

HB304 INTRODUCED



1 HB304
2 G37PR66-1
3 By Representatives Kiel, Marques, Colvin, Fidler, Ross,
4 Robbins
5 RFD: Public Safety and Homeland Security
6 First Read: 18-Feb-25



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SYNOPSIS:

Under existing law, every operator of a motor vehicle is required to possess his or her driver license or driving permit and display the license or permit to an arresting officer upon request.

Also under existing law, an officer who arrests an individual for driving while intoxicated or while driving with a suspended, canceled, revoked, or denied driver license may impound the vehicle, with exceptions.

This bill would further provide for the authority to impound a motor vehicle when an individual unlawfully operates the vehicle without having been issued a driver license, with exceptions.

This bill would further provide for the process to redeem an impounded motor vehicle.

This bill would also provide restrictions on the issuance of local government identification cards.

A BILL
TO BE ENTITLED
AN ACT

Relating to driver licenses; to amend Sections 32-6-9



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29 and 32-6-19, Code of Alabama 1975, to further provide for the
30 conditions under which a motor vehicle is subject to
31 impoundment and further provide procedures for the
32 impoundment; to add Section 32-6-19.1 to the Code of Alabama
33 1975, to further provide for the redemption and disposal of an
34 impounded vehicle; and to provide prohibitions against the
35 issuance of local government identification cards.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 32-6-9 and 32-6-19, Code of Alabama
38 1975, are amended to read as follows:

39 "§32-6-9

40 (a) Every ~~licensee~~operator of a motor vehicle shall
41 have his or her driver license in his or her immediate
42 possession at all times when driving a motor vehicle and shall
43 display the ~~same,~~license upon the demand of a judge of any
44 court ~~or,~~ a peace law enforcement officer, ~~or a state trooper.~~

45 (b) No individual ~~However, no person~~ charged with
46 violating this section shall be convicted if he or she
47 produces in court or the office of the arresting officer a
48 ~~driver's~~driver license that was ~~theretofore issued to him or~~
49 ~~her and~~ valid at the time of his or her arrest.

50 ~~(b)~~ (c) (1) For every ~~person~~individual found in violation
51 of this section or Section 32-6-1, a reasonable effort shall
52 be made as soon as possible, but not later than ~~within~~ 48
53 hours, to determine the citizenship of the ~~person~~individual
54 and if an alien, whether the ~~alien~~individual is lawfully
55 present in the United States by verification with the federal
56 government pursuant to 8 U.S.C. § 1373(c).



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113 including, but not limited to, being adjudicated a delinquent
114 child or a youthful offender based on a DUI-related offense,
115 ~~or while.~~

116 (3) The motor vehicle is operated by an individual
117 whose ~~his or her driver's~~ driver license or driving privilege
118 is suspended as a result of failure to comply with the implied
119 consent law of this state or laws of another state, or who has
120 been adjudicated a delinquent child or a youthful offender
121 based on an offense that if the person had been an adult would
122 have been a conviction of driving under the influence of a
123 controlled substance or alcohol or failure to comply with the
124 implied consent law, ~~shall be immediately removed from the~~
125 ~~vehicle.~~

126 (4)a. Except as provided in paragraph b., the motor
127 vehicle is operated by an individual who is unable to produce
128 a valid driver license on demand of the law enforcement
129 officer, unless the officer is reasonably able, by other
130 means, to verify that the operator is properly licensed as
131 provided in Section 32-6-9. Prior to impounding the motor
132 vehicle, the law enforcement officer shall make a reasonable
133 attempt to verify the license status of the operator if the
134 operator claims to be licensed, but is unable to produce the
135 license on demand of the law enforcement officer. A notation
136 of the officer's attempt to verify that the operator is
137 properly licensed shall be noted on the incident offense
138 report. If the officer orders the vehicle to be impounded, the
139 operator and occupants of the vehicle shall be transported to
140 a place of safety by the impounding officer, and a report



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169 ~~registered owner claims the vehicle by paying all reasonable~~
170 ~~and customary towing and storage fees for the services of the~~
171 ~~towing company. The vehicle shall then be released to the~~
172 ~~registered owner or an agent of the owner~~ subject to the
173 procedures of Section 32-6-19.1.

174 (2) Any towing service or towing company removing the
175 vehicle at the direction of the law enforcement officer in
176 accordance with this section shall have a lien on the motor
177 vehicle for all reasonable and customary fees relating to the
178 towing and storage of the motor vehicle. This lien shall be
179 subject and subordinate to all prior security interests and
180 other liens affecting the vehicle whether evidenced on the
181 certificate of title or otherwise. ~~Notice of any sale or other~~
182 ~~proceedings relative to this lien shall be given to the~~
183 ~~holders of all prior security interest or other liens by~~
184 ~~official service of process at least 15 days prior to any sale~~
185 ~~or other proceedings."~~

186 Section 2. Section 32-6-19.1 is added to Division 1 of
187 Article 1 of Chapter 6 of Title 32 of the Code of Alabama
188 1975, to read as follows:

189 §32-6-19.1

190 (a) Except as provided in subsection (b), a motor
191 vehicle impounded pursuant to Section 32-6-19 may be redeemed
192 and released from impoundment upon the occurrence of all of
193 the following:

194 (1) The registered owner, or the owner's representative
195 as demonstrated by written notarized authorization, appears in
196 person before the law enforcement agency causing the



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197 impoundment and presents all of the following for verification
198 and copy by the agency:

199 a. A valid driver license.

200 b. Evidence of mandatory motor vehicle insurance as
201 required by Chapter 7A.

202 c. A copy of the certificate title, bill of sale, or
203 tag receipt of the vehicle.

204 (2) The individual, as described in subdivision (1),
205 redeeming the motor vehicle pays all reasonable and customary
206 towing and storage fees for the motor vehicle and all
207 administrative costs associated with the impounding of the
208 vehicle.

209 (b) A motor vehicle impounded pursuant to Section
210 32-6-19 may be redeemed and released from impoundment to any
211 lienholder, or the lienholder's representative, upon the
212 occurrence of all of the following:

213 (1) Presentation of a copy of the certificate of title
214 or other evidence documenting a valid lien on the impounded
215 motor vehicle.

216 (2) Payment of all reasonable and customary towing and
217 storage fees for the motor vehicle.

218 (3) Payment of all administrative costs associated with
219 the impounding of the vehicle.

220 (c) Any vehicle that is impounded pursuant to Section
221 32-6-19 and not redeemed pursuant to this section within 60
222 days of the date of impoundment shall be deemed an abandoned
223 motor vehicle and shall be sold or otherwise disposed of
224 pursuant to Chapter 13.



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225 Section 3. A county or municipality may not provide
226 funds to any individual or entity for the purpose of providing
227 monetary or other assistance for the procurement of a driver
228 license or nondriver identification card, as provided under
229 Chapter 6 of Title 32 of the Code of Alabama 1975, and may not
230 issue to an individual any local government identification
231 card, unless the individual provides the same degree of proof
232 of identification required of applicants for driver licenses.

233 Section 4. This act shall become effective on October
234 1, 2025.