

1 HB339  
2 115076-1  
3 By Representative Curtis  
4 RFD: Public Safety  
5 First Read: 19-JAN-10

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8 SYNOPSIS: This bill would require the use of a safety  
9 device to connect a trailer to a motor vehicle.

10 This bill would provide penalties for a  
11 violation of this act.

12 Amendment 621 of the Constitution of Alabama  
13 of 1901, now appearing as Section 111.05 of the  
14 Official Recompilation of the Constitution of  
15 Alabama of 1901, as amended, prohibits a general  
16 law whose purpose or effect would be to require a  
17 new or increased expenditure of local funds from  
18 becoming effective with regard to a local  
19 governmental entity without enactment by a 2/3 vote  
20 unless: it comes within one of a number of  
21 specified exceptions; it is approved by the  
22 affected entity; or the Legislature appropriates  
23 funds, or provides a local source of revenue, to  
24 the entity for the purpose.

25 The purpose or effect of this bill would be  
26 to require a new or increased expenditure of local  
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local  
2 governmental entity or enactment by a 2/3 vote to  
3 become effective because it comes within one of the  
4 specified exceptions contained in the amendment.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT

9  
10 Relating to safety devices on trailers; to require a  
11 safety device to connect a trailer to a motor vehicle; to  
12 provide penalties; and in connection therewith to have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds within the meaning of Amendment 621  
15 of the Constitution of Alabama of 1901, now appearing as  
16 Section 111.05 of the Official Recompilation of the  
17 Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) As used in this section, a "safety  
20 device" is any locking mechanism that locks a trailer hitch  
21 into place between the trailer and ball hitch of the motor  
22 vehicle towing the trailer.

23 (b) A person commits the crime of towing a trailer  
24 without a safety device if the person operates a motor vehicle  
25 that is towing a trailer not equipped with a safety device  
26 approved by the Department of Public Safety that will prevent  
27 the trailer from becoming unhitched while in transport.

1 (c) The safety device shall provide strength,  
2 security of attachment, and directional stability equal to or  
3 greater than that provided by safety chains.

4 (d) The safety device shall prevent the detachment  
5 of the trailer from the towing vehicle should the regular  
6 coupling device fastening the trailer to the towing vehicle  
7 break, fail, or otherwise become disconnected.

8 (e) The safety device shall be designed,  
9 constructed, and installed to ensure that the coupling device  
10 does not drop to the ground if the coupling device breaks,  
11 fails, or otherwise becomes disconnected.

12 (f) A violation of this section shall be a Class C  
13 misdemeanor punishable by a fine of not more than one hundred  
14 dollars (\$100) or imprisonment of not more than three months.

15 (g) Nothing in this section shall be construed as  
16 excepting commercial vehicles subject to 49 C.F.R., Part 393,  
17 Subpart F, Coupling Devices and Towing Methods, from complying  
18 with the provisions thereof.

19 (h) The Director of the Department of Public Safety  
20 shall adopt rules to implement and enforce this section.

21 Section 2. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621, now  
25 appearing as Section 111.05 of the Official Recompilation of  
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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