

# HB241 INTRODUCED



1 HB241  
2 WR8C959-1  
3 By Representative Lovvorn  
4 RFD: Public Safety and Homeland Security  
5 First Read: 27-Feb-24



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SYNOPSIS:

Under existing law, drivers of motor vehicles are required to exercise due care to avoid colliding with a pedestrian and are required to yield the right-of-way to any pedestrian on a sidewalk.

This bill would require drivers to also exercise due care to avoid colliding with first responders and would require the driver to yield the right-of-way to first responders on a sidewalk.

This bill would specify that first responders are not deemed pedestrians when performing official duties in the course of employment or volunteer service.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to first responders; to add Section 32-5A-2.1 to the Code of Alabama 1975, to provide a definition of pedestrian; and to amend Sections 32-5A-213, 32-5A-218, and 32-1-1.1, Code of Alabama 1975, to provide for the duty of a driver to exercise due care to avoid a first responder; and to require the driver of a vehicle to yield the right-of-way to a



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29 first responder on a sidewalk.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Section 32-5A-2.1 is added to Chapter 5A to  
32 read as follows:

33 §32-5A-2.1

34 (a) For purposes of this chapter, "pedestrian" means  
35 any individual afoot, except as provided in subsection (b).

36 (b) For purposes of this chapter, "pedestrian" does not  
37 include a first responder performing a public safety function  
38 that the first responder is authorized to perform and that is  
39 in the line and scope of his or her employment or volunteer  
40 service, including, but not limited to, any of the following:

41 (1) Directing, controlling, or regulating the flow of  
42 traffic.

43 (2) Responding to a fire, a collision site, an  
44 emergency call, or a fire alarm.

45 (3) Rendering first aid or emergency medical care.

46 (4) Responding to an imminent threat of bodily injury  
47 to self or others.

48 (5) Pursuing or apprehending an actual or suspected  
49 violator of the law.

50 (6) Moving a vehicle standing upon a street or highway.

51 (7) Entering or remaining on a street or highway for  
52 any other law enforcement purpose.

53 Section 2. Sections 32-5A-213, 32-5A-218, and 32-1-1.1,  
54 Code of Alabama 1975, are amended to read as follows:

55 "§32-5A-213

56 Notwithstanding ~~other provisions of this chapter or the~~



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57 ~~provisions of any local ordinance~~ any provision of law to the  
58 contrary, every driver of a vehicle shall exercise due care to  
59 avoid colliding with any pedestrian or first responder and  
60 shall give warning by sounding the horn when necessary and  
61 shall exercise proper precaution upon observing any child or  
62 any obviously confused, incapacitated, or intoxicated person."

63 "§32-5A-218

64 The driver of a vehicle shall yield the right-of-way to  
65 any pedestrian or first responder on a sidewalk."

66 "§32-1-1.1

67 The following words and phrases when used in this title  
68 shall have the following meanings ~~respectively ascribed to~~  
69 ~~them in this section~~, except when the context otherwise  
70 requires:

71 (1) ALLEY. A street or highway intended to provide  
72 access to the rear or side of lots or buildings in urban  
73 districts and not intended for the purpose of through  
74 vehicular traffic.

75 (2) ARTERIAL STREET. Any federal or state numbered  
76 route, controlled-access highway, or other major radial or  
77 circumferential street or highway designated by local  
78 authorities within their respective jurisdictions as part of a  
79 major arterial system of streets or highways.

80 (3) AUTHORIZED EMERGENCY VEHICLE. Such fire department  
81 vehicles, police vehicles, and ambulances as are publicly  
82 owned, and such other publicly or privately owned vehicles as  
83 are designated by the Secretary of the Alabama State Law  
84 Enforcement Agency or the chief of police of an incorporated





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113 may be determined by the public authority having jurisdiction  
114 over the highway, street, or roadway.

115 (9) CROSSWALK. Either of the following:

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

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

124 (10) DEALER. Every person engaged in the business of  
125 buying, selling, or exchanging vehicles who has an established  
126 place of business for that purpose in this state and to whom  
127 current dealer registration plates have been issued by the  
128 Department of Revenue.

129 (11) DEPARTMENT. The Alabama State Law Enforcement  
130 Agency acting directly or through its duly authorized officers  
131 and agents.

132 (12) DIRECTOR. The Secretary of the Alabama State Law  
133 Enforcement Agency.

134 (13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in  
135 which any motor vehicle, trailer, or semitrailer, singly or in  
136 combination, new or used, constitutes the commodity being  
137 transported, when one set or more of wheels of any such  
138 vehicle are on the roadway during the course of  
139 transportation, whether or not any such vehicle furnishes the  
140 motive power.















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281           ~~(39)~~ (40) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,  
282 signals, markings, and devices not inconsistent with this  
283 title placed or erected by authority of a public body or  
284 official having jurisdiction, for the purpose of regulating,  
285 warning, or guiding traffic.

286           ~~(40)~~ (41) OWNER. A person, other than a lienholder,  
287 having the property in or title to a vehicle. The term  
288 includes a person entitled to the use and possession of a  
289 vehicle subject to a security interest in another person, but  
290 excludes a lessee under a lease not intended as security.

291           ~~(41)~~ (42) PARK or PARKING. The standing of a vehicle,  
292 whether occupied or not. The term does not include a vehicle  
293 that is stopped temporarily for the purpose of and actually  
294 engaged in loading or unloading merchandise or passengers.

295           ~~(42)~~ (43) PASSENGER CAR. Every motor vehicle, except  
296 motorcycles and motor-driven cycles, designed for carrying 10  
297 passengers or less and used for the transportation of  
298 individuals.

299           ~~(43)~~ (44) PEDESTRIAN. Any individual afoot.

300           ~~(44)~~ (45) PERSON. Every individual, firm, copartnership,  
301 association, or corporation.

302           ~~(45)~~ (46) PNEUMATIC TIRE. Every tire in which compressed  
303 air is designed to support the load.

304           ~~(46)~~ (47) POLE TRAILER. Every vehicle without motive  
305 power designed to be drawn by another vehicle and attached to  
306 the towing vehicle by means of a reach or pole, or by being  
307 boomed or otherwise secured to the towing vehicle, and  
308 ordinarily used for transporting long or irregularly shaped



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309 loads such as poles, pipes, or structural members capable,  
310 generally, of sustaining themselves as beams between the  
311 supporting connections.

312 ~~(47)~~ (48) POLICE OFFICER. Every officer authorized to  
313 direct or regulate traffic or to make arrests for violations  
314 of traffic regulations.

315 ~~(48)~~ (49) PRIVATE ROAD or DRIVEWAY. Every way or place  
316 in private ownership and used for vehicular travel by the  
317 owner and those having express or implied permission from the  
318 owner, but not by other persons.

319 ~~(49)~~ (50) RAILROAD. A carrier of individuals or property  
320 upon cars other than street cars, operated upon stationary  
321 rails.

322 ~~(50)~~ (51) RAILROAD SIGN or SIGNAL. Any sign, signal, or  
323 device erected by authority of a public body or official or by  
324 a railroad and intended to give notice of the presence of  
325 railroad tracks or the approach of a railroad train.

326 ~~(51)~~ (52) RAILROAD TRAIN. A steam engine, electric or  
327 other motor, with or without cars coupled thereto, operated  
328 upon rails.

329 ~~(52)~~ (53) RECONSTRUCTED VEHICLE. Every vehicle of a type  
330 required to be registered under this title materially altered  
331 from its original construction by the removal, addition, or  
332 substitution of essential parts, new or used.

333 ~~(53)~~ (54) REGISTRATION. The registration certificate or  
334 certificates and registration plates issued under the laws of  
335 this state pertaining to the registration of vehicles.

336 ~~(54)~~ (55) RESIDENCE DISTRICT. The territory contiguous





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365 apart within a roadway for the exclusive use of pedestrians  
366 and which is protected or is so marked or indicated by  
367 adequate signs as to be plainly visible at all times while set  
368 apart as a safety zone.

369 ~~(60)~~ (61) SCHOOL BUS. Every motor vehicle that complies  
370 with the color and identification requirements set forth by  
371 law or rule and is used to transport children to or from  
372 school or in connection with school activities, but not  
373 including buses operated by common carriers in urban  
374 transportation of school children.

375 ~~(61)~~ (62) SCOOTER. A device weighing less than 100  
376 pounds that satisfies all of the following:

- 377 a. Has handlebars and an electric motor.  
378 b. Is solely powered by the electric motor or human  
379 power.  
380 c. Has a maximum speed of no more than 20 m.p.h. on a  
381 paved level surface when powered solely by the electric motor.

382 This term does not include an e-bike, EPAMD, Segway,  
383 motorcycle, or moped.

384 ~~(62)~~ (63) SECURITY AGREEMENT. A written agreement that  
385 reserves or creates a security interest.

386 ~~(63)~~ (64) SECURITY INTEREST. An interest in a vehicle  
387 reserved or created by agreement and which secures payment or  
388 performance of an obligation. The term includes the interest  
389 of a lessor under a lease intended as security. A security  
390 interest is perfected when it is valid against third parties  
391 generally, subject only to specific statutory exceptions.

392 ~~(64)~~ (65) SEMITRAILER. Every vehicle with or without



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393 motive power, other than a pole trailer, designed for carrying  
394 individuals or property and for being drawn by a motor vehicle  
395 and so constructed that some part of its weight and that of  
396 its load rests upon or is carried by another vehicle.

397 ~~(65)~~ (66) SHARED MICROMOBILITY DEVICE. A type of  
398 transportation device that includes a bicycle, electric  
399 bicycle, tricycle, scooter, hoverboard, skateboard, pedal car,  
400 or similar device, except a device used as an electrical  
401 personal assistive mobility device by an individual with  
402 disabilities, used in a shared micromobility device system.

403 ~~(66)~~ (67) SHARED MICROMOBILITY DEVICE SYSTEM. A system  
404 that provides shared micromobility devices to users for  
405 short-term rentals, whether or not the system requires docking  
406 stations or other similar fixed infrastructure to receive or  
407 return the shared micromobility device.

408 ~~(67)~~ (68) SIDEWALK. That portion of a street between the  
409 curb lines, or the lateral lines of a roadway, and the  
410 adjacent property lines, intended for use by pedestrians.

411 ~~(68)~~ (69) SOLID TIRE. Every tire of rubber or other  
412 resilient material which does not depend upon compressed air  
413 for the support of the load.

414 ~~(69)~~ (70) SPECIAL MOBILE EQUIPMENT. Every vehicle not  
415 designed or used primarily for the transportation of  
416 individuals or property and only incidentally operated or  
417 moved over a highway, including, but not limited to: Ditch  
418 digging apparatus, well boring apparatus, and road  
419 construction and maintenance machinery such as asphalt  
420 spreaders, bituminous mixers, bucket loaders, tractors other







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449 lines of every way publicly maintained when any part thereof  
450 is open to the use of the public for purposes of vehicular  
451 travel.

452 ~~(76)~~ (77) SUSPENSION OF ~~DRIVER'S~~ DRIVER LICENSE. The  
453 temporary withdrawal by formal action of the Secretary of the  
454 Alabama State Law Enforcement Agency of an individual's driver  
455 license or privilege to operate a motor vehicle on the public  
456 highways, which temporary withdrawal shall be for a period  
457 specifically designated by the secretary.

458 ~~(77)~~ (78) THROUGH HIGHWAY. Every highway or portion  
459 thereof on which vehicular traffic is given preferential  
460 right-of-way, and at the entrances to which vehicular traffic  
461 from intersecting highways is required by law to yield the  
462 right-of-way to vehicles on such through highway in obedience  
463 to a stop sign, yield sign, or other official traffic-control  
464 device, when such signs or devices are erected as provided in  
465 this title.

466 ~~(78)~~ (79) TRACKLESS TROLLEY COACH. Every motor vehicle  
467 which is propelled by electric power obtained from overhead  
468 trolley wires but not operated upon rails.

469 ~~(79)~~ (80) TRAFFIC. Pedestrians, ridden or herded  
470 animals, vehicles, streetcars, and other conveyances, either  
471 singly or together, while using any highway for purposes of  
472 travel.

473 ~~(80)~~ (81) TRAFFIC-CONTROL SIGNAL. Any device, whether  
474 manually, electrically, or mechanically operated, by which  
475 traffic is alternately directed to stop and permitted to  
476 proceed.





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505 upon a highway, excepting devices moved by human power or used  
506 exclusively upon stationary rails or tracks or electric  
507 personal assistive mobility devices; provided, that for the  
508 purposes of this title, a bicycle, an electric bicycle, or a  
509 ridden animal shall be deemed a vehicle, except those  
510 provisions of this title, which by their very nature can have  
511 no application."

512 Section 3. This act shall become effective on October  
513 1, 2024.