

HB315 INTRODUCED



1 HB315

2 2H2VSIS-1

3 By Representatives Marques, Brown, Smith, Sorrells, Stadthagen

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5 RFD: Public Safety and Homeland Security

6 First Read: 07-Mar-24



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SYNOPSIS:

Under existing law, when a person operating a motor vehicle approaches an authorized law enforcement motor vehicle, wrecker, garbage truck, or utility vehicle operating on the side of a road, the person is required to either change lanes away from the closest lane to the vehicle or slow down to 15 miles per hour below the posted speed limit, based on various factors.

This bill would increase the penalties associated with a violation of the law.

This bill would provide that the minimum penalties provided would be doubled if the offense is committed at the same time as various other serious traffic offenses.

This bill would provide criminal penalties if a violation is the proximate cause of physical injury, serious physical injury, or death.

Section 111.05 of the Constitution of Alabama of 2022, 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 affected entity; or the Legislature appropriates funds, or



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29 provides a local source of revenue, to the entity for
30 the purpose.

31 The purpose or effect of this bill would be to
32 require a new or increased expenditure of local funds
33 within the meaning of the section. However, the bill
34 does not require approval of a local governmental
35 entity or enactment by a 2/3 vote to become effective
36 because it comes within one of the specified exceptions
37 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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44 Relating to the Alabama Move Over Act; to amend Section
45 32-5A-58.2, Code of Alabama 1975, to increase the penalties
46 for a violation; to provide increased criminal penalties under
47 certain circumstances; and in connection therewith would have
48 as its purpose or effect the requirement of a new or increased
49 expenditure of local funds within the meaning of Section
50 111.05 of the Constitution of Alabama of 2022.

51 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. "§32-5A-58.2

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(a) This section shall be known as the "~~Alabama~~John

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Hubbard Move Over Act."

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(b) ~~(1)~~ When an authorized law enforcement vehicle or

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emergency vehicle making use of any visual signals is parked,



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57 when a wrecker displaying amber rotating or flashing lights is
58 performing a recovery or loading on the roadside, when a
59 utility service vehicle operated by or on behalf of an entity
60 providing utility services displaying any rotating lights,
61 flashing lights, or other visual signals is parked on the
62 roadside while performing tasks associated with the provision
63 of utility services, when a vehicle displaying flashing lights
64 is parked or engaged in the performance of official duties on
65 or along a road, or when a garbage, trash, refuse, or
66 recycling collection vehicle is actively collecting garbage,
67 trash, refuse, or recycling materials on the roadside, the
68 driver of every other vehicle, as soon as it is safe, shall do
69 the following:

70 ~~a.~~ (1) When driving on an interstate highway or other
71 highway with two or more lanes traveling in the direction of
72 the law enforcement vehicle, emergency vehicle, wrecker,
73 utility service vehicle, vehicle displaying flashing lights,
74 or garbage, trash, refuse, or recycling collection vehicle,
75 the driver shall vacate the lane closest to the law
76 enforcement vehicle, emergency vehicle, wrecker, utility
77 service vehicle, vehicle displaying flashing lights, or
78 garbage, trash, refuse, or recycling collection vehicle,
79 unless otherwise directed by a law enforcement officer. If it
80 is not safe to move over, the driver shall slow to a speed
81 that is at least 15 miles per hour less than the posted speed
82 limit unless otherwise directed by a law enforcement officer.

83 ~~b.~~ (2) When driving on a two-lane road, the driver shall
84 move as far away from the law enforcement vehicle, emergency



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85 vehicle, wrecker, utility service vehicle, vehicle displaying
86 flashing lights, or garbage, trash, refuse, or recycling
87 collection vehicle as possible within his or her lane and slow
88 to a speed that is 15 miles per hour less than the posted
89 speed limit when the posted speed limit is 25 miles per hour
90 or greater or travel at 10 miles per hour when the posted
91 speed limit is 20 miles per hour or less, unless otherwise
92 directed by a law enforcement officer.

93 ~~(2)~~ (c) (1) A violation of this ~~subsection~~section is a
94 misdemeanor punishable by a fine of ~~one~~two hundred dollars
95 ~~(\$100)~~(\$200). Upon a second violation of this subsection, the
96 fine shall be ~~one~~two hundred fifty dollars ~~(\$150)~~(\$250). Upon
97 a third or subsequent violation, the fine shall be ~~two~~three
98 hundred dollars ~~(\$200)~~(\$300) and, in addition, the court shall
99 submit a copy of the violation to the Secretary of the Alabama
100 State Law Enforcement Agency and order the secretary to
101 suspend the driving privileges of the individual for a period
102 of not less than 90 days.

103 (2) If a person violates this section while also in
104 violation any of the following sections, the person shall
105 receive, at a minimum, a fine or sentence double the minimum
106 penalty otherwise provided by law:

107 a. Section 32-5A-191, relating to driving under the
108 influence.

109 b. Section 32-5A-190, relating to reckless driving.

110 c. Section 32-5A-176.1, relating to construction zone
111 moving violations.

112 d. Section 32-5A-350.1, relating to wireless



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113 telecommunications device violations.

114 e. Section 32-5A-178, relating to racing on public
115 highways.

116 (d) If a violation of this section is the proximate
117 cause of a collision with an authorized emergency vehicle,
118 wrecker, or other vehicle performing duties as described under
119 subsection (b), the person shall be punished as follows:

120 (1) If the collision results in physical injury to any
121 individual, the person shall be guilty of a Class A
122 misdemeanor.

123 (2) If the collision results in serious physical injury
124 to any individual, the person shall be guilty of a Class C
125 felony.

126 (3) If the collision results in the death of any
127 individual, the person shall be guilty of a Class B felony.

128 (e) The provisions of Article 4A of Chapter 18 of Title
129 15, relating to restitution for victims of crimes, shall apply
130 to any collision described under subsection (d).

131 ~~(e)~~ ~~(1)~~ (f) The Alabama State Law Enforcement Agency
132 shall provide an educational awareness campaign informing the
133 motoring public about this section, including information to
134 assist the operators of motor vehicles to determine the best
135 option of whether to move over or slow down as required under
136 subsection (a). The agency shall provide information about
137 this section in all newly printed ~~driver's~~ driver license
138 educational materials after January 1, ~~2010~~ 2025.

139 ~~(2)~~ (g) This section shall not relieve the driver of an
140 authorized emergency vehicle from the duty to drive with due



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141 regard for the safety of all persons using the highway."

142 Section 2. Although this bill would have as its purpose
143 or effect the requirement of a new or increased expenditure of
144 local funds, the bill is excluded from further requirements
145 and application under Section 111.05 of the Constitution of
146 Alabama of 2022, because the bill defines a new crime or
147 amends the definition of an existing crime.

148 Section 3. This act shall become effective on October
149 1, 2024.