

1 HB504
2 218876-1
3 By Representatives Pettus, Robertson and Bedsole
4 RFD: Public Safety and Homeland Security
5 First Read: 17-MAR-22

SYNOPSIS: Under existing law, employees of the Alabama Department of Transportation and law enforcement officers of the Alabama State Law Enforcement Agency may require and assist in moving a disabled vehicle from the scene of an accident if the disabled vehicle creates a traffic hazard or obstructs traffic.

This bill would further provide for the authorization by providing that any state or local law enforcement officer who responds to the scene of a motor vehicle accident may require and assist in moving vehicle from the scene of a motor vehicle accident if the disabled vehicle creates a traffic hazard or obstructs traffic.

This bill would also extend the state's sovereign immunity to such law enforcement officers for any damages caused by moving a vehicle as authorized by law.

A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to motor vehicles and traffic; to amend
5 Section 32-10-1, Code of Alabama 1975, to further provide for
6 the removal of disabled vehicles from a roadway; to authorize
7 a law enforcement officer to provide for the removal of a
8 disabled vehicle; and to provide immunity to law enforcement
9 officers engaged in the removal of a disabled vehicle under
10 certain conditions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§32-10-1.

15 "(a) The driver of any motor vehicle involved in an
16 accident resulting in injury to or the death of any person, or
17 in damage to any vehicle driven or attended by any person,
18 shall immediately stop the vehicle at the accident scene or as
19 close thereto and shall return to or remain at or as close to
20 the scene of the accident until he or she has fulfilled the
21 requirements of Section 32-10-2. Every such stop shall be made
22 without obstructing traffic more than is necessary.

23 "(b) If the accident does not involve any apparent
24 injury or the death of a person and the driver is not
25 impaired, the driver may immediately move the vehicle from the
26 roadway to the shoulder, emergency lane, median, or other
27 location close to the accident site if the vehicle is drivable

1 and can be safely moved from the roadway and shall return to
2 or remain at or as close to the scene of the accident as
3 safely possible.

4 "(c) Employees of the Alabama Department of
5 Transportation or ~~the Alabama State Law Enforcement Agency~~ any
6 state or local law enforcement officer may move a vehicle,
7 require a vehicle to be moved by the driver or with the
8 assistance of a towing or recovery vehicle, or assist in the
9 moving of a vehicle from a roadway under the jurisdiction of
10 the Department of Transportation if the vehicle is disabled as
11 a result of an accident, the disabled vehicle creates a
12 traffic hazard or is obstructing traffic. A vehicle involved
13 in an accident with injury to or death of any person may not
14 be moved until directed by a law enforcement officer.

15 "(d) This section does not relieve a driver from
16 complying with any other duties imposed in this chapter.

17 "(e) Employees of the Department of Transportation
18 and ~~the Alabama State Law Enforcement Agency~~ any state and
19 local law enforcement officer exercising authority under this
20 section shall not be liable for damages caused by moving a
21 vehicle pursuant to this section.

22 "(f) Section 36-1-12 shall apply to employees of the
23 Department of Transportation and the ~~Alabama State Law~~
24 ~~Enforcement Agency~~ any state and local law enforcement officer
25 relating to any claim resulting from the exercise of authority
26 under this section.

1 "(g) The director shall revoke the driver license
2 of a person convicted under this section."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.