

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       hailed 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.