

POLICY RESEARCH BRIEF: Key Transportation Legislation of 2019

House Bill 1, First Special Session

Effective: 03/12/2019

House Author: Poole

Senate Sponsor: Chambliss

House Bill 1 revises the membership, operation, duties, and authority of the Permanent Joint Transportation Committee. The bill:

- Increases the number of Permanent Joint Transportation Committee members from 14 to 24
- Requires one Senator and one House member to be a resident of each ALDOT region
- Requires 2 members from the minority party (of total membership)
- Increases the number of times the JTC meets each year
- Requires the JTC to review ALDOT's budget
- Allows JTC to recommend amendments to ALDOT's Long Range Plan
- Requires ALDOT and the JTC to undertake a study of Federal Highway Administration Life Cycle Cost Analysis and Price Adjustment Clause guidelines

House Bill 2, First Special Session

Effective: 03/12/2019

House Author: Poole

Senate Sponsor: Chambliss

House Bill 2, the Rebuild Alabama Act, increases certain taxes and fees related to transportation infrastructure and specifies the distribution and expenditure of those funds. The bill:

- Increases the gas and diesel tax by a total of 10 cents: 6 cents in 2019, 2 cents in 2020, and 2 cents in 2021
- Imposes registration fees of \$200 on battery electric vehicles and \$100 on plug-in hybrids
 - Uses \$50 from the electric vehicle fee and \$25 from the plug-in hybrid fee to fund electric vehicle transportation charging infrastructure
- Allows up to \$11,760,000 collected from gas and diesel taxes each year to finance debt for improvements to the ship channel providing access to the facilities of the Alabama State Docks
- Creates a new distribution formula for the 10 cent tax increase
 - 66.67% to ALDOT
 - 25% to the counties
 - 8.33% to the municipalities
- Starts indexing the gas and diesel tax in 2023 and every other year thereafter based on the change in the National Highway Construction Cost Index (NHCCI)
 - Cannot increase or decrease by more than 1 cent

House Bill 3, First Special Session

Effective: 03/12/2019

House Author: Poole

Senate Sponsor: Chambliss

House Bill 3 provides the Alabama Highway Finance Corporation the authority to borrow money and issue bonds, up to \$150 million, to improve the Mobile Ship Channel.

Key Transportation Legislation, Regular Session 2019

[House Bill 155](#)

Effective: 07/01/2019

House Author: Clouse

Senate Sponsor: Scofield

House Bill 155 amends Section 40-12-222 of the Code of Alabama 1975 to provide how state and local privilege and license taxes for the lease or rental of tangible property is determined. The bill provides that lease payments for automotive vehicles be considered a separate lease transaction. The bill also establishes which location should be used in determining privilege and license tax levies with the determining factor being whether the automotive vehicle was leased from a motor vehicle dealer.

[House Bill 163](#)

Effective: 05/07/2019

House Author: McMillan

Senate Sponsor: Figures

House Bill 163 amends Section 40-2-11 of the Code of Alabama 1975 to authorize the Alabama Department of Revenue to waive temporarily the licensing requirements under Section 40-17-332 of the Code of Alabama for importers, exporters, and transporters of motor fuel during a declared state of emergency or disaster.

[House Bill 190](#)

Effective: 08/01/2019

House Author: McMillan

Senate Sponsor: Elliott

House Bill 190 prohibits the parking of motor vehicles in violation of a Department of Conservation and Natural Resources rule while on any property under its control. The bill stipulates that a person who violates this section will be issued a Uniform Traffic Ticket and Complaint (UTTC). The fine for a violation is \$50, and for a violation in a handicapped parking space the fine will be \$250. A person who fails to pay a fine may have his/her driver's license suspended by a district court.

[House Bill 212](#)

Effective: 09/01/2019

House Author: Pettus et al.

Senate Sponsor: Chambliss

House Bill 212, the Anti-Road Rage Act, amends Section 32-5A-80 of the Code of Alabama 1975 to stipulate that a vehicle traveling on an interstate highway may not remain in the leftmost lane for more than 1.5 miles without completely passing another vehicle, subject to several exceptions. For a period of 60 days following the effective date of the act, only warning citations may be issued for violations of the bill. The 60-day warning only period would run through October 31, 2019.

[House Bill 219](#)

Effective: 05/07/2019

House Author: Pringle

Senate Sponsor: Sessions

House Bill 219 amends Section 32-13-6 of the Code of Alabama to allow a Class 2 municipality (Mobile) that operates an impound facility to keep monies collected from abandoned vehicles that were publicly auctioned in the municipality's general fund. Previously, all funds collected from a municipality owned impound facility went to the general fund of the county.

House Bill 257**Effective:** 08/01/2019**House Author:** Shedd
Senate Sponsor: Gudger

House Bill 257 amends Section 32-6-67 of the Code of Alabama 1975 to exclude private or proprietary two-year colleges and technical schools from sponsoring new distinctive license plates. The bill gives the Alabama Department of Revenue the authority to review all personalized license plates and the obligation to determine whether requested plates are issued or renewed in accordance with applicable state statutes. Additionally, the bill requires all proceeds of the annual license taxes and registration fees on vehicles to be distributed to counties and municipalities in the same manner as prescribed in the Rebuild Alabama Act (2019 First Special Session).

House Bill 261**Effective:** 01/01/2020**House Author:** Coleman et al.
Senate Sponsor: Ward

House Bill 261 requires trade schools and junior colleges defined in Section 16-60-8 of the Code of Alabama 1975 to offer industry specific training on human trafficking. Additionally, private driver training schools are required to use best efforts to incorporate specific training on the recognition, prevention, and reporting of human trafficking into the course curriculum.

House Bill 278**Effective:** 05/02/2019**House Author:** McCampbell
Senate Sponsor: Shelnett

House Bill 278 amends Sections 40-12-240 and 40-12-305 of the Code of Alabama 1975 to require the Alabama Department of Revenue to develop, maintain, and make available a fleet online registration and tax (FORT) system. As a component of the FORT system, the bill requires the Alabama Department of Revenue to issue a fleet license plate. The bill also establishes an advisory committee to review the design and operation of the FORT system and to make recommendations regarding system requirements and functionality to the Commissioner of Revenue.

House Bill 290**Effective:** 09/01/2019**House Author:** Sells
Senate Sponsor: Allen

House Bill 290, the Alabama Move Over Act, amends Section 32-5A-58.2 of the Code of Alabama 1975, which requires all motorists to move over one or more lanes whenever possible for stopped law enforcement vehicles. The bill increases fines for first, second, and subsequent violations to \$100, \$150, and \$200, respectively.

House Bill 302**Effective:** 01/01/2020**House Author:** Rowe
Senate Sponsor: Chambliss

House Bill 302 amends Sections 32-7A-2, 32-7A-5, 32-7A-8, 32-7A-11, and 32-7A-12 of the Code of Alabama 1975 pertaining to the Alabama Mandatory Liability Insurance Law, which stipulates that any individual who operates, registers, or maintains the registration of a motor vehicle to be operated on public roads and highways must maintain a liability insurance policy for such vehicle. The bill amends the definition of inoperable or stopped motor vehicles, requires the Department of Revenue to suspend the registration of a vehicle having no liability insurance policy and notify the registered owner in writing. House Bill 302 also adds conditions that vehicle registrants must satisfy to claim the stored or inoperable vehicle exemption. Furthermore, the bill reduces the period between violations that distinguishes a first violation from a subsequent violation from four to two years and eliminates the 4-month suspension for subsequent violations.

House Bill 393**Effective:** 10/01/2020 (Section 2 effective 08/01/2019)**House Author:** Wood, Randy**Senate Sponsor:** Livingston

House Bill 393 amends Sections 40-12-264, 40-12-390, 40-12-391, 40-12-392, 40-12-393, 40-12-395, and 40-12-398 of the Code of Alabama 1975 to provide for a master regulatory dealer license and to increase the issuance fee for dealer license plates from \$1.75 to \$2 and make other changes. The bill increases the number of dealer license plates a licensed new motor vehicle dealer may purchase from 25 to 35 and decreases the number of dealer motorcycle plates from ten to five. The bill imposes a civil penalty of \$500 for a first violation and \$1,000 for any subsequent violations. Section 2 of the bill creates a wholesale motor vehicle auction license and provides that a violation of the licensing requirement is a Class A misdemeanor.

House Bill 394**Effective:** 01/01/2020**House Author:** Wood, Randy**Senate Sponsor:** Livingston

House Bill 394 amends Sections 32-8-84, 32-13-2, and 32-13-3 of the Code of Alabama 1975 to include additional requirements regarding unclaimed motor vehicles. Section 32-8-84 defines an unclaimed vehicle and the title search process. The bill requires a 60-day hold on the title record of an unclaimed vehicle before a new title can be issued. The bill also removes the term “entity” and replaces it with the definition of a “person” as defined in Section 40-12-240. Section 32-13-2 details the situations in which a law enforcement officer can remove an unclaimed vehicle. The bill also allows the owner’s authorized agent or the lessee of real property (or their agent) to give direction to move an unclaimed vehicle. Section 32-13-3 is amended to include requirements for the sale and title issuance of an unclaimed vehicle for a seller who is not a bonded agent.

House Bill 400**Effective:** 08/01/2019**House Author:** Shedd et al.**Senate Sponsor:** Marsh

House Bill 400 authorizes electricity providers to install, replace, and operate a broadband system across the electricity provider’s easements. The bill permits electricity providers to condemn easements and rights-of-way for advanced communication capabilities.

House Bill 479**Effective:** 02/07/2020**House Author:** Grimsley et al.**Senate Sponsor:** Roberts

House Bill 479 provides that an applicant who is at least 18 years of age but less than 21 years of age may obtain a Class A Commercial Driver’s License (CDL) for use within Alabama, limited to operating certain types of commercial vehicles. The applicant must meet all state and federal requirements necessary to obtain a CDL for intrastate commerce purposes. The applicant may obtain a tank vehicle endorsement, but cannot be issued a hazardous material endorsement, passenger endorsement, or an Alabama Department of Transportation (ALDOT) permit for oversized and/or specially configured loads.

House Bill 489**Effective:** 08/01/2019**House Author:** Reynolds et al.**Senate Sponsor:** Butler

House Bill 489 adds Section 32-6-81 to the Code of Alabama 1975 to define the term Emergency Medical Service Provider (EMSP), provide for distinctively designed license plates for EMSPs, and establish a Class C misdemeanor violation for fraudulently obtaining a distinctive EMSP license plate.

House Bill 500**House Author:** Wilcox**Effective:** 08/01/2019

House Bill 500 amends Sections 13A-7-29, 23-5-6, 32-5-76, 32-5A-60, and 33-6-10 of the Code of Alabama 1975 to redefine the term “litter” and the places where litter cannot be thrown, dropped, or permitted to be thrown or dropped. The bill also increases the violation of criminal littering from a Class C misdemeanor to a Class B misdemeanor, increases the fine limit for a first conviction to \$500, and increases punishment for subsequent convictions to either 1) a fine of up to \$1,000 and up to 100 hours of community service, or 2) a fine between \$2,000 and \$3,000. Moreover, littering of cigarettes or cigars, containers of urine, or food containers result in additional fines up to \$500 per violation. Fifty percent of the fines in Section 13A-7-29 may be used for litter enforcement. Section 32-5-76 increases the violation for vehicle loads that spill out or are deposited on roadways from a Class C misdemeanor to a Class B misdemeanor.

House Bill 611**House Author:** McMillan et al.**Effective:** Contingent upon ratification**Senate Sponsor:** Singleton

House Bill 611 proposes an amendment to the Constitution of Alabama of 1901 that would establish a toll road and bridge authority in Baldwin County. The proposed amendment would authorize the toll road and bridge authority to construct and maintain a toll road and bridge project in Baldwin County connecting the Baldwin Beach Express to U.S. Interstate Highway 65 (the “Project”). The proposed amendment would also authorize the authority to acquire property through the power of eminent domain and set and collect tolls, fees, and charges for the use of the project and to issue revenue bonds for the project.

House Bill 620**House Author:** McMillan et al.**Effective:** Contingent upon ratification**Senate Sponsor:** Singleton

House Bill 620 proposes an amendment to the Constitution of Alabama of 1901 that would authorize the Legislature by local law to provide for the incorporation of a toll road and bridge authority for the purposes of constructing and maintaining a toll road and bridge project in Baldwin County to extend the Baldwin Beach Express to U.S. Interstate Highway 65 (the “Project”).

Senate Bill 47**Senate Author:** Allen**Effective:** 05/30/2019**House Sponsor:** Lovvorn

Senate Bill 47 authorizes autonomous commercial vehicles that are operated by an automated driving system and grants the Alabama Department of Transportation the exclusive jurisdiction over automated commercial vehicles. The bill also prescribes the duties for the owner/remote driver of an autonomous commercial vehicle that is involved in an accident.

Senate Bill 74**Senate Author:** Orr**Effective Date:** 04/30/2019**House Sponsor:** Moore, Parker

Senate Bill 74 amends Section 32-12A-1 of the Code of Alabama 1975 to increase the allowable width of All-Terrain Vehicles (ATVs) from 50 inches to 60 inches and dry weights for ATVs from 1,200 pounds to 1,500 pounds. Additionally, the bill increases the allowable width of Recreational Off-Highway Vehicles from 72 inches to 80 inches and the dry weights from 2,000 pounds to 2,500 pounds.

Senate Bill 90**Effective:** 05/30/2019**Senate Author:** Scofield et al.**House Sponsor:** Shedd

Senate Bill 90 amends sections 41-23-212, 41-23-213, and 41-23-214 of the Code of Alabama 1975 by defining the term “end user” and “middle mile project.” The bill requires the Alabama Department of Economic and Community Affairs to develop rules ensuring that expenses to administer the broadband accessibility grant fund do not exceed the lesser of 7% of the total amount appropriated or \$750,000. The bill raises individual grant award maximums in unserved areas to the lesser of 35% of project costs or \$1,500,000. The bill provides additional consideration to grant applicants of minority owned or otherwise disadvantaged business enterprises and updates conditions and criteria with respect to program administration and eligibility.

Senate Bill 122**Effective:** 09/01/2019**Senate Author:** Waggoner et al.**House Sponsor:** Scott

Senate Bill 122 exempts the Birmingham Regional Paratransit Consortium, Inc., doing business as ClasTran from paying state, county, and municipal sales and use taxes until September 30, 2024.

Senate Bill 134**Effective:** 08/01/2019**Senate Author:** Whatley**House Sponsor:** Lovvorn

Senate Bill 134 applies to Lee County and prohibits any person from engaging in solicitation, which includes requests for charitable contributions, along the right-of-way or at a four-way stop intersection on any public road, street, or highway. The bill stipulates that a person who violates this act shall be subject to civil fine of not more than \$100 in a municipal or district court.

Senate Bill 154**Effective:** 06/10/2019**Senate Author:** Elliott et al.**House Sponsor:** Wilcox

Senate Bill 154 amends Sections 23-2-142 and 23-2-153 of the Code of Alabama 1975 (Toll Road, Bridge and Tunnel Authority Act) to add a definition for “concessionaire” and to provide further exemptions to state and local income, excise, license, and ad valorem taxation.

Senate Bill 207**Effective:** 09/01/2019**Senate Author:** Holley**House Sponsor:** Marques

Senate Bill 207 prohibits a person from leaving a child or an incapacitated person unattended in a motor vehicle in a manner that creates an unreasonable risk of injury or harm to the child or incapacitated person. The bill provides that a vehicle with an ambient interior temperature of 99 degrees Fahrenheit or less is presumed safe. The bill also provides criminal immunity to a person who rescues a child or incapacitated person from an unattended vehicle, subject to certain requirements. Additionally, the bill provides for civil and criminal immunity for a public safety official who rescues a child or incapacitated person from an unattended motor vehicle, subject to certain requirements.

Senate Bill 208**Effective:** 01/01/2020**Senate Author:** Holley**House Sponsor:** South

Senate Bill 208 amends Section 32-6-523 of the Code of Alabama 1975 to redirect funds collected from the sale of the Alabama Association of Realtors license plate to the Alabama Realtors Foundation. Previously, the monies collected went to the Alabama Children’s Trust Fund.

Senate Bill 243**Effective:** 09/01/2019**Senate Author:** Price
House Sponsor: Standridge

Senate Bill 243 amends Section 40-5-44 of the Code of Alabama 1975 to require annual settlement of motor vehicle tag ad valorem tax collection.

Senate Bill 254**Effective:** 08/01/2019**Senate Author:** Burkette
House Sponsor: Sells

Senate Bill 254, the Roderic Deshaun Scott Seat Belt Safety Act, amends Section 32-5B-4 of the Code of Alabama 1975 to require every adult occupant of a passenger car to have a safety belt fastened when the vehicle is in motion. Prior law only required front seat occupants of a passenger car to have a safety belt fastened while the vehicle was in motion. Additionally, the bill establishes that any violation of the section, other than a violation by a front seat occupant, is a secondary violation, which requires a lawful stop of the vehicle based on probable cause of another violation of law and the issuance of a citation or warrant of arrest for the violation.

Senate Bill 260**Effective:** 05/15/2019**Senate Author:** Livingston
House Sponsor: Hanes

Relating to Jackson County, Senate Bill 260 amends Section 46-36-243.12 of the Code of Alabama 1975 to provide that expenditures from the special fund provided for in Section 45-36-243.11 of the Code of Alabama 1975 are exclusively intended for materials and equipment used for the repair, maintenance, and construction of public roads and bridges.

Senate Bill 312**Effective:** 08/01/2019**Senate Author:** Smitherman
House Sponsor: Faulkner

Senate Bill 312 amends Section 32-1-1.1 of the Code of Alabama 1975 and adds Section 32-19-2 to provide for the operation of shared micromobility device systems, require the consent of a county or municipality prior to the use of the system in the county or municipality, and define the terms Scooter, Shared Micromobility Device, and Shared Micromobility Device System. “Scooter” is a device weighing less than 100 pounds that has handlebars and an electric motor, is solely powered by an electric motor or human power, and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor. A “Shared micromobility device system” provides bicycles, tricycles, scooters, hoverboards, skateboards, pedal cars, or similar devices, with or without docking stations, to users for short-term rentals.

Senate Bill 347**Effective:** 01/01/2024**Senate Author:** Sessions et al.
House Sponsor: McMillan

Senate Bill 347 amends Sections 23-2-167, 23-2-168, 23-2-169, 23-2-172, 23-2-173, and 23-2-175 of the Code of Alabama 1975 to require the Alabama Department of Revenue to provide registration information, when requested, to the Alabama Toll Road, Bridge and Tunnel Authority. The bill further provides for the process of issuing a notice to motorists who fail to pay for a toll, which includes three mailed notices and a final warning letter. The notices also carry administrative fees for motorists where the first notice carries an administrative fee of no more than \$5, a second violation \$50, and a third violation \$100. The bill also authorizes the non-renewal of registration of a vehicle that has received a final warning for failure to pay a toll, which would last until the citation is paid.

Senate Bill 349**Effective:** Contingent upon ratification of SB350**Senate Author:** Chambliss**House Sponsor:** Oliver

Senate Bill 349 relates to Willow Point Estates in Tallapoosa County. The bill authorizes the formation of the Willow Point Road Maintenance District. The district will only be created if it is approved by a vote of the majority of the qualified voters in the proposed district. The bill establishes the process for establishing a board of directors for the district and grants the district the power to acquire, own, operate, maintain, and improve a system of roads and bridges within the district. The expenses of establishing and maintaining the district would come from the proceeds of the road maintenance charge assessed and collected from district property owners.

Senate Bill 350**Effective:** Contingent upon ratification**Senate Author:** Chambliss**House Sponsor:** Oliver

Senate Bill 350 proposes a constitutional amendment for the Willow Point Estates in Tallapoosa County. The local amendment would allow the Legislature to establish a public corporation of platted lot owners in the Willow Point Estates with the intent of establishing a road maintenance district. The duty of this district would be to assess, collect, and use road maintenance charges.

Senate Bill 373**Effective:** 06/10/2019**Senate Author:** Marsh

Senate Bill 373 amends Section 29-2-2 of the Code of Alabama 1975 to increase the number of members of the Senate and the House of Representatives constituting the Permanent Joint Transportation Committee from 12 to 13 and clarify required minority party membership.

Senate Bill 406**Effective:** 08/01/2019**Senate Author:** Reed**House Sponsor:** Crawford

Senate Bill 406 amends Section 32-9-29 of the Code of Alabama 1975 by providing inspection authority of oversized vehicle permits and emergency tow permits to all law enforcement officers. The bill grants the Director of the Department of Transportation the ability to authorize and/or permit the operation of emergency tow vehicles which otherwise exceed the maximum height, weight, or length limitations by law.

Senate Joint Resolution 98**Effective:** 05/31/2019**Senate Sponsor:** Ward

Senate Joint Resolution 98 designates July 1 as annual car surfing death awareness day. The resolution defines car surfing as riding outside of a moving vehicle driven by another person. The resolution is passed in memory of Chase Davis of Columbiana who died July 1, 2017, as a result of an accident caused by car surfing.

Source: ATI Staff

Produced by the Transportation Policy Research Center, a unit of the Alabama Transportation Institute.

