

1 HB429
2 137981-1
3 By Representatives Buttram, Ball, Colston, Treadaway,
4 McCutcheon and Johnson (W)
5 RFD: Public Safety and Homeland Security
6 First Read: 28-FEB-12

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8 SYNOPSIS: Under existing law, a law enforcement
9 officer of an incorporated municipality with less
10 than 19,000 inhabitants is prohibited from
11 enforcing any speed limit set by general law on any
12 interstate highway.

13 Existing law provides that any law
14 enforcement officer of a municipality can enforce
15 any speed limit set by general law inside the
16 corporate limits of the municipality but cannot
17 enforce the speed limit within the police
18 jurisdiction of the municipality.

19 This bill would delete both of these
20 provisions.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 32-5A-171, Code of Alabama 1975,
27 relating to maximum speed limits; to delete the provision

1 relating to the enforcement of speed limits on interstate
2 highways by certain municipal law enforcement officers; and to
3 delete the provision prohibiting municipal law enforcement
4 officers from enforcing speed limits on interstate highways
5 within the police jurisdiction of the municipality.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 32-5A-171, Code of Alabama 1975,
8 is amended to read as follows:

9 "§32-5A-171.

10 "Except when a special hazard exists that requires
11 lower speed for compliance with Section 32-5A-170, the limits
12 hereinafter specified or established as hereinafter authorized
13 shall be maximum lawful speeds, and no person shall drive a
14 vehicle at a speed in excess of the maximum limits.

15 "(1) No person shall operate a vehicle in excess of
16 30 miles per hour in any urban district.

17 "(2)a. No person shall operate a motor vehicle in
18 excess of 35 miles per hour on any unpaved road. For purposes
19 of this chapter the term unpaved road shall mean any highway
20 under the jurisdiction of any county, the surface of which
21 consists of natural earth, mixed soil, stabilized soil,
22 aggregate, crushed sea shells, or similar materials without
23 the use of asphalt, cement, or similar binders.

24 "b. No person shall operate a motor vehicle on any
25 county-maintained paved road in an unincorporated area of the
26 state at a speed in excess of 45 miles per hour unless a
27 different maximum speed is established under authority granted

1 in subdivision (6) or as provided in subdivision (7) subject
2 to the maximum rate of speed provided in subdivision (3).

3 "(3) No person shall operate a motor vehicle on the
4 highways in this state, other than interstate highways or
5 highways having four or more traffic lanes, at a speed in
6 excess of 55 miles per hour at any time unless a different
7 maximum rate of speed is authorized by the Governor under
8 authority granted in subdivision (6) or as provided in
9 subdivision (7).

10 "(4) No person shall operate a motor vehicle, on an
11 interstate highway within the State of Alabama, at a speed in
12 excess of 70 miles per hour or on any other highway having
13 four or more traffic lanes at a speed in excess of 65 miles
14 per hour, unless a different maximum rate of speed is
15 authorized by the Governor under authority granted in
16 subdivision (6) or as provided in subdivision (7).

17 Notwithstanding the provisions of this subdivision, any
18 portion of Corridor X/I-22 which is open between the
19 Alabama/Mississippi state line and the Jefferson County line
20 shall be considered an interstate highway for the purpose of
21 the maximum speed limit on the highway.

22 "(5) Notwithstanding any provisions of this section
23 to the contrary, no person shall operate a passenger vehicle,
24 motor truck, or passenger bus which carries or transports
25 explosives or flammable liquids, as defined in Section
26 32-1-1.1, or hazardous wastes, as defined in Section
27 22-30-3(5), in this state unless the vehicle, truck, or bus

1 prominently displays a current decal, plate, or placard which
2 is required by the rules or regulations of the DOT or the PSC
3 which indicates or warns that the vehicle, truck, or bus is
4 carrying or transporting the substances. No person shall
5 operate the vehicle, truck, or bus at a rate of speed greater
6 than 55 miles per hour at any time unless a different maximum
7 rate of speed is authorized by the Governor under authority
8 granted in subdivision (6) or as provided in subdivision (7).

9 "(6) The Governor may prescribe the maximum rate of
10 speed whenever a different rate of speed is required by
11 federal law in order for Alabama to receive federal funds for
12 highway maintenance and construction.

13 "(7) The maximum speed limits set forth in this
14 section may be altered as authorized in Sections 32-5A-172 and
15 32-5A-173.

16 ~~"(8) A law enforcement officer or a peace officer of
17 any incorporated municipality or town which has less than
18 19,000 inhabitants according to the most recent federal
19 decennial census shall not enforce this section on any
20 interstate highway.~~

21 ~~"(9) Any speed limit set pursuant to this section
22 shall be enforced by any municipality or any law enforcement
23 officer of a municipality only within the corporate limits of
24 the municipality and not within the police jurisdiction of the
25 municipality."~~

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.