

1 SB172
2 116191-1
3 By Senator Marsh
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under the Alabama Move Over Act, a motorist
9 is required to move over or to slow down when
10 approaching a law enforcement vehicle, an emergency
11 vehicle, or a wrecker on a highway.

12 Under existing law, a violation of the Move
13 Over Act is a misdemeanor.

14 This bill would require a motorist to move
15 over or to slow down when approaching a Department
16 of Transportation vehicle under certain conditions.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 32-5A-58.2, relating to the
23 requirement that a motorist move over or reduce speed when
24 approaching certain vehicles; to require a motorist to move
25 over or reduce speed when approaching a Department of
26 Transportation vehicle under certain conditions.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§32-5A-58.2.

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

6 "(b) (1) When an authorized law enforcement vehicle
7 or emergency vehicle making use of any visual signals is
8 parked, ~~or~~ a wrecker displaying amber rotating or flashing
9 lights is performing a recovery or loading on the roadside, or
10 a Department of Transportation vehicle displaying amber
11 rotating or flashing lights is parked, the driver of every
12 other vehicle, as soon as it is safe, shall do the following:

13 "a. When driving on an interstate highway or other
14 highway with two or more lanes traveling in the direction of
15 the law enforcement vehicle, emergency vehicle, ~~or~~ wrecker, or
16 Department of Transportation vehicle, the driver shall vacate
17 the lane closest to the emergency vehicle, ~~or~~ wrecker, or
18 Department of Transportation vehicle unless otherwise directed
19 by a law enforcement officer. If not safe to move over, the
20 driver shall slow to a speed that is at least 15 miles per
21 hour less than the posted speed limit unless otherwise
22 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 emergency vehicle, wrecker, or
25 Department of Transportation vehicle as possible within his or
26 her lane and slow to a speed that is 15 miles per hour less
27 than the posted speed limit when the posted speed limit is 25

1 miles per hour or greater or travel at 10 miles per hour when
2 the posted speed limit is 20 miles per hour or less, unless
3 otherwise directed by a law enforcement officer.

4 "(2) A violation of this subsection is a misdemeanor
5 punishable by a fine of twenty-five dollars (\$25). Upon a
6 second violation of this subsection, the fine shall be fifty
7 dollars (\$50). Upon a third or subsequent violation, the fine
8 shall be one hundred dollars (\$100).

9 "(c) (1) The Department of Public Safety shall
10 provide an educational awareness campaign informing the
11 motoring public about this section. The department shall
12 provide information about this section in all newly printed
13 driver's license educational materials after January 1, 2010.

14 "(2) This section shall not relieve the driver of an
15 authorized emergency vehicle from the duty to drive with due
16 regard for the safety of all persons using the highway.

17 "(3) Notwithstanding subsection (b), this section
18 shall be enforced by a warning citation for six months after
19 August 1, 2009."

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