HB315 ENROLLED



- 1 HB315
- 2 3RHPEZV-3
- 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



- 1 Enrolled, An Act,
- 2 Relating to the Alabama Move Over Act; to amend
- 3 Section 32-5A-58.2, Code of Alabama 1975, to increase the
- 4 penalties for a violation; to provide increased criminal
- 5 penalties under certain circumstances; and in connection
- 6 therewith would have as its purpose or effect the requirement
- 7 of a new or increased expenditure of local funds within the
- 8 meaning of Section 111.05 of the Constitution of Alabama of
- 9 2022.
- 10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. Section 32-5A-58.2, Code of Alabama 1975, is
- 12 amended to read as follows:
- 13 "\$32-5A-58.2
- 14 (a) This section shall be known as the "Alabama John
- 15 Hubbard Move Over Act."
- 16 (b) (1) When an authorized law enforcement vehicle or
- 17 emergency vehicle making use of any visual signals is parked,
- when a wrecker displaying amber rotating or flashing lights is
- 19 performing a recovery or loading on the roadside or otherwise
- 20 performing tasks associated with the provision of wrecker
- 21 services, when a utility service vehicle operated by or on
- 22 behalf of an entity providing utility services displaying any
- 23 rotating lights, flashing lights, or other visual signals is
- 24 parked on the roadside while performing tasks associated with
- 25 the provision of utility services, when a vehicle displaying
- 26 flashing lights is parked or engaged in the performance of
- 27 official duties, including maintenance or activities related
- 28 to construction or surveying, on or along a road, or when a



29 garbage, trash, refuse, or recycling collection vehicle is 30 actively collecting garbage, trash, refuse, or recycling 31 materials on the roadside, the driver of every other vehicle, 32 as soon as it is safe, shall do the following: 33 a. (1) When driving on an interstate highway or other 34 highway with two or more lanes traveling in the direction of 35 the law enforcement vehicle, emergency vehicle, wrecker, 36 utility service vehicle, maintenance, construction, or survey 37 vehicle displaying flashing lights, or garbage, trash, refuse, or recycling collection vehicle, the driver shall vacate the 38 39 lane closest to the law enforcement vehicle, emergency vehicle, wrecker, utility service vehicle, maintenance, 40 construction, or survey vehicle displaying flashing lights, or 41 42 garbage, trash, refuse, or recycling collection vehicle, 43 unless otherwise directed by a law enforcement officer. If it is not safe to move over, the driver shall slow to a speed 44 45 that is at least 15 miles per hour less than the posted speed 46 limit unless otherwise directed by a law enforcement officer. 47 b. (2) When driving on a two-lane road, the driver shall 48 move as far away from the law enforcement vehicle, emergency 49 vehicle, wrecker, utility service vehicle, maintenance, 50 construction, or survey vehicle displaying flashing lights, or 51 garbage, trash, refuse, or recycling collection vehicle as 52 possible within his or her lane and slow to a speed that is 15 53 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater or travel 54 at 10 miles per hour when the posted speed limit is 20 miles 55 56 per hour or less, unless otherwise directed by a law



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- 58 $\frac{(2)}{(2)}$ (c)(1) A violation of this subsection is a 59 misdemeanor punishable by a fine of one two hundred dollars 60 (\$100) (\\$200). Upon a second violation of this subsection, the 61 fine shall be one two hundred fifty dollars (\$150) (\\$250). Upon 62 a third or subsequent violation, the fine shall be twothree 63 hundred dollars (\$200) (\$300) and, in addition, the court shall 64 submit a copy of the violation to the Secretary of the Alabama 65 State Law Enforcement Agency and order the secretary to suspend the driving privileges of the individual for a period 66 67 of not less than 90 days.
- (2) If a person violates this section while also in
 violation any of the following sections, the person shall
 receive, at a minimum, a fine or sentence double the minimum
 penalty otherwise provided by law:
- 72 <u>a. Section 32-5A-191, relating to driving under the</u> 73 influence.
 - b. Section 32-5A-190, relating to reckless driving.
- 75 <u>c. Section 32-5A-176.1, relating to construction zone</u> 76 moving violations.
- 77 <u>d. Section 32-5A-350.1, relating to wireless</u> 78 telecommunications device violations.
- e. Section 32-5A-178, relating to racing on public highways.
- (d) If a violation of this section is the proximate

 cause of a collision with an authorized emergency vehicle,

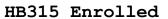
 wrecker, or other vehicle performing duties as described under

 subsection (b), the person shall be punished as follows:



(1) If the collision results in physical injury to any
individual, the person shall be guilty of a Class A
misdemeanor.
(2) If the collision results in serious physical injury
to any individual, the person shall be guilty of a Class C
felony.
(3) If the collision results in the death of any
individual, the person shall be guilty of a Class B felony.
(e) The provisions of Article 4A of Chapter 18 of Title
15, relating to restitution for victims of crimes, shall apply
to any collision described under subsection (d).
$\frac{(c)(1)}{(f)}$ The Alabama State Law Enforcement Agency
shall provide an educational awareness campaign informing the
motoring public about this section, including information to
assist the operators of motor vehicles to determine the best
option of whether to move over or slow down as required under
subsection (a). The agency shall provide information about
this section in all newly printed driver's driver license
educational materials after January 1, 20102025.
$\frac{(2)}{(g)}$ This section shall not relieve the driver of an
authorized emergency vehicle from the duty to drive with due
regard for the safety of all persons using the highway."
Section 2. Although this bill would have as its purpose
or effect the requirement of a new or increased expenditure of
local funds, the bill is excluded from further requirements
and application under Section 111.05 of the Constitution of
Alabama of 2022, because the bill defines a new crime or

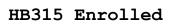
amends the definition of an existing crime.





113 Section 3. This act shall become effective on October

114 1, 2024.





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132	I h	nereby certify that the within A	act originated in and	
133	was passe	d by the House 04-Apr-24, as ame	ended.	
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135		John Treadwell		
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142	Senate	25-Apr-24	Amended and Passed	
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	Senate House	25-Apr-24 02-May-24	Amended and Passed Concurred in Senate	
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