

1 HB65
2 114812-11
3 By Representative Gipson
4 RFD: Public Safety
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

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ENROLLED, An Act,

To amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, relating to 3-stage graduated driver's licenses or licensing criteria; to allow the licensed driver accompanying a student in any driver training program to be 21 years of age or older; to further provide for restrictions on driver's licenses for persons 16 or 17 years of age including restrictions on the use of certain communication devices; to provide for the age of the licensed driver occupying the seat next to a driver 16 years of age or older who has a State I learner's permit; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, are amended to read as follows:

"§32-5-64.

"Any person under the age of 16 years who shall drive or operate any motor vehicle upon the public highways of this state shall be guilty of a misdemeanor, and shall be

1 dealt with as provided by the juvenile laws of this state,
2 ~~provided, that the provisions of this.~~ This section shall not
3 apply to any student enrolled in a driver training program
4 approved by the State Superintendent of Education or the
5 Director of Public Safety while driving or operating a motor
6 vehicle pursuant to the instructional program. However, no
7 student in any driver training program who is under 16 years
8 of age shall drive or operate any motor vehicle unless
9 accompanied by a licensed driver who is 21 years of age or
10 older.

11 "§32-6-7.2.

12 "(a) A person who is under the age of 18 may not
13 apply for a Stage II restricted regular driver's license until
14 the person has held a Stage I learner's license issued
15 pursuant to Section 32-6-8 or a comparable license issued by
16 another state for at least a six-month period.

17 "(b) In addition to any other requirements of this
18 chapter, if the applicant for a driver's license is 16 years
19 of age, he or she shall submit to the Department of Public
20 Safety the following:

21 "(1) A verification form provided by the Department
22 of Public Safety signed by a parent or legal guardian
23 consenting to the licensure of the applicant ~~and granting~~
24 ~~permission for the applicant to drive without supervision.~~

1 "(2) A verification form provided by the Department
 2 of Public Safety signed by a parent, legal guardian, or
 3 licensed or certified driving instructor certifying that the
 4 applicant has completed a minimum of 30 hours of
 5 behind-the-wheel driving practice, or submission of a
 6 certificate of completion from the State Department of
 7 Education that the applicant has passed a driver's education
 8 course approved by the State Department of Education.

9 "(c) A person who is issued a regular driver's
 10 license ~~after October 1, 2002,~~ who is age 17 and has been
 11 licensed for less than six months or who is age 16 shall be
 12 deemed to have a Stage II restricted driver's license. The
 13 person may not operate a vehicle under any of the following
 14 conditions:

15 "(1) Between 12:00 o'clock midnight and 6:00 o'clock
 16 a.m. 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday,
 17 or Thursday and 6:00 o'clock a.m. on Monday, Tuesday,
 18 Wednesday, Thursday, or Friday and between 11:00 o'clock p.m.
 19 on Friday or Saturday and 6:00 o'clock a.m. on Saturday or
 20 Sunday unless one of the following exceptions apply applies:

21 "a. The licensee is accompanied by a parent or legal
 22 guardian.

23 "b. The licensee is accompanied by a person who is a
 24 licensed driver and is at least 21 years of age or the consent
 25 of a parent or legal guardian of the driver is given.

1 "c. The licensee is driving to or from a place where
2 the licensee is employed ~~on a regular basis~~ or works.

3 "d. The licensee is driving to or from a school
4 sponsored event.

5 "e. The licensee is driving to or from an event
6 sponsored by a religious organization.

7 "f. The licensee is driving for the purpose of a
8 medical, fire, or law enforcement related emergency.

9 "g. The licensee is driving to or from a place where
10 the licensee participates in hunting or fishing activities. In
11 order for this particular exception to apply, the licensee
12 must have in his or her immediate possession a valid hunting
13 or fishing license for the activity. Additionally, the
14 licensee must have in his or her immediate possession items
15 sufficient to demonstrate that he or she is in fact driving to
16 participate in a hunting or fishing activity that is in season
17 as set out in the rules promulgated by the Commissioner of
18 Conservation and Natural Resources.

19 "(2) If there ~~are~~ is more than ~~four occupants~~ one
20 passenger in the vehicle not including the parents, ~~or~~ legal
21 guardians of the licensee, accompanying family members, or a
22 licensed driver who is at least 21 years of age.

23 "(3) While operating any handheld communication
24 device, including, but not limited to, a cell phone or any

1 ~~other device that sends or receives text messages or emails~~
2 that is nonessential to the functioning of the vehicle.

3 "(d) A violation of ~~this~~ subsection (c) shall not
4 result in a suspension of the person's driver's license, but
5 shall extend the time period for six months that the person is
6 subject to the restrictions of ~~this~~ subsection (c) before the
7 person is eligible to be designated as an unrestricted
8 driver's license holder or until age 18.

9 "~~(d)~~(e) The driver's license of any person who is
10 driving with restricted privileges as provided in subsection
11 (c) who during such time is convicted of a second moving
12 traffic violation or is convicted of failure to give
13 information or render aid, racing, fleeing or attempting to
14 elude a law enforcement officer, reckless driving, illegal
15 passing, driving on the wrong side of the road, or any other
16 offense where four or more points are assessed and other
17 violations as designated by rules or regulations promulgated
18 pursuant to the Administrative Procedure Act, shall be
19 automatically suspended for 60 days unless the Alabama Rules
20 of the Road provide a more serious penalty, and the time
21 period that the licensee is subject to the restrictions of
22 subsection (c) shall be extended for six months from the date
23 the person would otherwise be eligible to be designated as an
24 unrestricted driver's license holder or until age 18.

1 "~~(e)~~(f) The license possessed by any resident of
2 this state who is 17 years of age shall be deemed ~~an~~ a Stage
3 III unrestricted driver's license if the license has been
4 issued for a period of six months or longer and the Department
5 of Public Safety verifies that the license holder has not been
6 convicted of a moving violation of the Alabama Rules of the
7 Road within the preceding six months.

8 "~~(f)~~(g) This section shall not apply to the
9 following:

10 "(1) Any resident of this state age 16 years and
11 over who is married or who is the head of a household.

12 "(2) Any resident who has otherwise been legally
13 relieved of minority.

14 "(3) Any resident who is age 18 or over.

15 "~~(g) Every driver's license issued prior to October~~
16 ~~1, 2002, shall be considered an unrestricted driver's license.~~

17 "(h) A person who drives a motor vehicle in
18 violation of the conditions imposed in subsection (c) shall be
19 guilty of a traffic violation, but shall not be subject to any
20 criminal penalties or court costs. No citation shall be issued
21 for a traffic violation pursuant to this subsection unless the
22 person is stopped by a law enforcement officer for a separate
23 violation of law and issued a citation or warrant for the
24 separate violation. Information concerning a violation
25 pursuant to this subsection shall not be released to any party

1 and shall not result in any points on a driver's license
2 record.

3 "(i) The Department of Public Safety may promulgate
4 reasonable rules and regulations to carry out and to aid in
5 enforcement of this section and Sections 32-6-7.3 and 32-6-8.

6 "§32-6-8.

7 "(a) Any person 16 years of age or older who, except
8 for his or her lack of instruction in operating a motor
9 vehicle, would otherwise be qualified to obtain a driver's
10 license under this article may apply for a learner's license,
11 and the Department of Public Safety, Driver License Division,
12 may issue the license upon a form which shall be provided by
13 the Director of Public Safety, entitling the applicant, while
14 having the license in his or her immediate possession, to
15 drive or operate a motor vehicle upon the highways for a
16 period of four years, except when operating a motorcycle, the
17 person shall be accompanied by a licensed driver who is at
18 least 21 years of age and actually occupying a seat beside the
19 driver. At the time of applying for the license, the applicant
20 shall pay to the Department of Public Safety, Driver License
21 Division, a fee of twenty dollars (\$20), and the Department of
22 Public Safety, Driver License Division, shall give the
23 applicant a learner's license therefor on a form to be
24 provided by the Director of Public Safety. The temporary
25 instruction license may be renewed only by order of the

1 Director of Public Safety, and in no case shall the original
2 license be renewed or extended more than once. The Department
3 of Public Safety, Driver License Division, shall not issue the
4 Stage I temporary instruction license until the applicant has
5 undergone the same examination that a person applying for a
6 Stage II or Stage III driver's license is required by law to
7 undergo, with the exception of the driving test, and produced
8 a certificate to that effect signed by the proper examining
9 officer.

10 "(b) Any person not less than 15 but under 16 years
11 of age may obtain a Stage I learner's license to learn to
12 operate a motor vehicle upon application to the Department of
13 Public Safety, Driver License Division, which license shall
14 entitle the person to operate a motor vehicle when he or she
15 is accompanied by a parent or his or her legal guardian or a
16 person who is age 21 or over who is duly licensed in this
17 state as a motor vehicle operator or when accompanied by a
18 licensed or certified driving instructor who is actually
19 occupying a seat beside the motor vehicle operator. The
20 application for the Stage I learner's license shall be
21 accompanied by a payment of a fee of twenty dollars (\$20), to
22 be distributed as provided in Section 32-6-5. The age of the
23 applicant shall be substantiated by the applicant filing with
24 the department a certified copy of his or her birth
25 certificate. A Stage I learner's license issued under this

1 subsection shall be in such form as the Director of Public
2 Safety may prescribe; it shall expire in four years; or when
3 the holder subsequently applies for and receives a Stage II or
4 Stage III driver's license. The Stage II or Stage III driver's
5 license shall be issued for the remainder of the four year
6 life of the learner's license at no additional fee, the
7 certificate thereof shall be prima facie evidence that the
8 license holder was 15 years of age or older on the date of its
9 issuance. The license may be suspended or revoked in the same
10 manner and for the same causes as a driver's license and may
11 also be revoked for any violation of the terms and conditions
12 on which it was issued. The Department of Public Safety,
13 Driver License Division, shall not issue such a license to any
14 person until the applicant has undergone the same examination
15 that a person applying for a Stage II or Stage III driver's
16 license is required by law to undergo, with the exception of
17 the driving test, and has produced a certificate to that
18 effect signed by the proper examining officer."

19 Section 2. As used in this act, the following words
20 shall have the following meanings:

21 (1) STAGE I. A learner's permit.

22 (2) STAGE II. A regular driver's license with
23 restrictions based on age and the date of issuance.

24 (3) STAGE III. An unrestricted driver's license.

1 Section 3. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 4. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 19-JAN-10, as amended.

Greg Pappas
Clerk

Senate	14-APR-10	Amended and Passed
House	21-APR-10	Concurred in Senate Amendment