

1 HB158  
2 190037-7  
3 By Representative Sells  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 11-JAN-18

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ENROLLED, An Act,

To amend Section 32-5A-58.2, Code of Alabama 1975, the Alabama Move Over Act, relating to motor vehicles; to further provide for when a driver of a motor vehicle must move over or slow down when approaching a vehicle on or along the road; 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 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-5A-58.2.

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

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

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

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

22 "b. When driving on a two-lane road, the driver  
23 shall move as far away from the law enforcement vehicle,  
24 emergency vehicle, wrecker, utility service vehicle, vehicle  
25 displaying flashing lights, or garbage, trash, refuse, or

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

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

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

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

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

