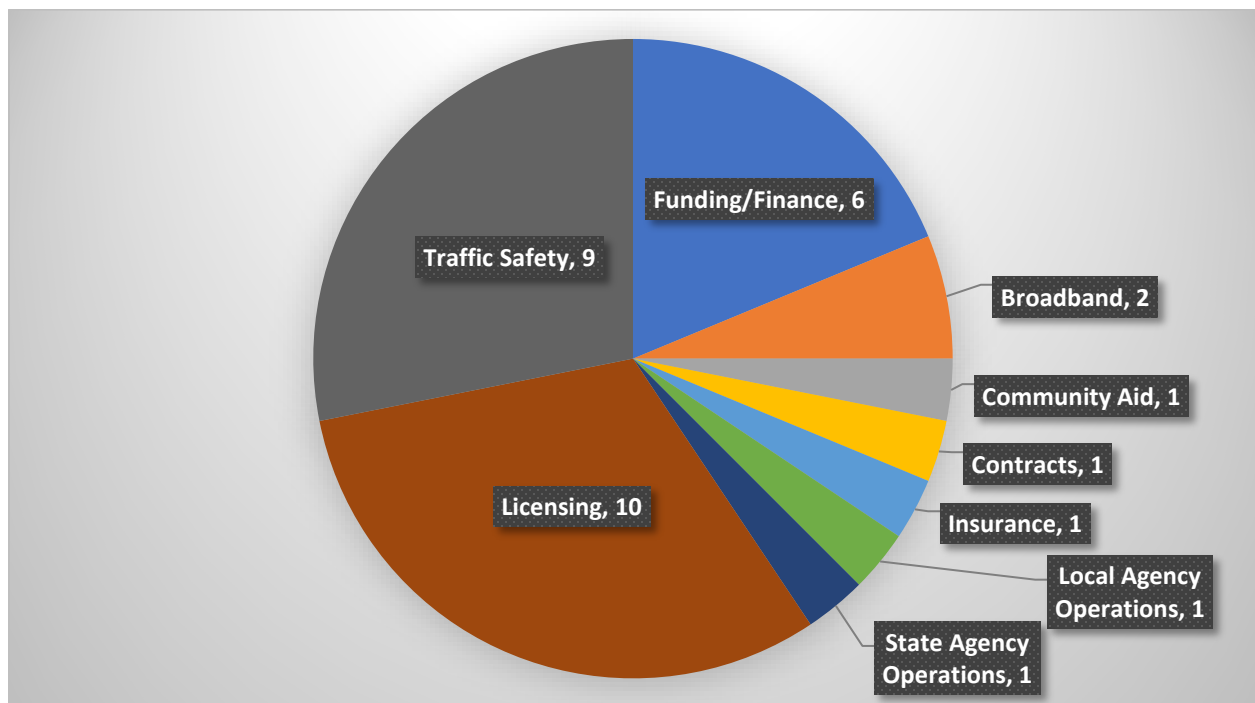


2021 Alabama Legislative Session Wrapup

Overview

The 2021 Alabama Legislature's Regular Session convened February 2, 2021 and adjourned on May 17, 2021. Thirty-two transportation-related bills were enacted out of the 92 transportation-related bills that were introduced during the session. For this analysis, transportation-related bills were grouped into the following categories: licensing, traffic safety, funding/finance, broadband, community aid, contracts, insurance, local agency operations, and state agency operations (Figure 1). This report provides a listing and summary of the legislation that passed. It also includes summaries of two bills that did not pass but were the subject of much debate.

Figure 1: Transportation Legislation Passed by the Alabama Legislature in Regular Session 2021, Number of Bills by Category



Legislation Passed, by Category

Licensing

[Senate Bill 112](#)

Author: Orr

Effective Date: Sections 1, 2, and 3: March 18, 2021; Section 4: January 1, 2022

Section 1 authorizes the Commissioner of the Department of Revenue to temporarily waive requirements for the International Fuel Tax Agreement and the International Registration Plan during a declared state of emergency.

Section 2 clarifies that bidding procedures approved by the Department of Examiners of Public Accounts may be used for certain county and road projects.

Section 3 provides for clarification on the distributor of certain license taxes and fees and clarifies a reference to motor fuel excise taxes with regard to surety bonds.

Section 4 provides a reduced additional annual license tax and registration fee for electric low-speed vehicles.

[Senate Bill 198](#)

Author: Chesteen

Effective Date: April 1, 2021

Authorizes the Commissioner of Revenue to waive certain notarization requirements. Authorizes the Department of Revenue to collect certain certificate of title application commissions and to provide further for the issuance of new certificates of title under certain conditions.

[Senate Bill 211](#)

Author: Orr

Effective Date: April 22, 2021

Increases the authorized width and weight of recreational off-highway vehicles and further provides for the registration of the vehicles. Provides for the fees relating to the registration of the vehicles to be deposited in the Public Safety Fund of the Alabama State Law Enforcement Agency in lieu of a separate off-road vehicle account. Deletes the earmarked use of the funds. Repeals Section 32-12A-14 of the Code of Alabama, relating to the administration of the chapter in the event the Division of Marine Police is transferred to another agency.

[House Bill 77](#)

Author: Whorton

Effective Date: August 1, 2021

Provides for annual fee of \$1 for the issuance of firefighter motor vehicle license plates and provides that 50 cents of each \$1 collected will be deposited into a fund to be used for expanding and maintaining the Alabama Firefighter Memorial located in Tuscaloosa. The other 50 cents of each \$1 collected will be distributed to the Alabama Fire College to be used for training expenses associated with the Firefighter Peer Support System.

[House Bill 78](#)

Author: Marques

Effective Date: January 1, 2022

Provides disabled veterans an exemption from the license plate issuance fee.

[House Bill 96](#)

Author: Wood (R)

Effective Date: October 1, 2021

Increases the maximum combined total number of motor vehicle dealer and motorcycle dealer license plates a used motor vehicle dealer may purchase to 10 without regard to the number of title transfer applications by the dealer during the preceding dealer license year.

[House Bill 195](#)**Author:** Brown (K)**Effective Date:** January 1, 2022

Expands eligibility for a distinctive license tag as a part of the Alabama Veteran Tag Program to include certain honorably discharged veterans of the Cold War.

[House Bill 221](#)**Author:** Ledbetter**Effective Date:** October 1, 2021

Updates definitions, provides for a definition of a transporter, and provides that a manufacturer of a motor vehicle or transporter of certain vehicles may make application to the Department of Revenue for authority to issue temporary license plates and temporary registration certificates.

[House Bill 420](#)**Author:** Wilcox**Effective Date:** August 1, 2021

Provides that all distinctive license plates be subject to the approval and oversight of the Legislative Oversight Committee on License Plates. Also provides for an application fee and reissuance requirements.

[House Bill 460](#)**Author:** Allen**Effective Date:** October 1, 2021

Provides the annual license, tax, and registration fees for trucks and truck tractors based on the gross weight of the vehicles. Deletes the limitation on the number of truck tractors of a certain weight class used by a farmer for transporting farm products which are eligible for a reduced fee. Provides for weight classes for trucks or truck tractors owned and used by any person for transporting forest products under certain conditions where the gross weight of the truck or truck tractor exceeds 42,000 pounds. Deletes an exclusion of truck tractors used for transporting forest products when the truck tractors are used for hire.

Traffic Safety Legislation

[Senate Bill 4](#)**Author:** Allen**Effective Date:** July 1, 2021

Provides for construction zone violations to include moving violations and further provides criminal penalties.

[Senate Bill 195](#)**Author:** Givhan**Effective Date:** July 1, 2021

Revises administrative suspension periods for certain driving offenses and makes nonsubstantive, technical revisions to update the existing code language to current style.

[Senate Bill 258](#)**Author:** Orr**Effective Date:** August 1, 2021

Provides for additional chemical tests that may be used to determine if a person was driving under the influence. Provides for additional persons who are qualified to withdraw a person's blood for a chemical test. Provides that a witness may provide testimony on the results of a horizontal gaze nystagmus test. Makes nonsubstantive technical revisions to update the existing code language to current style.

[Senate Bill 332](#)**Author:** Hatcher**Effective Date:** April 29, 2021

Amends Section 6 32-9A-2, Code of Alabama to update references to the federal motor carrier safety regulations.

[House Bill 99](#)**Author:** Gray**Effective Date:** June 1, 2021

Provides for the definition of electric bicycle and the classifications of electric bicycle.

Provides for the operation and regulation of electric bicycles. Excludes electric bicycles from the definitions of motorcycles and off-road vehicles.

[House Bill 280](#)**Author:** Faulkner**Effective Date:** July 1, 2021

Provides that the reduced speed school zone applies to every public and private school in the state.

[House Bill 311](#)**Author:** Jones**Effective Date:** Contingent upon ratification

Proposed Amendment to the Constitution of Alabama that would authorize a municipality in the county to permit the limited operation of golf carts on a municipal street or public road. Would require the driver to have a driver's license. Would require the operator of a golf cart on a municipal street or public roadway to be covered by liability insurance. Would authorize the municipality to assess a civil penalty for violations.

[House Bill 332](#)**Author:** Rowe**Effective Date:** August 1, 2021

Provides for an exception to the prohibition on the operation of vehicles with tinted windows for personal vehicles of active or retired state, local, or federal law enforcement officers.

[House Bill 505](#)**Author:** Pettus**Effective Date:** August 1, 2021

Amends Section 32-5A-80 to require the Department of Transportation to install appropriate signs giving notice of the restrictions described in that section against driving a vehicle in the leftmost lane.

Funding/Finance Legislation

[Senate Bill 11](#)**Author:** Givhan**Effective Date:** April 20, 2021

Exempts airport authorities from sales and use taxes. Includes airport authorities among those tax-exempt entities whose contractors may receive tax exemption certificate projects. Includes airport authorities among those that are not required to obtain an annual certificate of exemption.

[House Bill 192](#)**Author:** Poole**Effective Date:** February 11, 2021

Amends Code of Alabama to create new § 40-15-376.4 to make nonsubstantive technical revisions to update the existing code language to current style. Allows additional jobs and investment credits for underrepresented businesses. Allows additional job credits for pharmaceutical and medical research, development, and manufacturing. Extend the investment credits to technology companies. Extend the sunset date for the Alabama Jobs Act. Increase the annual cap of Jobs Act credits. Specifies the reservation of credits for projects in targeted or jumpstart counties. Provide further definitions and allowable credits for the Alabama Port Credit. Reestablishes the Growing Alabama Credits. Allows a mechanism for an economic development organization to apply for funding. Allows for the credit to be taken against the state portion of the financial institution excise tax and the insurance premiums tax. Provides for an annual cap for the amount of Growing Alabama Credits. Clarifies the reservation of credits for projects in targeted or jumpstart counties. Allows the credit to be taken by owners of S corporations and other partnerships. Provides rulemaking authority and provides for a sunset of the Growing Alabama Credits after calendar year 2023.

[House Bill 390](#)**Author:** Faulkner**Effective Date:** August 1, 2021

Exempts the Birmingham Regional Paratransit Consortium, Inc., from the state gasoline, motor fuel excise taxes, and inspection fees.

[House Bill 463](#)**Author:** England**Effective Date:** June 1, 2021

Provides for the creation of joint road improvement authorities for counties and participating municipalities and procedures for incorporation. Provides for qualifications and procedures for elections of the officers and directors of an authority. Provides for procedures for reincorporating and ratifying of the existence of previously created road improvement commissions in counties containing a Class 4 municipality. Provides for the issuance and sale of bonds and the disposition of the proceeds from the sale of bonds. Provides for the making of grants. Provides for certain exemptions of taxation. Provides for limited liability for authorities. Authorizes other governmental bodies to appropriate funds and donate property to an authority. Allows municipalities, counties, the state, and other selected state entities to invest in bonds issued by an authority.

[House Bill 491](#)**Author:** Shiver**Effective Date:** July 1, 2021

Authorizes the Monroe County Commission to levy an additional sales and use tax for a set period of time. Provides for the collection, distribution, and use of the proceeds of the tax. Creates the Monroe County Highway Repair and Maintenance Fund. Requires annual certification that the proceeds are used as directed.

Broadband

[Senate Bill 76](#)

Author: Orr

Effective Date: February 11, 2021

Establishes procedures to authorize wireless providers to mount or install small wireless facilities on existing poles or to install new poles on the right of way of the state, a state agency, a county, or a municipality.

[Senate Bill 215](#)

Author: Marsh

Effective Date: May 6, 2021

Creates the Alabama Digital Expansion Authority. Provides for the membership and duties of the authority. Creates the Alabama Digital Expansion division of ADECA, provides for its duties, and provides for the appointment of a division chief and employees of the division. Creates the Connect Alabama Fund for the deposit of appropriations, gifts, grants, and other funds and requires certain reports to the Legislature and the public. Provides general rulemaking authority. Allows for the creation of a statewide research and education network and creates the Alabama Digital Expansion Finance Corporation. Provides for bond authority and provides for reporting to the Legislature.

Community Aid

[House Bill 118](#)

Author: Oliver

Effective Date: Section 1: January 1, 2022; Section 2: May 6, 2021

Section 1 provides an exemption from the payment of license and registration fees and ad valorem taxes for utility trailers.

Section 2 requires the Department of Revenue to centrally value and assess aircraft.

Contracts

[Senate Bill 220](#)

Author: Scofield

Effective Date: April 13, 2021

Prohibits certain indemnification provisions in public works contracts for roads and bridges requiring a party to indemnify another party for damages caused by the conduct of the other party.

Insurance

[Senate Bill 25](#)

Author: Shelnett

Effective Date: April 1, 2021

Specifies that any person being examined by the Commissioner of Insurance in relation to the Vehicle Protection Product Act is liable for the expenses of the examination and that all fees collected will be deposited in the Insurance Department Fund.

Local Agency Operations

[Senate Bill 336](#)

Author: Allen

Effective Date: April 15, 2021

Makes further provisions for the duties and operation of the Tuscaloosa County Road Improvement Commission and the commitment by the commission of tax proceeds.

State Agency Operations

[Senate Bill 169](#)

Author: Figures

Effective Date: April 1, 2021

Provides for an increase in the number of executive level employees which the Director of the Alabama State Port Authority is entitled to appoint. Provides that the commercial terms of certain contracts entered into by the Port Authority are exempt from certain state laws limiting confidentiality.

Other Noteworthy Bills

[House Bill 90](#)

Author: Brown (K)

House Bill 90 did not make it out of the House as it failed by a vote of 47 to 48. Under current Alabama law, a person is prohibited from using a wireless telecommunications device to write, send, or read a text-based communication while operating a motor vehicle. House Bill 90 would add additional prohibitions by prohibiting a person from watching, using, recording, or capturing a photograph or video while operating a motor vehicle. In addition, the bill would have prohibited a person from physically holding a wireless telecommunications device while operating a motor vehicle and would have prohibited a person from engaging in a voice-based communication while operating a motor vehicle.

[Senate Bill 281](#)

Author: Shelnett

Senate Bill 281 was indefinitely postponed in the Senate. The bill would have restricted the use of the proceeds from gasoline and other motor fuel taxes that are levied by counties or municipalities to road and bridge construction and maintenance.

Acknowledgement

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