

1 SB125
2 189274-4
3 By Senators Whatley, McClendon, Ward, Scofield, Dial, Allen,
4 Singleton, Figures, Orr, Holley, Shelnut, Glover, Albritton,
5 Beasley, Dunn, Sanders, Stutts, Chambliss, Williams,
6 Holtzclaw, Livingston and Reed
7 RFD: Transportation and Energy
8 First Read: 09-JAN-18

1 SB125

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4 ENROLLED, An Act,

5 Relating to motor vehicles; to amend Sections
6 32-1-1.1 and 32-5A-89, Code of Alabama 1975, to further
7 provide for the prohibition against following a motor vehicle
8 too closely; to exempt truck platoons under certain
9 conditions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 32-1-1.1 and 32-5A-89, Code of
12 Alabama 1975, are amended to read as follows:

13 "§32-1-1.1.

14 "The following words and phrases when used in this
15 title shall, for the purpose of this title, have meanings
16 respectively ascribed to them in this section, except when the
17 context otherwise requires:

18 "(1) ALLEY. A street or highway intended to provide
19 access to the rear or side of lots or buildings in urban
20 districts and not intended for the purpose of through
21 vehicular traffic.

22 "(2) ARTERIAL STREET. Any United States or state
23 numbered route, controlled-access highway, or other major
24 radial or circumferential street or highway designated by

1 local authorities within their respective jurisdictions as
2 part of a major arterial system of streets or highways.

3 "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire
4 department vehicles, police vehicles and ambulances as are
5 publicly owned, and such other publicly or privately owned
6 vehicles as are designated by the Director of Public Safety or
7 the chief of police of an incorporated city.

8 "(4) BICYCLE. Every device propelled by human power
9 upon which any person may ride, having two tandem wheels
10 either of which is more than 14 inches in diameter.

11 "(5) BUS. Every motor vehicle designed for carrying
12 more than 10 passengers and used for the transportation of
13 persons; and every motor vehicle other than a taxicab,
14 designed and used for the transportation of persons for
15 compensation.

16 "(6) BUSINESS DISTRICT. The territory contiguous to
17 and including a highway when within any 600 feet along such
18 highway there are buildings in use for business or industrial
19 purposes, including, but not limited to, hotels, banks or
20 office buildings, railroad stations and public buildings which
21 occupy at least 300 feet of frontage on one side or 300 feet
22 collectively on both sides of the highway.

23 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
24 or termination by formal action of the Director of Public
25 Safety of a person's driver's license because of some error or

1 defect in the license or because the licensee is no longer
2 entitled to such license, but the cancellation of a license is
3 without prejudice and application for a new license may be
4 made at any time after such cancellation.

5 "(8) CONTROLLED-ACCESS HIGHWAY. Every highway,
6 street, or roadway in respect to which owners or occupants of
7 abutting lands and other persons have no legal right of access
8 to or from the same except at such points only and in such
9 manner as may be determined by the public authority having
10 jurisdiction over such highway, street, or roadway.

11 "(9) CROSSWALK.

12 "a. That part of a roadway at an intersection
13 included within the connections of the lateral lines of the
14 sidewalks on opposite sides of the highway measured from the
15 curbs or, in the absence of curbs, from the edges of the
16 traversable roadway;

17 "b. Any portion of a roadway at an intersection or
18 elsewhere distinctly indicated for pedestrian crossing by
19 lines or other markings on the surface.

20 "(10) DEALER. Every person engaged in the business
21 of buying, selling, or exchanging vehicles who has an
22 established place of business for such purpose in this state
23 and to whom current dealer registration plates have been
24 issued by the Department of Revenue.

1 "(11) DEPARTMENT. The Department of Public Safety of
2 this state acting directly or through its duly authorized
3 officers and agents.

4 "(12) DIRECTOR. The Director of Public Safety of
5 Alabama.

6 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
7 which any motor vehicle, trailer, or semitrailer, singly or in
8 combination, new or used, constitutes the commodity being
9 transported, when one set or more of wheels of any such
10 vehicle are on the roadway during the course of
11 transportation, whether or not any such vehicle furnishes the
12 motive power.

13 "(14) DRIVER. Every person who drives or is in
14 actual physical control of a vehicle.

15 "(15) DRIVER'S LICENSE. Any license to operate a
16 motor vehicle issued under the laws of this state.

17 "(15.1) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.
18 A self-balancing two non-tandem wheeled device designed to
19 transport only one person with an electric propulsion system
20 with an average power of 750 watts (1 h.p.), whose maximum
21 speed on a paved level surface, when powered solely by such a
22 propulsion system while ridden by an operator who weighs not
23 more than 170 pounds, is less than 20 m.p.h. The term shall
24 not include a motorized bicycle, motorized scooter, or
25 motorized skateboard.

1 "(16) ESSENTIAL PARTS. All integral and body parts
2 of a vehicle of a type required to be registered hereunder,
3 the removal, alteration, or substitution of which would tend
4 to conceal the identity of the vehicle or substantially alter
5 its appearance, model, type, or mode of operation.

6 "(17) ESTABLISHED PLACE OF BUSINESS. The place
7 actually occupied either continuously or at regular periods by
8 a dealer or manufacturer where his or her books and records
9 are kept and a large share of his or her business is
10 transacted.

11 "(18) EXPLOSIVES. Any chemical compound or
12 mechanical mixture that is commonly used or intended for the
13 purpose of producing an explosion and which contains any
14 oxidizing and combustive units or other ingredients in such
15 proportions, quantities, or packing that an ignition by fire,
16 by friction, by concussion, by percussion, or by detonator of
17 any part of the compound or mixture may cause such a sudden
18 generation of highly heated gases that the resultant gaseous
19 pressures are capable of producing destructive effects on
20 contiguous objects or of destroying life or limb.

21 "(19) FARM TRACTOR. Every motor vehicle designed and
22 used primarily as a farm implement, for drawing plows, mowing
23 machines, and other implements of husbandry.

1 "(20) FLAMMABLE LIQUID. Any liquid which has a flash
2 point of 70 F., or less as determined by a fagliabue or
3 equivalent closed-cup test device.

4 "(21) FOREIGN VEHICLE. Every vehicle of a type
5 required to be registered hereunder brought into this state
6 from another state, territory, or country other than in the
7 ordinary course of business by or through a manufacturer or
8 dealer and not registered in this state.

9 "(22) GROSS WEIGHT. The weight of a vehicle without
10 load plus the weight of any load thereon.

11 "(23) HIGHWAY. The entire width between the boundary
12 lines of every way publicly maintained when any part thereof
13 is open to the use of the public for purposes of vehicular
14 travel.

15 "(24) HOUSE TRAILER.

16 "a. A trailer or semitrailer which is designed,
17 constructed, and equipped as a dwelling place, living abode,
18 or sleeping place (either permanently or temporarily) and is
19 equipped for use as a conveyance on streets and highways; or

20 "b. A trailer or semitrailer whose chassis and
21 exterior shell is designed and constructed for use as a house
22 trailer, as defined in paragraph a., but which is used instead
23 permanently or temporarily for the advertising, sales,
24 display, or promotion of merchandise or services, or for any
25 other commercial purpose except the transportation of property

1 for hire or the transportation of property for distribution by
2 a private carrier.

3 "(25) IMPLEMENT OF HUSBANDRY. Every vehicle designed
4 and adapted exclusively for agricultural, horticultural, or
5 livestock raising operations or for lifting or carrying an
6 implement of husbandry and in either case not subject to
7 registration if used upon the highways.

8 "(26) INTERSECTION.

9 "a. The area embraced within the prolongation or
10 connection of the lateral curb lines, or, if none, then the
11 lateral boundary lines of the roadways of two highways which
12 join one another at, or approximately at, right angles, or the
13 area within which vehicles traveling upon different highways
14 joining at any other angle may come in conflict.

15 "b. Where a highway includes two roadways 30 feet or
16 more apart, then every crossing of each roadway of such
17 divided highway by an intersecting highway shall be regarded
18 as a separate intersection. In the event such intersecting
19 highway also includes two roadways 30 feet or more apart, then
20 every crossing of two roadways of such highways shall be
21 regarded as a separate intersection.

22 "c. The junction of an alley with a street or
23 highway shall not constitute an intersection.

24 "(27) LANED ROADWAY. A roadway which is divided into
25 two or more clearly marked lanes for vehicular traffic.

1 "(28) LICENSE or LICENSE TO OPERATE A MOTOR VEHICLE.
2 Any driver's license or any other license or permit to operate
3 a motor vehicle issued by the director under the laws of this
4 state, including any nonresident's operating privilege as
5 defined herein.

6 "(29) LOCAL AUTHORITIES.

7 "a. Every county commission; and

8 "b. Every municipal and other local board or body
9 having authority to enact laws relating to traffic under the
10 constitution and laws of this state.

11 "(30) MAIL. To deposit in the United States mail
12 properly addressed and with postage prepaid.

13 "(31) METAL TIRE. Every tire the surface of which in
14 contact with the highway is wholly or partly of metal or other
15 hard, nonresilient material.

16 "(32) MOTOR VEHICLE. Every vehicle which is
17 self-propelled and every vehicle which is propelled by
18 electric power obtained from overhead trolley wires, but not
19 operated upon rails, except for electric personal assistive
20 mobility devices.

21 "(33) MOTORCYCLE. Every motor vehicle having a seat
22 or saddle for the use of the rider and designed to travel on
23 not more than three wheels in contact with the ground, but
24 excluding a tractor.

1 "(34) MOTOR-DRIVEN CYCLE. Every motorcycle,
2 including every motor scooter, with a motor which produces not
3 to exceed five brake horsepower nor to exceed 150 cubic
4 centimeter engine displacement, and weighs less than 200
5 pounds fully equipped, and every bicycle with motor attached.

6 "(35) NONRESIDENT. Every person who is not a
7 resident of this state.

8 "(36) NONRESIDENT'S OPERATING PRIVILEGE. The
9 privilege conferred upon a nonresident by the laws of this
10 state pertaining to the operation by such person of a motor
11 vehicle, or the use of a vehicle owned by such person, in this
12 state.

13 "(37) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,
14 signals, markings, and devices not inconsistent with this
15 title placed or erected by authority of a public body or
16 official having jurisdiction, for the purpose of regulating,
17 warning, or guiding traffic.

18 "(38) OWNER. A person, other than a lienholder,
19 having the property in or title to a vehicle. The term
20 includes a person entitled to the use and possession of a
21 vehicle subject to a security interest in another person, but
22 excludes a lessee under a lease not intended as security.

23 "(39) PARK or PARKING. The standing of a vehicle,
24 whether occupied or not, otherwise than temporarily for the

1 purpose of and while actually engaged in loading or unloading
2 merchandise or passengers.

3 "(40) PASSENGER CAR. Every motor vehicle, except
4 motorcycles and motor-driven cycles, designed for carrying 10
5 passengers or less and used for the transportation of persons.

6 "(41) PEDESTRIAN. Any person afoot.

7 "(42) PERSON. Every natural person, firm,
8 copartnership, association, or corporation.

9 "(43) PNEUMATIC TIRE. Every tire in which compressed
10 air is designed to support the load.

11 "(44) POLE TRAILER. Every vehicle without motive
12 power designed to be drawn by another vehicle and attached to
13 the towing vehicle by means of a reach or pole, or by being
14 boomed or otherwise secured to the towing vehicle, and
15 ordinarily used for transporting long or irregularly shaped
16 loads such as poles, pipes, or structural members capable,
17 generally, of sustaining themselves as beams between the
18 supporting connections.

19 "(45) POLICE OFFICER. Every officer authorized to
20 direct or regulate traffic or to make arrests for violations
21 of traffic regulations.

22 "(46) PRIVATE ROAD or DRIVEWAY. Every way or place
23 in private ownership and used for vehicular travel by the
24 owner and those having express or implied permission from the
25 owner, but not by other persons.

1 "(47) RAILROAD. A carrier of persons or property
2 upon cars other than street cars, operated upon stationary
3 rails.

4 "(48) RAILROAD SIGN or SIGNAL. Any sign, signal, or
5 device erected by authority of a public body or official or by
6 a railroad and intended to give notice of the presence of
7 railroad tracks or the approach of a railroad train.

8 "(49) RAILROAD TRAIN. A steam engine, electric or
9 other motor, with or without cars coupled thereto, operated
10 upon rails.

11 "(50) RECONSTRUCTED VEHICLE. Every vehicle of a type
12 required to be registered hereunder materially altered from
13 its original construction by the removal, addition, or
14 substitution of essential parts, new or used.

15 "(51) REGISTRATION. The registration certificate or
16 certificates and registration plates issued under the laws of
17 this state pertaining to the registration of vehicles.

18 "(52) RESIDENCE DISTRICT. The territory contiguous
19 to and including a highway not comprising a business district
20 when the property on such highway for a distance of 300 feet
21 or more is in the main improved with residences or residences
22 and buildings in use for business.

23 "(53) REVOCATION OF DRIVER'S LICENSE. The
24 termination by formal action of the director of a person's
25 license or privilege to operate a motor vehicle on the public

1 highways, which termination shall not be subject to renewal or
2 restoration except that an application for a new license may
3 be presented and acted upon by the director after the
4 expiration of the applicable period of time prescribed in this
5 title.

6 "(54) RIGHT-OF-WAY. The right of one vehicle or
7 pedestrian to proceed in a lawful manner in preference to
8 another vehicle or pedestrian approaching under such
9 circumstances of direction, speed, and proximity as to give
10 rise to danger of collision unless one grants precedence to
11 the other.

12 "(55) ROAD TRACTOR. Every motor vehicle designed and
13 used for drawing other vehicles and not so constructed as to
14 carry any load thereon either independently or any part of the
15 weight of a vehicle or load so drawn.

16 "(56) ROADWAY. That portion of a highway improved,
17 designed, or ordinarily used for vehicular travel, exclusive
18 of the berm or shoulder. In the event a highway includes two
19 or more separate roadways the term "roadway" as used herein
20 shall refer to any such roadway separately but not to all such
21 roadways collectively.

22 "(57) SAFETY ZONE. The area or space officially set
23 apart within a roadway for the exclusive use of pedestrians
24 and which is protected or is so marked or indicated by

1 adequate signs as to be plainly visible at all times while set
2 apart as a safety zone.

3 "(58) SCHOOL BUS. Every motor vehicle that complies
4 with the color and identification requirements set forth by
5 statute or regulation and is used to transport children to or
6 from school or in connection with school activities, but not
7 including buses operated by common carriers in urban
8 transportation of school children.

9 "(59) SECURITY AGREEMENT. A written agreement which
10 reserves or creates a security interest.

11 "(60) SECURITY INTEREST. An interest in a vehicle
12 reserved or created by agreement and which secures payment or
13 performance of an obligation. The term includes the interest
14 of a lessor under a lease intended as security. A security
15 interest is perfected when it is valid against third parties
16 generally, subject only to specific statutory exceptions.

17 "(61) SEMITRAILER. Every vehicle with or without
18 motive power, other than a pole trailer, designed for carrying
19 persons or property and for being drawn by a motor vehicle and
20 so constructed that some part of its weight and that of its
21 load rests upon or is carried by another vehicle.

22 "(62) SIDEWALK. That portion of a street between the
23 curb lines, or the lateral lines of a roadway, and the
24 adjacent property lines, intended for use by pedestrians.

1 "(63) SOLID TIRE. Every tire of rubber or other
2 resilient material which does not depend upon compressed air
3 for the support of the load.

4 "(64) SPECIAL MOBILE EQUIPMENT. Every vehicle not
5 designed or used primarily for the transportation of persons
6 or property and only incidentally operated or moved over a
7 highway, including, but not limited to: Ditch digging
8 apparatus, well boring apparatus and road construction and
9 maintenance machinery such as asphalt spreaders, bituminous
10 mixers, bucket loaders, tractors other than truck tractors,
11 ditchers, levelling graders, finishing machines, motor
12 graders, road rollers, scarifiers, earth moving carry-alls and
13 scrapers, power shovels and drag lines, and self-propelled
14 cranes and earth moving equipment. The term does not include
15 house trailers, dump trucks, truck mounted transit mixers,
16 cranes or shovels, or other vehicles designed for the
17 transportation of persons or property to which machinery has
18 been attached.

19 "(65) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle
20 of a type required to be registered hereunder not originally
21 constructed under a distinctive name, make, model, or type by
22 a generally recognized manufacturer of vehicles and not
23 materially altered from its original construction.

24 "(66) STAND or STANDING. The halting of a vehicle,
25 whether occupied or not, otherwise than temporarily for the

1 purpose of and while actually engaged in receiving or
2 discharging passengers.

3 "(67) STATE. A state, territory, or possession of
4 the United States, the District of Columbia, the Commonwealth
5 of Puerto Rico, or a province of Canada.

6 "(68) STOP. When required, means complete cessation
7 from movement.

8 "(69) STOP or STOPPING. When prohibited means any
9 halting even momentarily of a vehicle, whether occupied or
10 not, except when necessary to avoid conflict with other
11 traffic or in compliance with the directions of a police
12 officer or traffic-control sign or signal.

13 "(70) STREET. The entire width between boundary
14 lines of every way publicly maintained when any part thereof
15 is open to the use of the public for purposes of vehicular
16 travel.

17 "(71) SUSPENSION OF DRIVER'S LICENSE. The temporary
18 withdrawal by formal action of the Director of Public Safety
19 of a person's license or privilege to operate a motor vehicle
20 on the public highways, which temporary withdrawal shall be
21 for a period specifically designated by the director.

22 "(72) THROUGH HIGHWAY. Every highway or portion
23 thereof on which vehicular traffic is given preferential
24 right-of-way, and at the entrances to which vehicular traffic
25 from intersecting highways is required by law to yield the

1 right-of-way to vehicles on such through highway in obedience
2 to a stop sign, yield sign, or other official traffic-control
3 device, when such signs or devices are erected as provided in
4 this title.

5 "(73) TRACKLESS TROLLEY COACH. Every motor vehicle
6 which is propelled by electric power obtained from overhead
7 trolley wires but not operated upon rails.

8 "(74) TRAFFIC. Pedestrians, ridden or herded
9 animals, vehicles, streetcars, and other conveyances either
10 singly or together while using any highway for purposes of
11 travel.

12 "(75) TRAFFIC-CONTROL SIGNAL. Any device, whether
13 manually, electrically, or mechanically operated, by which
14 traffic is alternately directed to stop and permitted to
15 proceed.

16 "(76) TRAILER. Every vehicle with or without motive
17 power, other than a pole trailer, designed for carrying
18 persons or property and for being drawn by a motor vehicle and
19 so constructed that no part of its weight rests upon the
20 towing vehicle.

21 "(77) TRANSPORTER. Every person engaged in the
22 business of delivering vehicles of a type required to be
23 registered hereunder from a manufacturing, assembling, or
24 distributing plant to dealers or sales agents of a
25 manufacturer.

1 "(78) TRUCK. Every motor vehicle designed, used, or
2 maintained primarily for the transportation of property.

3 "(79) TRUCK PLATOON. A group of individual
4 commercial trucks traveling in a unified manner at
5 electronically coordinated speeds at following distances that
6 are closer than would be reasonable and prudent without the
7 electronic coordination.

8 "~~(79)~~ (80) TRUCK TRACTOR. Every motor vehicle
9 designed and used primarily for drawing other vehicles and not
10 so constructed as to carry a load other than a part of the
11 weight of the vehicle and load so drawn.

12 "~~(80)~~ (81) URBAN DISTRICT. The territory contiguous
13 to and including any street which is built up with structures
14 devoted to business, industry, or dwelling houses situated at
15 intervals of less than 100 feet for a distance of a quarter of
16 a mile or more.

17 "~~(81)~~ (82) VEHICLE. Every device in, upon, or by
18 which any person or property is or may be transported or drawn
19 upon a highway, excepting devices moved by human power or used
20 exclusively upon stationary rails or tracks or electric
21 personal assistive mobility devices; provided, that for the
22 purposes of this title, a bicycle or a ridden animal shall be
23 deemed a vehicle, except those provisions of this title, which
24 by their very nature can have no application.

25 "§32-5A-89.

1 "(a) The driver of a motor vehicle shall not follow
2 another more closely than is reasonable and prudent, having
3 due regard for the speed of such vehicles and the traffic upon
4 and the condition of the highway. Except when overtaking and
5 passing another vehicle, the driver of a vehicle shall leave a
6 distance of at least 20 feet for each 10 miles per hour of
7 speed between the vehicle that he or she is driving and the
8 vehicle that he or she is following.

9 "(b) The driver of any truck or motor vehicle
10 drawing another vehicle of 25 or more feet in length when
11 traveling upon a roadway outside of a business or residence
12 district and which is following another truck or motor vehicle
13 drawing another vehicle of 25 or more feet in length shall,
14 whenever conditions permit, leave sufficient space, at least
15 300 feet, so that an overtaking vehicle may enter and occupy
16 such space without danger, except that this shall not prevent
17 a truck or motor vehicle drawing another vehicle of 25 or more
18 feet in length from overtaking and passing any vehicle or
19 combination of vehicles.

20 "(c) Motor vehicles being driven upon any roadway
21 whether a business or residence district in a caravan or
22 motorcade whether or not towing other vehicles shall be so
23 operated as to allow sufficient space between each such
24 vehicle or combination of vehicles so as to enable any other
25 vehicle to enter and occupy such space without danger. This

1 provision shall not apply to funeral processions or to any
2 parade or procession authorized by official permit of the
3 governing body of the city or county having jurisdiction over
4 the highway.

5 "(d) The trailing trucks in a truck platoon are
6 exempt from the provisions of this section if the truck
7 platoon is engaged in electronic brake coordination and any
8 other requirement imposed by the Department of Transportation
9 by rule.

10 "The intent of this subsection is to allow both
11 commercial platooning deployment and activities to provide
12 research for truck platooning technology and to exempt the
13 trailing trucks from receiving a citation for following too
14 closely as defined in this section."

15 Section 2. The Department of Transportation may
16 adopt rules to implement and administer this act.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

Senate 30-JAN-18.
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Senate 20-MAR-18
I hereby certify that the within Act originated in and passed
the Senate, as amended by Executive Amendment.

Patrick Harris,
Secretary.

House of Representatives
Passed: 08-MAR-18
House of Representatives
Passed: 21-MAR-18, as amended by Executive Amendment.

By: Senator Whatley