

1 SB49
2 164929-1
3 By Senator Allen
4 RFD: Transportation & Energy
5 First Read: 03-MAR-15
6 PFD: 02/27/2015

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8 SYNOPSIS: Under existing federal law, the State
9 Department of Transportation has the responsibility
10 to control junkyards in areas adjacent to any
11 highway included in the national systems of
12 interstate and primary highways. Under existing
13 state law, the Highway Beautification Act-Junkyard
14 Control, defines the primary highway system in this
15 state to include highways approved by the U. S.
16 Department of Transportation. In July of 2012, the
17 federal law was amended to add a definition of
18 primary highway system.

19 This bill would adopt the federal definition
20 and define "primary system" for the purposes of
21 junkyard regulations as any highway on the National
22 Highway System, including interstate highways.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT

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2 To amend Section 23-1-241, Code of Alabama 1975,
3 relating to the Highway Beautification Act-Junkyard Control,
4 to define the term "primary system" consistent with federal
5 law.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 23-1-241, Code of Alabama 1975,
8 is amended to read as follows:

9 "§23-1-241.

10 "For the purposes of this division, the following
11 terms shall have the meanings respectively ascribed to them by
12 this section:

13 "(1) ~~(3)~~ AUTOMOBILE GRAVEYARD. Any establishment or
14 place of business which is maintained, used, or operated for
15 storing, keeping, buying or selling wrecked, scrapped, ruined,
16 or dismantled motor vehicles or motor vehicle parts.

17 "(2) ~~(6)~~ DIRECTOR. The State Department of
18 Transportation.

19 "(3) ~~(4)~~ INTERSTATE SYSTEM. That portion of the
20 national system of interstate and defense highways located
21 within this state or officially designated, or as may
22 hereafter be so designated, by the director and approved by
23 the United States Department of Transportation pursuant to the
24 provisions of Title 23, United States Code, "Highways."

25 "(4) ~~(1)~~ JUNK. Old or scrap copper, brass, rope,
26 rags, batteries, paper trash, rubber debris, waste or junked,

1 dismantled or wrecked automobiles, or parts thereof, iron,
2 steel, and other old or scrap ferrous or nonferrous material.

3 "(5) ~~(2)~~ JUNKYARD. Any establishment or place of
4 business which is maintained, operated, or used for storing,
5 keeping, buying, or selling junk or for the maintenance or
6 operation of an automobile graveyard. The term shall include
7 garbage dumps and sanitary fills.

8 "(6) ~~(5)~~ PRIMARY SYSTEM. ~~That portion of connected~~
9 ~~main highways as officially designated, or as may hereafter be~~
10 ~~so officially designated, by the Director of Transportation~~
11 ~~and approved by the United States Department of Transportation~~
12 ~~pursuant to Title 23, United States Code, "Highways."~~ Any
13 highway that is on the National Highway System, as defined
14 under federal law, which includes the Interstate Highway
15 System.

16 "(7) SCRAP PROCESSOR. Any person, firm, or
17 corporation engaged only in the business of buying scrap iron
18 and metals, including, but not limited to, old automobiles,
19 for the specific purpose of processing into raw material for
20 remelting purposes only and whose principal product is ferrous
21 and nonferrous scrap for shipment to steel mills, foundries,
22 smelters, and refineries and maintaining an established place
23 of business in this state and having facilities and machinery
24 designed for such processing."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.