

HB315 ENGROSSED



1 HB315

2 3RHPEZV-2

3 By Representatives Marques, Brown, Smith, Sorrells, Stadthagen

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5 RFD: Public Safety and Homeland Security

6 First Read: 07-Mar-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Move Over Act; to amend Section 32-5A-58.2, Code of Alabama 1975, to increase the penalties for a violation; to provide increased criminal penalties under certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-58.2, Code of Alabama 1975, is amended to read as follows:

"§32-5A-58.2

(a) This section shall be known as the "~~Alabama~~John Hubbard Move Over Act."

(b) ~~(1)~~ When an authorized law enforcement vehicle or emergency vehicle making use of any visual signals is parked, when a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside or otherwise performing tasks associated with the provision of wrecker services, when a utility service vehicle operated by or on



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29 behalf of an entity providing utility services displaying any
30 rotating lights, flashing lights, or other visual signals is
31 parked on the roadside while performing tasks associated with
32 the provision of utility services, when a vehicle displaying
33 flashing lights is parked or engaged in the performance of
34 official duties on or along a road, or when a garbage, trash,
35 refuse, or recycling collection vehicle is actively collecting
36 garbage, trash, refuse, or recycling materials on the
37 roadside, the driver of every other vehicle, as soon as it is
38 safe, shall do the following:

39 ~~a.~~ (1) When driving on an interstate highway or other
40 highway with two or more lanes traveling in the direction of
41 the law enforcement vehicle, emergency vehicle, wrecker,
42 utility service vehicle, vehicle displaying flashing lights,
43 or garbage, trash, refuse, or recycling collection vehicle,
44 the driver shall vacate the lane closest to the law
45 enforcement vehicle, emergency vehicle, wrecker, utility
46 service vehicle, vehicle displaying flashing lights, or
47 garbage, trash, refuse, or recycling collection vehicle,
48 unless otherwise directed by a law enforcement officer. If it
49 is not safe to move over, the driver shall slow to a speed
50 that is at least 15 miles per hour less than the posted speed
51 limit unless otherwise directed by a law enforcement officer.

52 ~~b.~~ (2) When driving on a two-lane road, the driver shall
53 move as far away from the law enforcement vehicle, emergency
54 vehicle, wrecker, utility service vehicle, vehicle displaying
55 flashing lights, or garbage, trash, refuse, or recycling
56 collection vehicle as possible within his or her lane and slow



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57 to a speed that is 15 miles per hour less than the posted
58 speed limit when the posted speed limit is 25 miles per hour
59 or greater or travel at 10 miles per hour when the posted
60 speed limit is 20 miles per hour or less, unless otherwise
61 directed by a law enforcement officer.

62 ~~(2)~~ (c) (1) A violation of this ~~subsection~~section is a
63 misdemeanor punishable by a fine of ~~one~~two hundred dollars
64 ~~(\$100)~~(\$200). Upon a second violation of this subsection, the
65 fine shall be ~~one~~two hundred fifty dollars ~~(\$150)~~(\$250). Upon
66 a third or subsequent violation, the fine shall be ~~two~~three
67 hundred dollars ~~(\$200)~~(\$300) and, in addition, the court shall
68 submit a copy of the violation to the Secretary of the Alabama
69 State Law Enforcement Agency and order the secretary to
70 suspend the driving privileges of the individual for a period
71 of not less than 90 days.

72 (2) If a person violates this section while also in
73 violation any of the following sections, the person shall
74 receive, at a minimum, a fine or sentence double the minimum
75 penalty otherwise provided by law:

76 a. Section 32-5A-191, relating to driving under the
77 influence.

78 b. Section 32-5A-190, relating to reckless driving.

79 c. Section 32-5A-176.1, relating to construction zone
80 moving violations.

81 d. Section 32-5A-350.1, relating to wireless
82 telecommunications device violations.

83 e. Section 32-5A-178, relating to racing on public
84 highways.



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85 (d) If a violation of this section is the proximate
86 cause of a collision with an authorized emergency vehicle,
87 wrecker, or other vehicle performing duties as described under
88 subsection (b), the person shall be punished as follows:

89 (1) If the collision results in physical injury to any
90 individual, the person shall be guilty of a Class A
91 misdemeanor.

92 (2) If the collision results in serious physical injury
93 to any individual, the person shall be guilty of a Class C
94 felony.

95 (3) If the collision results in the death of any
96 individual, the person shall be guilty of a Class B felony.

97 (e) The provisions of Article 4A of Chapter 18 of Title
98 15, relating to restitution for victims of crimes, shall apply
99 to any collision described under subsection (d).

100 ~~(e) (1)~~ (f) The Alabama State Law Enforcement Agency
101 shall provide an educational awareness campaign informing the
102 motoring public about this section, including information to
103 assist the operators of motor vehicles to determine the best
104 option of whether to move over or slow down as required under
105 subsection (a). The agency shall provide information about
106 this section in all newly printed ~~driver's~~ driver license
107 educational materials after January 1, ~~2010~~ 2025.

108 ~~(2)~~ (g) This section shall not relieve the driver of an
109 authorized emergency vehicle from the duty to drive with due
110 regard for the safety of all persons using the highway."

111 Section 2. Although this bill would have as its purpose
112 or effect the requirement of a new or increased expenditure of



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113 local funds, the bill is excluded from further requirements
114 and application under Section 111.05 of the Constitution of
115 Alabama of 2022, because the bill defines a new crime or
116 amends the definition of an existing crime.

117 Section 3. This act shall become effective on October
118 1, 2024.



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House of Representatives

122 Read for the first time and referred07-Mar-24
123 to the House of Representatives
124 committee on Public Safety and
125 Homeland Security

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127 Read for the second time and placed21-Mar-24
128 on the calendar:
129 1 amendment

130
131 Read for the third time and passed04-Apr-24
132 as amended

133 Yeas 97, Nays 1, Abstains 5

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135 John Treadwell
136 Clerk
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