

1 SB125
2 189274-2
3 By Senators Whatley, McClendon, Ward, Scofield, Dial, Allen,
4 Singleton, Figures, Orr, Holley, Shelnuttt, Glover, Albritton,
5 Beasley, Dunn, Sanders, Stutts, Chambliss, Williams,
6 Holtzclaw, Livingston and Reed
7 RFD: Transportation and Energy
8 First Read: 09-JAN-18

1 SB125

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to motor vehicles; to amend Sections
12 32-1-1.1 and 32-5A-89, Code of Alabama 1975, to further
13 provide for the prohibition against following a motor vehicle
14 too closely; to exempt truck platoons under certain
15 conditions.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 32-1-1.1 and 32-5A-89, Code of
18 Alabama 1975, are amended to read as follows:

19 "§32-1-1.1.

20 "The following words and phrases when used in this
21 title shall, for the purpose of this title, have meanings
22 respectively ascribed to them in this section, except when the
23 context otherwise requires:

24 "(1) ALLEY. A street or highway intended to provide
25 access to the rear or side of lots or buildings in urban
26 districts and not intended for the purpose of through
27 vehicular traffic.

1 "(2) ARTERIAL STREET. Any United States or state
2 numbered route, controlled-access highway, or other major
3 radial or circumferential street or highway designated by
4 local authorities within their respective jurisdictions as
5 part of a major arterial system of streets or highways.

6 "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire
7 department vehicles, police vehicles and ambulances as are
8 publicly owned, and such other publicly or privately owned
9 vehicles as are designated by the Director of Public Safety or
10 the chief of police of an incorporated city.

11 "(4) BICYCLE. Every device propelled by human power
12 upon which any person may ride, having two tandem wheels
13 either of which is more than 14 inches in diameter.

14 "(5) BUS. Every motor vehicle designed for carrying
15 more than 10 passengers and used for the transportation of
16 persons; and every motor vehicle other than a taxicab,
17 designed and used for the transportation of persons for
18 compensation.

19 "(6) BUSINESS DISTRICT. The territory contiguous to
20 and including a highway when within any 600 feet along such
21 highway there are buildings in use for business or industrial
22 purposes, including, but not limited to, hotels, banks or
23 office buildings, railroad stations and public buildings which
24 occupy at least 300 feet of frontage on one side or 300 feet
25 collectively on both sides of the highway.

26 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
27 or termination by formal action of the Director of Public

1 Safety of a person's driver's license because of some error or
2 defect in the license or because the licensee is no longer
3 entitled to such license, but the cancellation of a license is
4 without prejudice and application for a new license may be
5 made at any time after such cancellation.

6 "(8) CONTROLLED-ACCESS HIGHWAY. Every highway,
7 street, or roadway in respect to which owners or occupants of
8 abutting lands and other persons have no legal right of access
9 to or from the same except at such points only and in such
10 manner as may be determined by the public authority having
11 jurisdiction over such highway, street, or roadway.

12 "(9) CROSSWALK.

13 "a. That part of a roadway at an intersection
14 included within the connections of the lateral lines of the
15 sidewalks on opposite sides of the highway measured from the
16 curbs or, in the absence of curbs, from the edges of the
17 traversable roadway;

18 "b. Any portion of a roadway at an intersection or
19 elsewhere distinctly indicated for pedestrian crossing by
20 lines or other markings on the surface.

21 "(10) DEALER. Every person engaged in the business
22 of buying, selling, or exchanging vehicles who has an
23 established place of business for such purpose in this state
24 and to whom current dealer registration plates have been
25 issued by the Department of Revenue.

1 "(11) DEPARTMENT. The Department of Public Safety of
2 this state acting directly or through its duly authorized
3 officers and agents.

4 "(12) DIRECTOR. The Director of Public Safety of
5 Alabama.

6 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
7 which any motor vehicle, trailer, or semitrailer, singly or in
8 combination, new or used, constitutes the commodity being
9 transported, when one set or more of wheels of any such
10 vehicle are on the roadway during the course of
11 transportation, whether or not any such vehicle furnishes the
12 motive power.

13 "(14) DRIVER. Every person who drives or is in
14 actual physical control of a vehicle.

15 "(15) DRIVER'S LICENSE. Any license to operate a
16 motor vehicle issued under the laws of this state.

17 "(15.1) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.
18 A self-balancing two non-tandem wheeled device designed to
19 transport only one person with an electric propulsion system
20 with an average power of 750 watts (1 h.p.), whose maximum
21 speed on a paved level surface, when powered solely by such a
22 propulsion system while ridden by an operator who weighs not
23 more than 170 pounds, is less than 20 m.p.h. The term shall
24 not include a motorized bicycle, motorized scooter, or
25 motorized skateboard.

26 "(16) ESSENTIAL PARTS. All integral and body parts
27 of a vehicle of a type required to be registered hereunder,

1 the removal, alteration, or substitution of which would tend
2 to conceal the identity of the vehicle or substantially alter
3 its appearance, model, type, or mode of operation.

4 "(17) ESTABLISHED PLACE OF BUSINESS. The place
5 actually occupied either continuously or at regular periods by
6 a dealer or manufacturer where his or her books and records
7 are kept and a large share of his or her business is
8 transacted.

9 "(18) EXPLOSIVES. Any chemical compound or
10 mechanical mixture that is commonly used or intended for the
11 purpose of producing an explosion and which contains any
12 oxidizing and combustive units or other ingredients in such
13 proportions, quantities, or packing that an ignition by fire,
14 by friction, by concussion, by percussion, or by detonator of
15 any part of the compound or mixture may cause such a sudden
16 generation of highly heated gases that the resultant gaseous
17 pressures are capable of producing destructive effects on
18 contiguous objects or of destroying life or limb.

19 "(19) FARM TRACTOR. Every motor vehicle designed and
20 used primarily as a farm implement, for drawing plows, mowing
21 machines, and other implements of husbandry.

22 "(20) FLAMMABLE LIQUID. Any liquid which has a flash
23 point of 70 F., or less as determined by a fagliabue or
24 equivalent closed-cup test device.

25 "(21) FOREIGN VEHICLE. Every vehicle of a type
26 required to be registered hereunder brought into this state
27 from another state, territory, or country other than in the

1 ordinary course of business by or through a manufacturer or
2 dealer and not registered in this state.

3 "(22) GROSS WEIGHT. The weight of a vehicle without
4 load plus the weight of any load thereon.

5 "(23) HIGHWAY. The entire width between the boundary
6 lines of every way publicly maintained when any part thereof
7 is open to the use of the public for purposes of vehicular
8 travel.

9 "(24) HOUSE TRAILER.

10 "a. A trailer or semitrailer which is designed,
11 constructed, and equipped as a dwelling place, living abode,
12 or sleeping place (either permanently or temporarily) and is
13 equipped for use as a conveyance on streets and highways; or

14 "b. A trailer or semitrailer whose chassis and
15 exterior shell is designed and constructed for use as a house
16 trailer, as defined in paragraph a., but which is used instead
17 permanently or temporarily for the advertising, sales,
18 display, or promotion of merchandise or services, or for any
19 other commercial purpose except the transportation of property
20 for hire or the transportation of property for distribution by
21 a private carrier.

22 "(25) IMPLEMENT OF HUSBANDRY. Every vehicle designed
23 and adapted exclusively for agricultural, horticultural, or
24 livestock raising operations or for lifting or carrying an
25 implement of husbandry and in either case not subject to
26 registration if used upon the highways.

27 "(26) INTERSECTION.

1 "a. The area embraced within the prolongation or
2 connection of the lateral curb lines, or, if none, then the
3 lateral boundary lines of the roadways of two highways which
4 join one another at, or approximately at, right angles, or the
5 area within which vehicles traveling upon different highways
6 joining at any other angle may come in conflict.

7 "b. Where a highway includes two roadways 30 feet or
8 more apart, then every crossing of each roadway of such
9 divided highway by an intersecting highway shall be regarded
10 as a separate intersection. In the event such intersecting
11 highway also includes two roadways 30 feet or more apart, then
12 every crossing of two roadways of such highways shall be
13 regarded as a separate intersection.

14 "c. The junction of an alley with a street or
15 highway shall not constitute an intersection.

16 "(27) LANED ROADWAY. A roadway which is divided into
17 two or more clearly marked lanes for vehicular traffic.

18 "(28) LICENSE or LICENSE TO OPERATE A MOTOR VEHICLE.
19 Any driver's license or any other license or permit to operate
20 a motor vehicle issued by the director under the laws of this
21 state, including any nonresident's operating privilege as
22 defined herein.

23 "(29) LOCAL AUTHORITIES.

24 "a. Every county commission; and

25 "b. Every municipal and other local board or body
26 having authority to enact laws relating to traffic under the
27 constitution and laws of this state.

1 "(30) MAIL. To deposit in the United States mail
2 properly addressed and with postage prepaid.

3 "(31) METAL TIRE. Every tire the surface of which in
4 contact with the highway is wholly or partly of metal or other
5 hard, nonresilient material.

6 "(32) MOTOR VEHICLE. Every vehicle which is
7 self-propelled and every vehicle which is propelled by
8 electric power obtained from overhead trolley wires, but not
9 operated upon rails, except for electric personal assistive
10 mobility devices.

11 "(33) MOTORCYCLE. Every motor vehicle having a seat
12 or saddle for the use of the rider and designed to travel on
13 not more than three wheels in contact with the ground, but
14 excluding a tractor.

15 "(34) MOTOR-DRIVEN CYCLE. Every motorcycle,
16 including every motor scooter, with a motor which produces not
17 to exceed five brake horsepower nor to exceed 150 cubic
18 centimeter engine displacement, and weighs less than 200
19 pounds fully equipped, and every bicycle with motor attached.

20 "(35) NONRESIDENT. Every person who is not a
21 resident of this state.

22 "(36) NONRESIDENT'S OPERATING PRIVILEGE. The
23 privilege conferred upon a nonresident by the laws of this
24 state pertaining to the operation by such person of a motor
25 vehicle, or the use of a vehicle owned by such person, in this
26 state.

1 "(37) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,
2 signals, markings, and devices not inconsistent with this
3 title placed or erected by authority of a public body or
4 official having jurisdiction, for the purpose of regulating,
5 warning, or guiding traffic.

6 "(38) OWNER. A person, other than a lienholder,
7 having the property in or title to a vehicle. The term
8 includes a person entitled to the use and possession of a
9 vehicle subject to a security interest in another person, but
10 excludes a lessee under a lease not intended as security.

11 "(39) PARK or PARKING. The standing of a vehicle,
12 whether occupied or not, otherwise than temporarily for the
13 purpose of and while actually engaged in loading or unloading
14 merchandise or passengers.

15 "(40) PASSENGER CAR. Every motor vehicle, except
16 motorcycles and motor-driven cycles, designed for carrying 10
17 passengers or less and used for the transportation of persons.

18 "(41) PEDESTRIAN. Any person afoot.

19 "(42) PERSON. Every natural person, firm,
20 copartnership, association, or corporation.

21 "(43) PNEUMATIC TIRE. Every tire in which compressed
22 air is designed to support the load.

23 "(44) POLE TRAILER. Every vehicle without motive
24 power designed to be drawn by another vehicle and attached to
25 the towing vehicle by means of a reach or pole, or by being
26 boomed or otherwise secured to the towing vehicle, and
27 ordinarily used for transporting long or irregularly shaped

1 loads such as poles, pipes, or structural members capable,
2 generally, of sustaining themselves as beams between the
3 supporting connections.

4 "(45) POLICE OFFICER. Every officer authorized to
5 direct or regulate traffic or to make arrests for violations
6 of traffic regulations.

7 "(46) PRIVATE ROAD or DRIVEWAY. Every way or place
8 in private ownership and used for vehicular travel by the
9 owner and those having express or implied permission from the
10 owner, but not by other persons.

11 "(47) RAILROAD. A carrier of persons or property
12 upon cars other than street cars, operated upon stationary
13 rails.

14 "(48) RAILROAD SIGN or SIGNAL. Any sign, signal, or
15 device erected by authority of a public body or official or by
16 a railroad and intended to give notice of the presence of
17 railroad tracks or the approach of a railroad train.

18 "(49) RAILROAD TRAIN. A steam engine, electric or
19 other motor, with or without cars coupled thereto, operated
20 upon rails.

21 "(50) RECONSTRUCTED VEHICLE. Every vehicle of a type
22 required to be registered hereunder materially altered from
23 its original construction by the removal, addition, or
24 substitution of essential parts, new or used.

25 "(51) REGISTRATION. The registration certificate or
26 certificates and registration plates issued under the laws of
27 this state pertaining to the registration of vehicles.

1 "(52) RESIDENCE DISTRICT. The territory contiguous
2 to and including a highway not comprising a business district
3 when the property on such highway for a distance of 300 feet
4 or more is in the main improved with residences or residences
5 and buildings in use for business.

6 "(53) REVOCATION OF DRIVER'S LICENSE. The
7 termination by formal action of the director of a person's
8 license or privilege to operate a motor vehicle on the public
9 highways, which termination shall not be subject to renewal or
10 restoration except that an application for a new license may
11 be presented and acted upon by the director after the
12 expiration of the applicable period of time prescribed in this
13 title.

14 "(54) RIGHT-OF-WAY. The right of one vehicle or
15 pedestrian to proceed in a lawful manner in preference to
16 another vehicle or pedestrian approaching under such
17 circumstances of direction, speed, and proximity as to give
18 rise to danger of collision unless one grants precedence to
19 the other.

20 "(55) ROAD TRACTOR. Every motor vehicle designed and
21 used for drawing other vehicles and not so constructed as to
22 carry any load thereon either independently or any part of the
23 weight of a vehicle or load so drawn.

24 "(56) ROADWAY. That portion of a highway improved,
25 designed, or ordinarily used for vehicular travel, exclusive
26 of the berm or shoulder. In the event a highway includes two
27 or more separate roadways the term "roadway" as used herein

1 shall refer to any such roadway separately but not to all such
2 roadways collectively.

3 "(57) SAFETY ZONE. The area or space officially set
4 apart within a roadway for the exclusive use of pedestrians
5 and which is protected or is so marked or indicated by
6 adequate signs as to be plainly visible at all times while set
7 apart as a safety zone.

8 "(58) SCHOOL BUS. Every motor vehicle that complies
9 with the color and identification requirements set forth by
10 statute or regulation and is used to transport children to or
11 from school or in connection with school activities, but not
12 including buses operated by common carriers in urban
13 transportation of school children.

14 "(59) SECURITY AGREEMENT. A written agreement which
15 reserves or creates a security interest.

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

22 "(61) SEMITRAILER. Every vehicle with or without
23 motive power, other than a pole trailer, designed for carrying
24 persons or property and for being drawn by a motor vehicle and
25 so constructed that some part of its weight and that of its
26 load rests upon or is carried by another vehicle.

1 "(62) SIDEWALK. That portion of a street between the
2 curb lines, or the lateral lines of a roadway, and the
3 adjacent property lines, intended for use by pedestrians.

4 "(63) SOLID TIRE. Every tire of rubber or other
5 resilient material which does not depend upon compressed air
6 for the support of the load.

7 "(64) SPECIAL MOBILE EQUIPMENT. Every vehicle not
8 designed or used primarily for the transportation of persons
9 or property and only incidentally operated or moved over a
10 highway, including, but not limited to: Ditch digging
11 apparatus, well boring apparatus and road construction and
12 maintenance machinery such as asphalt spreaders, bituminous
13 mixers, bucket loaders, tractors other than truck tractors,
14 ditchers, levelling graders, finishing machines, motor
15 graders, road rollers, scarifiers, earth moving carry-alls and
16 scrapers, power shovels and drag lines, and self-propelled
17 cranes and earth moving equipment. The term does not include
18 house trailers, dump trucks, truck mounted transit mixers,
19 cranes or shovels, or other vehicles designed for the
20 transportation of persons or property to which machinery has
21 been attached.

22 "(65) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle
23 of a type required to be registered hereunder not originally
24 constructed under a distinctive name, make, model, or type by
25 a generally recognized manufacturer of vehicles and not
26 materially altered from its original construction.

1 "(66) STAND or STANDING. The halting of a vehicle,
2 whether occupied or not, otherwise than temporarily for the
3 purpose of and while actually engaged in receiving or
4 discharging passengers.

5 "(67) STATE. A state, territory, or possession of
6 the United States, the District of Columbia, the Commonwealth
7 of Puerto Rico, or a province of Canada.

8 "(68) STOP. When required, means complete cessation
9 from movement.

10 "(69) STOP or STOPPING. When prohibited means any
11 halting even momentarily of a vehicle, whether occupied or
12 not, except when necessary to avoid conflict with other
13 traffic or in compliance with the directions of a police
14 officer or traffic-control sign or signal.

15 "(70) STREET. The entire width between boundary
16 lines of every way publicly maintained when any part thereof
17 is open to the use of the public for purposes of vehicular
18 travel.

19 "(71) SUSPENSION OF DRIVER'S LICENSE. The temporary
20 withdrawal by formal action of the Director of Public Safety
21 of a person's license or privilege to operate a motor vehicle
22 on the public highways, which temporary withdrawal shall be
23 for a period specifically designated by the director.

24 "(72) THROUGH HIGHWAY. Every highway or portion
25 thereof on which vehicular traffic is given preferential
26 right-of-way, and at the entrances to which vehicular traffic
27 from intersecting highways is required by law to yield the

1 right-of-way to vehicles on such through highway in obedience
2 to a stop sign, yield sign, or other official traffic-control
3 device, when such signs or devices are erected as provided in
4 this title.

5 "(73) TRACKLESS TROLLEY COACH. Every motor vehicle
6 which is propelled by electric power obtained from overhead
7 trolley wires but not operated upon rails.

8 "(74) TRAFFIC. Pedestrians, ridden or herded
9 animals, vehicles, streetcars, and other conveyances either
10 singly or together while using any highway for purposes of
11 travel.

12 "(75) TRAFFIC-CONTROL SIGNAL. Any device, whether
13 manually, electrically, or mechanically operated, by which
14 traffic is alternately directed to stop and permitted to
15 proceed.

16 "(76) TRAILER. Every vehicle with or without motive
17 power, other than a pole trailer, designed for carrying
18 persons or property and for being drawn by a motor vehicle and
19 so constructed that no part of its weight rests upon the
20 towing vehicle.

21 "(77) TRANSPORTER. Every person engaged in the
22 business of delivering vehicles of a type required to be
23 registered hereunder from a manufacturing, assembling, or
24 distributing plant to dealers or sales agents of a
25 manufacturer.

26 "(78) TRUCK. Every motor vehicle designed, used, or
27 maintained primarily for the transportation of property.

1 "(79) TRUCK PLATOON. A group of individual
2 commercial trucks traveling in a unified manner at
3 electronically coordinated speeds at following distances that
4 are closer than would be reasonable and prudent without the
5 electronic coordination.

6 "~~(79)~~ (80) TRUCK TRACTOR. Every motor vehicle
7 designed and used primarily for drawing other vehicles and not
8 so constructed as to carry a load other than a part of the
9 weight of the vehicle and load so drawn.

10 "~~(80)~~ (81) URBAN DISTRICT. The territory contiguous
11 to and including any street which is built up with structures
12 devoted to business, industry, or dwelling houses situated at
13 intervals of less than 100 feet for a distance of a quarter of
14 a mile or more.

15 "~~(81)~~ (82) VEHICLE. Every device in, upon, or by
16 which any person or property is or may be transported or drawn
17 upon a highway, excepting devices moved by human power or used
18 exclusively upon stationary rails or tracks or electric
19 personal assistive mobility devices; provided, that for the
20 purposes of this title, a bicycle or a ridden animal shall be
21 deemed a vehicle, except those provisions of this title, which
22 by their very nature can have no application.

23 "§32-5A-89.

24 "(a) The driver of a motor vehicle shall not follow
25 another more closely than is reasonable and prudent, having
26 due regard for the speed of such vehicles and the traffic upon
27 and the condition of the highway. Except when overtaking and

1 passing another vehicle, the driver of a vehicle shall leave a
2 distance of at least 20 feet for each 10 miles per hour of
3 speed between the vehicle that he or she is driving and the
4 vehicle that he or she is following.

5 "(b) The driver of any truck or motor vehicle
6 drawing another vehicle of 25 or more feet in length when
7 traveling upon a roadway outside of a business or residence
8 district and which is following another truck or motor vehicle
9 drawing another vehicle of 25 or more feet in length shall,
10 whenever conditions permit, leave sufficient space, at least
11 300 feet, so that an overtaking vehicle may enter and occupy
12 such space without danger, except that this shall not prevent
13 a truck or motor vehicle drawing another vehicle of 25 or more
14 feet in length from overtaking and passing any vehicle or
15 combination of vehicles.

16 "(c) Motor vehicles being driven upon any roadway
17 whether a business or residence district in a caravan or
18 motorcade whether or not towing other vehicles shall be so
19 operated as to allow sufficient space between each such
20 vehicle or combination of vehicles so as to enable any other
21 vehicle to enter and occupy such space without danger. This
22 provision shall not apply to funeral processions or to any
23 parade or procession authorized by official permit of the
24 governing body of the city or county having jurisdiction over
25 the highway.

26 "(d) The trailing trucks in a truck platoon are
27 exempt from the provisions of this section if the truck

1 platoon is engaged in electronic brake coordination and any
2 other requirement imposed by the Department of Transportation
3 by rule.

4 "The intent of this subsection is to provide
5 research for truck platooning technology and to exempt the
6 trailing trucks from receiving a citation for following too
7 closely as defined in this section."

8 Section 2. The Department of Transportation may
9 adopt rules to implement and administer this act.

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

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17
18

Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 09-JAN-18

Read for the second time and placed on the calen-
dar 1 amendment..... 18-JAN-18

Read for the third time and passed as amended 30-JAN-18

Yeas 18
Nays 3
Abstaining 1

Patrick Harris,
Secretary.