, Love, McClurkin,  
9 Lee, Chesteen, Buttram, Baker, Burdine, Mask, Williams (P),  
10 Faust, Brown, Hubbard (M), Bridges, Davis, Standridge,  
11 McCampbell, Beech, Boothe and Moore (B)  
12 RFD: Rules  
13 First Read: 04-APR-13

8 URGING THE FEDERAL MOTOR CARRIER SAFETY  
9 ADMINISTRATION TO FURTHER REVIEW AND UPHOLD THE ALABAMA METAL  
10 COIL SECUREMENT ACT OF 2009.

11  
12 WHEREAS, during the period of 1987 through 2006, as  
13 many as 30 trucks lost loads of metal coils in the Birmingham,  
14 Alabama, area resulting in hundreds of thousands of dollars in  
15 road and bridge repairs; and

16 WHEREAS, the metal coil spills were a threat to the  
17 public safety, potentially resulting in the lost of human life  
18 and countless injuries; and

19 WHEREAS, Alabama public safety officials assessed  
20 the problem in part to be a lack of knowledge of metal coil  
21 haulers about proper securement procedures and in some cases a  
22 failure to follow federal securement regulations; and

23 WHEREAS, in response to the public outcry of its  
24 Alabama citizenry, the Legislature passed the Metal Coil  
25 Securement Act of 2009 which required motor carrier drivers  
26 hauling metal coils to be trained and certified in proper

1 securement procedures with assigned penalties and fines for  
2 those found noncompliant; and

3 WHEREAS, over 50,000 motor carrier drivers that  
4 hauled metal coil as initiated or terminated in Alabama were  
5 trained and certified in proper securement of metal coils; and

6 WHEREAS, since passage of the Metal Coil Securement  
7 Act of 2009, public safety observers witnessed a renewed  
8 safety commitment by the transporters of metal coils,  
9 resulting in zero metal coil spills; and

10 WHEREAS, the Federal Motor Carrier Safety  
11 Administration recently issued a ruling in response to parties  
12 challenging the state law, stating that there is insufficient  
13 support for the claimed safety benefits and that the act  
14 places an unreasonable burden on interstate commerce and  
15 therefore prohibits the State of Alabama from enforcing the  
16 act on interstate carriers; and

17 WHEREAS, the Legislature believes that the driver  
18 training provisions of the Metal Coil Securement Act of 2009  
19 are a valid exercise of the police power of the State of  
20 Alabama and do not violate the commerce clause of the United  
21 States Constitution; and

22 WHEREAS, the benefits of the Metal Coil Securement  
23 Act of 2009 have been clearly demonstrated since its  
24 enactment; now therefore,

25 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
26 HOUSES THEREOF CONCURRING, That the Legislature expresses its

1 strong disagreement with the action of the Federal Motor  
2 Carrier Safety Administration and its federal ruling in  
3 disapproving the Alabama Metal Coil Securement Act of 2009,  
4 and urges the Federal Motor Carrier Safety Administration to  
5 review and rescind its prior ruling finding the act to burden  
6 interstate commerce.

7 BE IT FURTHER RESOLVED, That a copy of this  
8 resolution be forwarded to the Federal Motor Carrier Safety  
9 Administration and to the Governor.