

HB315 INTRODUCED



1 HB315
2 2H2VSIS-1
3 By Representatives Marques, Brown, Smith, Sorrells, Stadthagen
4
5 RFD: Public Safety and Homeland Security
6 First Read: 07-Mar-24



4 SYNOPSIS:

5 Under existing law, when a person operating a
6 motor vehicle approaches an authorized law enforcement
7 motor vehicle, wrecker, garbage truck, or utility
8 vehicle operating on the side of a road, the person is
9 required to either change lanes away from the closest
10 lane to the vehicle or slow down to 15 miles per hour
11 below the posted speed limit, based on various factors.

12 This bill would increase the penalties
13 associated with a violation of the law.

14 This bill would provide that the minimum
15 penalties provided would be doubled if the offense is
16 committed at the same time as various other serious
17 traffic offenses.

18 This bill would provide criminal penalties if a
19 violation is the proximate cause of physical injury,
20 serious physical injury, or death.

21 Section 111.05 of the Constitution of Alabama of
22 2022, prohibits a general law whose purpose or effect
23 would be to require a new or increased expenditure of
24 local funds from becoming effective with regard to a
25 local governmental entity without enactment by a 2/3
26 vote unless: it comes within one of a number of
27 specified exceptions; it is approved by the affected
28 entity; or the Legislature appropriates funds, or



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provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Move Over Act; to amend Section 32-5A-58.2, Code of Alabama 1975, to increase the penalties for a violation; to provide increased criminal penalties under certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. "§32-5A-58.2

(a) This section shall be known as the "~~Alabama~~John Hubbard Move Over Act."

(b) ~~(1)~~ When an authorized law enforcement vehicle or emergency vehicle making use of any visual signals is parked,



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when a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, when a utility service vehicle operated by or on behalf of an entity providing utility services displaying any rotating lights, flashing lights, or other visual signals is parked on the roadside while performing tasks associated with the provision of utility services, when a vehicle displaying flashing lights is parked or engaged in the performance of official duties on or along a road, or when a garbage, trash, refuse, or recycling collection vehicle is actively collecting garbage, trash, refuse, or recycling materials on the roadside, the driver of every other vehicle, as soon as it is safe, shall do the following:

~~a.~~ (1) When driving on an interstate highway or other highway with two or more lanes traveling in the direction of the law enforcement vehicle, emergency vehicle, wrecker, utility service vehicle, vehicle displaying flashing lights, or garbage, trash, refuse, or recycling collection vehicle, the driver shall vacate the lane closest to the law enforcement vehicle, emergency vehicle, wrecker, utility service vehicle, vehicle displaying flashing lights, or garbage, trash, refuse, or recycling collection vehicle, unless otherwise directed by a law enforcement officer. If it is not safe to move over, the driver shall slow to a speed that is at least 15 miles per hour less than the posted speed limit unless otherwise directed by a law enforcement officer.

~~b.~~ (2) When driving on a two-lane road, the driver shall move as far away from the law enforcement vehicle, emergency



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vehicle, wrecker, utility service vehicle, vehicle displaying flashing lights, or garbage, trash, refuse, or recycling collection vehicle as possible within his or her lane and slow to a speed that is 15 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater or travel at 10 miles per hour when the posted speed limit is 20 miles per hour or less, unless otherwise directed by a law enforcement officer.

~~(2)~~ (c) (1) A violation of this ~~subsection~~section is a misdemeanor punishable by a fine of ~~one~~two hundred dollars ~~(\$100)~~(\$200). Upon a second violation of this subsection, the fine shall be ~~one~~two hundred fifty dollars ~~(\$150)~~(\$250). Upon a third or subsequent violation, the fine shall be ~~two~~three hundred dollars ~~(\$200)~~(\$300) and, in addition, the court shall submit a copy of the violation to the Secretary of the Alabama State Law Enforcement Agency and order the secretary to suspend the driving privileges of the individual for a period of not less than 90 days.

(2) If a person violates this section while also in violation any of the following sections, the person shall receive, at a minimum, a fine or sentence double the minimum penalty otherwise provided by law:

a. Section 32-5A-191, relating to driving under the influence.

b. Section 32-5A-190, relating to reckless driving.

c. Section 32-5A-176.1, relating to construction zone moving violations.

d. Section 32-5A-350.1, relating to wireless



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telecommunications device violations.

e. Section 32-5A-178, relating to racing on public highways.

(d) If a violation of this section is the proximate cause of a collision with an authorized emergency vehicle, wrecker, or other vehicle performing duties as described under subsection (b), the person shall be punished as follows:

(1) If the collision results in physical injury to any individual, the person shall be guilty of a Class A misdemeanor.

(2) If the collision results in serious physical injury to any individual, the person shall be guilty of a Class C felony.

(3) If the collision results in the death of any individual, the person shall be guilty of a Class B felony.

(e) The provisions of Article 4A of Chapter 18 of Title 15, relating to restitution for victims of crimes, shall apply to any collision described under subsection (d).

~~(e)-(1)~~ (f) The Alabama State Law Enforcement Agency shall provide an educational awareness campaign informing the motoring public about this section, including information to assist the operators of motor vehicles to determine the best option of whether to move over or slow down as required under subsection (a). The agency shall provide information about this section in all newly printed ~~driver's~~driver license educational materials after January 1, ~~2010~~2025.

~~(2)~~ (g) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due



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141 regard for the safety of all persons using the highway."

142 Section 2. Although this bill would have as its purpose
143 or effect the requirement of a new or increased expenditure of
144 local funds, the bill is excluded from further requirements
145 and application under Section 111.05 of the Constitution of
146 Alabama of 2022, because the bill defines a new crime or
147 amends the definition of an existing crime.

148 Section 3. This act shall become effective on October
149 1, 2024.