

SB33 ENROLLED



1 CXORWQ-3
2 By Senator Livingston
3 RFD: County and Municipal Government
4 First Read: 07-Mar-23
5
6 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to motor vehicles and traffic; to amend
5 Sections 11-49-4, 32-5A-173, and 32-5A-176, Code of Alabama
6 1975; to prohibit a municipality from setting speed limits on
7 county-maintained streets within its corporate limits in
8 certain circumstances; and to make nonsubstantive, technical
9 revisions to update the existing code language to current
10 style.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 11-49-4, 32-5A-173, and 32-5A-176,
13 Code of Alabama 1975, are amended to read as follows:

14 "§11-49-4

15 (a) Except as otherwise provided in this Code, ~~the~~
16 ~~several cities and towns in this state~~ each municipality shall
17 fix by ordinance the speed at which motor vehicles may be
18 operated within ~~their respective~~ its corporate limits and
19 shall fix the punishment for any violation of such ordinance
20 ~~within the limits of fine and imprisonment or either as now~~
21 ~~authorized or required by~~ in accordance with state law.

22 (b) Notwithstanding subsection (a), a municipality may
23 not fix the speed at which motor vehicles may be operated on a
24 county-maintained street, as defined in Section 11-49-80,
25 located within the corporate limits of the municipality unless
26 the municipality conducts an engineering and traffic
27 investigation and receives written approval from the county
28 engineer to fix the speed based on the results of that



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29 investigation."

30 "§32-5A-173

31 (a) ~~Whenever~~ Except as provided in subsection (f),

32 whenever local authorities in their respective jurisdictions

33 determine on the basis of an engineering and traffic

34 investigation that the maximum speed permitted under this

35 article ~~is greater or less than is reasonable and safe is~~

36 unreasonable under the conditions found to exist upon a

37 highway or part of a highway, the local authority may

38 ~~determine and declare~~ set a reasonable ~~and safe~~ maximum limit

39 ~~thereon~~ which:

40 (1) Decreases the limit at intersections;

41 (2) Increases the limit within an urban district ~~but~~

42 ~~not to more than the maximum rate of speed that may be~~

43 ~~prescribed by the Governor under subdivision (6) of~~ consistent

44 with Section 32-5A-171;

45 (3) Decreases the limit on any street, unpaved road, or

46 highway under the jurisdiction and control of any county

47 commission; or

48 (4) Increases the limit on any street, unpaved road, or

49 highway under the jurisdiction and control of any county

50 commission ~~but not to more than the maximum rate of speed that~~

51 ~~is prescribed under subdivision (3) or by the Governor under~~

52 ~~subdivision (6) of~~ consistent with Section 32-5A-171.

53 (b) Local authorities in their respective jurisdictions

54 shall determine by an engineering and traffic investigation

55 the proper maximum speed for all arterial streets and shall

56 declare a reasonable ~~and safe~~ maximum limit thereon ~~which may~~



57 ~~be greater or less than the maximum speed permitted under this~~
58 ~~chapter for an urban district.~~

59 (c) Any altered limit established ~~as hereinabove~~
60 ~~authorized shall~~ according to this section may be effective at
61 all times, or during hours of darkness, or at other times as
62 may be determined when appropriate signs giving notice thereof
63 are erected upon the street or highway.

64 (d) Any alteration of maximum limits on state highways
65 or extensions thereof in a municipality by local authorities
66 shall not be effective until the alteration has been approved
67 by the Department of Transportation.

68 (e) (1) Not more than six alterations ~~as hereinabove~~
69 authorized pursuant to this section shall be made per mile
70 along a street or highway, except in the case of reduced
71 limits at intersections, ~~and the~~.

72 (2) The difference between adjacent limits shall not be
73 more than 10 miles per hour.

74 (f) A municipality may not fix the speed at which motor
75 vehicles may be operated on a county-maintained street, as
76 defined in Section 11-49-80, located within the corporate
77 limits of the municipality unless the municipality conducts an
78 engineering and traffic investigation and receives written
79 approval from the county engineer to fix the speed based on
80 the results of that investigation."

81 "§32-5A-176

82 (a) No person shall drive a vehicle over any bridge or
83 other elevated structure constituting a part of a highway at a
84 speed ~~which~~ that is greater than the maximum speed ~~which~~ that



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85 can be safely maintained ~~with safety to on~~ such bridge or
86 structure, when ~~such the bridge or~~ structure is signposted as
87 provided in this section.

88 (b) ~~The~~ Except as provided in subsection (d), the
89 Department of Transportation and local authorities on highways
90 under their respective jurisdictions may conduct an
91 investigation of any bridge or other elevated structure
92 constituting a part of a highway, and if ~~it shall thereupon~~
93 ~~find that such~~ the department or local authority finds that
94 the bridge or structure cannot ~~with safety to itself~~ safely
95 withstand vehicles traveling at the speed otherwise
96 permissible under this chapter, the Department of
97 Transportation or local authority shall ~~determine and declare~~
98 ~~the set a~~ maximum vehicle speed ~~of vehicles which such that~~
99 the structure can safely withstand, and shall cause or permit
100 suitable signs stating ~~such the~~ maximum speed to be erected
101 and maintained before each end of ~~such the~~ structure.

102 (c) Upon the trial of any person charged with a
103 violation of this section, proof of the determination of the
104 maximum speed by the Department of Transportation and the
105 existence of the signs shall constitute conclusive evidence of
106 the maximum speed ~~which that~~ can be safely maintained ~~with~~
107 ~~safety to such on the~~ bridge or structure.

108 (d) A municipality may not fix the speed at which motor
109 vehicles may be operated on a county-maintained street, as
110 defined in Section 11-49-80, located within the corporate
111 limits of the municipality unless the municipality conducts an
112 engineering and traffic investigation and receives written



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113 approval from the county engineer to fix the speed based on
114 the results of that investigation."

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB33

Senate 04-Apr-23

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 27-Apr-23

By: Senator Livingston