

1 HB214
2 182207-2
3 By Representative Pettus
4 RFD: Public Safety and Homeland Security
5 First Read: 14-FEB-17

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 32-10-1, Code of Alabama 1975,
9 relating to the duty of a driver at the scene of a motor
10 vehicle accident; to authorize the driver of a vehicle
11 involved in an accident to move the vehicle from the roadway
12 if the vehicle is drivable and can safely be moved off the
13 roadway where no apparent serious physical injury or death to
14 any person has occurred; to authorize employees of the
15 Department of Transportation and the Alabama State Law
16 Enforcement Agency to require and assist in the moving of a
17 vehicle disabled as a result of an accident from a roadway
18 under its jurisdiction and on the state highway system; and to
19 provide immunity to the departments and to provide that
20 employees of the departments would be subject to Section
21 36-1-12, Code of Alabama 1975.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 32-10-1, Code of Alabama 1975, is
24 amended to read as follows:

25 "§32-10-1.

26 "(a) The driver of any motor vehicle involved in an
27 accident resulting in injury to or the death of any person, or

1 in damage to a motor vehicle or other vehicle which is driven
2 or attended by any person, shall immediately stop such vehicle
3 at the scene of such accident or as close thereto as possible
4 and shall then forthwith return to and in every event shall
5 remain at the scene of the accident until he or she has
6 fulfilled the requirements of Section ~~32-10-3~~ 32-10-2. Every
7 such stop shall be made without obstructing traffic more than
8 is necessary. ~~Notwithstanding the foregoing, if~~

9 (b) If the accident does not involve any apparent
10 injury or the death of a person and the driver is not
11 impaired, the driver may immediately move the vehicle from the
12 roadway to the shoulder, emergency lane, median, or other
13 location close to the accident site if the vehicle is drivable
14 and can be safely moved from the roadway and shall forthwith
15 return to or and in every event shall remain at or as close to
16 the scene of the accident as safely possible.

17 ~~"(b)~~ (c) Employees of the Alabama Department of
18 Transportation or the Alabama State Law Enforcement Agency may
19 move a vehicle, require a vehicle to be moved by the driver or
20 with the assistance of a towing or recovery vehicle, or assist
21 in the moving of a vehicle from a highway roadway under the
22 jurisdiction of the Department of Transportation if the
23 vehicle is disabled as a result of an accident, the disabled
24 vehicle creates a traffic hazard or is obstructing traffic,
25 ~~and the vehicle may be safely moved or movement of the vehicle~~
26 ~~will result in the improved safety or convenience of travel on~~
27 ~~the road. A disabled vehicle may also be moved by the driver~~

1 of the vehicle or with the assistance of a towing or recovery
2 vehicle. A disabled vehicle involved in an accident with
3 injury to or death of any person may not be moved until
4 directed by a law enforcement officer.

5 ~~"(c)~~ (d) This section does not relieve a driver from
6 complying with any other duties imposed in this chapter.

7 ~~"(d)~~ (e) The Department of Transportation and the
8 Alabama State Law Enforcement Agency shall not be liable for
9 damages caused by moving a vehicle pursuant to this section.

10 ~~"(e)~~ (f) Section 36-1-12 shall apply to employees of
11 the Department of Transportation and the Alabama State Law
12 Enforcement Agency relating to any claim resulting from the
13 exercise of authority under this section.

14 ~~"(b) (f)~~ (g) The director shall revoke the driver's
15 license of a person convicted under this section."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 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 Public Safety
and Homeland Security..... 14-FEB-17

Read for the second time and placed
on the calendar 1 amendment 02-MAR-17

Read for the third time and passed
as amended..... 15-MAR-17

Yeas 86, Nays 12, Abstains 2

Jeff Woodard
Clerk