

1 HB454  
2 176000-1  
3 By Representatives Pettus and Lee  
4 RFD: Public Safety and Homeland Security  
5 First Read: 22-MAR-16

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8 SYNOPSIS: Under existing law, for the purposes of  
9 motor vehicle laws, a motor-driven cycle is defined  
10 as a motorcycle, including a motor scooter, with a  
11 motor that, among other things, weighs less than  
12 200 pounds fully equipped.

13 This bill would remove the requirement that  
14 a motor-driven cycle weigh less than 200 pounds  
15 fully equipped.  
16

17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Section 32-1-1.1 of the Code of Alabama  
22 1975, to provide further for the definition of motor-driven  
23 cycles.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 32-1-1.1 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§32-1-1.1.

1           "The following words and phrases when used in this  
2 title shall, for the purpose of this title, have meanings  
3 respectively ascribed to them in this section, except when the  
4 context otherwise requires:

5           "(1) ALLEY. A street or highway intended to provide  
6 access to the rear or side of lots or buildings in urban  
7 districts and not intended for the purpose of through  
8 vehicular traffic.

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

14           "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire  
15 department vehicles, police vehicles and ambulances as are  
16 publicly owned, and such other publicly or privately owned  
17 vehicles as are designated by the Director of Public Safety or  
18 the chief of police of an incorporated city.

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

22           "(5) BUS. Every motor vehicle designed for carrying  
23 more than 10 passengers and used for the transportation of  
24 persons; and every motor vehicle other than a taxicab,  
25 designed and used for the transportation of persons for  
26 compensation.

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

8           "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment  
9 or termination by formal action of the Director of Public  
10 Safety of a person's driver's license because of some error or  
11 defect in the license or because the licensee is no longer  
12 entitled to such license, but the cancellation of a license is  
13 without prejudice and application for a new license may be  
14 made at any time after such cancellation.

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

21           "(9) CROSSWALK.

22           "a. That part of a roadway at an intersection  
23 included within the connections of the lateral lines of the  
24 sidewalks on opposite sides of the highway measured from the  
25 curbs or, in the absence of curbs, from the edges of the  
26 traversable roadway;

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

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

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

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

14            "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in  
15 which any motor vehicle, trailer, or semitrailer, singly or in  
16 combination, new or used, constitutes the commodity being  
17 transported, when one set or more of wheels of any such  
18 vehicle are on the roadway during the course of  
19 transportation, whether or not any such vehicle furnishes the  
20 motive power.

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

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

25            "(15.1) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.  
26 A self-balancing two non-tandem wheeled device designed to  
27 transport only one person with an electric propulsion system

1 with an average power of 750 watts (1 h.p.), whose maximum  
2 speed on a paved level surface, when powered solely by such a  
3 propulsion system while ridden by an operator who weighs not  
4 more than 170 pounds, is less than 20 m.p.h. The term shall  
5 not include a motorized bicycle, motorized scooter, or  
6 motorized skateboard.

7 "(16) ESSENTIAL PARTS. All integral and body parts  
8 of a vehicle of a type required to be registered hereunder,  
9 the removal, alteration, or substitution of which would tend  
10 to conceal the identity of the vehicle or substantially alter  
11 its appearance, model, type, or mode of operation.

12 "(17) ESTABLISHED PLACE OF BUSINESS. The place  
13 actually occupied either continuously or at regular periods by  
14 a dealer or manufacturer where his or her books and records  
15 are kept and a large share of his or her business is  
16 transacted.

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

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

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

7           "(21) FOREIGN VEHICLE. Every vehicle of a type  
8 required to be registered hereunder brought into this state  
9 from another state, territory, or country other than in the  
10 ordinary course of business by or through a manufacturer or  
11 dealer and not registered in this state.

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

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

18           "(24) HOUSE TRAILER.

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

23           "b. A trailer or semitrailer whose chassis and  
24 exterior shell is designed and constructed for use as a house  
25 trailer, as defined in paragraph a., but which is used instead  
26 permanently or temporarily for the advertising, sales,  
27 display, or promotion of merchandise or services, or for any

1 other commercial purpose except the transportation of property  
2 for hire or the transportation of property for distribution by  
3 a private carrier.

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

9 "(26) INTERSECTION.

10 "a. The area embraced within the prolongation or  
11 connection of the lateral curb lines, or, if none, then the  
12 lateral boundary lines of the roadways of two highways which  
13 join one another at, or approximately at, right angles, or the  
14 area within which vehicles traveling upon different highways  
15 joining at any other angle may come in conflict.

16 "b. Where a highway includes two roadways 30 feet or  
17 more apart, then every crossing of each roadway of such  
18 divided highway by an intersecting highway shall be regarded  
19 as a separate intersection. In the event such intersecting  
20 highway also includes two roadways 30 feet or more apart, then  
21 every crossing of two roadways of such highways shall be  
22 regarded as a separate intersection.

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

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



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

6           "(29) LOCAL AUTHORITIES.

7           "a. Every county commission; and

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

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

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

16           "(32) MOTOR VEHICLE. Every vehicle which is  
17 self-propelled and every vehicle which is propelled by  
18 electric power obtained from overhead trolley wires, but not  
19 operated upon rails, except for electric personal assistive  
20 mobility devices.

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

25           "(34) MOTOR-DRIVEN CYCLE. Every motorcycle,  
26 including every motor scooter, with a motor which produces not  
27 to exceed five brake horsepower nor to exceed 150 cubic

1 centimeter engine displacement, ~~and weighs less than 200~~  
2 ~~pounds fully equipped,~~ and every bicycle with motor attached.

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

5 "(36) NONRESIDENT'S OPERATING PRIVILEGE. The  
6 privilege conferred upon a nonresident by the laws of this  
7 state pertaining to the operation by such person of a motor  
8 vehicle, or the use of a vehicle owned by such person, in this  
9 state.

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

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

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

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

27 "(41) PEDESTRIAN. Any person afoot.

1           "(42) PERSON. Every natural person, firm,  
2 copartnership, association, or corporation.

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

5           "(44) POLE TRAILER. Every vehicle without motive  
6 power designed to be drawn by another vehicle and attached to  
7 the towing vehicle by means of a reach or pole, or by being  
8 boomed or otherwise secured to the towing vehicle, and  
9 ordinarily used for transporting long or irregularly shaped  
10 loads such as poles, pipes, or structural members capable,  
11 generally, of sustaining themselves as beams between the  
12 supporting connections.

13           "(45) POLICE OFFICER. Every officer authorized to  
14 direct or regulate traffic or to make arrests for violations  
15 of traffic regulations.

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

20           "(47) RAILROAD. A carrier of persons or property  
21 upon cars other than street cars, operated upon stationary  
22 rails.

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

1           "(49) RAILROAD TRAIN. A steam engine, electric or  
2 other motor, with or without cars coupled thereto, operated  
3 upon rails.

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

8           "(51) REGISTRATION. The registration certificate or  
9 certificates and registration plates issued under the laws of  
10 this state pertaining to the registration of vehicles.

11           "(52) RESIDENCE DISTRICT. The territory contiguous  
12 to and including a highway not comprising a business district  
13 when the property on such highway for a distance of 300 feet  
14 or more is in the main improved with residences or residences  
15 and buildings in use for business.

16           "(53) REVOCATION OF DRIVER'S LICENSE. The  
17 termination by formal action of the director of a person's  
18 license or privilege to operate a motor vehicle on the public  
19 highways, which termination shall not be subject to renewal or  
20 restoration except that an application for a new license may  
21 be presented and acted upon by the director after the  
22 expiration of the applicable period of time prescribed in this  
23 title.

24           "(54) RIGHT-OF-WAY. The right of one vehicle or  
25 pedestrian to proceed in a lawful manner in preference to  
26 another vehicle or pedestrian approaching under such  
27 circumstances of direction, speed, and proximity as to give

1 rise to danger of collision unless one grants precedence to  
2 the other.

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

7 "(56) ROADWAY. That portion of a highway improved,  
8 designed, or ordinarily used for vehicular travel, exclusive  
9 of the berm or shoulder. In the event a highway includes two  
10 or more separate roadways the term "roadway" as used herein  
11 shall refer to any such roadway separately but not to all such  
12 roadways collectively.

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

18 "(58) SCHOOL BUS. Every motor vehicle that complies  
19 with the color and identification requirements set forth by  
20 statute or regulation and is used to transport children to or  
21 from school or in connection with school activities, but not  
22 including buses operated by common carriers in urban  
23 transportation of school children.

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

26 "(60) SECURITY INTEREST. An interest in a vehicle  
27 reserved or created by agreement and which secures payment or

1 performance of an obligation. The term includes the interest  
2 of a lessor under a lease intended as security. A security  
3 interest is perfected when it is valid against third parties  
4 generally, subject only to specific statutory exceptions.

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

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

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

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

1 cranes or shovels, or other vehicles designed for the  
2 transportation of persons or property to which machinery has  
3 been attached.

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

9 "(66) STAND or STANDING. The halting of a vehicle,  
10 whether occupied or not, otherwise than temporarily for the  
11 purpose of and while actually engaged in receiving or  
12 discharging passengers.

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

16 "(68) STOP. When required, means complete cessation  
17 from movement.

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

23 "(70) STREET. The entire width between boundary  
24 lines of every way publicly maintained when any part thereof  
25 is open to the use of the public for purposes of vehicular  
26 travel.

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

6           "(72) THROUGH HIGHWAY. Every highway or portion  
7 thereof on which vehicular traffic is given preferential  
8 right-of-way, and at the entrances to which vehicular traffic  
9 from intersecting highways is required by law to yield the  
10 right-of-way to vehicles on such through highway in obedience  
11 to a stop sign, yield sign, or other official traffic-control  
12 device, when such signs or devices are erected as provided in  
13 this title.

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

17           "(74) TRAFFIC. Pedestrians, ridden or herded  
18 animals, vehicles, streetcars, and other conveyances either  
19 singly or together while using any highway for purposes of  
20 travel.

21           "(75) TRAFFIC-CONTROL SIGNAL. Any device, whether  
22 manually, electrically, or mechanically operated, by which  
23 traffic is alternately directed to stop and permitted to  
24 proceed.

25           "(76) TRAILER. Every vehicle with or without motive  
26 power, other than a pole trailer, designed for carrying  
27 persons or property and for being drawn by a motor vehicle and



1 so constructed that no part of its weight rests upon the  
2 towing vehicle.

3 "(77) TRANSPORTER. Every person engaged in the  
4 business of delivering vehicles of a type required to be  
5 registered hereunder from a manufacturing, assembling, or  
6 distributing plant to dealers or sales agents of a  
7 manufacturer.

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

10 "(79) TRUCK TRACTOR. Every motor vehicle designed  
11 and used primarily for drawing other vehicles and not so  
12 constructed as to carry a load other than a part of the weight  
13 of the vehicle and load so drawn.

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

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

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.