

1 SB406
2 196731-8
3 By Senator Reed
4 RFD: Transportation and Energy
5 First Read: 14-MAY-19

1 SB406

2
3
4 ENROLLED, An Act,

5 Relating to motor vehicles; to amend Section
6 32-9-29, Code of Alabama 1975, to authorize the Department of
7 Transportation to issue an annual commercial wrecker emergency
8 tow permit under certain conditions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 32-9-29, Code of Alabama 1975, is
11 amended to read as follows:

12 "§32-9-29.

13 "(a) Authorized; application; issuance; seasonal,
14 etc., limitations; refusal, revocation, or cancellation.

15 "(1) The Director of the Department of
16 Transportation or the official of the department designated by
17 the director ~~may, in his or her discretion,~~ upon application
18 and for good cause being shown therefor, may issue a permit in
19 writing authorizing the applicant to operate or move upon the
20 state's public roads a vehicle or combination of no more than
21 two vehicles and loads whose weight, width, length, or height,
22 or combination thereof, exceeds the maximum limit specified by
23 law; provided, that the load transported by such vehicle or
24 vehicles is of such nature that it is a unit which cannot be
25 readily dismantled or separated; provided, however, that

1 bulldozers and similar construction equipment shall not be
2 deemed readily separable for purposes of this chapter; and
3 further provided, that no permit shall be issued to any
4 vehicle whose operation upon the public roads of this state
5 threatens to unduly damage a road or any appurtenances
6 thereto.

7 "(2) Permits may be issued on application to the
8 department to persons, firms, or corporations. The director
9 shall promulgate reasonable rules ~~and regulations~~ which are
10 necessary or desirable governing the issuance of such permits;
11 provided, that such rules ~~and regulations~~ shall not conflict
12 with the provisions of this title and other provisions of law.

13 "(3) The original copy of every such permit shall be
14 carried in the vehicle itself and shall be open to inspection
15 by any ~~police officer or state trooper~~ law enforcement officer
16 or authorized agent of the department.

17 "(4) The application for any such permit shall
18 specifically describe the type of permit applied for, as ~~the~~
19 ~~types of permits are~~ described in subsection (b) ~~of this~~
20 ~~section~~, and the application for a single trip permit shall,
21 in addition, describe the points of departure and destination.

22 "(5) The director or the official of the department
23 designated by the director ~~is authorized to~~ may withhold such
24 permit or, if such permit is issued, ~~to~~ may establish seasonal
25 or other time limitations within which the vehicles described

1 may be operated on the public road indicated, or may otherwise
2 ~~to~~ limit or prescribe conditions of operation of such vehicle,
3 when necessary to assure against undue damage to the road
4 foundation, surfaces, or bridge structures, and require such
5 undertaking or other security as may be deemed necessary to
6 compensate the state for any injury to any roadway or bridge
7 structure.

8 "(6) For just cause, including, but not limited to,
9 repeated and consistent past violations, the director or an
10 official of the department designated by the director may
11 refuse to issue, or may cancel, suspend, or revoke, the permit
12 of an applicant or permittee.

13 "(b) Duration and limits of permits; bond or
14 insurance requirements.

15 "(1)a. ANNUAL. The director or the official of the
16 department designated by the director ~~may~~, pursuant to the
17 provisions of this section, may issue an annual permit which
18 shall permit the vehicle or combination vehicle and load to be
19 operated on the state highway system of this state for 12
20 months from the date the permit is issued, even though the
21 vehicle or its load exceeds the maximum limits specified in
22 this article; provided, that an annual permit shall not
23 authorize the operation of a vehicle including all enforcement
24 tolerances:

1 "1. Whose total gross weight exceeds 150,000 pounds;
2 provided, that gross weights over 100,000 pounds shall require
3 advance routing by the department;

4 "2. Whose single axle weight exceeds 22,000 pounds;

5 "3. Whose total length exceeds 75 feet; with the
6 exception of mobile homes, whose length limitations, including
7 towing vehicle, shall be 85 feet;

8 "4. Whose total width exceeds 120 inches or whose
9 load width exceeds 144 inches; with the exception of mobile
10 homes, whose width limitation shall be 168 inches; provided,
11 that mobile homes whose width exceeds 144 inches shall require
12 advance route approval by the department; or

13 "5. Whose height exceeds 14 feet.

14 "A permit to operate a vehicle which exceeds the
15 statutory limits of height, weight, width, or length shall be
16 issued only on condition of payment of an indemnity bond or
17 proof of insurance protection for \$300,000.00, the bond or
18 insurance protection conditioned for payment to the department
19 to be held in trust for the benefit of the owners of bridges
20 and appurtenances thereof, traffic signals, signs, or other
21 highway structures damaged by a vehicle operating under
22 authority of such overheight permit. The liability under the
23 bond or insurance certificate shall be contingent upon proof
24 of negligence or fault on the part of the permittee, his or
25 her agents, or operators.

1 "b. Notwithstanding paragraph a., the director,
2 pursuant to this section, may issue an annual permit to
3 operate a vehicle which exceeds the maximum limits otherwise
4 provided in this article for rubber-tired equipment used
5 solely in the scope and operation of mining refractory grade
6 bauxite. The equipment may not exceed the limits of paragraph
7 a., except that the permit may not authorize the operation of
8 a vehicle, including enforcement tolerances, which exceeds 16
9 feet in width, exceeds 18 feet in height, or exceeds a single
10 axle weight of 27,000 pounds. In addition, the permit may not
11 authorize the operation of the vehicle on any bridge, over or
12 under any overpass, or on an interstate highway. The fee for
13 the annual permit shall be one hundred dollars (\$100).

14 "(2) SINGLE TRIP. The director may issue a single
15 trip permit, pursuant to the provisions of this section, to
16 any vehicle.

17 "(c) Fees. The director may promulgate rules and
18 regulations concerning the issuance of permits and charge a
19 fee for the issuance as follows:

20 "(1) ANNUAL. Charges for the issuance of annual
21 permits shall be as follows:

22 "a. For modular homes, sectional houses, portable
23 buildings, boats, and any vehicle or combination of vehicles,
24 \$100.00; except, that a vehicle or combination of vehicles
25 having trailer or combination of trailers with sidewalls or

1 roof which has transported modular homes, sectional houses,
2 and portable buildings may, after depositing any load, return
3 unloaded to its point of origin, even though the unloaded
4 vehicles exceed the 55-foot limitation provided for in this
5 article, up to and including 12 feet wide and 75 feet long.

6 "b. For heavy commodities or equipment, overweight,
7 overlength, overheight, and overwidth, \$100.00. A tractor and
8 trailer (low boy type) may, after depositing a load referred
9 to in this subparagraph, return to its point of origin, even
10 though the unloaded tractor and trailer (low boy type) may
11 exceed the 55-foot limitation provided for in this article up
12 to and including 12 feet wide and 75 feet long.

13 "c. For mobile homes up to and including 14 feet
14 wide and 85 feet long, including towing vehicle, \$100.00.

15 "(2) SINGLE TRIP. Charges for the issuance of single
16 trip permits shall be as follows:

17 "a. Mobile homes, modular homes, sectional houses,
18 portable buildings, and boats:

19 "1. Up to and including 12 feet wide and 75 feet
20 long, \$10.00.

21 "2. Boats in excess of 12 feet wide, \$20.00.

22 "3. Mobile homes, modular homes, sectional houses,
23 and portable buildings in excess of 12 feet wide and/or 75
24 feet long, \$20.00.

25 "b. Heavy commodities or equipment:

1 "1. Over on any limitations as to length, height, or
2 width, \$10.00.

3 "2. Over on weight, as follows:

4 WEIGHT PERMITTED	PERMIT FEE
5 From 80,001 pounds up to 100,000 pounds	\$ 10.00
6 From 100,001 pounds up to 125,000 pounds	30.00
7 From 125,001 pounds up to 150,000 pounds	60.00
8 From 150,001 pounds and over	100.00

9 "c. Miscellaneous:

10 "1. Houses, \$20.00.

11 "2. Off-the-road equipment, \$10.00.

12 "3. Other oversized vehicles, loads, and equipment
13 not herein specified, \$20.00.

14 "4. Other overheight loads not herein specified,
15 \$10.00.

16 "(d) Certain vehicles on interstate highways. Under
17 the provisions of this section, 14 feet-wide vehicles and
18 combination vehicles and load may be issued a permit to travel
19 the interstate highways.

20 "(e) The Director of the Department of
21 Transportation, by rule, may establish limits for combinations
22 of commercial wreckers and towed disabled or abandoned

1 vehicles that exceed the maximum height, weight, or length
2 limitations established by law. The director may establish a
3 permitting method for such commercial wreckers and may
4 establish a fee for any permits that are issued. The director
5 may authorize exceptions to any permit required under this
6 subsection or may waive any permit required under this
7 subsection under emergency, exigent, or other extraordinary
8 conditions. Permits may not be issued to a person or entity
9 that is currently prohibited from operating by a federal or
10 state agency responsible for vehicle safety. The permit
11 authorized by this section shall be in addition to any
12 registration requirements as provided for in Chapter 6 of
13 Title 32 and Chapter 12 of Title 40.

14 ~~"(e)~~ (f) Violations of federal law, etc. No permit
15 shall be issued under this section if the issuance of the
16 permit would violate United States law or would cause the
17 State of Alabama to lose federal-aid funds. Notwithstanding
18 any provisions of any statute to the contrary, all permit fees
19 collected in accordance with this section shall be paid to the
20 Public Road and Bridge Fund in addition to any sums
21 appropriated therefor to the department.

22 ~~"(f)~~ (g) Farm and agricultural commodities and
23 equipment exempt. The term heavy commodities or equipment, as
24 used in this section, is not intended to include farm and
25 agricultural commodities or equipment, and such farm or

1 agricultural commodities and equipment are exempt from the
2 requirement of obtaining permits for movement on the state
3 highway system of Alabama."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 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
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB406

Senate 21-MAY-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 30-MAY-19

Senate concurred in House amendment 30-MAY-19

By: Senator Reed