

HB264 INTRODUCED



1 W3I499-1
2 By Representative Wadsworth
3 RFD: Public Safety and Homeland Security
4 First Read: 06-Apr-23
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SYNOPSIS:

Under existing law, an individual's driver license or driving privilege may be suspended for failure to appear in court.

This bill would provide that an individual's driver license or driving privilege may be suspended for violating his or her written bond to appear or otherwise failing to appear for an initial court date, or for failing to appear in court on two or more occasions when the court appearance is for a post adjudication compliance review of court ordered conditions.

This bill would also provide that if any individual whose driver license or driving privilege is suspended for failure to appear, his or her driver license or driving privilege shall be reinstated upon compliance with the notice to appear.

Under existing law, if a court orders an individual to pay a fine, fee, or court cost as a result of a traffic infraction and he or she fails to pay, his or her driver license or driving privilege may be suspended.

This bill would provide that an individual's driver license or driving privilege may be suspended for failure to pay a fine, fee, or court cost under



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29 certain circumstances.

30 This bill would require the Alabama State Law
31 Enforcement Agency to add points to an individual's
32 driver license when he or she has been convicted of a
33 traffic offense.

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A BILL

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TO BE ENTITLED

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AN ACT

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40 Relating to driver license suspensions; to provide for
41 the suspension of an individual's driver license or driving
42 privilege in certain circumstances.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. (a) Notwithstanding any other provision of
45 law, a judge may only order an individual's driver license or
46 driving privilege be suspended for failing to appear in court
47 when either of the following occur:

48 (1) The individual violates his or her written bond to
49 appear or otherwise fails to appear for an initial court date.

50 (2) The individual failed to appear on two or more
51 occasions when the court appearance is based on a court's post
52 adjudication compliance review of conditions ordered by the
53 court for a traffic violation.

54 (b) The Alabama State Law Enforcement Agency shall
55 suspend an individual's driver license or driving privilege
56 upon receipt of the court order suspending the license.



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57 (c) The Secretary of the Alabama State Law Enforcement
58 Agency shall adopt rules as necessary to implement and
59 administer the requirements of this section.

60 (d) This section shall not apply to an individual
61 holding a commercial driver license or a commercial learner
62 license or to an individual operating a commercial vehicle at
63 the time of the traffic violation.

64 (e) Any individual whose driver license or driving
65 privilege is suspended for failure to appear, his or her
66 driver license or driving privilege shall be reinstated upon
67 compliance with the notice to appear.

68 Section 2. (a) A court may not suspend an individual's
69 driver license for failure to pay a fine, fee, or court cost
70 as a result of a traffic violation unless the individual fails
71 to make six or more of the required payments after the court's
72 order requiring the payment of fines, fees, or court costs.

73 (b) It is the intent of the Legislature that, pursuant
74 to Section 150 of the Constitution of Alabama of 2022, the
75 Supreme Court of Alabama shall amend its rules to conform with
76 this section.

77 (c) This section shall not apply to an individual
78 holding a commercial driver license or a commercial learner
79 license or to an individual operating a commercial motor
80 vehicle at the time of the traffic violation.

81 Section 3. (a) Notwithstanding any other provision of
82 law, for the purposes of ensuring that habitually reckless or
83 negligent drivers do not remain on the road, the Alabama State
84 Law Enforcement Agency shall add points to an individual's



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85 driver license for any traffic violation for which the
86 individual has received a final conviction.

87 (b) (1) For purposes of subsection (a), the term "final
88 conviction" means a judicial finding of guilt or a plea of
89 guilty.

90 (2) After a final conviction, the court shall forward a
91 record of the conviction to the Alabama State Law Enforcement
92 Agency after the time has elapsed to perfect an appeal.

93 (c) A final conviction is the only time when points may
94 be assessed for an underlying traffic violation.

95 Section 4. Nothing in this act shall alter or limit any
96 provision of the Motor Vehicle Responsibility Act, Chapter 7
97 of Title 32, Code of Alabama 1975, or of the Mandatory
98 Liability Insurance Act, Chapter 7A of Title 32, Code of
99 Alabama 1975, including a court's authority to order and
100 enforce restitution by an individual found to have violated
101 either act.

102 Section 5. This act shall become effective on October
103 1, 2023, following its passage and approval by the Governor,
104 or its otherwise becoming law.

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