

HB315 ENROLLED



1 HB315

2 3RHPEZV-3

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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1 Enrolled, An Act,

2 Relating to the Alabama Move Over Act; to amend
3 Section 32-5A-58.2, Code of Alabama 1975, to increase the
4 penalties for a violation; to provide increased criminal
5 penalties under certain circumstances; and in connection
6 therewith would have as its purpose or effect the requirement
7 of a new or increased expenditure of local funds within the
8 meaning of Section 111.05 of the Constitution of Alabama of
9 2022.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§32-5A-58.2

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

16 (b) ~~(1)~~ When an authorized law enforcement vehicle or
17 emergency vehicle making use of any visual signals is parked,
18 when a wrecker displaying amber rotating or flashing lights is
19 performing a recovery or loading on the roadside or otherwise
20 performing tasks associated with the provision of wrecker
21 services, when a utility service vehicle operated by or on
22 behalf of an entity providing utility services displaying any
23 rotating lights, flashing lights, or other visual signals is
24 parked on the roadside while performing tasks associated with
25 the provision of utility services, when a vehicle displaying
26 flashing lights is parked or engaged in the performance of
27 official duties, including maintenance or activities related
28 to construction or surveying, on or along a road, or when a



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29 garbage, trash, refuse, or recycling collection vehicle is
30 actively collecting garbage, trash, refuse, or recycling
31 materials on the roadside, the driver of every other vehicle,
32 as soon as it is safe, shall do the following:

33 ~~a.~~(1) When driving on an interstate highway or other
34 highway with two or more lanes traveling in the direction of
35 the law enforcement vehicle, emergency vehicle, wrecker,
36 utility service vehicle, maintenance, construction, or survey
37 vehicle displaying flashing lights, or garbage, trash, refuse,
38 or recycling collection vehicle, the driver shall vacate the
39 lane closest to the law enforcement vehicle, emergency
40 vehicle, wrecker, utility service vehicle, maintenance,
41 construction, or survey vehicle displaying flashing lights, or
42 garbage, trash, refuse, or recycling collection vehicle,
43 unless otherwise directed by a law enforcement officer. If it
44 is not safe to move over, the driver shall slow to a speed
45 that is at least 15 miles per hour less than the posted speed
46 limit unless otherwise directed by a law enforcement officer.

47 ~~b.~~(2) When driving on a two-lane road, the driver shall
48 move as far away from the law enforcement vehicle, emergency
49 vehicle, wrecker, utility service vehicle, maintenance,
50 construction, or survey vehicle displaying flashing lights, or
51 garbage, trash, refuse, or recycling collection vehicle as
52 possible within his or her lane and slow to a speed that is 15
53 miles per hour less than the posted speed limit when the
54 posted speed limit is 25 miles per hour or greater or travel
55 at 10 miles per hour when the posted speed limit is 20 miles
56 per hour or less, unless otherwise directed by a law



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57 enforcement officer.

58 ~~(2)~~ (c) (1) A violation of this ~~subsection~~section is a
59 misdemeanor punishable by a fine of ~~one~~two hundred dollars
60 ~~(\$100)~~(\$200). Upon a second violation of this subsection, the
61 fine shall be ~~one~~two hundred fifty dollars ~~(\$150)~~(\$250). Upon
62 a third or subsequent violation, the fine shall be ~~two~~three
63 hundred dollars ~~(\$200)~~(\$300) and, in addition, the court shall
64 submit a copy of the violation to the Secretary of the Alabama
65 State Law Enforcement Agency and order the secretary to
66 suspend the driving privileges of the individual for a period
67 of not less than 90 days.

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

72 a. Section 32-5A-191, relating to driving under the
73 influence.

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

75 c. Section 32-5A-176.1, relating to construction zone
76 moving violations.

77 d. Section 32-5A-350.1, relating to wireless
78 telecommunications device violations.

79 e. Section 32-5A-178, relating to racing on public
80 highways.

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



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

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

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

93 (e) The provisions of Article 4A of Chapter 18 of Title
94 15, relating to restitution for victims of crimes, shall apply
95 to any collision described under subsection (d).

96 ~~(e)~~ (f) The Alabama State Law Enforcement Agency
97 shall provide an educational awareness campaign informing the
98 motoring public about this section, including information to
99 assist the operators of motor vehicles to determine the best
100 option of whether to move over or slow down as required under
101 subsection (a). The agency shall provide information about
102 this section in all newly printed ~~driver's~~driver license
103 educational materials after January 1, ~~2010~~2025.

104 ~~(2)~~ (g) This section shall not relieve the driver of an
105 authorized emergency vehicle from the duty to drive with due
106 regard for the safety of all persons using the highway."

107 Section 2. Although this bill would have as its purpose
108 or effect the requirement of a new or increased expenditure of
109 local funds, the bill is excluded from further requirements
110 and application under Section 111.05 of the Constitution of
111 Alabama of 2022, because the bill defines a new crime or
112 amends the definition of an existing crime.



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113 Section 3. This act shall become effective on October
114 1, 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 04-Apr-24, as amended.

John Treadwell
Clerk

Senate	<hr/> 25-Apr-24 <hr/>	Amended and Passed
House	<hr/> 02-May-24 <hr/>	Concurred in Senate Amendment