

1 SB78
2 188950-1
3 By Senator Waggoner
4 RFD: Transportation and Energy
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, vehicles shall be driven
9 in the right-hand lane of traffic except when
10 overtaking and passing another vehicle proceeding
11 in the same direction or when preparing for a left
12 turn.

13 This bill would require that all motor
14 vehicles operated on roadways with four or more
15 lanes that provide for the two-way movement of
16 traffic be driven in the right-hand lane except
17 when overtaking and passing another vehicle, with
18 exceptions. The bill would also provide a fine for
19 a violation.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to motor vehicles; to amend Section
19 32-5A-80, Code of Alabama 1975, to require that motor vehicles
20 traveling on certain roadways be driven in the right lane
21 except under certain conditions; and in connection therewith
22 would have as its purpose or effect the requirement of a new
23 or increased expenditure of local funds within the meaning of
24 Amendment 621 of the Constitution of Alabama of 1901, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-5A-80 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§32-5A-80.

4 "(a) Upon all roadways of sufficient width a vehicle
5 shall be driven upon the right half of the roadway, except as
6 follows:

7 "(1) When overtaking and passing another vehicle
8 proceeding in the same direction under the rules governing
9 such movement;

10 "(2) When an obstruction exists making it necessary
11 to drive to the left of the center of the highway; provided,
12 any person doing so shall yield the right-of-way to all
13 vehicles traveling in the proper direction upon the
14 unobstructed portion of the highway within such distance as to
15 constitute an immediate hazard;

16 "(3) Upon a roadway divided into three marked lanes
17 for traffic under the rules applicable thereon; or

18 (4) Upon a roadway restricted to one-way traffic.

19 "(b) Upon all roadways any vehicle proceeding at
20 less than the normal speed of traffic at the time and place
21 and under the conditions then existing shall be driven in the
22 right-hand lane then available for traffic, or as close as
23 practicable to the right-hand curb or edge of the roadway,
24 except when overtaking and passing another vehicle proceeding
25 in the same direction or when preparing for a left turn at an
26 intersection or into a private road or driveway.

1 "(c) Upon any roadway having four or more lanes for
2 moving traffic and providing for two-way movement of traffic,
3 no vehicle shall be driven to the left of the center line of
4 the roadway, except when authorized by official
5 traffic-control devices designating certain lanes to the left
6 side of the center of the roadway for use by traffic not
7 otherwise permitted to use such lanes, or except as permitted
8 under subsection (a) (2). However, this subsection shall not be
9 construed as prohibiting the crossing of the center line in
10 making a left turn into or from an alley, private road, or
11 driveway.

12 "(d) (1) Upon any roadway having four lanes for
13 moving traffic and providing for two-way movement of traffic,
14 a motor vehicle shall travel in the right lane unless passing
15 a vehicle or vehicles. A motor vehicle may not travel in the
16 leftmost lane in order to pass another vehicle or vehicles for
17 more than two miles without completely passing the other
18 vehicle or vehicles unless traffic does not allow the motor
19 vehicle to pass and return to the right lane. As used in this
20 subsection, the term motor vehicle includes, but is not
21 limited to, automobiles, motorcycles, mobile trailers,
22 semitrailers, trucks, truck tractors, buses, and coaches, but
23 the term does not include emergency vehicles.

24 "(2) Upon any roadway having more than four lanes
25 for moving traffic and providing for two-way movement of
26 traffic, a motor vehicle may not travel in the leftmost lane
27 unless passing a vehicle or vehicles. A motor vehicle may not

1 travel in the leftmost lane in order to pass another vehicle
2 or vehicles for more than two miles without completely passing
3 the other vehicle or vehicles unless traffic does not allow
4 the motor vehicle to pass and return to the right lane.

5 "(e) Motor vehicles may travel in the leftmost lane
6 under any of the following circumstances:

7 "(1) When traffic conditions, hazards, or road
8 configurations require the use of the leftmost lane to
9 maintain safe traffic conditions, such as merging traffic.

10 "(2) When traffic markers or signs require motor
11 vehicles to travel in the leftmost lane, such as construction
12 zones.

13 "(3) When interstate exits are on the left.

14 "(4) When traveling in a high-occupancy vehicle
15 (HOV) lane.

16 "(5) When moving away from an emergency vehicle in
17 accordance with the Alabama Move Over Act, Section 32-5A-58.2.

18 "(f) A person who violates this section commits a
19 violation punishable by a fine of two hundred fifty dollars
20 (\$250)."

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.