SB283

7S6SEE2-1

By Senator Hovey

RFD: Transportation and Energy

First Read: 04-Apr-24

SYNOPSIS:

Under existing law, drivers of motor vehicles are required to exercise due care to avoid colliding with a pedestrian and are required to yield the right-of-way to any pedestrian on a sidewalk.

This bill would require drivers to also exercise due care to avoid colliding with first responders and would require the driver to yield the right-of-way to first responders on a sidewalk.

This bill would specify that first responders are not deemed pedestrians when performing official duties in the course of employment or volunteer service.

A BILL

TO BE ENTITLED

AN ACT

Relating to first responders; to add Section 32-5A-2.1 to the Code of Alabama 1975, to provide a definition of pedestrian; and to amend Sections 32-5A-213, 32-5A-218, and 32-1-1.1, Code of Alabama 1975, to provide for the duty of a driver to exercise due care to avoid a first responder; and to require the driver of a vehicle to yield the right-of-way to a

first responder on a sidewalk.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-2.1 is added to Chapter 5A to read as follows:

§32-5A-2.1

(a) For purposes of this chapter, "pedestrian" means any individual afoot, except as provided in subsection (b).

(b) For purposes of this chapter, "pedestrian" does not include a first responder performing a public safety function that the first responder is authorized to perform and that is in the line and scope of his or her employment or volunteer service, including, but not limited to, any of the following:

(1) Directing, controlling, or regulating the flow of traffic.

(2) Responding to a fire, a collision site, an emergency call, or a fire alarm.

(3) Rendering first aid or emergency medical care.

(4) Responding to an imminent threat of bodily injury to self or others.

(5) Pursuing or apprehending an actual or suspected violator of the law.

(6) Moving a vehicle standing upon a street or highway.

(7) Entering or remaining on a street or highway for any other law enforcement purpose.

Section 2. Sections 32-5A-213, 32-5A-218, and 32-1-1.1, Code of Alabama 1975, are amended to read as follows:

"§32-5A-213

Notwithstanding ~~other provisions of this chapter or the~~

~~provisions of any local ordinance~~ any provision of law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or first responder and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person."

"§32-5A-218

The driver of a vehicle shall yield the right-of-way to any pedestrian or first responder on a sidewalk."

"§32-1-1.1

The following words and phrases when used in this title shall have the following meanings ~~respectively ascribed to them in this section~~, except when the context otherwise requires:

(1) ALLEY. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) ARTERIAL STREET. Any federal or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(3) AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles, and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the Secretary of the Alabama State Law Enforcement Agency or the chief of police of an incorporated

city.

(4) BICYCLE. Every device propelled by human power upon which any individual may ride, having two tandem wheels either of which is more than 14 inches in diameter.

(5) BUS. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of individuals and every motor vehicle other than a taxicab, designed and used for the transportation of individuals for compensation.

(6) BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(7) CANCELLATION OF ~~DRIVER'S~~DRIVER LICENSE. The annulment or termination by formal action of the Secretary of the Alabama State Law Enforcement Agency of an individual's ~~driver's~~driver license because of some error or defect in the license or because the licensee is no longer entitled to the license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

(8) CONTROLLED-ACCESS HIGHWAY. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as

may be determined by the public authority having jurisdiction over the highway, street, or roadway.

(9) CROSSWALK. Either of the following:

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(10) DEALER. Every person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business for that purpose in this state and to whom current dealer registration plates have been issued by the Department of Revenue.

(11) DEPARTMENT. The Alabama State Law Enforcement Agency acting directly or through its duly authorized officers and agents.

(12) DIRECTOR. The Secretary of the Alabama State Law Enforcement Agency.

(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in which any motor vehicle, trailer, or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

(14) DRIVER. Every individual who drives or is in actual physical control of a vehicle.

(15) ~~DRIVER'S~~DRIVER LICENSE. Any license to operate a motor vehicle issued under the laws of this state.

(16) ELECTRIC BICYCLE. A bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

a. Class 1 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

b. Class 2 electric bicycle means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

c. Class 3 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

(17) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A self-balancing, two non-tandem wheeled device designed to transport only one individual with an electric propulsion system with an average power of 750 watts (1 h.p.), that has a maximum speed on a paved level surface, when powered solely by the propulsion system while ridden by an operator who weighs not more than 170 pounds, of less than 20 m.p.h. The term shall not include a motorized bicycle, motorized scooter, or

motorized skateboard.

(18) ESSENTIAL PARTS. All integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(19) ESTABLISHED PLACE OF BUSINESS. The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his or her books and records are kept and a large share of his or her business is transacted.

(20) EXPLOSIVES. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(21) FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(22) FIRST RESPONDER. Any law enforcement officer, firefighter, paramedic, or emergency medical technician.

~~(22)~~ (23) FLAMMABLE LIQUID. Any liquid which has a flash point of 70 F. or less, as determined by a fagliabue or equivalent closed-cup test device.

~~(23)~~(24) FOREIGN VEHICLE. Every vehicle of a type required to be registered hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

~~(24)~~(25) GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

~~(25)~~(26) HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~(26)~~(27) HOUSE TRAILER. Either of the following:

a. A trailer or semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways.

b. A trailer or semitrailer that has a chassis and exterior shell that is designed and constructed for use as a house trailer, as defined in paragraph a., but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

~~(27)~~(28) IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to

registration if used upon the highways.

~~(28)~~ (29) INTERSECTION. Any of the following:

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

c. The junction of an alley with a street or highway shall not constitute an intersection.

~~(29)~~ (30) LANED ROADWAY. A roadway that is divided into two or more clearly marked lanes for vehicular traffic.

~~(30)~~ (31) LICENSE or LICENSE TO OPERATE A MOTOR VEHICLE. Any ~~driver's~~driver license or any other license or permit to operate a motor vehicle issued by the director under the laws of this state, including any nonresident's operating privilege as defined herein.

~~(31)~~ (32) LOCAL AUTHORITIES. Either of the following:

a. Every county commission.

b. Every municipal and other local board or body having authority to enact laws relating to traffic under the

constitution and laws of this state.

~~(32)~~ (33) MAIL. To deposit in the United States mail properly addressed and with postage prepaid.

~~(33)~~ (34) METAL TIRE. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

~~(34)~~ (35) MOTOR VEHICLE. Every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for electric personal assistive mobility devices and electric bicycles.

~~(35)~~ (36) MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor and an electric bicycle.

~~(36)~~ (37) MOTOR-DRIVEN CYCLE. Every motorcycle, including every motor scooter, with a motor that produces not more than five brake horsepower nor exceeds 150 cubic centimeter engine displacement, and weighs less than 200 pounds fully equipped, and every bicycle with a motor attached. The term does not include electric bicycles.

~~(37)~~ (38) NONRESIDENT. Every individual who is not a resident of this state.

~~(38)~~ (39) NONRESIDENT'S OPERATING PRIVILEGE. The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a vehicle owned by the nonresident, in this state.

~~(39)~~(40) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~(40)~~(41) OWNER. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

~~(41)~~(42) PARK or PARKING. The standing of a vehicle, whether occupied or not. The term does not include a vehicle that is stopped temporarily for the purpose of and actually engaged in loading or unloading merchandise or passengers.

~~(42)~~(43) PASSENGER CAR. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of individuals.

~~(43)~~(44) PEDESTRIAN. Any individual afoot.

~~(44)~~(45) PERSON. Every individual, firm, copartnership, association, or corporation.

~~(45)~~(46) PNEUMATIC TIRE. Every tire in which compressed air is designed to support the load.

~~(46)~~(47) POLE TRAILER. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped

loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

~~(47)~~ (48) POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(48)~~ (49) PRIVATE ROAD or DRIVEWAY. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~(49)~~ (50) RAILROAD. A carrier of individuals or property upon cars other than street cars, operated upon stationary rails.

~~(50)~~ (51) RAILROAD SIGN or SIGNAL. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~(51)~~ (52) RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

~~(52)~~ (53) RECONSTRUCTED VEHICLE. Every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

~~(53)~~ (54) REGISTRATION. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

~~(54)~~ (55) RESIDENCE DISTRICT. The territory contiguous

to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is, in the main, improved with residences or residences and buildings in use for business.

~~(55)~~(56) REVOCATION OF ~~DRIVER'S~~DRIVER LICENSE. The termination by formal action of the director of an individual's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the director after the expiration of the applicable period of time prescribed in this title.

~~(56)~~(57) RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

~~(57)~~(58) ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

~~(58)~~(59) ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term refers to each roadway separately but not to all roadways collectively.

~~(59)~~(60) SAFETY ZONE. The area or space officially set

apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~(60)~~ (61) SCHOOL BUS. Every motor vehicle that complies with the color and identification requirements set forth by law or rule and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

~~(61)~~ (62) SCOOTER. A device weighing less than 100 pounds that satisfies all of the following:

a. Has handlebars and an electric motor.

b. Is solely powered by the electric motor or human power.

c. Has a maximum speed of no more than 20 m.p.h. on a paved level surface when powered solely by the electric motor.

This term does not include an e-bike, EPAMD, Segway, motorcycle, or moped.

~~(62)~~ (63) SECURITY AGREEMENT. A written agreement that reserves or creates a security interest.

~~(63)~~ (64) SECURITY INTEREST. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

~~(64)~~ (65) SEMITRAILER. Every vehicle with or without

motive power, other than a pole trailer, designed for carrying individuals or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

~~(65)~~ (66) SHARED MICROMOBILITY DEVICE. A type of transportation device that includes a bicycle, electric bicycle, tricycle, scooter, hoverboard, skateboard, pedal car, or similar device, except a device used as an electrical personal assistive mobility device by an individual with disabilities, used in a shared micromobility device system.

~~(66)~~ (67) SHARED MICROMOBILITY DEVICE SYSTEM. A system that provides shared micromobility devices to users for short-term rentals, whether or not the system requires docking stations or other similar fixed infrastructure to receive or return the shared micromobility device.

~~(67)~~ (68) SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

~~(68)~~ (69) SOLID TIRE. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

~~(69)~~ (70) SPECIAL MOBILE EQUIPMENT. Every vehicle not designed or used primarily for the transportation of individuals or property and only incidentally operated or moved over a highway, including, but not limited to: Ditch digging apparatus, well boring apparatus, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other

than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of individuals or property to which machinery has been attached.

~~(70)~~ (71) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

~~(71)~~ (72) STAND or STANDING. The halting of a vehicle, whether occupied or not. The term does not include a vehicle that is halted temporarily for the purpose of and actually engaged in receiving or discharging passengers.

~~(72)~~ (73) STATE. A state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.

~~(73)~~ (74) STOP. When required, means complete cessation from movement.

~~(74)~~ (75) STOP or STOPPING. When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

~~(75)~~ (76) STREET. The entire width between boundary

lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~(76)~~ (77) SUSPENSION OF ~~DRIVER'S~~DRIVER LICENSE. The temporary withdrawal by formal action of the Secretary of the Alabama State Law Enforcement Agency of an individual's driver license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the secretary.

~~(77)~~ (78) THROUGH HIGHWAY. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this title.

~~(78)~~ (79) TRACKLESS TROLLEY COACH. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

~~(79)~~ (80) TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any highway for purposes of travel.

~~(80)~~ (81) TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~(81)~~ (82) TRAILER. Every vehicle with or without motive power, other than a pole trailer, designed for carrying individuals or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

~~(82)~~ (83) TRANSPORTER. Every person engaged in the business of delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

~~(83)~~ (84) TRUCK. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

~~(84)~~ (85) TRUCK PLATOON. A group of individual commercial trucks traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the electronic coordination.

~~(85)~~ (86) TRUCK TRACTOR. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

~~(86)~~ (87) URBAN DISTRICT. The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

~~(87)~~ (88) VEHICLE. Every device in, upon, or by which any individual or property is or may be transported or drawn

upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or electric personal assistive mobility devices; provided, that for the purposes of this title, a bicycle, an electric bicycle, or a ridden animal shall be deemed a vehicle, except those provisions of this title, which by their very nature can have no application."

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