

1 HB525
2 148196-3
3 By Representatives McMillan, Shiver, Baker, Drake, Mask,
4 Williams (P) and Faust
5 RFD: County and Municipal Government
6 First Read: 02-APR-13

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-19-1, Code of Alabama 1975, relating to low speed vehicles; to define low speed vehicle and to authorize the limited operation of low speed vehicles on the municipal public streets; to provide that a person must possess a valid driver's license in order to operate a low speed vehicle on a municipal public street; to authorize a municipality to enact an ordinance regarding the low speed vehicle operation and equipment that is more restrictive than the restrictions enumerated herein; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-19-1, Code of Alabama 1975, is amended to read as follows:

"§32-19-1.

1 "(a) Nothing in this title or in Alabama law shall
2 be construed to limit the operation of an electric personal
3 assistive mobility device on public highways, sidewalks, and
4 bike ways of this state or a low speed vehicle on the
5 municipal public streets in a residential neighborhood as
6 defined by the governing body of the municipality except that
7 a person operating an electric personal assistive mobility
8 device or low speed vehicle shall obey all speed limits and
9 shall yield the right-of-way to pedestrians and human powered
10 devices at all times. An operator shall also give an audible
11 signal before overtaking and passing any pedestrian.

12 "(b) An electric personal assistive mobility device
13 or low speed vehicle shall not require a license plate or be
14 registered by the Department of Revenue.

15 "(c) An electric personal assistive mobility device
16 may be operated at night provided that the operator wears
17 reflectors and a headlight. A person may operate a low speed
18 vehicle pursuant to this section only between the hours of
19 sunrise and sunset unless the low speed vehicle is equipped
20 with headlights, brake lights, turn signals, and a windshield.

21 "(d) Municipalities may prohibit the operation of an
22 electric personal assistive mobility device or low speed
23 vehicle on a public highways right-of-way where the speed
24 limit is greater than 25 miles per hour, but shall not
25 otherwise restrict the operation of an electric personal
26 assistive mobility device or a low speed vehicle.

1 "(e) (1) For purposes of this section, a "low speed
2 vehicle" is any four-wheeled electric or gas powered vehicle
3 whose top speed attainable in one mile is not less than 20
4 miles per hour but not more than 25 miles per hour on a paved
5 level surface.

6 "(2) A low speed vehicle operated pursuant to this
7 section shall be subject to all of the following limitations:

8 "a. In order to operate on a municipal public street
9 or right-of-way, the low speed vehicle shall comply with the
10 safety standards specified by the Department of Public Safety.

11 "b. The operator of the low speed vehicle shall
12 possess a valid driver's license.

13 "c. A low speed vehicle is entitled to full use of a
14 lane, and no motor vehicle shall be driven in such a manner as
15 to deprive any low speed vehicle of the full use of a lane.

16 "d. The operator of a low speed vehicle shall not
17 overtake and pass in the same lane occupied by the vehicle
18 being overtaken.

19 "e. No person shall operate a low speed vehicle
20 between lanes of traffic or between adjacent lines or rows of
21 vehicles.

22 "f. Low speed vehicles shall not be operated two or
23 more abreast in a single lane.

24 "(3) A municipality may enact an ordinance regarding
25 low speed vehicle operation and equipment that is more
26 restrictive than the restrictions enumerated in this section.
27 Upon enactment, a municipality shall post appropriate signs or

1 otherwise inform residents that the ordinance exists and will
2 be enforced within the jurisdictional limits of the
3 municipality."

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 02-APR-13

Read for the second time and placed
on the calendar 1 amendment 10-APR-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 98, Nays 0, Abstains 1

Jeff Woodard
Clerk