

HB241 INTRODUCED



1 HB241
2 WR8C959-1
3 By Representative Lovvorn
4 RFD: Public Safety and Homeland Security
5 First Read: 27-Feb-24



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SYNOPSIS:

Under existing law, drivers of motor vehicles are required to exercise due care to avoid colliding with a pedestrian and are required to yield the right-of-way to any pedestrian on a sidewalk.

This bill would require drivers to also exercise due care to avoid colliding with first responders and would require the driver to yield the right-of-way to first responders on a sidewalk.

This bill would specify that first responders are not deemed pedestrians when performing official duties in the course of employment or volunteer service.

A BILL
TO BE ENTITLED
AN ACT

Relating to first responders; to add Section 32-5A-2.1 to the Code of Alabama 1975, to provide a definition of pedestrian; and to amend Sections 32-5A-213, 32-5A-218, and 32-1-1.1, Code of Alabama 1975, to provide for the duty of a driver to exercise due care to avoid a first responder; and to require the driver of a vehicle to yield the right-of-way to a



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29 first responder on a sidewalk.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Section 32-5A-2.1 is added to Chapter 5A to
32 read as follows:

33 §32-5A-2.1

34 (a) For purposes of this chapter, "pedestrian" means
35 any individual afoot, except as provided in subsection (b).

36 (b) For purposes of this chapter, "pedestrian" does not
37 include a first responder performing a public safety function
38 that the first responder is authorized to perform and that is
39 in the line and scope of his or her employment or volunteer
40 service, including, but not limited to, any of the following:

41 (1) Directing, controlling, or regulating the flow of
42 traffic.

43 (2) Responding to a fire, a collision site, an
44 emergency call, or a fire alarm.

45 (3) Rendering first aid or emergency medical care.

46 (4) Responding to an imminent threat of bodily injury
47 to self or others.

48 (5) Pursuing or apprehending an actual or suspected
49 violator of the law.

50 (6) Moving a vehicle standing upon a street or highway.

51 (7) Entering or remaining on a street or highway for
52 any other law enforcement purpose.

53 Section 2. Sections 32-5A-213, 32-5A-218, and 32-1-1.1,
54 Code of Alabama 1975, are amended to read as follows:

55 "§32-5A-213

56 Notwithstanding ~~other provisions of this chapter or the~~



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57 ~~provisions of any local ordinance~~ any provision of law to the
58 contrary, every driver of a vehicle shall exercise due care to
59 avoid colliding with any pedestrian or first responder and
60 shall give warning by sounding the horn when necessary and
61 shall exercise proper precaution upon observing any child or
62 any obviously confused, incapacitated, or intoxicated person."

63 "§32-5A-218

64 The driver of a vehicle shall yield the right-of-way to
65 any pedestrian or first responder on a sidewalk."

66 "§32-1-1.1

67 The following words and phrases when used in this title
68 shall have the following meanings ~~respectively ascribed to~~
69 ~~them in this section~~, except when the context otherwise
70 requires:

71 (1) ALLEY. A street or highway intended to provide
72 access to the rear or side of lots or buildings in urban
73 districts and not intended for the purpose of through
74 vehicular traffic.

75 (2) ARTERIAL STREET. Any federal or state numbered
76 route, controlled-access highway, or other major radial or
77 circumferential street or highway designated by local
78 authorities within their respective jurisdictions as part of a
79 major arterial system of streets or highways.

80 (3) AUTHORIZED EMERGENCY VEHICLE. Such fire department
81 vehicles, police vehicles, and ambulances as are publicly
82 owned, and such other publicly or privately owned vehicles as
83 are designated by the Secretary of the Alabama State Law
84 Enforcement Agency or the chief of police of an incorporated



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85 city.

86 (4) BICYCLE. Every device propelled by human power upon
87 which any individual may ride, having two tandem wheels either
88 of which is more than 14 inches in diameter.

89 (5) BUS. Every motor vehicle designed for carrying more
90 than 10 passengers and used for the transportation of
91 individuals and every motor vehicle other than a taxicab,
92 designed and used for the transportation of individuals for
93 compensation.

94 (6) BUSINESS DISTRICT. The territory contiguous to and
95 including a highway when within any 600 feet along the highway
96 there are buildings in use for business or industrial
97 purposes, including, but not limited to, hotels, banks, office
98 buildings, railroad stations, and public buildings which
99 occupy at least 300 feet of frontage on one side or 300 feet
100 collectively on both sides of the highway.

101 (7) CANCELLATION OF ~~DRIVER'S~~DRIVER LICENSE. The
102 annulment or termination by formal action of the Secretary of
103 the Alabama State Law Enforcement Agency of an individual's
104 ~~driver's~~driver license because of some error or defect in the
105 license or because the licensee is no longer entitled to the
106 license, but the cancellation of a license is without
107 prejudice and application for a new license may be made at any
108 time after such cancellation.

109 (8) CONTROLLED-ACCESS HIGHWAY. Every highway, street,
110 or roadway in respect to which owners or occupants of abutting
111 lands and other persons have no legal right of access to or
112 from the same except at such points only and in such manner as



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113 may be determined by the public authority having jurisdiction
114 over the highway, street, or roadway.

115 (9) CROSSWALK. Either of the following:

116 a. That part of a roadway at an intersection included
117 within the connections of the lateral lines of the sidewalks
118 on opposite sides of the highway measured from the curbs or,
119 in the absence of curbs, from the edges of the traversable
120 roadway.

121 b. Any portion of a roadway at an intersection or
122 elsewhere distinctly indicated for pedestrian crossing by
123 lines or other markings on the surface.

124 (10) DEALER. Every person engaged in the business of
125 buying, selling, or exchanging vehicles who has an established
126 place of business for that purpose in this state and to whom
127 current dealer registration plates have been issued by the
128 Department of Revenue.

129 (11) DEPARTMENT. The Alabama State Law Enforcement
130 Agency acting directly or through its duly authorized officers
131 and agents.

132 (12) DIRECTOR. The Secretary of the Alabama State Law
133 Enforcement Agency.

134 (13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
135 which any motor vehicle, trailer, or semitrailer, singly or in
136 combination, new or used, constitutes the commodity being
137 transported, when one set or more of wheels of any such
138 vehicle are on the roadway during the course of
139 transportation, whether or not any such vehicle furnishes the
140 motive power.



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141 (14) DRIVER. Every individual who drives or is in
142 actual physical control of a vehicle.

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

145 (16) ELECTRIC BICYCLE. A bicycle equipped with fully
146 operable pedals, a saddle or seat for the rider, and an
147 electric motor of less than 750 watts that meets the
148 requirements of one of the following three classes:

149 a. Class 1 electric bicycle means an electric bicycle
150 equipped with a motor that provides assistance only when the
151 rider is pedaling and that ceases to provide assistance when
152 the bicycle reaches the speed of 20 miles per hour.

153 b. Class 2 electric bicycle means an electric bicycle
154 equipped with a motor that may be used exclusively to propel
155 the bicycle and that is not capable of providing assistance
156 when the bicycle reaches the speed of 20 miles per hour.

157 c. Class 3 electric bicycle means an electric bicycle
158 equipped with a motor that provides assistance only when the
159 rider is pedaling and that ceases to provide assistance when
160 the bicycle reaches the speed of 28 miles per hour.

161 (17) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A
162 self-balancing, two non-tandem wheeled device designed to
163 transport only one individual with an electric propulsion
164 system with an average power of 750 watts (1 h.p.), that has a
165 maximum speed on a paved level surface, when powered solely by
166 the propulsion system while ridden by an operator who weighs
167 not more than 170 pounds, of less than 20 m.p.h. The term
168 shall not include a motorized bicycle, motorized scooter, or



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169 motorized skateboard.

170 (18) ESSENTIAL PARTS. All integral and body parts of a
171 vehicle of a type required to be registered under this title,
172 the removal, alteration, or substitution of which would tend
173 to conceal the identity of the vehicle or substantially alter
174 its appearance, model, type, or mode of operation.

175 (19) ESTABLISHED PLACE OF BUSINESS. The place actually
176 occupied either continuously or at regular periods by a dealer
177 or manufacturer where his or her books and records are kept
178 and a large share of his or her business is transacted.

179 (20) EXPLOSIVES. Any chemical compound or mechanical
180 mixture that is commonly used or intended for the purpose of
181 producing an explosion and which contains any oxidizing and
182 combustive units or other ingredients in such proportions,
183 quantities, or packing that an ignition by fire, by friction,
184 by concussion, by percussion, or by detonator of any part of
185 the compound or mixture may cause such a sudden generation of
186 highly heated gases that the resultant gaseous pressures are
187 capable of producing destructive effects on contiguous objects
188 or of destroying life or limb.

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

192 (22) FIRST RESPONDER. Any law enforcement officer,
193 firefighter, paramedic, or emergency medical technician.

194 ~~(22)~~ (23) FLAMMABLE LIQUID. Any liquid which has a flash
195 point of 70 F. or less, as determined by a fagliabue or
196 equivalent closed-cup test device.



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197 ~~(23)~~ (24) FOREIGN VEHICLE. Every vehicle of a type
198 required to be registered hereunder brought into this state
199 from another state, territory, or country other than in the
200 ordinary course of business by or through a manufacturer or
201 dealer and not registered in this state.

202 ~~(24)~~ (25) GROSS WEIGHT. The weight of a vehicle without
203 load plus the weight of any load thereon.

204 ~~(25)~~ (26) HIGHWAY. The entire width between the boundary
205 lines of every way publicly maintained when any part thereof
206 is open to the use of the public for purposes of vehicular
207 travel.

208 ~~(26)~~ (27) HOUSE TRAILER. Either of the following:

209 a. A trailer or semitrailer that is designed,
210 constructed, and equipped as a dwelling place, living abode,
211 or sleeping place, either permanently or temporarily, and is
212 equipped for use as a conveyance on streets and highways.

213 b. A trailer or semitrailer that has a chassis and
214 exterior shell that is designed and constructed for use as a
215 house trailer, as defined in paragraph a., but which is used
216 instead permanently or temporarily for the advertising, sales,
217 display, or promotion of merchandise or services, or for any
218 other commercial purpose except the transportation of property
219 for hire or the transportation of property for distribution by
220 a private carrier.

221 ~~(27)~~ (28) IMPLEMENT OF HUSBANDRY. Every vehicle designed
222 and adapted exclusively for agricultural, horticultural, or
223 livestock raising operations or for lifting or carrying an
224 implement of husbandry and in either case not subject to



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253 constitution and laws of this state.

254 ~~(32)~~ (33) MAIL. To deposit in the United States mail
255 properly addressed and with postage prepaid.

256 ~~(33)~~ (34) METAL TIRE. Every tire the surface of which in
257 contact with the highway is wholly or partly of metal or other
258 hard, nonresilient material.

259 ~~(34)~~ (35) MOTOR VEHICLE. Every vehicle that is
260 self-propelled and every vehicle that is propelled by electric
261 power obtained from overhead trolley wires, but not operated
262 upon rails, except for electric personal assistive mobility
263 devices and electric bicycles.

264 ~~(35)~~ (36) MOTORCYCLE. Every motor vehicle having a seat
265 or saddle for the use of the rider and designed to travel on
266 not more than three wheels in contact with the ground, but
267 excluding a tractor and an electric bicycle.

268 ~~(36)~~ (37) MOTOR-DRIVEN CYCLE. Every motorcycle,
269 including every motor scooter, with a motor that produces not
270 more than five brake horsepower nor exceeds 150 cubic
271 centimeter engine displacement, and weighs less than 200
272 pounds fully equipped, and every bicycle with a motor
273 attached. The term does not include electric bicycles.

274 ~~(37)~~ (38) NONRESIDENT. Every individual who is not a
275 resident of this state.

276 ~~(38)~~ (39) NONRESIDENT'S OPERATING PRIVILEGE. The
277 privilege conferred upon a nonresident by the laws of this
278 state pertaining to the operation by the nonresident of a
279 motor vehicle, or the use of a vehicle owned by the
280 nonresident, in this state.



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281 ~~(39)~~ (40) OFFICIAL TRAFFIC-CONTROL DEVICES. All signs,
282 signals, markings, and devices not inconsistent with this
283 title placed or erected by authority of a public body or
284 official having jurisdiction, for the purpose of regulating,
285 warning, or guiding traffic.

286 ~~(40)~~ (41) OWNER. A person, other than a lienholder,
287 having the property in or title to a vehicle. The term
288 includes a person entitled to the use and possession of a
289 vehicle subject to a security interest in another person, but
290 excludes a lessee under a lease not intended as security.

291 ~~(41)~~ (42) PARK or PARKING. The standing of a vehicle,
292 whether occupied or not. The term does not include a vehicle
293 that is stopped temporarily for the purpose of and actually
294 engaged in loading or unloading merchandise or passengers.

295 ~~(42)~~ (43) PASSENGER CAR. Every motor vehicle, except
296 motorcycles and motor-driven cycles, designed for carrying 10
297 passengers or less and used for the transportation of
298 individuals.

299 ~~(43)~~ (44) PEDESTRIAN. Any individual afoot.

300 ~~(44)~~ (45) PERSON. Every individual, firm, copartnership,
301 association, or corporation.

302 ~~(45)~~ (46) PNEUMATIC TIRE. Every tire in which compressed
303 air is designed to support the load.

304 ~~(46)~~ (47) POLE TRAILER. Every vehicle without motive
305 power designed to be drawn by another vehicle and attached to
306 the towing vehicle by means of a reach or pole, or by being
307 boomed or otherwise secured to the towing vehicle, and
308 ordinarily used for transporting long or irregularly shaped



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309 loads such as poles, pipes, or structural members capable,
310 generally, of sustaining themselves as beams between the
311 supporting connections.

312 ~~(47)~~ (48) POLICE OFFICER. Every officer authorized to
313 direct or regulate traffic or to make arrests for violations
314 of traffic regulations.

315 ~~(48)~~ (49) PRIVATE ROAD or DRIVEWAY. Every way or place
316 in private ownership and used for vehicular travel by the
317 owner and those having express or implied permission from the
318 owner, but not by other persons.

319 ~~(49)~~ (50) RAILROAD. A carrier of individuals or property
320 upon cars other than street cars, operated upon stationary
321 rails.

322 ~~(50)~~ (51) RAILROAD SIGN or SIGNAL. Any sign, signal, or
323 device erected by authority of a public body or official or by
324 a railroad and intended to give notice of the presence of
325 railroad tracks or the approach of a railroad train.

326 ~~(51)~~ (52) RAILROAD TRAIN. A steam engine, electric or
327 other motor, with or without cars coupled thereto, operated
328 upon rails.

329 ~~(52)~~ (53) RECONSTRUCTED VEHICLE. Every vehicle of a type
330 required to be registered under this title materially altered
331 from its original construction by the removal, addition, or
332 substitution of essential parts, new or used.

333 ~~(53)~~ (54) REGISTRATION. The registration certificate or
334 certificates and registration plates issued under the laws of
335 this state pertaining to the registration of vehicles.

336 ~~(54)~~ (55) RESIDENCE DISTRICT. The territory contiguous



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337 to and including a highway not comprising a business district
338 when the property on the highway for a distance of 300 feet or
339 more is, in the main, improved with residences or residences
340 and buildings in use for business.

341 ~~(55)~~ (56) REVOCATION OF ~~DRIVER'S~~ DRIVER LICENSE. The
342 termination by formal action of the director of an
343 individual's license or privilege to operate a motor vehicle
344 on the public highways, which termination shall not be subject
345 to renewal or restoration except that an application for a new
346 license may be presented and acted upon by the director after
347 the expiration of the applicable period of time prescribed in
348 this title.

349 ~~(56)~~ (57) RIGHT-OF-WAY. The right of one vehicle or
350 pedestrian to proceed in a lawful manner in preference to
351 another vehicle or pedestrian approaching under such
352 circumstances of direction, speed, and proximity as to give
353 rise to danger of collision unless one grants precedence to
354 the other.

355 ~~(57)~~ (58) ROAD TRACTOR. Every motor vehicle designed and
356 used for drawing other vehicles and not so constructed as to
357 carry any load thereon either independently or any part of the
358 weight of a vehicle or load so drawn.

359 ~~(58)~~ (59) ROADWAY. That portion of a highway improved,
360 designed, or ordinarily used for vehicular travel, exclusive
361 of the berm or shoulder. In the event a highway includes two
362 or more separate roadways, the term refers to each roadway
363 separately but not to all roadways collectively.

364 ~~(59)~~ (60) SAFETY ZONE. The area or space officially set



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365 apart within a roadway for the exclusive use of pedestrians
366 and which is protected or is so marked or indicated by
367 adequate signs as to be plainly visible at all times while set
368 apart as a safety zone.

369 ~~(60)~~ (61) SCHOOL BUS. Every motor vehicle that complies
370 with the color and identification requirements set forth by
371 law or rule and is used to transport children to or from
372 school or in connection with school activities, but not
373 including buses operated by common carriers in urban
374 transportation of school children.

375 ~~(61)~~ (62) SCOOTER. A device weighing less than 100
376 pounds that satisfies all of the following:

- 377 a. Has handlebars and an electric motor.
378 b. Is solely powered by the electric motor or human
379 power.
380 c. Has a maximum speed of no more than 20 m.p.h. on a
381 paved level surface when powered solely by the electric motor.

382 This term does not include an e-bike, EPAMD, Segway,
383 motorcycle, or moped.

384 ~~(62)~~ (63) SECURITY AGREEMENT. A written agreement that
385 reserves or creates a security interest.

386 ~~(63)~~ (64) SECURITY INTEREST. An interest in a vehicle
387 reserved or created by agreement and which secures payment or
388 performance of an obligation. The term includes the interest
389 of a lessor under a lease intended as security. A security
390 interest is perfected when it is valid against third parties
391 generally, subject only to specific statutory exceptions.

392 ~~(64)~~ (65) SEMITRAILER. Every vehicle with or without



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393 motive power, other than a pole trailer, designed for carrying
394 individuals or property and for being drawn by a motor vehicle
395 and so constructed that some part of its weight and that of
396 its load rests upon or is carried by another vehicle.

397 ~~(65)~~ (66) SHARED MICROMOBILITY DEVICE. A type of
398 transportation device that includes a bicycle, electric
399 bicycle, tricycle, scooter, hoverboard, skateboard, pedal car,
400 or similar device, except a device used as an electrical
401 personal assistive mobility device by an individual with
402 disabilities, used in a shared micromobility device system.

403 ~~(66)~~ (67) SHARED MICROMOBILITY DEVICE SYSTEM. A system
404 that provides shared micromobility devices to users for
405 short-term rentals, whether or not the system requires docking
406 stations or other similar fixed infrastructure to receive or
407 return the shared micromobility device.

408 ~~(67)~~ (68) SIDEWALK. That portion of a street between the
409 curb lines, or the lateral lines of a roadway, and the
410 adjacent property lines, intended for use by pedestrians.

411 ~~(68)~~ (69) SOLID TIRE. Every tire of rubber or other
412 resilient material which does not depend upon compressed air
413 for the support of the load.

414 ~~(69)~~ (70) SPECIAL MOBILE EQUIPMENT. Every vehicle not
415 designed or used primarily for the transportation of
416 individuals or property and only incidentally operated or
417 moved over a highway, including, but not limited to: Ditch
418 digging apparatus, well boring apparatus, and road
419 construction and maintenance machinery such as asphalt
420 spreaders, bituminous mixers, bucket loaders, tractors other



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421 than truck tractors, ditchers, levelling graders, finishing
422 machines, motor graders, road rollers, scarifiers, earth
423 moving carry-alls and scrapers, power shovels and drag lines,
424 and self-propelled cranes, and earth moving equipment. The
425 term does not include house trailers, dump trucks, truck
426 mounted transit mixers, cranes or shovels, or other vehicles
427 designed for the transportation of individuals or property to
428 which machinery has been attached.

429 ~~(70)~~ (71) SPECIALLY CONSTRUCTED VEHICLE. Every vehicle
430 of a type required to be registered under this title not
431 originally constructed under a distinctive name, make, model,
432 or type by a generally recognized manufacturer of vehicles and
433 not materially altered from its original construction.

434 ~~(71)~~ (72) STAND or STANDING. The halting of a vehicle,
435 whether occupied or not. The term does not include a vehicle
436 that is halted temporarily for the purpose of and actually
437 engaged in receiving or discharging passengers.

438 ~~(72)~~ (73) STATE. A state, territory, or possession of
439 the United States, the District of Columbia, the Commonwealth
440 of Puerto Rico, or a province of Canada.

441 ~~(73)~~ (74) STOP. When required, means complete cessation
442 from movement.

443 ~~(74)~~ (75) STOP or STOPPING. When prohibited, means any
444 halting, even momentarily, of a vehicle, whether occupied or
445 not, except when necessary to avoid conflict with other
446 traffic or in compliance with the directions of a police
447 officer or traffic-control sign or signal.

448 ~~(75)~~ (76) STREET. The entire width between boundary



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449 lines of every way publicly maintained when any part thereof
450 is open to the use of the public for purposes of vehicular
451 travel.

452 ~~(76)~~ (77) SUSPENSION OF ~~DRIVER'S~~DRIVER LICENSE. The
453 temporary withdrawal by formal action of the Secretary of the
454 Alabama State Law Enforcement Agency of an individual's driver
455 license or privilege to operate a motor vehicle on the public
456 highways, which temporary withdrawal shall be for a period
457 specifically designated by the secretary.

458 ~~(77)~~ (78) THROUGH HIGHWAY. Every highway or portion
459 thereof on which vehicular traffic is given preferential
460 right-of-way, and at the entrances to which vehicular traffic
461 from intersecting highways is required by law to yield the
462 right-of-way to vehicles on such through highway in obedience
463 to a stop sign, yield sign, or other official traffic-control
464 device, when such signs or devices are erected as provided in
465 this title.

466 ~~(78)~~ (79) TRACKLESS TROLLEY COACH. Every motor vehicle
467 which is propelled by electric power obtained from overhead
468 trolley wires but not operated upon rails.

469 ~~(79)~~ (80) TRAFFIC. Pedestrians, ridden or herded
470 animals, vehicles, streetcars, and other conveyances, either
471 singly or together, while using any highway for purposes of
472 travel.

473 ~~(80)~~ (81) TRAFFIC-CONTROL SIGNAL. Any device, whether
474 manually, electrically, or mechanically operated, by which
475 traffic is alternately directed to stop and permitted to
476 proceed.



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477 ~~(81)~~ (82) TRAILER. Every vehicle with or without motive
478 power, other than a pole trailer, designed for carrying
479 individuals or property and for being drawn by a motor vehicle
480 and so constructed that no part of its weight rests upon the
481 towing vehicle.

482 ~~(82)~~ (83) TRANSPORTER. Every person engaged in the
483 business of delivering vehicles of a type required to be
484 registered under this title from a manufacturing, assembling,
485 or distributing plant to dealers or sales agents of a
486 manufacturer.

487 ~~(83)~~ (84) TRUCK. Every motor vehicle designed, used, or
488 maintained primarily for the transportation of property.

489 ~~(84)~~ (85) TRUCK PLATOON. A group of individual
490 commercial trucks traveling in a unified manner at
491 electronically coordinated speeds at following distances that
492 are closer than would be reasonable and prudent without the
493 electronic coordination.

494 ~~(85)~~ (86) TRUCK TRACTOR. Every motor vehicle designed
495 and used primarily for drawing other vehicles and not so
496 constructed as to carry a load other than a part of the weight
497 of the vehicle and load so drawn.

498 ~~(86)~~ (87) URBAN DISTRICT. The territory contiguous to
499 and including any street which is built up with structures
500 devoted to business, industry, or dwelling houses situated at
501 intervals of less than 100 feet for a distance of a quarter of
502 a mile or more.

503 ~~(87)~~ (88) VEHICLE. Every device in, upon, or by which
504 any individual or property is or may be transported or drawn



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505 upon a highway, excepting devices moved by human power or used
506 exclusively upon stationary rails or tracks or electric
507 personal assistive mobility devices; provided, that for the
508 purposes of this title, a bicycle, an electric bicycle, or a
509 ridden animal shall be deemed a vehicle, except those
510 provisions of this title, which by their very nature can have
511 no application."

512 Section 3. This act shall become effective on October
513 1, 2024.