

1 HB214
2 182207-1
3 By Representative Pettus
4 RFD: Public Safety and Homeland Security
5 First Read: 14-FEB-17

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

23 The bill would provide immunity to the
24 departments for actions under the bill.

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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 authorize the driver of a vehicle
6 involved in an accident to move the vehicle from the roadway
7 if the vehicle is drivable and can safely be moved off the
8 roadway where no apparent serious physical injury or death to
9 any person has occurred; to authorize employees of the
10 Department of Transportation and the Alabama State Law
11 Enforcement Agency to require and assist in the moving of a
12 vehicle disabled as a result of an accident from a roadway
13 under its jurisdiction and on the state highway system; and to
14 provide immunity to the departments and to provide that
15 employees of the departments would be subject to Section
16 36-1-12, Code of Alabama 1975.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§32-10-1.

21 "(a) The driver of any motor vehicle involved in an
22 accident resulting in injury to or the death of any person, or
23 in damage to a motor vehicle or other vehicle which is driven
24 or attended by any person, shall immediately stop such vehicle
25 at the scene of such accident or as close thereto as possible
26 and shall then forthwith return to and in every event shall
27 remain at the scene of the accident until he or she has

1 fulfilled the requirements of Section 32-10-3. Every such stop
2 shall be made without obstructing traffic more than is
3 necessary. Notwithstanding the foregoing, if the accident does
4 not involve any apparent injury or the death of a person, the
5 driver may immediately move the vehicle from the roadway to
6 the shoulder, emergency lane, median, or other location close
7 to the accident site if the vehicle is drivable and can be
8 safely moved from the roadway and shall forthwith return to or
9 remain at or as close to the scene of the accident as safely
10 possible.

11 "(b) Employees of the Alabama Department of
12 Transportation or the Alabama State Law Enforcement Agency may
13 move a vehicle, require a vehicle to be moved, or assist in
14 the moving of a vehicle from a highway under the jurisdiction
15 of the Department of Transportation if the vehicle is disabled
16 as a result of an accident, the disabled vehicle creates a
17 traffic hazard or is obstructing traffic, and the vehicle may
18 be safely moved or movement of the vehicle will result in the
19 improved safety or convenience of travel on the road. A
20 disabled vehicle may also be moved by the driver of the
21 vehicle or with the assistance of a towing or recovery
22 vehicle. A disabled vehicle involved in an accident with
23 injury to or death of any person may not be moved until
24 directed by a law enforcement officer.

25 "(c) This section does not relieve a driver from
26 complying with any other duties imposed in this chapter.

1 "(d) The Department of Transportation and the
2 Alabama State Law Enforcement Agency shall not be liable for
3 damages caused by moving a vehicle pursuant to this section.

4 "(e) Section 36-1-12 shall apply to employees of the
5 Department of Transportation and the Alabama State Law
6 Enforcement Agency relating to any claim resulting from the
7 exercise of authority under this section.

8 "~~(b)~~ (f) The director shall revoke the driver's
9 license of a person convicted under this section."

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