SB283 ENROLLED



- 1 SB283
- 2 7S6SEE2-2
- 3 By Senator Hovey
- 4 RFD: Transportation and Energy
- 5 First Read: 04-Apr-24



1 Enrolled, An Act,

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- 4 Relating to first responders; to add Section 32-5A-2.1
- 5 to the Code of Alabama 1975, to provide a definition of
- 6 pedestrian; and to amend Sections 32-5A-213, 32-5A-218, and
- 7 32-1-1.1, Code of Alabama 1975, to provide for the duty of a
- 8 driver to exercise due care to avoid a first responder; and to
- 9 require the driver of a vehicle to yield the right-of-way to a
- 10 first responder on a sidewalk.
- 11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. Section 32-5A-2.1 is added to Chapter 5A to
- 13 read as follows:
- 14 §32-5A-2.1
- 15 (a) For purposes of this chapter, "pedestrian" means
- 16 any individual afoot, except as provided in subsection (b).
- 17 (b) For purposes of this chapter, "pedestrian" does not
- include a first responder performing a public safety function
- 19 that the first responder is authorized to perform and that is
- 20 in the line and scope of his or her employment or volunteer
- 21 service, including, but not limited to, any of the following:
- 22 (1) Directing, controlling, or regulating the flow of
- 23 traffic.
- 24 (2) Responding to a fire, a collision site, an
- 25 emergency call, or a fire alarm.
- 26 (3) Rendering first aid or emergency medical care.
- 27 (4) Responding to an imminent threat of bodily injury
- 28 to self or others.



- 29 (5) Pursuing or apprehending an actual or suspected violator of the law.
- 31 (6) Moving a vehicle standing upon a street or highway.
- 32 (7) Entering or remaining on a street or highway for 33 any other law enforcement purpose.
- 34 Section 2. Sections 32-5A-213, 32-5A-218, and 32-1-1.1, 35 Code of Alabama 1975, are amended to read as follows:
- 36 "\$32-5A-213

Notwithstanding other provisions of this chapter or the

provisions of any local ordinance any provision of law to the

contrary, every driver of a vehicle shall exercise due care to

avoid colliding with any pedestrian or first responder and

shall give warning by sounding the horn when necessary and

shall exercise proper precaution upon observing any child or

any obviously confused, incapacitated, or intoxicated person."

44 "\$32-5A-218

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

47 "\$32-1-1.1

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

- (1) ALLEY. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
- 56 (2) ARTERIAL STREET. Any federal 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 individual 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 individuals and every motor vehicle other than a taxicab, designed and used for the transportation of individuals for compensation.
- including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, 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.
- 82 (7) CANCELLATION OF DRIVER'S DRIVER LICENSE. The
 83 annulment or termination by formal action of the Secretary of
 84 the Alabama State Law Enforcement Agency of an individual's



- 85 driver's driver license because of some error or defect in the
- license or because the licensee is no longer entitled to the
- 87 license, but the cancellation of a license is without
- 98 prejudice and application for a new license may be made at any
- 89 time after such cancellation.
- 90 (8) CONTROLLED-ACCESS HIGHWAY. Every highway, street,
- or roadway in respect to which owners or occupants of abutting
- 92 lands and other persons have no legal right of access to or
- 93 from the same except at such points only and in such manner as
- may be determined by the public authority having jurisdiction
- over the highway, street, or roadway.
- 96 (9) CROSSWALK. Either of the following:
- 97 a. That part of a roadway at an intersection included
- 98 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
- 101 roadway.
- b. Any portion of a roadway at an intersection or
- 103 elsewhere distinctly indicated for pedestrian crossing by
- 104 lines or other markings on the surface.
- 105 (10) DEALER. Every person engaged in the business of
- buying, selling, or exchanging vehicles who has an established
- 107 place of business for that purpose in this state and to whom
- 108 current dealer registration plates have been issued by the
- 109 Department of Revenue.
- 110 (11) DEPARTMENT. The Alabama State Law Enforcement
- 111 Agency acting directly or through its duly authorized officers
- and agents.



- 113 (12) DIRECTOR. The Secretary of the Alabama State Law
 114 Enforcement Agency.
- 115 (13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
 116 which any motor vehicle, trailer, or semitrailer, singly or in
 117 combination, new or used, constitutes the commodity being
 118 transported, when one set or more of wheels of any such
 119 vehicle are on the roadway during the course of
 120 transportation, whether or not any such vehicle furnishes the
- 122 (14) DRIVER. Every individual who drives or is in 123 actual physical control of a vehicle.

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motive power.

- 124 (15) DRIVER'S DRIVER LICENSE. Any license to operate a
 125 motor vehicle issued under the laws of this state.
- 126 (16) ELECTRIC BICYCLE. A bicycle equipped with fully
 127 operable pedals, a saddle or seat for the rider, and an
 128 electric motor of less than 750 watts that meets the
 129 requirements of one of the following three classes:
 - a. Class 1 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
 - b. Class 2 electric bicycle means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- 138 c. Class 3 electric bicycle means an electric bicycle
 139 equipped with a motor that provides assistance only when the
 140 rider is pedaling and that ceases to provide assistance when



141 the bicycle reaches the speed of 28 miles per hour.

- self-balancing, two non-tandem wheeled device designed to transport only one individual with an electric propulsion system with an average power of 750 watts (1 h.p.), that has a maximum speed on a paved level surface, when powered solely by the propulsion system while ridden by an operator who weighs not more than 170 pounds, of less than 20 m.p.h. The term shall not include a motorized bicycle, motorized scooter, or motorized skateboard.
- (18) ESSENTIAL PARTS. All integral and body parts of a vehicle of a type required to be registered under this title, 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.
- (19) 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.
- (20) 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.
- 170 (21) FARM TRACTOR. Every motor vehicle designed and
 171 used primarily as a farm implement, for drawing plows, mowing
- machines, and other implements of husbandry.
- 173 (22) FIRST RESPONDER. Any law enforcement officer,
- 174 firefighter, paramedic, or emergency medical technician.
- 175 (22)(23) FLAMMABLE LIQUID. Any liquid which has a flash
- 176 point of 70 F. or less, as determined by a fagliabue or
- 177 equivalent closed-cup test device.
- 178 (23)(24) FOREIGN VEHICLE. Every vehicle of a type
- 179 required to be registered hereunder brought into this state
- 180 from another state, territory, or country other than in the
- 181 ordinary course of business by or through a manufacturer or
- dealer and not registered in this state.
- 183 $\frac{(24)}{(25)}$ GROSS WEIGHT. The weight of a vehicle without
- 184 load plus the weight of any load thereon.
- $\frac{(25)}{(26)}$ (26) 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
- 188 travel.
- 189 $\frac{(26)}{(27)}$ HOUSE TRAILER. Either of the following:
- a. A trailer or semitrailer that is designed,
- 191 constructed, and equipped as a dwelling place, living abode,
- 192 or sleeping place, either permanently or temporarily, and is
- 193 equipped for use as a conveyance on streets and highways.
- 194 b. A trailer or semitrailer that has a chassis and
- 195 exterior shell that is designed and constructed for use as a
- 196 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
- 202 (27) (28) IMPLEMENT OF HUSBANDRY. Every vehicle designed
 203 and adapted exclusively for agricultural, horticultural, or
 204 livestock raising operations or for lifting or carrying an
 205 implement of husbandry and in either case not subject to
 206 registration if used upon the highways.
- 207 $\frac{(28)}{(29)}$ INTERSECTION. Any of the following:

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a private carrier.

- 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 that

 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 the 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.
- 221 c. The junction of an alley with a street or highway 222 shall not constitute an intersection.
- 223 (29) (30) LANED ROADWAY. A roadway that is divided into two or more clearly marked lanes for vehicular traffic.



- 225 (30) (31) LICENSE OR LICENSE TO OPERATE A MOTOR VEHICLE.

 226 Any driver's driver license or any other license or permit to

 227 operate a motor vehicle issued by the director under the laws

 228 of this state, including any nonresident's operating privilege

 229 as defined herein.
- 230 (31) (32) LOCAL AUTHORITIES. Either of the following:
- a. Every county commission.
- 232 b. Every municipal and other local board or body having 233 authority to enact laws relating to traffic under the 234 constitution and laws of this state.
- 235 (32) (33) MAIL. To deposit in the United States mail properly addressed and with postage prepaid.
- (33) (34) METAL TIRE. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- 240 (34) (35) MOTOR VEHICLE. Every vehicle that is
 241 self-propelled and every vehicle that is propelled by electric
 242 power obtained from overhead trolley wires, but not operated
 243 upon rails, except for electric personal assistive mobility
 244 devices and electric bicycles.
- 245 (35) (36) MOTORCYCLE. Every motor vehicle having a seat
 246 or saddle for the use of the rider and designed to travel on
 247 not more than three wheels in contact with the ground, but
 248 excluding a tractor and an electric bicycle.
- 249 (36) (37) MOTOR-DRIVEN CYCLE. Every motorcycle,
 250 including every motor scooter, with a motor that produces not
 251 more than five brake horsepower nor exceeds 150 cubic
 252 centimeter engine displacement, and weighs less than 200



- pounds fully equipped, and every bicycle with a motor attached. The term does not include electric bicycles.
- 255 $\frac{(37)}{(38)}$ NONRESIDENT. Every individual who is not a 256 resident of this state.
- 257 (38) (39) NONRESIDENT'S OPERATING PRIVILEGE. The
 258 privilege conferred upon a nonresident by the laws of this
 259 state pertaining to the operation by the nonresident of a
 260 motor vehicle, or the use of a vehicle owned by the
 261 nonresident, in this state.
- 262 (39) (40) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,
 263 signals, markings, and devices not inconsistent with this
 264 title placed or erected by authority of a public body or
 265 official having jurisdiction, for the purpose of regulating,
 266 warning, or guiding traffic.

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- (40) (41) 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.
- (41) (42) PARK or PARKING. The standing of a vehicle, whether occupied or not. The term does not include a vehicle that is stopped temporarily for the purpose of and actually engaged in loading or unloading merchandise or passengers.
- 276 (42) (43) PASSENGER CAR. Every motor vehicle, except
 277 motorcycles and motor-driven cycles, designed for carrying 10
 278 passengers or less and used for the transportation of
 279 individuals.
- 280 (43)(44) PEDESTRIAN. Any individual afoot.



- 281 (44) (45) PERSON. Every individual, firm, copartnership, 282 association, or corporation.
- 283 (45) (46) PNEUMATIC TIRE. Every tire in which compressed air is designed to support the load.
- 285 (46) (47) POLE TRAILER. Every vehicle without motive 286 power designed to be drawn by another vehicle and attached to 287 the towing vehicle by means of a reach or pole, or by being 288 boomed or otherwise secured to the towing vehicle, and 289 ordinarily used for transporting long or irregularly shaped 290 loads such as poles, pipes, or structural members capable, 291 generally, of sustaining themselves as beams between the 292 supporting connections.
- 293 (47) (48) POLICE OFFICER. Every officer authorized to
 294 direct or regulate traffic or to make arrests for violations
 295 of traffic regulations.
- 296 (48) (49) PRIVATE ROAD or DRIVEWAY. Every way or place
 297 in private ownership and used for vehicular travel by the
 298 owner and those having express or implied permission from the
 299 owner, but not by other persons.
- 300 (49)(50) RAILROAD. A carrier of individuals or property
 301 upon cars other than street cars, operated upon stationary
 302 rails.
- 303 (50) (51) RAILROAD SIGN or SIGNAL. Any sign, signal, or
 304 device erected by authority of a public body or official or by
 305 a railroad and intended to give notice of the presence of
 306 railroad tracks or the approach of a railroad train.
- 307 (51) (52) RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated



309 upon rails.

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- 310 (52) (53) RECONSTRUCTED VEHICLE. Every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or
- 314 (53) (54) REGISTRATION. The registration certificate or 315 certificates and registration plates issued under the laws of 316 this state pertaining to the registration of vehicles.

substitution of essential parts, new or used.

- 317 (54) (55) RESIDENCE DISTRICT. The territory contiguous
 318 to and including a highway not comprising a business district
 319 when the property on the highway for a distance of 300 feet or
 320 more is, in the main, improved with residences or residences
 321 and buildings in use for business.
 - (55) (56) REVOCATION OF DRIVER'S DRIVER LICENSE. The termination by formal action of the director of an individual'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.
- 330 (56) (57) RIGHT-OF-WAY. The right of one vehicle or
 331 pedestrian to proceed in a lawful manner in preference to
 332 another vehicle or pedestrian approaching under such
 333 circumstances of direction, speed, and proximity as to give
 334 rise to danger of collision unless one grants precedence to
 335 the other.
- 336 $\frac{(57)}{(58)}$ 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.

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(58) (59) 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 refers to each roadway separately but not to all roadways collectively.

(59) (60) 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.

(60) (61) SCHOOL BUS. Every motor vehicle that complies with the color and identification requirements set forth by law or rule 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.

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

- a. Has handlebars and an electric motor.
- 359 b. Is solely powered by the electric motor or human 360 power.
- 361 c. Has a maximum speed of no more than 20 m.p.h. on a
 362 paved level surface when powered solely by the electric motor.

363 This term does not include an e-bike, EPAMD, Segway, 364 motorcycle, or moped.





365 (62) (63) SECURITY AGREEMENT. A written agreement that reserves or creates a security interest.

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

(64) (65) SEMITRAILER. Every vehicle with or without motive power, other than a pole trailer, designed for carrying individuals or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

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

(66) (67) 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.

(67) (68) 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.

(68) (69) SOLID TIRE. Every tire of rubber or other



resilient material which does not depend upon compressed air for the support of the load.

designed or used primarily for the transportation of individuals 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 individuals or property to which machinery has been attached.

(70) (71) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle of a type required to be registered under this title 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.

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

(72) (73) STATE. A state, territory, or possession of the United States, the District of Columbia, the Commonwealth



- 421 of Puerto Rico, or a province of Canada.
- (73) (74) STOP. When required, means complete cessation
- 423 from movement.
- 424 $\frac{(74)}{(75)}$ STOP or STOPPING. When prohibited, means any
- 425 halting, even momentarily, of a vehicle, whether occupied or
- 426 not, except when necessary to avoid conflict with other
- 427 traffic or in compliance with the directions of a police
- 428 officer or traffic-control sign or signal.
- 429 $\frac{(75)}{(76)}$ STREET. The entire width between boundary
- 430 lines of every way publicly maintained when any part thereof
- 431 is open to the use of the public for purposes of vehicular
- 432 travel.
- (76) (77) SUSPENSION OF DRIVER'S DRIVER LICENSE. The
- 434 temporary withdrawal by formal action of the Secretary of the
- 435 Alabama State Law Enforcement Agency of an individual's driver
- 436 license or privilege to operate a motor vehicle on the public
- 437 highways, which temporary withdrawal shall be for a period
- 438 specifically designated by the secretary.
- 439 $\frac{(77)}{(78)}$ THROUGH HIGHWAY. Every highway or portion
- 440 thereof on which vehicular traffic is given preferential
- 441 right-of-way, and at the entrances to which vehicular traffic
- from intersecting highways is required by law to yield the
- 443 right-of-way to vehicles on such through highway in obedience
- 444 to a stop sign, yield sign, or other official traffic-control
- 445 device, when such signs or devices are erected as provided in
- 446 this title.
- 447 (79) TRACKLESS TROLLEY COACH. Every motor vehicle
- 448 which is propelled by electric power obtained from overhead



- 449 trolley wires but not operated upon rails.
- 450 (80) TRAFFIC. Pedestrians, ridden or herded
- 451 animals, vehicles, streetcars, and other conveyances, either
- 452 singly or together, while using any highway for purposes of
- 453 travel.
- 454 (80) (81) TRAFFIC-CONTROL SIGNAL. Any device, whether
- 455 manually, electrically, or mechanically operated, by which
- 456 traffic is alternately directed to stop and permitted to
- 457 proceed.
- 458 (82) TRAILER. Every vehicle with or without motive
- 459 power, other than a pole trailer, designed for carrying
- 460 individuals or property and for being drawn by a motor vehicle
- 461 and so constructed that no part of its weight rests upon the
- 462 towing vehicle.
- $\frac{(82)}{(83)}$ TRANSPORTER. Every person engaged in the
- 464 business of delivering vehicles of a type required to be
- registered under this title from a manufacturing, assembling,
- 466 or distributing plant to dealers or sales agents of a
- 467 manufacturer.
- 468 (83)(84) TRUCK. Every motor vehicle designed, used, or
- 469 maintained primarily for the transportation of property.
- 470 (84) (85) TRUCK PLATOON. A group of individual
- 471 commercial trucks traveling in a unified manner at
- 472 electronically coordinated speeds at following distances that
- 473 are closer than would be reasonable and prudent without the
- 474 electronic coordination.
- 475 (86) TRUCK TRACTOR. Every motor vehicle designed
- 476 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.

(86) (87) 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.

(87) (88) VEHICLE. Every device in, upon, or by which any individual 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, an electric 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 3. This act shall become effective on October 494 1, 2024.



President and Presiding Officer of the Senate Speaker of the House of Representatives SB283 Senate 18-Apr-24 I hereby certify that the within Act originated in and passed the Senate. Patrick Harris, Secretary. House of Representatives Passed: 02-May-24 By: Senator Hovey