

1 HB76
2 134750-2
3 By Representative McCutcheon
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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8 SYNOPSIS: Under existing law, the driver of a motor
9 vehicle is required to move over or slow down when
10 approaching a parked law enforcement vehicle or
11 emergency vehicle or a wrecker loading on the
12 roadside.

13 This bill would require the driver of a
14 motor vehicle to also slow down or move over when
15 approaching a utility service vehicle displaying
16 any rotating or flashing lights and parked on the
17 roadside performing utility services.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to motor vehicles; to amend Section
24 32-5A-58.2 of the Code of Alabama 1975, the Alabama Move Over
25 Act, to include utility services vehicles in the type of
26 vehicles on the roadside which the driver of another motor

1 vehicle is required to move over or slow down when
2 approaching.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§32-5A-58.2.

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

9 "(b) (1) When an authorized law enforcement vehicle
10 or emergency vehicle making use of any visual signals is
11 parked, ~~or~~ when a wrecker displaying amber rotating or
12 flashing lights is performing a recovery or loading on the
13 roadside, or when a utility service vehicle operated by or on
14 behalf of a utility company displaying any rotating lights,
15 flashing lights, or other visual signals is parked on the
16 roadside while performing utility services, the driver of
17 every other vehicle, as soon as it is safe, shall do the
18 following:

19 "a. When driving on an interstate highway or other
20 highway with two or more lanes traveling in the direction of
21 the law enforcement vehicle, emergency vehicle, ~~or~~ wrecker, or
22 utility service vehicle, the driver shall vacate the lane
23 closest to the law enforcement vehicle, emergency vehicle, ~~or~~
24 wrecker, or utility service vehicle, unless otherwise directed
25 by a law enforcement officer. If not safe to move over, the
26 driver shall slow to a speed that is at least 15 miles per

1 hour less than the posted speed limit unless otherwise
2 directed by a law enforcement officer.

3 "b. When driving on a two-lane road, the driver
4 shall move as far away from the law enforcement vehicle,
5 emergency vehicle, wrecker, or utility service vehicle as
6 possible within his or her lane and slow to a speed that is 15
7 miles per hour less than the posted speed limit when the
8 posted speed limit is 25 miles per hour or greater or travel
9 at 10 miles per hour when the posted speed limit is 20 miles
10 per hour or less, unless otherwise directed by a law
11 enforcement officer.

12 "(2) A violation of this subsection is a misdemeanor
13 punishable by a fine of twenty-five dollars (\$25). Upon a
14 second violation of this subsection, the fine shall be fifty
15 dollars (\$50). Upon a third or subsequent violation, the fine
16 shall be one hundred dollars (\$100).

17 "(c) (1) The Department of Public Safety shall
18 provide an educational awareness campaign informing the
19 motoring public about this section. The department shall
20 provide information about this section in all newly printed
21 driver's license educational materials after January 1, 2010.

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

25 ~~"(3) Notwithstanding subsection (b), this section~~
26 ~~shall be enforced by a warning citation for six months after~~
27 ~~August 1, 2009."~~

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