

1 SB86
2 210457-1
3 By Senators Stutts and Williams
4 RFD: Governmental Affairs
5 First Read: 13-JAN-22

8 SYNOPSIS: Under existing law, only authorized
9 emergency vehicles may use emergency lights when
10 responding to an emergency.

11 Also under existing law, the driver of an
12 authorized emergency vehicle may disregard certain
13 traffic laws when responding to an emergency.

14 This bill would authorize volunteer
15 firefighters to operate an authorized volunteer
16 firefighter vehicle to respond to an emergency and
17 would authorize the vehicle to be equipped with red
18 flashing lights.

19 This bill would also authorize the driver of
20 the authorized volunteer firefighter vehicle to
21 disregard certain traffic laws while responding to
22 an emergency.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

9 The purpose or effect of this bill would be
10 to require a new or increased expenditure of local
11 funds within the meaning of the amendment. However,
12 the bill does not require approval of a local
13 governmental entity or enactment by a 2/3 vote to
14 become effective because it comes within one of the
15 specified exceptions contained in the amendment.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to motor vehicles; to add Section 32-5A-7.1
22 to the Code of Alabama 1975, to authorize volunteer
23 firefighters to operate authorized volunteer firefighter
24 vehicles under certain conditions; to authorize the vehicles
25 to be equipped with emergency lights; to grant certain
26 operating privileges to the driver of an authorized volunteer
27 firefighter vehicle during an emergency; and in connection

1 therewith would have as its purpose or effect the requirement
2 of a new or increased expenditure of local funds within the
3 meaning of Amendment 621 of the Constitution of Alabama of
4 1901, now appearing as Section 111.05 of the Official
5 Recompilation of the Constitution of Alabama of 1901, as
6 amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 32-5A-7.1 is added to the Code of
9 Alabama 1975, to read as follows:

10 §32-5A-7.1.

11 (a) For the purposes of this section, the following
12 terms shall have the following meanings:

13 (1) AUTHORIZED VOLUNTEER FIREFIGHTER VEHICLE. Any
14 privately owned vehicle driven by a volunteer firefighter as
15 approved by the fire chief, or his or her designee, of the
16 respective certified volunteer fire department, as defined in
17 Section 9-3-17.

18 (2) COURTESY LIGHT. At least one lighted lamp
19 attached to an authorized volunteer firefighter vehicle that
20 exhibits a red color under normal atmospheric conditions from
21 a distance of 500 feet to the front of the vehicle to request
22 right-of-way in order to expedite a response to an emergency.

23 (3) EMERGENCY. A call for response dispatched by an
24 authorized local government agency.

25 (4) VOLUNTEER FIREFIGHTER. A volunteer member of a
26 certified volunteer fire department, as that term is defined
27 in Section 9-3-17, who is 19 or more years of age.

1 (b) An authorized volunteer firefighter vehicle is
2 not an authorized emergency vehicle, as that term is defined
3 in Section 32-1-1.1.

4 (c) The driver of an authorized volunteer
5 firefighter vehicle, when responding to an emergency and while
6 making use of courtesy lights, may exercise the following
7 privileges:

8 (1) Park or stand, irrespective of the provisions of
9 this chapter.

10 (2) Exceed the maximum speed limits by not more than
11 20 miles per hour so long as he or she does not endanger life
12 or property.

13 (3) Disregard traffic laws governing direction of
14 movement or turning in specified directions.

15 (d) The driver of an authorized volunteer
16 firefighter vehicle may not use any of the privileges set
17 forth in subsection (c) upon returning from the emergency.

18 (e) Nothing in this section shall relieve the driver
19 of an authorized volunteer firefighter vehicle from the duty
20 to drive with due regard for the safety of all persons, nor
21 shall anything in this section protect the driver of an
22 authorized volunteer firefighter vehicle from the consequences
23 of his or her reckless disregard for the safety of others.

24 (f) The driver of an authorized volunteer
25 firefighter vehicle shall do all of the following:

26 (1) Maintain in the authorized volunteer firefighter
27 vehicle a letter of approval from the fire chief of his or her

1 respective volunteer fire department, or his or her designee,
2 dated within the last six months identifying the driver as a
3 current volunteer firefighter.

4 (2) Equip the authorized volunteer firefighter
5 vehicle with no more than two courtesy lights on the front and
6 two courtesy lights on the rear.

7 (3) Ensure the authorized volunteer firefighter
8 vehicle is not equipped with a siren, bell, ululating
9 multi-toned horns, or other electronic siren type devices.

10 (g) The following automobile insurance minimum
11 requirements shall apply to any authorized volunteer
12 firefighter vehicle:

13 (1) Primary automobile liability insurance in the
14 amount of at least fifty thousand dollars (\$50,000) for death
15 and bodily injury per person, one hundred thousand dollars
16 (\$100,000) for death and bodily injury per incident, and fifty
17 thousand dollars (\$50,000) for property damage.

18 (2) All other state mandated coverage for motor
19 vehicles, including the requirements under the Motor Vehicle
20 Safety-Responsibility Act of Chapter 7.

21 (h) A letter of approval identifying a driver as a
22 current volunteer firefighter from a fire chief, or his or her
23 designee, may only be given to a volunteer firefighter upon
24 the occurrence of both of the following:

25 (1) The fire chief's review and approval of the
26 volunteer firefighter's driving record.

1 (2) The volunteer firefighter's completion of an
2 emergency vehicle operations course conducted through the
3 Alabama Fire College.

4 (i) If a driver of an authorized volunteer
5 firefighter vehicle operates the vehicle in a manner not
6 authorized by this section and is convicted of a violation of
7 this title, the driver shall be assessed a fine double the
8 amount prescribed by law. In addition to the fine, the
9 volunteer firefighter's privilege to use courtesy lights while
10 operating a personal vehicle under this section shall be
11 permanently revoked.

12 Section 2. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

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