

1 SB125
2 189274-1
3 By Senators Whatley, McClendon, Ward, Scofield, Dial, Allen,
4 Singleton, Figures, Orr, Holley, Shelnuttt, 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

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8 SYNOPSIS: Under existing law, the driver of a motor
9 vehicle is prohibited from following another motor
10 vehicle too closely. Also under existing law, with
11 regard to the prohibition against following another
12 vehicle too closely, there are special requirements
13 for the driver of a motor vehicle or truck drawing
14 another vehicle 25 or more feet in length.

15 This bill would define the term truck
16 platoon and provide that if the members of the
17 truck platoon meet certain requirements, the
18 trailing drivers in the platoon are exempt from the
19 prohibition against following too closely.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to motor vehicles; to amend Sections
26 32-1-1.1 and 32-5A-89, Code of Alabama 1975, to further
27 provide for the prohibition against following a motor vehicle

1 too closely; to exempt truck platoons under certain
2 conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§32-1-1.1.

7 "The following words and phrases when used in this
8 title shall, for the purpose of this title, have meanings
9 respectively ascribed to them in this section, except when the
10 context otherwise requires:

11 "(1) ALLEY. A street or highway intended to provide
12 access to the rear or side of lots or buildings in urban
13 districts and not intended for the purpose of through
14 vehicular traffic.

15 "(2) ARTERIAL STREET. Any United States or state
16 numbered route, controlled-access highway, or other major
17 radial or circumferential street or highway designated by
18 local authorities within their respective jurisdictions as
19 part of a major arterial system of streets or highways.

20 "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire
21 department vehicles, police vehicles and ambulances as are
22 publicly owned, and such other publicly or privately owned
23 vehicles as are designated by the Director of Public Safety or
24 the chief of police of an incorporated city.

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

1 "(5) BUS. Every motor vehicle designed for carrying
2 more than 10 passengers and used for the transportation of
3 persons; and every motor vehicle other than a taxicab,
4 designed and used for the transportation of persons for
5 compensation.

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

13 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
14 or termination by formal action of the Director of Public
15 Safety of a person's driver's license because of some error or
16 defect in the license or because the licensee is no longer
17 entitled to such license, but the cancellation of a license is
18 without prejudice and application for a new license may be
19 made at any time after such cancellation.

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

26 "(9) CROSSWALK.

1 "a. That part of a roadway at an intersection
2 included within the connections of the lateral lines of the
3 sidewalks on opposite sides of the highway measured from the
4 curbs or, in the absence of curbs, from the edges of the
5 traversable roadway;

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

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

14 "(11) DEPARTMENT. The Department of Public Safety of
15 this state acting directly or through its duly authorized
16 officers and agents.

17 "(12) DIRECTOR. The Director of Public Safety of
18 Alabama.

19 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
20 which any motor vehicle, trailer, or semitrailer, singly or in
21 combination, new or used, constitutes the commodity being
22 transported, when one set or more of wheels of any such
23 vehicle are on the roadway during the course of
24 transportation, whether or not any such vehicle furnishes the
25 motive power.

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

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

3 "(15.1) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.
4 A self-balancing two non-tandem wheeled device designed to
5 transport only one person with an electric propulsion system
6 with an average power of 750 watts (1 h.p.), whose maximum
7 speed on a paved level surface, when powered solely by such a
8 propulsion system while ridden by an operator who weighs not
9 more than 170 pounds, is less than 20 m.p.h. The term shall
10 not include a motorized bicycle, motorized scooter, or
11 motorized skateboard.

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

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

22 "(18) EXPLOSIVES. Any chemical compound or
23 mechanical mixture that is commonly used or intended for the
24 purpose of producing an explosion and which contains any
25 oxidizing and combustive units or other ingredients in such
26 proportions, quantities, or packing that an ignition by fire,
27 by friction, by concussion, by percussion, or by detonator of

1 any part of the compound or mixture may cause such a sudden
2 generation of highly heated gases that the resultant gaseous
3 pressures are capable of producing destructive effects on
4 contiguous objects or of destroying life or limb.

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

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

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

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

18 "(23) HIGHWAY. The entire width between the boundary
19 lines of every way publicly maintained when any part thereof
20 is open to the use of the public for purposes of vehicular
21 travel.

22 "(24) HOUSE TRAILER.

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

1 "b. A trailer or semitrailer whose chassis and
2 exterior shell is designed and constructed for use as a house
3 trailer, as defined in paragraph a., but which is used instead
4 permanently or temporarily for the advertising, sales,
5 display, or promotion of merchandise or services, or for any
6 other commercial purpose except the transportation of property
7 for hire or the transportation of property for distribution by
8 a private carrier.

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

14 "(26) INTERSECTION.

15 "a. The area embraced within the prolongation or
16 connection of the lateral curb lines, or, if none, then the
17 lateral boundary lines of the roadways of two highways which
18 join one another at, or approximately at, right angles, or the
19 area within which vehicles traveling upon different highways
20 joining at any other angle may come in conflict.

21 "b. Where a highway includes two roadways 30 feet or
22 more apart, then every crossing of each roadway of such
23 divided highway by an intersecting highway shall be regarded
24 as a separate intersection. In the event such intersecting
25 highway also includes two roadways 30 feet or more apart, then
26 every crossing of two roadways of such highways shall be
27 regarded as a separate intersection.

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

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

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

10 " (29) LOCAL AUTHORITIES.

11 "a. Every county commission; and

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

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

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

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

25 "(33) MOTORCYCLE. Every motor vehicle having a seat
26 or saddle for the use of the rider and designed to travel on

1 not more than three wheels in contact with the ground, but
2 excluding a tractor.

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

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

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

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

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

25 "(39) PARK or PARKING. The standing of a vehicle,
26 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
26 highways, which termination shall not be subject to renewal or
27 restoration except that an application for a new license may

1 be presented and acted upon by the director after the
2 expiration of the applicable period of time prescribed in this
3 title.

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

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

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

20 "(57) SAFETY ZONE. The area or space officially set
21 apart within a roadway for the exclusive use of pedestrians
22 and which is protected or is so marked or indicated by
23 adequate signs as to be plainly visible at all times while set
24 apart as a safety zone.

25 "(58) SCHOOL BUS. Every motor vehicle that complies
26 with the color and identification requirements set forth by
27 statute or regulation and is used to transport children to or

1 from school or in connection with school activities, but not
2 including buses operated by common carriers in urban
3 transportation of school children.

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

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

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

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

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

23 "(64) SPECIAL MOBILE EQUIPMENT. Every vehicle not
24 designed or used primarily for the transportation of persons
25 or property and only incidentally operated or moved over a
26 highway, including, but not limited to: Ditch digging
27 apparatus, well boring apparatus and road construction and

1 maintenance machinery such as asphalt spreaders, bituminous
2 mixers, bucket loaders, tractors other than truck tractors,
3 ditchers, levelling graders, finishing machines, motor
4 graders, road rollers, scarifiers, earth moving carry-alls and
5 scrapers, power shovels and drag lines, and self-propelled
6 cranes and earth moving equipment. The term does not include
7 house trailers, dump trucks, truck mounted transit mixers,
8 cranes or shovels, or other vehicles designed for the
9 transportation of persons or property to which machinery has
10 been attached.

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

16 "(66) STAND or STANDING. The halting of a vehicle,
17 whether occupied or not, otherwise than temporarily for the
18 purpose of and while actually engaged in receiving or
19 discharging passengers.

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

23 "(68) STOP. When required, means complete cessation
24 from movement.

25 "(69) STOP or STOPPING. When prohibited means any
26 halting even momentarily of a vehicle, whether occupied or
27 not, except when necessary to avoid conflict with other

1 traffic or in compliance with the directions of a police
2 officer or traffic-control sign or signal.

3 "(70) STREET. The entire width between boundary
4 lines of every way publicly maintained when any part thereof
5 is open to the use of the public for purposes of vehicular
6 travel.

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

12 "(72) THROUGH HIGHWAY. Every highway or portion
13 thereof on which vehicular traffic is given preferential
14 right-of-way, and at the entrances to which vehicular traffic
15 from intersecting highways is required by law to yield the
16 right-of-way to vehicles on such through highway in obedience
17 to a stop sign, yield sign, or other official traffic-control
18 device, when such signs or devices are erected as provided in
19 this title.

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

23 "(74) TRAFFIC. Pedestrians, ridden or herded
24 animals, vehicles, streetcars, and other conveyances either
25 singly or together while using any highway for purposes of
26 travel.

1 "(75) TRAFFIC-CONTROL SIGNAL. Any device, whether
2 manually, electrically, or mechanically operated, by which
3 traffic is alternately directed to stop and permitted to
4 proceed.

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

10 "(77) TRANSPORTER. Every person engaged in the
11 business of delivering vehicles of a type required to be
12 registered hereunder from a manufacturing, assembling, or
13 distributing plant to dealers or sales agents of a
14 manufacturer.

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

17 "(79) TRUCK PLATOON. A group of individual
18 commercial trucks traveling in a unified manner at
19 electronically coordinated speeds at following distances that
20 are closer than would be reasonable and prudent without the
21 electronic coordination.

22 "~~(79)~~ (80) TRUCK TRACTOR. Every motor vehicle
23 designed and used primarily for drawing other vehicles and not
24 so constructed as to carry a load other than a part of the
25 weight of the vehicle and load so drawn.

26 "~~(80)~~ (81) URBAN DISTRICT. The territory contiguous
27 to and including any street which is built up with structures

1 devoted to business, industry, or dwelling houses situated at
2 intervals of less than 100 feet for a distance of a quarter of
3 a mile or more.

4 "~~(81)~~ (82) VEHICLE. Every device in, upon, or by
5 which any person or property is or may be transported or drawn
6 upon a highway, excepting devices moved by human power or used
7 exclusively upon stationary rails or tracks or electric
8 personal assistive mobility devices; provided, that for the
9 purposes of this title, a bicycle or a ridden animal shall be
10 deemed a vehicle, except those provisions of this title, which
11 by their very nature can have no application.

12 "§32-5A-89.

13 "(a) The driver of a motor vehicle shall not follow
14 another more closely than is reasonable and prudent, having
15 due regard for the speed of such vehicles and the traffic upon
16 and the condition of the highway. Except when overtaking and
17 passing another vehicle, the driver of a vehicle shall leave a
18 distance of at least 20 feet for each 10 miles per hour of
19 speed between the vehicle that he or she is driving and the
20 vehicle that he or she is following.

21 "(b) The driver of any truck or motor vehicle
22 drawing another vehicle of 25 or more feet in length when
23 traveling upon a roadway outside of a business or residence
24 district and which is following another truck or motor vehicle
25 drawing another vehicle of 25 or more feet in length shall,
26 whenever conditions permit, leave sufficient space, at least
27 300 feet, so that an overtaking vehicle may enter and occupy

1 such space without danger, except that this shall not prevent
2 a truck or motor vehicle drawing another vehicle of 25 or more
3 feet in length from overtaking and passing any vehicle or
4 combination of vehicles.

5 "(c) Motor vehicles being driven upon any roadway
6 whether a business or residence district in a caravan or
7 motorcade whether or not towing other vehicles shall be so
8 operated as to allow sufficient space between each such
9 vehicle or combination of vehicles so as to enable any other
10 vehicle to enter and occupy such space without danger. This
11 provision shall not apply to funeral processions or to any
12 parade or procession authorized by official permit of the
13 governing body of the city or county having jurisdiction over
14 the highway.

15 "(d) The trailing trucks in a truck platoon are
16 exempt from the provisions of this section if the truck
17 platoon is engaged in electronic steering and brake
18 coordination and any other requirement imposed by the
19 Department of Transportation by rule."

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

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