

1 SB97
2 164999-1
3 By Senator Allen
4 RFD: Transportation & Energy
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, the driver of a motor
9 vehicle involved in an accident resulting in injury
10 to or death of any person or damage to a motor
11 vehicle is required to immediately stop the vehicle
12 and remain at the scene of the accident or as close
13 as possible.

14 This bill would require the driver to move a
15 motor vehicle involved in an accident from the
16 roadway when no apparent serious physical injury or
17 death has occurred and would authorize employees of
18 the Department of Transportation to require and
19 assist in moving a disabled vehicle involved in an
20 accident from the roadway on the state highway
21 system.

22 The bill would provide immunity to the
23 department and its employees for actions under this
24 act.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 32-10-1, Code of Alabama 1975,
4 relating to the duty of a driver at the scene of a motor
5 vehicle accident; to require the driver of a vehicle involved
6 in an accident to move the vehicle from the roadway if the
7 vehicle is drivable and can be safely moved off the roadway
8 where no apparent serious physical injury or death to any
9 person has occurred; to authorize employees of the Department
10 of Transportation to require and assist in the moving of a
11 vehicle disabled as a result of an accident from a roadway
12 under its jurisdiction and on the state highway system; and to
13 provide immunity to the department and its employees acting
14 under this act.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 32-10-1, Code of Alabama 1975, is
17 amended to read as follows:

18 "§32-10-1.

19 "(a) The driver of any motor vehicle involved in an
20 accident not resulting in apparent serious physical injury as
21 defined in Section 13A-1-2 to or the death of any person, ~~or~~
22 ~~in damage to a motor vehicle or other vehicle which is driven~~
23 ~~or attended by any person,~~ shall immediately stop such move
24 the vehicle at the scene of such accident or as close thereto
25 as possible from the roadway to the shoulder, emergency lane,
26 median, or other location close to the accident site if the
27 vehicle is drivable and can be safely moved from the roadway

1 and shall then ~~forthwith~~ return to and ~~in every event shall~~
2 remain ~~at~~ as close to the scene of the accident as safely
3 possible until ~~he or she~~ the driver has fulfilled the
4 requirements of Section 32-10-3. ~~Every such stop shall be made~~
5 ~~without obstructing traffic more than is necessary.~~ The driver
6 or any other person who has moved a motor vehicle from the
7 roadway as provided herein before the arrival of a law
8 enforcement officer shall not be considered at fault regarding
9 the cause of the accident solely by reason of moving the
10 vehicle and shall not be considered as having failed to stop
11 and report a traffic accident.

12 "(b) Employees of the Department of Transportation
13 may move a vehicle, require a vehicle to be moved, or assist
14 in the moving of a vehicle from the roadway under the
15 jurisdiction of the department if the vehicle is disabled as a
16 result of an accident and the disabled vehicle creates a
17 traffic hazard or is obstructing traffic and the vehicle may
18 be safely moved. A vehicle may also be moved by the driver of
19 the vehicle or with the assistance of a towing or recovery
20 vehicle. A vehicle disabled as a result of an accident with
21 apparent serious physical injury to or death of any person may
22 not be moved until directed by a law enforcement officer.

23 "(c) This section does not relive a driver from
24 complying with any other duties imposed in this chapter.

25 (d) The Department of Transportation and its
26 employees shall be immune from any damages or claims resulting
27 from the exercise of their authority under this section.

1 "~~(b)~~(e) The director shall revoke the driver's
2 license of a person convicted under this section."

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