

1 HB158
2 190037-6
3 By Representative Sells
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 11-JAN-18

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Section 32-5A-58.2, Code of Alabama 1975,
9 the Alabama Move Over Act, relating to motor vehicles; to
10 further provide for when a driver of a motor vehicle must move
11 over or slow down when approaching a vehicle on or along the
12 road; and in connection therewith would have as its purpose or
13 effect the requirement of a new or increased expenditure of
14 local funds within the meaning of Amendment 621 of the
15 Constitution of Alabama of 1901, now appearing as Section
16 111.05 of the Official Recompilation of the Constitution of
17 Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 32-5A-58.2, Code of Alabama 1975,
20 is amended to read as follows:

21 "§32-5A-58.2.

22 "(a) This section shall be known as the "Alabama
23 Move Over Act."

24 "(b) (1) When an authorized law enforcement vehicle
25 or emergency vehicle making use of any visual signals is
26 parked, when a wrecker displaying amber rotating or flashing
27 lights is performing a recovery or loading on the roadside,

1 when a utility service vehicle operated by or on behalf of an
2 entity providing utility services displaying any rotating
3 lights, flashing lights, or other visual signals is parked on
4 the roadside while performing tasks associated with the
5 provision of utility services, when a vehicle displaying
6 flashing lights is parked or engaged in the performance of
7 official duties on or along a road, or when a garbage, trash,
8 refuse, or recycling collection vehicle is actively collecting
9 garbage, trash, refuse, or recycling materials on the
10 roadside, the driver of every other vehicle, as soon as it is
11 safe, shall do the following:

12 "a. When driving on an interstate highway or other
13 highway with two or more lanes traveling in the direction of
14 the law enforcement vehicle, emergency vehicle, wrecker,
15 utility service vehicle, vehicle displaying flashing lights,
16 or garbage, trash, refuse, or recycling collection vehicle,
17 the driver shall vacate the lane closest to the law
18 enforcement vehicle, emergency vehicle, wrecker, utility
19 service vehicle, vehicle displaying flashing lights, or
20 garbage, trash, refuse, or recycling collection vehicle,
21 unless otherwise directed by a law enforcement officer. If not
22 safe to move over, the driver shall slow to a speed that is at
23 least 15 miles per hour less than the posted speed limit
24 unless otherwise directed by a law enforcement officer.

25 "b. When driving on a two-lane road, the driver
26 shall move as far away from the law enforcement vehicle,
27 emergency vehicle, wrecker, utility service vehicle, vehicle

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

8 "(2) A violation of this subsection is a misdemeanor
9 punishable by a fine of twenty-five dollars (\$25). Upon a
10 second violation of this subsection, the fine shall be fifty
11 dollars (\$50). Upon a third or subsequent violation, the fine
12 shall be one hundred dollars (\$100).

13 "(c) (1) The Department of Public Safety shall
14 provide an educational awareness campaign informing the
15 motoring public about this section. The department shall
16 provide information about this section in all newly printed
17 driver's license educational materials after January 1, 2010.

18 "(2) This section shall not relieve the driver of an
19 authorized emergency vehicle from the duty to drive with due
20 regard for the safety of all persons using the highway."

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. 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.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Transportation,
Utilities and Infrastructure 11-JAN-18

Read for the second time and placed
on the calendar with 1 substitute
and..... 18-JAN-18

Read for the third time and passed
as amended..... 08-FEB-18

Yeas 98, Nays 0, Abstains 0

Jeff Woodard
Clerk