

1 HB249
2 145965-1
3 By Representatives McCutcheon, Moore (B), Mask, Williams (P),
4 Faust and Brown
5 RFD: Public Safety and Homeland Security
6 First Read: 12-FEB-13

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SYNOPSIS: Under existing law, the driver of a motor vehicle is required to move over or slow down when approaching a parked law enforcement vehicle, emergency vehicle, wrecker, or utility vehicle.

This bill would also require the driver of a motor vehicle to yield the right-of-way and move over or slow down when approaching a garbage, trash, refuse, or recycling collection vehicle that is actively engaged in the collection of garbage, trash, refuse, or recycling materials.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to motor vehicles; to amend Section
17 32-5A-58.2, Code of Alabama 1975, the Alabama Move Over Act,
18 to include garbage, trash, refuse, or recycling collection
19 vehicles in the type of vehicles on the roadside which the
20 driver of another motor vehicle is required to move over or
21 slow down when approaching; to require drivers to yield the
22 right-of-way to garbage, trash, refuse, or recycling
23 collection vehicles; to provide for traffic violations; and in
24 connection therewith would have as its purpose or effect the
25 requirement of a new or increased expenditure of local funds
26 within the meaning of Amendment 621 of the Constitution of
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§32-5A-58.2.

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

9 "(b) (1) When an authorized law enforcement vehicle
10 or emergency vehicle making use of any visual signals is
11 parked, when a wrecker displaying amber rotating or flashing
12 lights is performing a recovery or loading on the roadside, ~~or~~
13 when a utility service vehicle operated by or on behalf of an
14 entity providing utility services displaying any rotating
15 lights, flashing lights, or other visual signals is parked on
16 the roadside while performing tasks associated with the
17 provision of utility services, or when a garbage, trash,
18 refuse, or recycling collection vehicle is actively collecting
19 garbage, trash, refuse, or recycling materials on the
20 roadside, the driver of every other vehicle, as soon as it is
21 safe, shall do the following:

22 "a. When driving on an interstate highway or other
23 highway with two or more lanes traveling in the direction of
24 the law enforcement vehicle, emergency vehicle, wrecker, ~~or~~
25 utility service vehicle, or garbage, trash, refuse, or
26 recycling collection vehicle, the driver shall vacate the lane
27 closest to the law enforcement vehicle, emergency vehicle,

1 wrecker, ~~or~~ utility service vehicle, or garbage, trash,
2 refuse, or recycling collection vehicle, unless otherwise
3 directed by a law enforcement officer. If not safe to move
4 over, the driver shall slow to a speed that is at least 15
5 miles per hour less than the posted speed limit unless
6 otherwise directed by a law enforcement officer.

7 "b. When driving on a two-lane road, the driver
8 shall move as far away from the law enforcement vehicle,
9 emergency vehicle, wrecker, ~~or~~ utility service vehicle, or
10 garbage, trash, refuse, or recycling collection vehicle as
11 possible within his or her lane and slow to a speed that is 15
12 miles per hour less than the posted speed limit when the
13 posted speed limit is 25 miles per hour or greater or travel
14 at 10 miles per hour when the posted speed limit is 20 miles
15 per hour or less, unless otherwise directed by a law
16 enforcement officer.

17 "(2) A violation of this subsection is a misdemeanor
18 punishable by a fine of twenty-five dollars (\$25). Upon a
19 second violation of this subsection, the fine shall be fifty
20 dollars (\$50). Upon a third or subsequent violation, the fine
21 shall be one hundred dollars (\$100).

22 "(c) (1) The Department of Public Safety shall
23 provide an educational awareness campaign informing the
24 motoring public about this section. The department shall
25 provide information about this section in all newly printed
26 driver's license educational materials after January 1, 2010.

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

4 Section 2. (a) The driver of a motor vehicle shall
5 yield the right-of-way to a pedestrian worker engaged in the
6 collection of garbage, trash, refuse, or recycling materials
7 along a roadway whenever the driver is reasonably notified of
8 the presence of the worker by the presence of a garbage,
9 trash, refuse, or recycling collection vehicle or by a warning
10 sign or device.

11 (b) The driver of a motor vehicle on a public
12 highway shall yield the right-of-way to a garbage, trash,
13 refuse, or recycling collection vehicle that is stopped along
14 a roadside or traveling in the same direction and which is
15 engaged in the collection of garbage, trash, refuse, or
16 recycling materials along a roadway or which has signaled and
17 is reentering the traffic flow.

18 (3) This section does not relieve the driver of a
19 garbage, trash, refuse, or recycling collection vehicle from
20 the duty to drive with due regard for the safety of all
21 persons using the highway.

22 (4) A person who violates this section shall be
23 guilty of a traffic violation, punishable by a fine up to
24 fifty dollars (\$50).

25 Section 3. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 4. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.