

1 SB332  
2 211714-1  
3 By Senator Hatcher  
4 RFD: Transportation and Energy  
5 First Read: 11-MAR-21

SYNOPSIS: This bill would amend existing law to update a reference to the federal motor carrier safety regulations relating to entry level driver training requirements.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to motor carriers; to amend Section 32-9A-2, Code of Alabama 1975, to update references to the federal motor carrier safety regulations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-9A-2, Code of Alabama 1975, is amended to read as follows:

"§32-9A-2.

"(a) (1) Except as otherwise provided in subsection (b), no person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the federal motor carrier safety regulations as

1 prescribed by the U.S. Department of Transportation, 49 C.F.R.  
2 Part 107, Parts 171-180, Parts 380, 382-387, and Parts 390-399  
3 and as they may be amended in the future. Except as otherwise  
4 provided herein, this chapter shall not be construed to repeal  
5 or supersede other laws relating to the operation of motor  
6 vehicles.

7 "(2)a. No person may operate a commercial motor  
8 vehicle in this state in violation of 49 C.F.R. §393.120, as  
9 amended, relating to load securement for certain metal coils.

10 "b. No one owning, leasing, or allowing a commercial  
11 vehicle to be operated in this state shall knowingly or  
12 negligently be in violation of 49 C.F.R. §393.120, as amended,  
13 relating to load securement for metal coils.

14 "(3) No person may knowingly or negligently own or  
15 lease or cause to be operated on any public highway, road,  
16 street, or other public right-of-way a commercial motor  
17 vehicle loaded with a metal coil in a manner that fails to  
18 comply with 49 C.F.R. §393.120 and thereby allows a metal coil  
19 to drop, fall, spill, shift, or otherwise escape from the  
20 commercial vehicle onto any public highway, road, street, or  
21 any other public right-of-way.

22 "(4)a. No motor carrier may initiate or terminate in  
23 this state the commercial transport of metal coils, as defined  
24 in 49 C.F.R. §393.120, unless the commercial vehicle operator  
25 is certified in proper load securement as provided in 49  
26 C.F.R. §393.120. Certification shall be conducted according to  
27 standards published by the Department of Public Safety and

1 certified by the motor carrier and the driver on forms  
2 provided by the department.

3 "b. The operator of a commercial motor vehicle  
4 involved in the commercial transport of metal coils subject to  
5 this subdivision shall be certified in proper load securement  
6 as provided in 49 C.F.R. §393.120.

7 "(5) Except as it relates to subdivision (3), no law  
8 enforcement officer may make an arrest or issue a citation  
9 under this chapter unless he or she has satisfactorily  
10 completed, as a part of his or her training, the basic course  
11 of instruction developed by the Commercial Vehicle Safety  
12 Alliance. Those law enforcement officers authorized to enforce  
13 this chapter shall annually receive in service training  
14 related to commercial motor vehicle operations, including, but  
15 not limited to, training in current federal motor carrier  
16 safety regulations, safety inspection procedures, and  
17 out-of-service criteria. The annual training requirements  
18 shall be designated and specified by the director. An officer  
19 qualified under this section to make an arrest or issue a  
20 citation pursuant to subdivision (3) may arrest or issue a  
21 citation to the driver of a commercial motor vehicle without a  
22 warrant and without witnessing the violation personally if,  
23 upon personal investigation, the officer has reasonable cause  
24 to believe that a violation has occurred.

25 "(b) Notwithstanding subsection (a) or any other  
26 provision of law to the contrary:

1           "(1) Amendments to the hours of service regulations  
2 promulgated by the U.S. Department of Transportation at 68  
3 Federal Register 22456, April 28, 2003 and effective June 27,  
4 2003, shall not apply to utility service vehicles as defined  
5 at 49 C.F.R. §395.2, not including television cable or  
6 community antenna service vehicles, which are owned or  
7 operated by utilities regulated by the Public Service  
8 Commission or electric cooperatives and which are engaged  
9 solely in intrastate commerce in this state until June 27,  
10 2006, provided the amendments are valid and remain in effect  
11 as of that date. Hours of service regulations that are  
12 applicable in this state immediately prior to June 27, 2003,  
13 shall remain applicable to utility service vehicles engaged  
14 solely in intrastate commerce in this state until June 27,  
15 2006. If the U.S. Department of Transportation issues an  
16 official finding that this provision may result in the loss of  
17 federal Motor Carrier Safety Assistance Program funding, the  
18 department may promulgate regulations providing for earlier  
19 implementation of the amendments to the federal hours of  
20 service regulations. If federal law or regulations are amended  
21 at any time to exempt utility service vehicles from the hours  
22 of service requirements, any exemption shall be effective in  
23 this state immediately for the duration of the federal  
24 exemption.

25           "(2) The department may promulgate regulations  
26 suspending the effective date for up to three years after  
27 adoption of any motor carrier safety regulation by the U.S.

1 Department of Transportation as applied to vehicles engaged  
2 solely in intrastate commerce in this state, provided that the  
3 suspension does not result in the loss of federal Motor  
4 Carrier Safety Assistance Program funding.

5 "(3) The department may enter into agreements with  
6 state and local emergency management agencies and private  
7 parties establishing procedures for complying with 49 U.S.C.  
8 §31502(e) and federal regulations promulgated thereto at 49  
9 C.F.R. §390.23 which provide an exemption from the hours of  
10 service regulations during certain emergencies.

11 "(4) The department may promulgate regulations  
12 granting any waiver, variance, or exemption permitted under 49  
13 U.S.C. §31104(h) and federal regulations promulgated thereto  
14 at 49 C.F.R. §§350.339-350.345, provided that the waiver,  
15 variance, or exemption does not result in the loss of federal  
16 Motor Carrier Safety Assistance Program funding and does not  
17 take effect unless approved by the U.S. Department of  
18 Transportation if that approval is required.

19 "(5) A commercial motor vehicle operated in  
20 intrastate commerce which does not equal or exceed 26,001  
21 pounds, except a motor vehicle, regardless of weight, which is  
22 designed or used to transport 16 or more passengers, including  
23 the driver, or which is used in the transportation of  
24 hazardous materials and required to be placarded pursuant to  
25 49 C.F.R. Part 172, Subpart F, shall be exempt from the  
26 federal motor carrier regulations otherwise made applicable in  
27 this state pursuant to subsection (a). For purposes of this

1 subdivision, commercial motor vehicle means a commercial motor  
2 vehicle as defined in 49 C.F.R. §390.5.

3 "(6) For purposes of those provisions of 49 C.F.R.  
4 §395 providing for exemptions from the hours of service  
5 requirements of that section respecting the operation of motor  
6 vehicles for the transportation of agricultural commodities as  
7 contemplated in that section, the planting and harvesting  
8 season for this state is defined by the Legislature as the  
9 period from April 1 of each calendar year to March 31 of the  
10 next succeeding calendar year.

11 "(c) Nothing in this section as amended by Act  
12 2008-336 shall be interpreted to exempt any person from the  
13 obligations to operate a motor vehicle in a safe and proper  
14 manner or to observe the rules of the road, nor shall any  
15 provision of this section as amended by Act 2008-336 be  
16 interpreted to immunize any person from civil liability for  
17 actionable conduct.

18 "(d) The Department of Public Safety shall publish  
19 standards for training drivers of commercial motor vehicles in  
20 proper load securement for metal coils as provided in 49  
21 C.F.R. §393.120 and provide for certification of drivers of  
22 commercial motor vehicles carrying metal coils."