

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No. **220-5-.04**

Rule Title: Operation of Vehicles

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? NO
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Jennifer Walker
Secretary of Administrative Procedure
Date 1-21-15

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6/93

Department of Conservation and Natural Resources
State Parks Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-5-.04 Operation of Vehicles

INTENDED ACTION: Amendment.

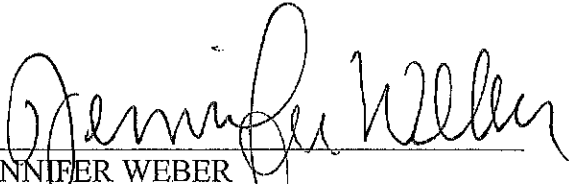
SUBSTANCE OF PROPOSED ACTION: To clarify that the use of motorized vehicles or other power-driven mobility devices are permissible for individuals with mobility disabilities in accordance with the Americans with Disabilities Act of 1990, as amended, and 28 C.F.R. § 35.137.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the State Parks Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Wednesday, March 11, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

March 11, 2015.

CONTACT PERSON AT AGENCY: Gregory M. Lein, Director, State Parks Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



JENNIFER WEBER
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-5-.04 Operation of Vehicles

- (1) Driving motor vehicles in excess of posted speed shall be unlawful.
- (2) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution and at a speed, or in a manner so as to endanger or be likely to endanger any person or property shall be unlawful.
- (3) Riding on the hood, roof, fenders, or trunk, or other exterior portion of automobiles, or riding on the roof, fenders, hood, bumper of trucks, while traveling on parks roads or other parks premises shall be unlawful.
- (4) Motor bikes, minibikes, motorcycles, motor scooters, go-carts, any other type motorized vehicle and bicycles shall not be driven in any areas or on any trails not designated for their use. Only licensed vehicles shall be allowed to be utilized by the public on Park roads.
- (5) No motorized vehicles of any kind or bicycles shall be allowed on horse trails, hiking trails or beach areas in any State Park, except where specifically permitted.
- (6) Driving motorbikes, motorcycles, or other motor vehicles on State Park roads for any purpose other than access into or egress out of State Park areas shall be unlawful.
- (7) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cut off, by pass, or similar device shall be unlawful.
- (8) Excessively accelerating the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping place shall be unlawful.
- (9) No person shall park any vehicle, camper, trailer or any towed conveyance in any area not specifically designed for said vehicle.
- (10) Notwithstanding any provision above, individuals with a mobility disability may use any motorized vehicle or other power-driven mobility device to access the parks' amenities as provided in and subject to the provisions of the Americans with Disabilities Act of 1990, as amended, and 28 C.F.R. § 35.137.

Statutory Authority: §§ 9-2-3, 9-2-9, and 9-2-12, Code of Alabama 1975

PENALTY: As provided by § 9-2-9, Code of Alabama 1975

9/30/82; 9/20/83; 6/1/90; 5/20/98;