- 1 SB312
- 2 201461-2
- 3 By Senator Smitherman
- 4 RFD: Transportation and Energy
- 5 First Read: 18-APR-19

1	SB312
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4	<u>ENGROSSED</u>
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7	A BILL
8	TO BE ENTITLED
9	AN ACT
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11	Relating to shared micromobility device systems; to
12	amend Section 32-1-1.1, as last amended by Act 2018-296, 2018
13	Regular Session, to further provide definitions; and to add
14	Section 32-19-2 to the Code of Alabama 1975, to provide for
15	the operation of shared micromobility device systems.
16	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
17	Section 1. Section 32-1-1.1, Code of Alabama 1975,
18	as last amended by Act 2018-296, 2018 Regular Session, is
19	amended to read as follows:
20	"§32-1-1.1.
21	"The following words and phrases when used in this
22	title shall, for the purpose of this title, shall have
23	meanings respectively ascribed to them in this section, except
24	when the context otherwise requires:
25	"(1) ALLEY. A street or highway intended to provide
26	access to the rear or side of lots or buildings in urban

districts and not intended for the purpose of through vehicular traffic.

- "(2) ARTERIAL STREET. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
- "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the Secretary of the Alabama State Law Enforcement Agency or the chief of police of an incorporated city.
- "(4) BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter.
- "(5) BUS. Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.
- "(6) BUSINESS DISTRICT. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations, and public buildings

which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

"(7) CANCELLATION OF DRIVER'S LICENSE. The annulment or termination by formal action of the Secretary of the Alabama State Law Enforcement Agency of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

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

## "(9) CROSSWALK. Either of the following:

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

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

"(10) DEALER. Every person engaged in the business of buying, selling, or exchanging vehicles who has an

- established place of business for such purpose in this state and to whom current dealer registration plates have been issued by the Department of Revenue.
- "(11) DEPARTMENT. The Alabama State Law Enforcement
  Agency acting directly or through its duly authorized officers
  and agents.
- 7 "(12) DIRECTOR. The Secretary of the Alabama State 8 Law Enforcement Agency.

- "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in which any motor vehicle, trailer, or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.
- "(14) DRIVER. Every person who drives or is in actual physical control of a vehicle.
- "(15) DRIVER'S LICENSE. Any license to operate a motor vehicle issued under the laws of this state.

"(15.1) (16) ELECTRIC PERSONAL ASSISTIVE MOBILITY

DEVICE. A self-balancing, two non-tandem wheeled device

designed to transport only one person with an electric

propulsion system with an average power of 750 watts (1 h.p.),

whose that has a maximum speed on a paved level surface, when

powered solely by such a propulsion system while ridden by an

operator who weighs not more than 170 pounds, is of less than

20 m.p.h. The term shall not include a motorized bicycle, motorized scooter, or motorized skateboard.

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

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

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

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

"(20) (21) FLAMMABLE LIQUID. Any liquid which has a flash point of 70 F.7 or less, as determined by a fagliabue or equivalent closed-cup test device.

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

" $\frac{(22)}{(23)}$  GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

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

"(24) (25) HOUSE TRAILER. Either of the following:

"a. A trailer or semitrailer which that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, teither permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or.

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

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

## "(26) (27) INTERSECTION. Any of the following:

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

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

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

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

"(28) (29) LICENSE OR LICENSE TO OPERATE A MOTOR

VEHICLE. Any driver's license or any other license or permit

to operate a motor vehicle issued by the director under the

laws of this state, including any nonresident's operating 1 2 privilege as defined herein. "<del>(29)</del> (30) LOCAL AUTHORITIES. <u>Either of the</u> 3 following: 4 5 "a. Every county commission; and. "b. Every municipal and other local board or body 6 7 having authority to enact laws relating to traffic under the constitution and laws of this state. 8 9 "(30) (31) MAIL. To deposit in the United States 10 mail properly addressed and with postage prepaid. "(31) (32) METAL TIRE. Every tire the surface of 11 12 which in contact with the highway is wholly or partly of metal 13 or other hard, nonresilient material. 14 "<del>(32)</del> (33) MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which is propelled by 15 electric power obtained from overhead trolley wires, but not 16 operated upon rails, except for electric personal assistive 17 18 mobility devices. "(33) (34) MOTORCYCLE. Every motor vehicle having a 19 20 seat or saddle for the use of the rider and designed to travel 21 on not more than three wheels in contact with the ground, but excluding a tractor. 22 23 "<del>(34)</del> (35) MOTOR-DRIVEN CYCLE. Every motorcycle, 24 including every motor scooter, with a motor which that 25 produces not to exceed more than five brake horsepower nor to

exceed exceeds 150 cubic centimeter engine displacement, and

weighs less than 200 pounds fully equipped, and every bicycle with a motor attached.

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

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

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

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

"(39) (40) PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than. The term does not include a vehicle that is stopped temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

"(40) (41) PASSENGER CAR. Every motor vehicle, except motorcycles and motor-driven cycles, designed for

carrying 10 passengers or less and used for the transportation 1 2 of persons. "(41) (42) PEDESTRIAN. Any person afoot. 3 "(42) (43) PERSON. Every natural person, firm, 4 5 copartnership, association, or corporation. "<del>(43)</del> (44) PNEUMATIC TIRE. Every tire in which 6 7 compressed air is designed to support the load. "(44) (45) POLE TRAILER. Every vehicle without 8 9 motive power designed to be drawn by another vehicle and 10 attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, 11 and ordinarily used for transporting long or irregularly 12 13 shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between 14 15 the supporting connections. "(45) (46) POLICE OFFICER. Every officer authorized 16 17 to direct or regulate traffic or to make arrests for 18 violations of traffic regulations. "<del>(46)</del> (47) PRIVATE ROAD or DRIVEWAY. Every way or 19 20 place in private ownership and used for vehicular travel by 21 the owner and those having express or implied permission from the owner, but not by other persons. 22 "<del>(47)</del> (48) RAILROAD. A carrier of persons or 23 24 property upon cars other than street cars, operated upon 25 stationary rails.

signal, or device erected by authority of a public body or

"<del>(48)</del> (49) RAILROAD SIGN or SIGNAL. Any sign,

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official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

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

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

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

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

"(53) (54) REVOCATION OF DRIVER'S LICENSE. The termination by formal action of the director of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the director after the expiration of the applicable period of time prescribed in this title.

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

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

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

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

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

1	"(60) SCOOTER. A device weighing less than 100
2	pounds that satisfies all of the following:
3	"a. Has handlebars and an electric motor.
4	"b. Is solely powered by the electric motor or human
5	power.
6	"c. Has a maximum speed of no more than 20 mph on a
7	paved level surface when powered solely by the electric motor.
8	"This term does not include an e-bike, EPAMD,
9	Segway, motorcycle, or moped.
10	" $(59)$ $(61)$ SECURITY AGREEMENT. A written agreement
11	which reserves or creates a security interest.
12	" $\frac{(60)}{(62)}$ SECURITY INTEREST. An interest in a
13	vehicle reserved or created by agreement and which secures
14	payment or performance of an obligation. The term includes the
15	interest of a lessor under a lease intended as security. A
16	security interest is perfected when it is valid against third
17	parties generally, subject only to specific statutory
18	exceptions.
19	" $\frac{(61)}{(63)}$ SEMITRAILER. Every vehicle with or
20	without motive power, other than a pole trailer, designed for
21	carrying persons or property and for being drawn by a motor
22	vehicle and so constructed that some part of its weight and
23	that of its load rests upon or is carried by another vehicle.
24	"(64) SHARED MICROMOBILITY DEVICE. A type of
25	transportation device that includes a bicycle, tricycle,
26	scooter, hoverboard, skateboard, pedal car, or similar device,
27	except a device used as an electrical personal assistive

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"(65) SHARED MICROMOBILITY DEVICE SYSTEM. A system that provides shared micromobility devices to users for short-term rentals, whether or not the system requires docking stations or other similar fixed infrastructure to receive or return the shared micromobility device.

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

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

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

transportation of persons or property to which machinery has been attached.

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

"(66) (70) STAND or STANDING. The halting of a vehicle, whether occupied or not, otherwise than. The term does not include a vehicle that is halted temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

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

" $\frac{(68)}{(72)}$  STOP. When required, means complete cessation from movement.

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

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

"(71) (75) SUSPENSION OF DRIVER'S LICENSE. The temporary withdrawal by formal action of the Secretary of the Alabama State Law Enforcement Agency of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the director.

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

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

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

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

"(76) (80) TRAILER. Every vehicle with or without motive power, other than a pole trailer, designed for carrying

persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

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

" $\overline{(78)}$   $\underline{(82)}$  TRUCK. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

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

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

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

"(82) (86) VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn

upon a highway, excepting devices moved by human power or used
exclusively upon stationary rails or tracks or electric

personal assistive mobility devices; provided, that for the

purposes of this title, a bicycle or a ridden animal shall be
deemed a vehicle, except those provisions of this title, which
by their very nature can have no application."

Section 2. Section 32-19-2 is added to the Code of Alabama 1975, to read as follows:

§32-19-2.

- (a) A shared micromobility device system may not operate or deploy shared micromobility devices on the public highways or bikeways of the state without first obtaining authorization or permission from the applicable county or municipality in which the shared micromobility device system will be operated.
- (b) Every person riding a shared micromobility device shall be granted all of the rights and shall be subject to all of the duties applicable to the rider of a bicycle in this title, except as to specific provisions in this section and except as to those specific provisions in this title which by their nature can have no application.
- (c) A person may not park a shared micromobility device on a sidewalk in a manner that impedes the normal or reasonable movement of pedestrian or other traffic or in violation of county or municipal parking regulations.
- (d) A shared micromobility device is not a motor vehicle and is not subject to the provisions of this title

relating to insurance, license plates, registration, operator's licenses, or certificates of title.

- (e) A shared micromobility device shall be labeled
  with visible language identifying its use in a shared
  micromobility device system.
  - (f) The owner or operator of a shared micromobility device system shall procure and keep in full force a commercial liability insurance policy with minimum limits of one million dollars (\$1,000,000) per occurrence, insuring against bodily injury, including death, and property damage caused by the negligence or wantonness of the owner or operator of a shared micromobility device system.
  - (g) Counties and municipalities may regulate the operation of shared micromobility devices. The authorization or permission from the applicable county or municipality may be conditioned on certain requirements, including, but not limited to:
  - (1) Minimum insurance requirements that may be in addition to the mandatory insurance requirements under subsection (f).
    - (2) Age requirements of users.
    - (3) Safety rules and maintenance requirements.
  - (4) Such other requirements as the county or municipality deems advisable.

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

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3	Senate	
4 5 6	Read for the first time and referred to the Senate committee on Transportation and Energy.	18-APR-19
7 8 9	Read for the second time and placed on the calendar 2 amendments	25-APR-19
10 11	Read for the third time and passed as amended	1.6-MAY-19
12 13	Yeas 26 Nays 0	
14 15 16 17 18	Patrick Harris, Secretary.	