

HB361 INTRODUCED



1 HB361
2 IT9E66W-1
3 By Representative Bedsole
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 21-Mar-24



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SYNOPSIS:

Under existing law, the Federal Motor Carrier Safety Administration (FMCSA) is the federal agency responsible for regulating and providing oversight of commercial motor vehicles engaged in interstate commerce.

This bill would revise existing state law to conform to various changes to FMCSA regulations, including deleting a requirement for a driver to report certain violations; deleting a school bus driver fee and written test waiver; revising fees for commercial driver licenses and learner's permits; adding a human trafficking ban; and repealing a steel coil transport certification requirement.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to



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29 require a new or increased expenditure of local funds
30 within the meaning of the section. However, the bill
31 does not require approval of a local governmental
32 entity or enactment by a 2/3 vote to become effective
33 because it comes within one of the specified exceptions
34 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

40

41 Relating to commercial motor vehicles; to amend
42 Sections 32-6-49.5, 32-6-49.8, 32-6-49.10, 32-6-49.11,
43 32-6-49.19, 32-9A-2, and 32-9A-4, Code of Alabama 1975, to
44 revise existing state law to conform to various changes to
45 Federal Motor Carrier Safety Administration (FMCSA)
46 regulations, including deleting a requirement for a driver to
47 report certain violations; deleting a school bus driver fee
48 and written test waiver; revising fees for commercial driver
49 licenses and learner's permits; adding a human trafficking
50 ban; and repealing a steel coil transport certification
51 requirement; and in connection therewith would have as its
52 purpose or effect the requirement of a new or increased
53 expenditure of local funds within the meaning of Section
54 111.05 of the Constitution of Alabama of 2022.

55

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

56

Section 1. Sections 32-6-49.5, 32-6-49.8, 32-6-49.10,



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57 32-6-49.11, 32-6-49.19, 32-9A-2, and 32-9A-4, Code of Alabama
58 1975, are amended to read as follows:

59 "§32-6-49.5

60 ~~Notification required by driver shall be as follows:~~

61 ~~(a) Notification of convictions:~~

62 ~~(1) TO STATE. Any driver holding a commercial driver~~
63 ~~license issued by this state, who is convicted of violating~~
64 ~~any state law or local ordinance relating to motor vehicle~~
65 ~~traffic control, in any other state or federal, provincial,~~
66 ~~territorial, or municipal laws of Canada, other than parking~~
67 ~~violations, must notify the Department of Public Safety in the~~
68 ~~manner specified by the department within 30 days of the date~~
69 ~~of conviction.~~

70 ~~(2) TO EMPLOYERS.~~ (a) Any driver holding a commercial
71 driver license issued by this state, who is convicted of
72 violating any state law or local ordinance relating to motor
73 vehicle traffic control in this or any other state, or
74 federal, provincial, territorial, or municipal laws of Canada,
75 other than parking violations, must notify his or her employer
76 in writing of the conviction within 30 days of the date of
77 conviction.

78 (b) Any driver whose commercial driver license is
79 suspended, revoked, or cancelled by any state, or federal,
80 provincial, territorial, or municipal laws of Canada, or who
81 loses the privilege to drive a commercial motor vehicle in any
82 such state for any period, including being disqualified from
83 driving a commercial motor vehicle, or who is subject to an
84 out of service order, must notify his or her employer of that



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85 fact before the end of the business day following the day the
86 driver received notice of that fact.

87 (c) Any person who applies to be a commercial motor
88 vehicle driver must provide the employer, at the time of the
89 application, with the following information for the 10 years
90 preceding the date of application:

91 (1) A list of the names and addresses of the
92 applicant's previous employers for which the applicant was a
93 driver of a commercial motor vehicle;

94 (2) The dates between which the applicant drove for
95 each employer; and

96 (3) The reason for leaving that employer.

97 The applicant must certify that all information
98 furnished is true and complete. An employer may require an
99 applicant to provide additional information."

100 "§32-6-49.8

101 Commercial driver license qualification standards shall
102 be as follows:

103 (a) Testing.

104 (1) GENERAL. No person may be issued a commercial
105 driver license unless that person is a resident of this state
106 and has passed a knowledge and skills test for driving a
107 commercial motor vehicle which complies with minimum federal
108 standards established by federal regulation enumerated in 49
109 C.F.R. ~~part~~ Part 383, ~~subparts~~ Subparts G and H, and has
110 satisfied all other requirements of the CMVSA in addition to
111 other requirements imposed by state law or federal regulation.
112 The tests shall be prescribed and conducted by the department.



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113 (2) ~~THIRD-PARTY~~THIRD-PARTY TESTING. The department may
114 authorize a person, including an agency of this or another
115 state, an employer, a private driver training facility, or
116 other private institution, or a department, agency, or
117 instrumentality of local government to administer the skills
118 test specified by this section, if the test is the same as
119 what would otherwise be administered by the state and the
120 third party has entered into an agreement with this state
121 which complies with requirements of 49 C.F.R. ~~part~~ Part
122 383.75.

123 (b) Waiver of skills test. The department may waive the
124 skills test specified in this section for a commercial driver
125 license applicant who meets the requirements of 49 C.F.R. ~~part~~
126 Part 383.77. ~~In the case of school bus drivers the department~~
127 ~~shall waive the skills test herein specified.~~

128 (c) Limitations on issuance of license. A commercial
129 driver license may not be issued to a person while the person
130 is subject to a disqualification from driving a commercial
131 motor vehicle, or while the person's driver license is
132 suspended, revoked, or cancelled in any state or foreign
133 jurisdiction with reciprocity; nor may a commercial driver
134 license be issued to a person who has a commercial driver
135 license issued by any other state unless the person first
136 surrenders all such licenses, which shall be returned to the
137 issuing state(s) for cancellation.

138 (d) The holder of a valid commercial driver license
139 learner's permit may drive a commercial motor vehicle only
140 when accompanied by the holder of a commercial driver license



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141 valid for the type of vehicle driven who occupies a seat
142 beside the individual for the purpose of giving instruction in
143 driving the commercial vehicle.

144 (e) A commercial driver license learner's permit for a
145 particular class or classes of commercial vehicle may be
146 issued to a person who meets all the qualifications required
147 of a person seeking a commercial driver license and has passed
148 the vision and written tests for that class of commercial
149 driver license. Commercial driver license learner's permits
150 may be issued with any endorsements or restrictions provided
151 for in 49 C.F.R. Part 383. The endorsements or restrictions
152 shall be coded in accordance with the provisions of 49 C.F.R.
153 § 383.153."

154 "§32-6-49.10

155 (a) The commercial driver license shall be marked
156 "Commercial Driver License" or "CDL," and shall be, to the
157 maximum extent practicable, tamper proof. It shall include,
158 but not be limited to, all of the following information:

159 (1) The name and residential address of the person.

160 (2) The person's color photograph.

161 (3) A physical description of the person including sex,
162 height, weight, eye and hair color.

163 (4) Date of birth.

164 (5) Any other number or identifier not to include the
165 Social Security number of the person deemed appropriate by the
166 department.

167 (6) The person's signature.

168 (7) The class or type of commercial motor vehicle or



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169 vehicles which the person is authorized to drive together with
170 any endorsements or restrictions.

171 (8) The name of this state.

172 (9) The dates between which the license is valid.

173 (b) Commercial driver licenses may be issued with the
174 following classifications, endorsements, and restrictions as
175 provided below. The holder of a valid commercial driver
176 license may drive all vehicles in the class for which that
177 license is issued, and all lesser classes of vehicles
178 including Class D, except motorcycles (Class M). Vehicles
179 which require an endorsement may not be driven unless the
180 proper endorsement appears on the license.

181 (1) Commercial driver licenses shall be classified as
182 follows:

183 Class A - Any combination of vehicles with a gross
184 vehicle weight rating (GVWR) of 26,001 pounds or more,
185 provided the GVWR of the ~~vehicle(s)~~ vehicle or vehicles being
186 towed is in excess of 10,000 pounds.

187 Class B - Any single vehicle with a GVWR of 26,001
188 pounds or more, and any such vehicle towing a vehicle not in
189 excess of 10,000 pounds.

190 Class C - Any single vehicle with a GVWR of less than
191 26,001 pounds or any such vehicle towing a vehicle with a GVWR
192 not in excess of 10,000 pounds comprising:

193 (i) Vehicles designed to transport 16 or more
194 passengers, including the driver; and

195 (ii) Vehicles used in the transportation of hazardous
196 materials which require the vehicle to be placarded under 49



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197 C.F.R., Part 172, Subpart F.

198 (2) ~~Endorsements and restrictions shall be coded as~~
199 ~~follows:~~ Commercial driver licenses may be issued with any
200 endorsements or restrictions provided for in 49 C.F.R. Part
201 383. The endorsements or restrictions shall be coded in
202 accordance with 49 C.F.R. § 383.153.

203 ~~"H" - Authorizes the driver to drive a vehicle~~
204 ~~transporting hazardous materials.~~

205 ~~"K" - Restricts the driver to vehicles not equipped~~
206 ~~with airbrakes.~~

207 ~~"T" - Authorizes driving double and triple trailers.~~

208 ~~"P" - Authorizes driving vehicles carrying passengers.~~

209 ~~"S" - Authorizes driving a school bus.~~

210 ~~"N" - Authorizes driving tank vehicles.~~

211 ~~"X" - Represents a combination of hazardous materials~~
212 ~~and tank vehicle endorsements.~~

213 (c) Before issuing a commercial driver license, the
214 department shall obtain driving record information through the
215 Commercial Driver License Information System, the National
216 Driver Register, and from each state in which the person has
217 been licensed.

218 (d) Within 10 days after issuing a commercial driver
219 license, the department shall notify the Commercial Driver
220 License Information System of that fact, providing all
221 information required to ensure identification of the person.

222 (e) A commercial driver license issued pursuant to this
223 article expires as set by existing state law.

224 (f) Renewal procedures for commercial driver licenses



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225 shall be as follows: Every person applying for renewal of a
226 commercial driver license shall complete the application form
227 required by subsection (a), providing updated information and
228 required certifications. If the applicant wishes to retain a
229 hazardous materials endorsement, the written test for a
230 hazardous materials endorsement shall be taken and passed."

231 "§32-6-49.11

232 (a) (1) Any person is disqualified from driving a
233 commercial motor vehicle for a period of not less than one
234 year if convicted of a first violation of one of the
235 following:

236 ~~(1)~~ a. Driving a motor vehicle under the influence of
237 alcohol, or a controlled substance or any other drug which
238 renders a person incapable of safely driving.

239 ~~(2)~~ b. Driving a commercial motor vehicle while the
240 alcohol concentration of the person's blood, urine, or breath
241 is 0.04 or more.

242 ~~(3)~~ c. Knowingly and willfully leaving the scene of an
243 accident involving a motor vehicle driven by the person.

244 ~~(4)~~ d. Using a motor vehicle in the commission of any
245 felony.

246 ~~(5)~~ e. Refusal to submit to a test to determine the
247 driver's use of a controlled substance or alcohol
248 concentration while driving a motor vehicle.

249 (2) If any of the violations ~~in subdivisions (1) to~~
250 ~~(5), inclusive,~~ described in this subsection occurred while
251 transporting a hazardous material required to be placarded,
252 the person is disqualified for a period of not less than three



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253 years.

254 (b) A person is disqualified for life if convicted of
255 two or more violations of any of the offenses specified in
256 subsection (a), or any combination of those offenses, arising
257 from two or more separate incidents.

258 (c) The Alabama State Law Enforcement Agency may ~~issue~~
259 ~~regulations and promulgate establishing~~ adopt rules and
260 establish guidelines, including conditions, under which a
261 disqualification for life under subsection (b) may be reduced
262 to a period of not less than 10 years.

263 (d) A person is disqualified from driving a commercial
264 motor vehicle for life who uses a motor vehicle in the
265 commission of any felony involving the manufacture,
266 distribution, or dispensing of a controlled substance, or
267 possession with intent to manufacture, distribute, or dispense
268 a controlled substance.

269 (e) A person is disqualified from driving a commercial
270 motor vehicle for life if the person is convicted of using a
271 vehicle in the commission of a felony involving any act or
272 practice of severe forms of trafficking in persons, as defined
273 in 22 U.S.C. § 7102(11).

274 ~~(e)~~ (f) A person is disqualified from driving a
275 commercial motor vehicle for a period of not less than 60 days
276 if convicted of two serious traffic violations, or 120 days if
277 convicted of three serious traffic violations, committed in a
278 commercial motor vehicle arising from separate incidents
279 occurring within a three-year period.

280 ~~(f)~~ (g) (1) A person is disqualified from driving a



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281 commercial motor vehicle for not less than 90 days nor more
282 than one year upon a first conviction of driving a commercial
283 vehicle while under an out-of-service order.

284 (2) A person is disqualified from driving a commercial
285 motor vehicle for not less than one year nor more than five
286 years if during any 10-year period the person receives two
287 convictions of driving a commercial vehicle while under an
288 out-of-service order where the convictions arise out of
289 separate incidents.

290 (3) A person is disqualified from driving a commercial
291 motor vehicle for not less than three years nor more than five
292 years if during any 10-year period the person receives three
293 or more convictions of driving a commercial vehicle while
294 under an out-of-service order where the convictions arise out
295 of separate incidents.

296 (4) If a conviction of driving a commercial motor
297 vehicle while under an out-of-service order arises out of an
298 arrest where the person was transporting hazardous materials
299 required to be placarded under the Hazardous Materials
300 Transportation Act, 49 U.S.C. [§ 5101](#), et seq., or while
301 operating motor vehicles designed to transport more than 15
302 passengers, including the driver, the person is disqualified
303 for not less than 180 days nor more than two years upon a
304 first conviction and not less than three years nor more than
305 five years upon any subsequent conviction within a 10-year
306 period where these factors exist.

307 ~~(g)~~ [\(h\)](#) (1) A person is disqualified from operating a
308 commercial motor vehicle for not less than 60 days upon a



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309 first conviction, not less than 120 days if during any
310 three-year period the person receives two convictions, and not
311 less than one year if during any three-year period the person
312 receives three or more convictions of any of the following
313 railroad-highway grade crossing violations:

314 a. The driver is not required to stop, but fails to
315 slow down and check that tracks are clear of an approaching
316 train.

317 b. The driver is not required to stop, but fails to
318 stop before reaching the crossing if the tracks are not clear.

319 c. The driver is always required to stop, but fails to
320 stop before driving onto the crossing.

321 d. The driver fails to have sufficient space to drive
322 completely through the crossing without stopping.

323 e. The driver fails to obey a traffic control device or
324 the directions of an enforcement official at the crossing.

325 f. The driver fails to negotiate a crossing because of
326 insufficient undercarriage clearance.

327 (2) A person is disqualified for not less than 120 days
328 if during any three-year period the person receives two
329 convictions of a railroad-highway grade crossing violation.

330 (3) A person is disqualified from operating a
331 commercial motor vehicle for not less than one year if during
332 any three-year period the person receives three or more
333 convictions of a railroad-highway grade crossing violation.

334 ~~(h)~~ (i) After suspending, revoking, or canceling a
335 commercial driver license, the Alabama State Law Enforcement
336 Agency shall update its records to reflect that action within



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337 10 days. After suspending, revoking, or canceling a
338 nonresident commercial driver's privilege, the Alabama State
339 Law Enforcement Agency shall notify the licensing authority of
340 the state that issued the commercial driver license or
341 commercial driver instruction permit within 10 days.

342 (j) Any failureA person who fails to report or disclose
343 required information under this section, either before or
344 after issuance of a commercial driver license, shall be guilty
345 of a Class C felony ~~and shall, upon conviction thereof, be~~
346 ~~punished as provided by law.~~"

347 "§32-6-49.19

348 (a) For the purpose of defraying the cost of issuing
349 commercial ~~drivers' license~~driver licenses, the Alabama State
350 Law Enforcement Agency, judge of probate, or license
351 commissioner shall collect ~~for~~all of the following fees:

352 (1) For each commercial driver license or commercial
353 driver license learner's permit, a fee equal to the sum of all
354 fees imposed for the issuance of a Class D driver license.

355 (2) For each Class A commercial driver license, ~~the~~an
356 additional sum of ~~fifty dollars (\$50);~~thirty dollars (\$30).

357 (3) For each Class B commercial driver license, thean
358 additional sum of ~~forty dollars (\$40) for each Class B~~
359 ~~commercial driver license;~~twenty dollars (\$20). ~~and the sum of~~
360 ~~twenty dollars (\$20) for each Class C commercial driver~~
361 ~~license and commercial driver license learner's permit. The~~
362 ~~fee for any school bus driver license shall be twenty dollars~~
363 ~~(\$20) and the license shall be restricted to the operation of~~
364 ~~a school bus and noncommercial vehicle.~~



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365 **(b) (1)** ~~These~~Commercial driver licenses shall be issued
366 for a period of four years,~~except a commercial.~~

367 **(2)** Commercial driver license learner's ~~permit~~
368 ~~which~~permits shall be issued for a period of one year.

369 ~~(b)~~ **(c)** The additional revenue from the additional fees
370 collected pursuant to this section,~~as amended by Act~~
371 ~~2004-521,~~ shall be deposited in the ~~Highway Traffic Safety~~
372 ~~Fund of the Department of Public Safety~~Public Safety Fund."

373 "§32-9A-2

374 (a) (1) Except as otherwise provided in subsection (b),
375 no person may operate a commercial motor vehicle in this
376 state, or fail to maintain required records or reports, in
377 violation of the federal motor carrier safety regulations as
378 prescribed by the U.S. Department of Transportation, 49 C.F.R.
379 Part 107, Parts 171-180, Part 380, Parts 382-387, and Parts
380 390-399 and as they may be amended in the future. Except as
381 otherwise provided herein, this chapter shall not be construed
382 to repeal or supersede other laws relating to the operation of
383 motor vehicles.

384 (2)a. No person may operate a commercial motor vehicle
385 in this state in violation of 49 C.F.R. § 393.120, as amended,
386 relating to load securement for certain metal coils.

387 b. No one owning, leasing, or allowing a commercial
388 vehicle to be operated in this state shall knowingly or
389 negligently be in violation of 49 C.F.R. § 393.120, as
390 amended, relating to load securement for metal coils.

391 (3) No person may knowingly or negligently own or lease
392 or cause to be operated on any public highway, road, street,



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393 or other public right-of-way a commercial motor vehicle loaded
394 with a metal coil in a manner that fails to comply with 49
395 C.F.R. § 393.120 and thereby allows a metal coil to drop,
396 fall, spill, shift, or otherwise escape from the commercial
397 vehicle onto any public highway, road, street, or any other
398 public right-of-way.

399 ~~(4)a. No motor carrier may initiate or terminate in~~
400 ~~this state the commercial transport of metal coils, as defined~~
401 ~~in 49 C.F.R. §393.120, unless the commercial vehicle operator~~
402 ~~is certified in proper load securement as provided in 49~~
403 ~~C.F.R. §393.120. Certification shall be conducted according to~~
404 ~~standards published by the Department of Public Safety and~~
405 ~~certified by the motor carrier and the driver on forms~~
406 ~~provided by the department.~~

407 ~~b. The operator of a commercial motor vehicle involved~~
408 ~~in the commercial transport of metal coils subject to this~~
409 ~~subdivision shall be certified in proper load securement as~~
410 ~~provided in 49 C.F.R. §393.120.~~

411 ~~(5)~~ (4) Except as it relates to subdivision (3), no law
412 enforcement officer may make an arrest or issue a citation
413 under this chapter unless he or she has satisfactorily
414 completed, as a part of his or her training, the basic course
415 of instruction developed by the Commercial Vehicle Safety
416 Alliance. Those law enforcement officers authorized to enforce
417 this chapter shall annually receive in service training
418 related to commercial motor vehicle operations, including, but
419 not limited to, training in current federal motor carrier
420 safety regulations, safety inspection procedures, and



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421 out-of-service criteria. The annual training requirements
422 shall be designated and specified by the director. An officer
423 qualified under this section to make an arrest or issue a
424 citation pursuant to subdivision (3) may arrest or issue a
425 citation to the driver of a commercial motor vehicle without a
426 warrant and without witnessing the violation personally if,
427 upon personal investigation, the officer has reasonable cause
428 to believe that a violation has occurred.

429 (b) Notwithstanding subsection (a) or any other
430 provision of law to the contrary:

431 (1) Amendments to the hours of service regulations
432 promulgated by the U.S. Department of Transportation at 68
433 Federal Register 22456, April 28, 2003 and effective June 27,
434 2003, shall not apply to utility service vehicles as defined
435 at 49 C.F.R. § 395.2, not including television cable or
436 community antenna service vehicles, which are owned or
437 operated by utilities regulated by the Public Service
438 Commission or electric cooperatives and which are engaged
439 solely in intrastate commerce in this state until June 27,
440 2006, provided the amendments are valid and remain in effect
441 as of that date. Hours of service regulations that are
442 applicable in this state immediately prior to June 27, 2003,
443 shall remain applicable to utility service vehicles engaged
444 solely in intrastate commerce in this state until June 27,
445 2006. If the U.S. Department of Transportation issues an
446 official finding that this provision may result in the loss of
447 federal Motor Carrier Safety Assistance Program funding, the
448 ~~department~~ Alabama State Law Enforcement Agency may adopt



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449 rules providing for earlier implementation of the amendments
450 to the federal hours of service regulations. If federal law or
451 regulations are amended at any time to exempt utility service
452 vehicles from the hours of service requirements, any exemption
453 shall be effective in this state immediately for the duration
454 of the federal exemption.

455 (2) The ~~department~~ Alabama State Law Enforcement Agency
456 may adopt rules suspending the effective date for up to three
457 years after adoption of any motor carrier safety regulation by
458 the U.S. Department of Transportation as applied to vehicles
459 engaged solely in intrastate commerce in this state, provided
460 that the suspension does not result in the loss of federal
461 Motor Carrier Safety Assistance Program funding.

462 (3) The ~~department~~ Alabama State Law Enforcement Agency
463 may enter into agreements with state and local emergency
464 management agencies and private parties establishing
465 procedures for complying with 49 U.S.C. §_31502(e) and federal
466 regulations promulgated thereto at 49 C.F.R. §_390.23 which
467 provide an exemption from the hours of service regulations
468 during certain emergencies.

469 (4) The ~~department~~ Alabama State Law Enforcement Agency
470 may adopt rules granting any waiver, variance, or exemption
471 permitted under 49 U.S.C. §_31104(h) and federal regulations
472 promulgated thereto at 49 C.F.R. §§_350.339-350.345, provided
473 that the waiver, variance, or exemption does not result in the
474 loss of federal Motor Carrier Safety Assistance Program
475 funding and does not take effect unless approved by the U.S.
476 Department of Transportation if that approval is required.



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477 (5) A commercial motor vehicle operated in intrastate
478 commerce which does not equal or exceed 26,001 pounds, except
479 a motor vehicle, regardless of weight, which is designed or
480 used to transport 16 or more passengers, including the driver,
481 or which is used in the transportation of hazardous materials
482 and required to be placarded pursuant to 49 C.F.R. Part 172,
483 Subpart F, shall be exempt from the federal motor carrier
484 regulations otherwise made applicable in this state pursuant
485 to subsection (a). For purposes of this subdivision,
486 "commercial motor vehicle" means a commercial motor vehicle as
487 defined in 49 C.F.R. § 390.5.

488 (6) For purposes of those provisions of 49 C.F.R. § 395
489 providing for exemptions from the hours of service
490 requirements of that section respecting the operation of motor
491 vehicles for the transportation of agricultural commodities as
492 contemplated in that section, the planting and harvesting
493 season for this state is defined by the Legislature as the
494 period from April 1 of each calendar year to March 31 of the
495 next succeeding calendar year.

496 (c) Nothing in this section ~~as amended by Act 2008-336~~
497 shall be interpreted to exempt any person from the obligations
498 to operate a motor vehicle in a safe and proper manner or to
499 observe the rules of the road, nor shall any provision of this
500 section ~~as amended by Act 2008-336~~ be interpreted to immunize
501 any person from civil liability for actionable conduct.

502 ~~(d) The Department of Public Safety shall publish~~
503 ~~standards for training drivers of commercial motor vehicles in~~
504 ~~proper load securement for metal coils as provided in 49~~



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505 ~~C.F.R. §393.120 and provide for certification of drivers of~~
506 ~~commercial motor vehicles carrying metal coils."~~

507 "§32-9A-4

508 (a) Any person violating Section 32-9A-2(a) (1) shall be
509 guilty of a misdemeanor and punished by a fine of not less
510 than twenty-five dollars (\$25) nor more than two thousand
511 dollars (\$2,000) for each offense. In addition, the court may
512 impose a sentence of imprisonment in the county jail, not to
513 exceed 30 days, for each offense.

514 (b) Any person violating Section 32-9A-2(a) (2)a. or a
515 motor carrier violating Section 32-9A-2(a) (2)b. shall be
516 guilty of a misdemeanor and punished by a fine of not less
517 than one thousand dollars (\$1,000) nor more than two thousand
518 five hundred dollars (\$2,500) for each offense.

519 (c) Any operator of a commercial motor vehicle
520 violating Section 32-9A-2(a) (2)a. in which a metal coil drops,
521 falls, spills, shifts, or otherwise escapes from the vehicle
522 shall be guilty of a misdemeanor and punished by a fine of not
523 less than two thousand five hundred dollars (\$2,500) nor more
524 than five thousand dollars (\$5,000).

525 (d) Any person violating Section 32-9A-2(a) (3) ~~or any~~
526 ~~motor carrier violating Section 32-9A-2(a) (4)a.~~ shall be
527 guilty of a misdemeanor and punished by a fine of not less
528 than five thousand dollars (\$5,000) nor more than ten thousand
529 dollars (\$10,000).

530 (e) Any person violating Section
531 ~~32-9A-2(a) (4)b.~~ 32-9A-2(a) (4) shall be guilty of a misdemeanor
532 and punishable by a fine of not less than two hundred ~~and~~



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533 fifty dollars (\$250) nor more than one thousand dollars
534 (\$1,000).

535 (f) In addition to the other penalties for a violation
536 of subdivisions (2), (3), or (4) of Section 32-9A-2(a), the
537 court may impose a sentence of imprisonment in the county
538 jail, not to exceed one year, for each conviction under
539 subdivisions (2), (3), or (4) of Section 32-9A-2(a).

540 (g) In addition to other punishment fixed by law, the
541 court may enter an order prohibiting the person from operating
542 any commercial motor vehicle for a period to be specified by
543 the court, or perpetually, as the court may determine."

544 Section 2. Although this bill would have as its purpose
545 or effect the requirement of a new or increased expenditure of
546 local funds, the bill is excluded from further requirements
547 and application under Section 111.05 of the Constitution of
548 Alabama of 2022, because the bill defines a new crime or
549 amends the definition of an existing crime.

550 Section 3. This act shall become effective on October
551 1, 2024.