

1 HB249  
2 145965-2  
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

1  
2 ENROLLED, An Act,

3           Relating to motor vehicles; to amend Section  
4 32-5A-58.2, Code of Alabama 1975, the Alabama Move Over Act,  
5 to include garbage, trash, refuse, or recycling collection  
6 vehicles in the type of vehicles on the roadside which the  
7 driver of another motor vehicle is required to move over or  
8 slow down when approaching; to require drivers to yield the  
9 right-of-way to garbage, trash, refuse, or recycling  
10 collection vehicles; to provide for traffic violations; and in  
11 connection therewith would have as its purpose or effect the  
12 requirement of a new or increased expenditure of local funds  
13 within the meaning of Amendment 621 of the Constitution of  
14 Alabama of 1901, now appearing as Section 111.05 of the  
15 Official Recompilation of the Constitution of Alabama of 1901,  
16 as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20           "§32-5A-58.2.

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

23           "(b) (1) When an authorized law enforcement vehicle  
24 or emergency vehicle making use of any visual signals is  
25 parked, when a wrecker displaying amber rotating or flashing

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

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

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

1 garbage, trash, refuse, or recycling collection vehicle as  
2 possible within his or her lane and slow to a speed that is 15  
3 miles per hour less than the posted speed limit when the  
4 posted speed limit is 25 miles per hour or greater or travel  
5 at 10 miles per hour when the posted speed limit is 20 miles  
6 per hour or less, unless otherwise directed by a law  
7 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. (a) The driver of a motor vehicle shall  
22 yield the right-of-way to a pedestrian worker engaged in the  
23 collection of garbage, trash, refuse, or recycling materials  
24 along a roadway whenever the driver is reasonably notified of  
25 the presence of the worker by the presence of a garbage,

1 trash, refuse, or recycling collection vehicle or by a warning  
2 sign or device.

3 (b) The driver of a motor vehicle on a public  
4 highway shall yield the right-of-way to a garbage, trash,  
5 refuse, or recycling collection vehicle that is stopped along  
6 a roadside or traveling in the same direction and which is  
7 engaged in the collection of garbage, trash, refuse, or  
8 recycling materials along a roadway or which has signaled and  
9 is reentering the traffic flow.

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

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

17 Section 3. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621, now  
21 appearing as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended, because the  
23 bill defines a new crime or amends the definition of an  
24 existing crime.

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

