

CHAPTER 9

TRUCKS, TRAILERS, AND SEMI-TRAILERS

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ARTICLE 1

GENERAL PROVISIONS

§ 32-9-1. Where operation permitted.

Trailers, when used in a truck tractor-semi-trailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the Highway Director and final approval by the Governor. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of construction highways or other facilities of the state or a political subdivision thereof. The Highway Department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under Section 32-9-29. No trailer or semi-trailer of any kind shall be used for the hauling of passengers for hire except as provided by Article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned, or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the Director of the Highway Department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of

public safety and the preservation of the highways, as the Director of the Highway Department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof.

History. Acts 1985, 2nd Ex. Sess., No. 85-912.

Cross references. – This law is referred to in: § 32-9-20.

§ 32-9-2. Cotton wagons and module movers.

The provisions of any other law or the provisions of any administrative rule, regulation, or order to the contrary notwithstanding, it shall be lawful to tow cotton wagons and module-movers on the highways of the state when the wagons or module-movers are being used to haul cotton from the field to the gin and to return them to the farm from the gin, but it shall not be lawful to tow the cotton wagons on any interstate or limited-access highway in the state; provided, that no more than two wagons shall be attached to one truck, the width of each wagon or module-mover shall not exceed 10 feet, and the overall length of the wagons or module-mover and truck shall not exceed 85 feet.

History. Acts 1987, No. 87-562; Acts 2000, No. 00-457.

Effective dates. Acts 2000, No. 2000-457, effective August 1, 2000.

2000 amendments. Deleted “during the daylight hours” following “highways of the state,” substituted “cotton wagons” for “wagons or module-movers,” and made nonsubstantive changes.

Cross references. – Cotton, generally, § 2-19-1 et seq.

§ 32-9-3. Peace officers; arrest without warrant.

Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, state or county license inspectors and their deputies, state troopers, and special officers appointed by any agency of the State of Alabama for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized, and it is hereby made the duty of each of them to enforce the provision of this chapter and to make arrests for any violation or violations thereof, without warrant, if the offense is committed in his presence, and with warrant if he does not observe the commission of the offense. If the arrest is made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail bond in a sum not to exceed \$300.00, conditioned that the accused binds himself to appear in the nearest court having jurisdiction at the time fixed in the bond. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within 18 hours after taking such bond.

Cross references. – This law is referred to in: § 32-9-31.

CASE NOTES

Cited in *Curry v. State*, 506 So. 2d 346 (Ala. Crim. App. 1986).

§ 32-9-4. Concurrent jurisdiction of courts.

All courts having jurisdiction of misdemeanors punishable by a fine of \$500.00 or less and by imprisonment or hard labor, as above provided, shall have concurrent jurisdiction of the trial of all offenses under this chapter committed within their respective territorial jurisdictions.

§ 32-9-5. Misdemeanors.

The operation of any truck, semi-trailer truck, or trailer in violation of any section of this chapter or of the terms of any permit issued under this chapter, shall constitute a misdemeanor, and the owner thereof, if such violation was with his knowledge or consent, and the operator thereof shall, on conviction, be fined not less than \$100.00 nor more than \$500.00 and may also be imprisoned or sentenced to hard labor for the county for not less than 30 days nor more than 60 days.

CASE NOTES

Cited in Curry v. State, 506 So. 2d 346 (Ala. Crim. App. 1986).

§ 32-9-6. Fines; deposits.

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter constituting a misdemeanor, shall be, within 30 days after such fine or forfeiture is collected, forwarded to the state treasurer. All amounts received from such fines or forfeitures shall be credited to the State General Fund. Failure, refusal, or neglect to comply with the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom. All fines and forfeitures collected by district courts or municipal courts for violation of ordinances, whether for acts constituting violations of the provisions of this chapter or not, shall be paid into the treasury of such municipality in which the same were collected.

ARTICLE 2

SIZE AND WEIGHT

§ 32-9-20. Width; height; length; weight.

It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following:

(1) **WIDTH.** – Vehicles and combinations of vehicles, operating on highways with traffic lanes 12 feet or more in width, shall not exceed a total outside width, including any load thereon, or 102 inches, exclusive of mirrors or other safety devices approved by the State Transportation Department. The Director of the State Transportation Department may, in his or her discretion, designate other public highways for use by vehicles and loads with total outside widths not exceeding 102 inches, otherwise; vehicles and combinations of vehicles, operating on highways with traffic lanes less than 12 feet in width, shall not exceed a total outside width, including any load thereon, of 96 inches, exclusive of mirrors or other safety devices approved by the State Transportation Department. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width.

(2) **HEIGHT.** – No vehicle or semi-trailer or trailer shall exceed in height 13 ½ feet, including load.

(3) **LENGTH.** – No vehicle shall exceed in length 40 feet; except, that the length of a truck-semi-trailer combination, semi-trailers, including load, used in a truck tractor-semi-trailer combination, shall not exceed 57 feet; semi-trailers and trailers, including load, used in a truck-tractor-semi-trailer-trailer combination, shall not exceed 28 ½ feet each; and motor vehicles designed, used, or maintained primarily as a mobile dwelling, office, or commercial space, commonly called motor homes, shall not exceed 45 feet. Semi-trailers exceeding 53 ½ feet shall only be operated on highways designated pursuant to Section 32-9-1 and shall only be operated when the distance between the kingpin of the semi-trailer and the rearmost axle or a point midway

between the two rear axles, does not exceed 41 feet and if the semi-trailer is equipped with a rear underride guard of a substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semi-trailer and located not more than 22 inches from the surface as measured with the semi-trailers empty and on a level surface. For purposes of enforcement of this subdivision, lengths of semi-trailers and trailers refer to the cargo carrying portion of the unit. Truck tractor units used exclusively in combinations transporting motor vehicles may directly carry a portion of the cargo, provided that the combinations are restricted to truck tractor-semi-trailer combinations only and provided further that the overall length of these particular combinations shall not exceed 65 feet; except that the overall length of stinger-steered type units shall not exceed 75 feet. No truck tractor-semi-trailer combination used exclusively for transporting motor vehicles shall carry any load extending more than three feet beyond the front or four feet beyond the rear of the combination. No other vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

(4) WEIGHT.

a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

c. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

COMPUTED GROSS WEIGHT TABLE:

For various spacings of axle groups

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		
10	40,000	43,500	43,500		
11		44,000	44,000		
12		45,000	50,000	50,000	
13		45,500	50,500	50,500	
14		46,500	51,500	51,500	
15		47,000	52,000	52,000	
16		48,000	52,500	58,000	58,000
17		48,500	53,500	58,500	58,500
18		49,500	54,000	59,000	59,000
19		50,000	54,500	60,000	60,000
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000

§§ 32-9-1 through 32-9-32 Trucks, Trailers, and Semi-trailers

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
26		56,000	59,500	64,000	69,500
27		57,000	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,000	61,500	66,000	71,500
30			62,000	66,500	72,000
31			63,500	67,000	72,500
32			64,500	68,000	73,500
33			65,000	69,000	74,000
34			65,500	70,000	74,500
35			66,500	71,000	75,000
36			67,000	72,000	76,000
37			68,000	73,000	77,000
38			69,000	74,000	78,000
39			70,000	75,000	79,000
40			71,000	76,000	80,000
41			72,000	77,000	81,000
42			73,000	78,000	82,000
43			74,000	79,000	83,000
44 and over			75,000	80,000	84,000

Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the State of Alabama.

No vehicle or combination of vehicles shall be permitted to operate on any portion of the Interstate Highway System of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles is 36 feet or more; provided, that the overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the National System of Interstate and Defense Highways in this state in excess of those permitted under 23 U.S.C. Section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. Section 127 for the National System of Interstate and Defense Highways, the increase or decrease limits shall become effective on the National System of Interstate and Defense Highways in this state. Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads of this state on January 4, 1975.

d. For purposes of enforcement of this subdivision, all weights less than or equal to the sum of the weight otherwise prescribed by this subdivision, plus an additional weight to be calculated by multiplying the weight prescribed by this subdivision by one-tenth (.10) that shall represent a scale of enforcement tolerance, shall be deemed to be in compliance with the requirements of this section, and shall not constitute violations thereof. No evidence shall be admitted into evidence or considered by the trier of fact in any civil action unless the evidence

proffered would tend to prove that the weight of the vehicle exceeded the amount provided in this subsection. Nothing in this paragraph d. shall restrict or affect the right of any defendant to place in evidence such evidence tending to prove the defendant was in compliance with this section.

e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks, and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4)c of this section; provided, that the vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of the vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4)a of this section; provided, that the vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, the true gross load not to exceed 66,000 pounds, and all the vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if the vehicles named under this subdivision travel upon bridges designated and posted by the Transportation Director as incapable of carrying the load.

f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this section.

g. When portable scales are used in the enforcement of this section, the axles of any vehicle described or commonly referred to as tandem or tri-axle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or tri-axles shall be weighted simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight, except that if any one axle in the group exceeds 20,000 pounds in weight, it shall not exceed the weight of any other axle in the group by more than 50 percent. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the Department of Agriculture and Industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of the count.

i. The State Transportation Department may post or limit any road or bridge to weights less than those prescribed by this section. It is the legislative intent and purpose that this section be rigidly enforced by the State Transportation Department, the Department of Public Safety, and any other authorized law enforcement officers of the state, any county, or city and incorporated towns.

j. Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester, or husbandman may not be made to conform to the axle requirements of paragraph (4)a of this section of the gross weight requirements of paragraph (4)c of this section.

History. Acts 1979, Nos. 79-792, 79-795; Acts 1985, 2nd Ex. Sess., No. 85-912; Acts 1989, No. 89-631; Acts 1993, No. 93-308; Acts 1994, No. 94-305; Acts 1995, no. 95-758; Acts 2000, No. 00-764.

Effective dates. Acts 2000, No. 2000-764, effective August 1, 2000.

2000 amendments. Inserted “and motor vehicles designed, used, or maintained primarily as a mobile dwelling, office, or commercial space, commonly called motor homes, shall not exceed 45 feet” in subdivision (3).

Related statutes. Acts 1979, N. 79-795, p. 1453, § 2: “Vehicles previously exempted from the length requirements shall continue to be exempt upon passage of this act.”

Cross references. – This law is referred to in: §§ 32-1-3, 32-9-22, 32-9-31.

CASE NOTES

General comment.

Constitutionality.

Construction with other law.

Due process.

Evidence – Sufficient.

Intent, knowledge.

Negligence.

When applicable.

Illustrative cases.

Cited.

General comment.

Besides preventing injury to the roads, this section was also intended for the safety of the public. *Heathcock v. State*, 415 So. 2d 1198 (Ala. Crim. App. 1982).

The more a truck is overweight, the more it endangers the safety of the public and contributes to the bad repair of our highway system; accordingly, the imposition of a penalty based on the extent to which a truck’s weight exceeds the maximum legal limit is logical in view of the legislature’s purpose in enacting this section. *Curry v. State*, 506 So. 2d 346 (Ala. Crim. App. 1986).

Constitutionality.

This section is not arbitrary and unreasonable. *Department of Pub. Safety v. Freeman Ready-Mix Co.*, 292 Ala. 380, 295 So. 2d 242, appeal dismissed sub nom. *Southern Haulers, Inc. v. Department of Pub. Safety*, 419 U.S. 891, 95 S. Ct. 168, 42 L. Ed. 2d 135 (1974).

The exemptions for certain types of trucks in this section do not deprive complainants of equal protection of the laws. *Department of Pub. Safety v. Freeman Ready-Mix Co.*, 292 Ala. 380, 295 So. 2d 242, appeal dismissed sub nom. *Southern Haulers, Inc. v. Department of Pub. Safety*, 419 U.S. 891, 95 S. Ct. 168, 42 L. Ed. 2d 135 (1974).

Construction with other law.

This section and § 40-12-248 are not in conflict, as there is a reasonable field of operation for both. *Department of Pub. Safety v. Freeman Ready-Mix Co.*, 292 Ala. 380, 295 So. 2d 242, appeal dismissed sub nom. *Southern Haulers, Inc. v. Department of Pub. Safety*, 419 U.S. 891, 95 S. Ct. 168, 42 L. Ed. 2d 135 (1974).

The issuance of a license under § 40-12-248 does not bar the State from constitutionally prosecuting complainants under this section. *Department of Pub. Safety v. Freeman Ready-Mix Co.*, 292 Ala. 380, 295 So. 2d 242, appeal dismissed sub nom. *Southern Haulers, Inc. v. Department of Pub. Safety*, 419 U.S. 891, 95 S. Ct. 168, 42 L. Ed. 2d 135 (1974).

Due process.

Complainant’s misplaced reliance on the non-enforcement of this section does not deprive them of property without due process of law. *Department of Pub. Safety v. Freeman Ready-Mix Co.*, 292 Ala. 380, 295 So. 2d 242, appeal dismissed sub nom. *Southern Haulers, Inc. v. Department of Pub. Safety*, 419 U.S. 891, 95 S. Ct. 168, 42 L. Ed. 2d 135 (1974).

Evidence – Sufficient.

Evidence was sufficient to find driver guilty of operating an overweight truck in violation of this section. *Tyrus v. State*, 347 So. 2d 1377 (Ala. Crim. App. 1977).

Intent, knowledge.

The intention of this legislature was to make the commission of an act in violation of this section criminal without regard to the intent or knowledge of the doer. *Leonard v. State*, 38 Ala. App. 138, 79 So. 2d 803 (1955).

The statute does not state that the penalty imposed upon an operator of a truck for the violation of this section should be calculated on the basis of the operator’s degree of culpability in violating the truck weight restrictions; a violation can be determined without regard to the intent or knowledge of the operator of the truck. *Curry v. State*, 506 So. 2d 346 (Ala. Crim. App. 1986).

Negligence.

Under the facts of this case, no reasonable fact-finder could conclude that the failure of defendant to get a permit and place warning devices on either the pickup or attached chopper to warn approaching motorists of his oversized vehicle, as provided for in this section and § 32-9-29, proximately caused this accident. A jury could only conclude, as the jury did, that the proximate cause of the accident was decedent's brake failure and his driving his runaway truck in the wrong lane of traffic. *Pugh v. Taylor*, 507 So. 2d 428 (Ala. 1987).

When applicable.

Where pulpwood trucks were not temporarily being moved or propelled upon the public highway, they were subject to the provisions of the truck weight law. *State Dep't of Pub. Safety v. Scotch Lumber Co.*, 293 Ala. 330. 302 So. 2d 844 (1974).

Illustrative cases.

International 830 corn chopper used in farming operations, attached to the rear of a pickup truck was an oversized vehicle as defined by this section. *Pugh v. Taylor*, 507 So. 2d 428 (Ala. 1987)

Cited in *Buckner v. State*, 435 So. 2d 1197 (Ala. 1982); *Perry v. State*, 441 So. 2d 127 (Ala. Crim. App. 1983).

§ 32-9-21. Motor bus; definitions.

(a) The term "motor bus," wherever used in this section, means any motor-propelled vehicle used on the highways of this state for the transportation of passengers for hire.

(b) It shall be lawful to drive or operate upon any highway in this state any motor bus which shall not exceed 40 feet in length, and eight and one-half feet in width, but exclusive of detachable wind deflection devices which have been approved by the state highway department, and safety equipment.

(c) Nothing contained in this section shall be construed to change in any way any law affecting the regulation of any motor bus except with respect to the maximum permissible length and width thereof.

History. Acts 1979, No. 79-792; acts 1981, No. 81-402.

Cross references. – Motor vehicle definitions, § 32-1-1.1.

§ 32-9-22. Exemptions; municipal vehicles.

(a) There shall be exempt from the provisions of this article trucks, semi-trailers trucks, or trailers owned by the United States, or any agency thereof, the State of Alabama, or an county or city, or incorporated town; nor shall the provisions of this article apply to implements of husbandry temporarily propelled or moved upon the highways; nor shall the provisions of this article apply to trucks, semi-trailer trucks, or trailers used exclusively for carrying 50 bales or less of cotton.

(b) If any truck, semi-trailer truck, or trailer shall be licensed by any city or incorporated town and the registration plate or plates issued as evidence of said license shall be conspicuously exhibited on said truck, semi-trailer truck, or trailer, in the manner required by law, the provisions of this article shall not apply to the operation of such vehicles within the limits of the municipality or within the police jurisdiction thereof; provided, that municipalities may provide by ordinance maximum limits with respect to the weight, height, width, and length of trucks, semi-trailers trucks, and trailers within their police jurisdiction; provided, that the maximum limits prescribed shall not be less than those fixed in Section 32-9-20 and may impose license taxes on such vehicles and require all such vehicles to have affixed thereto, in some conspicuous place, a registration plate or plates.

CASE NOTES

"Implements of husbandry".

Negligence.

Illustrative cases.

“Implements of husbandry”.

An “implement of husbandry” is one which is used primarily for and is necessary to the operation of farming; whether a given article is an implement of husbandry depends on the facts of any particular case. *Hester v. State*, 40 Ala. App. 123, 108 So. 2d 385 (1959).

Although “implements of husbandry” are exempt from the width restrictions, it is not a blanket exemption which would apply regardless of the manner in which a motor vehicle was operated on the public highways. The law requires that travelers on public highways, whether in an automobile or on a tractor, use the highway in such a way that they will not injure other travelers. *Cordes v. Wooten*, 476 So. 2d 89 (Ala. 1985).

Negligence.

Because evidence was in conflict, the jury could have concluded that the defendants were negligent in the manner in which they operated the equipment, even though it was an “exempt” item. *Cordes v. Wooten*, 476 So. 2d 89 (Ala. 1985).

Illustrative cases.

Where evidence showed that defendant driver was not on the highway with his corn chopper (an oversized vehicle) for a brief period of time or for a short distance, that he was intending to travel some 200 miles, which would take approximately 6 hours, and that furthermore, the purpose of the trip was to sell his chopper at an auction, as a matter of law, defendant did not come within the exception found in subsection (a). but under the particular facts of the case, the error was found to be harmless. *Pugh v. Taylor*, 507 So. 2d 428 (Ala. 1987).

§ 32-9-23. Exemptions; milk trucks.

There shall be exempt from the provisions of this article as to weight any truck or semi-trailer truck transporting milk for human consumption, for which refrigeration and transit is reasonably necessary in the interest of public health, when moving under refrigeration to or from market from the territory in which such commodity is collected or concentrated.

Cross references. – Alabama dairy commission, § 2-13-40. Milk and dairy products, § 2-13-1 et seq.

§ 32-9-24. Exemptions; farm tractors.

Farm tractors shall be exempt from the restriction of this article as to width, but, however, shall not exceed nine feet in width.

§ 32-9-25. Exemptions; lumber; livestock.

There shall be exempt from this article as to length, detachable wind deflection devices which have been approved by the State Highway Department, loads of poles, logs, lumber, laminated wood building materials, structural steel, piping and timber, and vehicles transporting same. Trucks, trailers, and semi-trailers which are constructed and used exclusively for the hauling of livestock, shall also be exempt from the restrictions of this article as to length, but shall not exceed 65 feet in length.

History. Acts 1979, Nos. 79-430, 79-792; Acts 1993, No. 93-630.

§ 32-9-26. Farm trailers.

Any provision of any other law or the provision of any administrative rule, regulation, or order to the contrary notwithstanding, it shall be lawful for any farmer, custom picker, or husbandman to operate a two to eight-wheel, one to four-axle trailer on the highways of this state if the trailer is being used exclusively for the purpose of transporting to and from a farm agricultural commodities or products and for agricultural purposes relating to the operation and maintenance of a farm; provided, that the combined weight of the trailer and its load is not in the excess of 36,000 pounds, nor more than 10,000 pounds per axle, whichever is less.

History. Acts 1987, No. 87-585.

Cross references. – This law is referred to in: §§ 32-9-27, 32-9-28.\

§ 32-9-27. Farm trailers; size; equipment.

All such trailers as described in Section 32-9-26 shall be equipped with red reflectors to adequately illuminate the rear of such trailer by placing at least two on the rear and one at each side. No such trailer shall be in excess of 10 feet in width, except that such trailer shall not exceed 102 inches in width when operated or moved on the interstate highway system, and no such trailer, drawbar, or other connection, including the vehicle towing such trailer, shall be in excess of overall length of 76 feet. Overhang of round bales of hay on such trailer shall not exceed one foot per side except that the width of the trailer, including overhang, shall not exceed 102 inches when operated or moved on the interstate highway system. At no time shall there be more than one loaded trailer towed by any vehicle; provided, that two empty farm wagons or trailers with two or more wheels may be towed in tandem when the overall length of the towing vehicle and its tow does not exceed 76 feet altogether.

History. Acts 1987, No. 87-585.

Cross references. – This law is referred to in: § 32-9-28.

§ 32-9-28. Violations.

Any person violating the provision of Sections 32-9-26 and 32-9-27 shall be guilty of a misdemeanor and punished as provided by law.

§ 32-9-29. Permits; oversize loads.

(a) *Authorized; application; issuance; seasonal, etc., limitations; refusal, revocation, or cancellation.*

(1) The Director of the Department of Transportation or the official of the department designated by the director may, in his discretion, upon application and for good cause being shown therefore, issue a permit in writing authorizing the applicant to operate or move upon the state's public roads a vehicle or combination of no more than two vehicles and loads whose weight, width, length, or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated; provided however, that bulldozers and similar construction equipment shall not be deemed readily separable for purposes of this chapter; and further provided, that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenances thereto.

(2) Permits may be issued on application to the department to persons, firms, or corporations. The director shall promulgate reasonable rules and regulations which are necessary or desirable governing the issuance of such permits; provided, that such rules and regulations shall not conflict with the provisions of this title and other provisions of law.

(3) The original copy of every such permit shall be carried in the vehicle itself and shall be open to inspections by any police officer or state trooper or authorized agent of the department.

(4) The application for any such permit shall specifically describe the type of permit applied for, as said types of permits are described in subsection (b) or this section, and the application for a single trip permit shall, in addition, describe the points of departure and destination.

(5) The director or the official of the department designated by the director is authorized to withhold such permit or, if such permit is issued, to establish seasonal or other time limitations within which the vehicles described may be operated on the public road indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to the road foundation, surfaces, or bridge structures, and require such undertaking or other security as may be deemed necessary to compensate the state for any injury to any roadway or bridge structure.

(6) For just cause, including, but not limited to, repeated and consistent past violations, the director or an official of the department designated by the director may refuse to issue, or may cancel, suspend, or revoke, the permit of an applicant or permittee.

(b) *Duration and limits of permits; bond or insurance requirements.*

(1) ANNUAL.

a. The director or the official of the department designated by the director may, pursuant to the provision of this section, issue an annual permit which shall permit the vehicle of combination vehicle and load to be operated on the state highway system of this state for 12 months from the date the permit is issued, even though the vehicle or its load exceeds the maximum limits specified in this article; provided, that an annual permit shall not authorize the operation of a vehicle including all enforcement tolerances:

1. Whose total gross weight exceeds 150,000 pounds; provided, that gross weights over 100,000 pounds shall require advance routing by the department;

2. whose single axle weight exceeds 22,000 pounds;

3. Whose total length exceeds 75 feet; with the exception of mobile homes, whose length limitations, including towing vehicle, shall be 85 feet;

4. Whose total width exceeds 120 inches or whose load width exceeds 144 inches; with the exception of mobile homes, whose width limitation shall be 168 inches; provided, that mobile homes whose width exceeds 144 inches shall require advance route approval by the department; or

5. Whose height exceeds 14 feet.

A permit to operate a vehicle which exceeds the statutory limits of height, weight, width, or length shall be issued only on condition of payment of an indemnity bond or proof of insurance protection for \$300,000.00, said bond or insurance protection conditioned for payment to the department to be held in trust for the benefit of the owners of bridges and appurtenances thereof, traffic signals, signs, or other highway structures damaged by a overweight permit. The liability under the bond or insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents, or operators.

b. Notwithstanding paragraph a., the director pursuant to this section, may issue an annual permit to operate a vehicle which exceeds the maximum limits otherwise provided in this article for rubber-tire equipment used solely in the scope and operation of mining refractory grade bauxite. The equipment may not exceed the limits of paragraph a., except that the permit may not authorize the operation of a vehicle, including enforcement tolerances, which exceeds 16 feet in width, exceeds 18 in height, or exceeds a single axle weight of 27,000 pounds. In addition, the permit may not authorize the operation of the vehicle on any bridge, over or under any overpass, or on an interstate highway. The fee for the annual permit shall be one hundred dollars (\$100).

(2) SINGLE TRIP. The director may issue a single trip permit, pursuant to the provision of this section, to any vehicle.

(c) *Fees.* The director may promulgate rules and regulations concerning the issuance of permits and charge a fee for the issuance as follows:

(1) ANNUAL. Charges for the issuance of annual permits shall be as follows:

a. For modular homes, sectional houses, portable buildings, boats, and any vehicle or combination of vehicles, \$100.00; except, that a vehicle or combination of vehicles having trailer or combination or trailers with sidewalls or roof which has transported modular homes, sectional houses, and portable buildings may, after depositing any said load, return unloaded to its point of origin, even though the unloaded vehicle exceeds the 55 foot limitation provided for in this article, up to and including 12 feet wide and 75 feet long.

b. For heavy commodities or equipment, overweight, overlength, overheight, and overwidth, \$100.00. A tractor and trailer (low boy type) may, after depositing a load referred to in this subparagraph, return to its point of origin, even though the unloaded tractor and trailer (low boy type) may exceed the 55 foot limitation provided for in this article up to and including 12 feet wide and 75 feet long.

c. For mobile homes up to and including 14 feet wide and 85 feet long, including towing vehicle, \$100.00.

(2) SINGLE TRIP. Charges for the issuance of sing trip permits shall be as follows:

a. Mobile homes, modular homes, sectional houses, portable buildings, and boats:

1. up to and including 12 feet wide and 75 feet long, \$10.00.

2. Boats in excess of 12 feet wide, \$20.00.

3. Mobile homes, modular homes, sectional houses, and portable buildings in excess of 12 feet wide and/or 75 feet long, \$20.00.

b. Heavy commodities or equipment:

1. Over on any limitations as to length, height, or width, \$10.00.

2. Over on weight, as follows:

WEIGHT PERMITTED

PERMIT FEE

From 80,001 pounds up to 100,000 pounds

\$10.00

From 100,001 pounds up to 125,000 pounds

\$30.00

From 125,001 pounds up to 150,000 pounds

\$60.00

From 150,001 pounds and over

\$100.00

c. Miscellaneous:

1. Houses, \$20.00.

2. Off-the-road equipment, \$10.00.

3. Other oversized vehicles, loads, and equipment not herein specified, \$20.00.

4. Other overheight loads not herein specified, \$10.00.

(d) *Certain vehicles on interstate highways.* Under the provisions of this section, 14 feet-wide vehicles and combination vehicles and load may be issued a permit to travel the interstate highways.

(e) *Violations of federal law, etc.* No permit shall be issued under this section if the issuance of the permit would violate United States law or would cause the State of Alabama to lose federal-aid funds. Notwithstanding and provisions of any statute to the contrary, all permit fees collected in accordance with this section shall be paid to the Public Road and Bridge Fund in addition to any sums appropriated thereof to the department.

(f) *Farm and agricultural commodities and equipment exempt.* The term “heavy commodities or equipment,” as used in this section, is not intended to include farm and agricultural commodities or equipment, and such farm or agricultural commodities and equipment are exempt from the requirement of obtaining permits for movement on the State Highway Systems of Alabama.

History. Acts 1977, No. 77-775; Acts 1977, 1st Ex. Sess., No. 77-78; Acts 1978, Nos. 78-674, 78-837; Acts 1998, No. 98-321.

Effective dates. Acts 1998, No. 98-321, effective July 1, 1998.

1998 amendments. Added present paragraph (b)(1)b.; and made nonsubstantive changes.

Cross references. – This law is referred to in: §§ 32-5-9, 32-5-240, 32-9-1, 32-9-29.1, 32-9-31.

CASE NOTES

Negligence.

Cited.

Negligence.

Under the facts of this case, no reasonable fact-finder could conclude that the failure of defendant to get a permit and place warning devices on either the pickup or attached chopper to warn approaching motorists of his oversized vehicle, as provided for in § 32-9-20 and this section, proximately caused this accident. A jury could only conclude, as the jury did, that

the proximate cause of the accident was decedent's brake failure and his driving his runaway truck in the wrong lane of traffic. *Pugh v. Taylor*, 507 So. 2d 428 (Ala. 1987).

Cited in *Perry v. State*, 441 So. 2d 127 (Ala. Crim. App. 1983); *Campbell v. Employers Ins. Co.*, 521 So. 2d 924 (Ala. 1988).

§ 32-9-29.1 Permits; manufactured homes.

(a) Director of the State Highway Department or the official of the highway department designated by the director may, at his discretion, upon application and for good cause being shown thereof, issue special permits to the applicant, for movement on or over the public highways, for motor vehicles when used in the transportation for site-built residential buildings or otherwise, which had at one time been affixed to a permanent foundation; provided, however, that this section shall not extend to those motor vehicles used in the transportation of what is commonly referred to as mobile homes, house trailers, prefabricated housing, or other factory-built buildings.

The applicants for the permits issued under this section shall state if the route of the movement will cross on or more railroads at grade.

If such a crossing is to be made, the Director of the State Highway Department or the official of the Highway Department designated will notify the railroad or railroads involved, stating the time and route of the anticipated move.

(b) the fee for the issuance of such permits shall be the same as set forth in Section 29-9-29(c).

History. Acts 1982, 3rd Ex. Sess., No. 82-894; Acts 1983, No. 83-646

§ 32-9-30. Repealed: Acts 1977, No. 77-775

CASE NOTES

Cited in *Perry v. State*, 441 So. 2d 127 (Ala. Crim. App. 1983).

§ 31-9-31. Enforcement.

Any officer enumerated in Section 32-9-3 having reason to believe that the height, length, width, or weight of any truck semi-trailer truck, or trailer is in excess of the maximum limits prescribed by Section 32-9-20 or permitted by any permit issued under authority of Section 32-9-29 is authorized to measure or weigh the same, either by means of portable or stationary scales, and may require such vehicle to be driven to the nearest stationary scales, in the event such scales are within a distance of five miles. All scales used for the weighing of vehicles as provided in this section shall be approved by the Weights and Measures division of the Department of Agriculture and Industries. Said officer shall require the operator of said truck, semi-trailer truck, or trailer to unload such portion of load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight permitted by this title or by the terms of any permit in the possession of such operator and issued under the provisions of Section 32-9-29 (which excess load, when unloaded, shall be at the sole risk of the owner) or, at the election of the operator, said officer shall permit said operator to move such vehicle and its load to the nearest incorporated town or the nearest court having jurisdiction, at which place said excess load shall be unloaded. The refusal of any such operator to permit his truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a stationary scales or to unload the excess load shall constitute a violation of this chapter.

Cross references. – This law is referred to in: § 32-9-32.

CASE NOTES

When applicable.

This section permits an officer who has reason to believe that the weight of a truck is in excess of the legal limits to weigh that vehicle by portable or stationary scales. *Curry v. State*, 506 So. 2d 346 (Ala. Crim. App. 1986).

§ 32-9-32. Weigh stations.

The Director of the highway Department is authorized to designate, furnish instructions to, prescribe rules and regulations for the conduct of and to supervise official stations for determining the weight of motor vehicles at such points as it may be deemed necessary. Such designated weighing devices shall be checked by the Weights and Measures division of the Department of Agriculture and Industries and certified to be correct within the tolerances prescribed under the rules and regulations established by the State Department of Agriculture and Industries, and checks shall be made as such points as is deemed necessary by the Weights and Measures division of the Department of Agriculture and Industries. All stations shall comply with the requirements of the director and shall be available for the use of all officers in the enforcement of this chapter. The expense of weighing such motor vehicles shall be paid out of any funds made available for the use of the state highway patrol. If it is found that any motor vehicle is being operated in violation of this chapter, the expenses of such weighing shall be taxed as part of the costs for the prosecution of such violation. A certificate issued by the chief of the Division of Weights and Measures of the Department of Agriculture and Industries, signed by such official, under oath, and countersigned by the Commissioner of Agriculture and Industries, in which the chief of the Division of Weights and Measures certifies that scales, or weighing devices, have been checked and approved as required under the provision of this section and Section 32-9-31 and found to be correct, within prescribed tolerances, shall be received in any court as prima facie evidence of the fact that the scales and weighing devices designated and identified for accuracy in accordance with the requirements of this section and Section 32-9-31; provided, that such certificate must show that the scales or weighing devices were checked for accuracy within a period of four months (120 days) prior to the date on which the motor vehicle was weighed to determine whether such vehicle was being operated in violation of this chapter.

CASE NOTES

Question of law or fact.

Cited.

Question of law or fact.

Question of the accuracy of scales in prosecution under § 32-9-20 was for the jury's determination. *Leonard v. State*, 38 Ala. App. 138, 79 So. 2d 803 (1955).

Cited in *Curry v. State*, 506 So. 2d 346 (Ala. Crim. App. 1986).