

1 HB339
2 115076-1
3 By Representative Curtis
4 RFD: Public Safety
5 First Read: 19-JAN-10

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8 SYNOPSIS: This bill would require the use of a safety
9 device to connect a trailer to a motor vehicle.

10 This bill would provide penalties for a
11 violation of this act.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 Relating to safety devices on trailers; to require a
11 safety device to connect a trailer to a motor vehicle; to
12 provide penalties; and in connection therewith to have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds within the meaning of Amendment 621
15 of the Constitution of Alabama of 1901, now appearing as
16 Section 111.05 of the Official Recompilation of the
17 Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) As used in this section, a "safety
20 device" is any locking mechanism that locks a trailer hitch
21 into place between the trailer and ball hitch of the motor
22 vehicle towing the trailer.

23 (b) A person commits the crime of towing a trailer
24 without a safety device if the person operates a motor vehicle
25 that is towing a trailer not equipped with a safety device
26 approved by the Department of Public Safety that will prevent
27 the trailer from becoming unhitched while in transport.

1 (c) The safety device shall provide strength,
2 security of attachment, and directional stability equal to or
3 greater than that provided by safety chains.

4 (d) The safety device shall prevent the detachment
5 of the trailer from the towing vehicle should the regular
6 coupling device fastening the trailer to the towing vehicle
7 break, fail, or otherwise become disconnected.

8 (e) The safety device shall be designed,
9 constructed, and installed to ensure that the coupling device
10 does not drop to the ground if the coupling device breaks,
11 fails, or otherwise becomes disconnected.

12 (f) A violation of this section shall be a Class C
13 misdemeanor punishable by a fine of not more than one hundred
14 dollars (\$100) or imprisonment of not more than three months.

15 (g) Nothing in this section shall be construed as
16 excepting commercial vehicles subject to 49 C.F.R., Part 393,
17 Subpart F, Coupling Devices and Towing Methods, from complying
18 with the provisions thereof.

19 (h) The Director of the Department of Public Safety
20 shall adopt rules to implement and enforce this section.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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