

1 SB173  
2 172852-3  
3 By Senators Chambliss and Brewbaker  
4 RFD: Judiciary  
5 First Read: 09-FEB-16

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8 SYNOPSIS: Under existing law, a driver may obtain a  
9 graduated license, including a Stage I-learner's  
10 permit, Stage II-regular driver's license with  
11 restrictions based on age, and Stage  
12 III-unrestricted driver's license. Also under  
13 existing law, a violation of the restriction of a  
14 Stage II licensee is a traffic violation, but no  
15 points may be assessed for the violation.

16 This bill would revise the penalties for a  
17 violation of the restrictions on a Stage II  
18 license, including revocation of the license and  
19 reversion to a Stage I license for a period of six  
20 months, would require the driver to revert to a  
21 Stage I license for a period of six months, would  
22 require the court to assess a fine of \$250, plus  
23 court costs, and would provide for the assessment  
24 of two points.

25 This bill would also provide that a parent,  
26 legal guardian, or other adult who knowingly allows  
27 a driver with a Stage I or Stage II license to

1 drive a motor vehicle in violation of applicable  
2 restrictions is subject to a fine of \$500, plus  
3 court costs.

4  
5 A BILL  
6 TO BE ENTITLED  
7 AN ACT

8  
9 To amend Section 32-6-7.2, Code of Alabama 1975, as  
10 last amended by Act 2015-516, 2015 First Special Session, to  
11 further provide restrictions on the issuance of driver's  
12 licenses to persons under 18 years of age, to revise the  
13 penalties for a violation of the restrictions on a Stage II  
14 license; to provide for the assessment of a fine against a  
15 parent or legal guardian who knowingly allows a driver with a  
16 Stage I or Stage II license to drive a motor vehicle in  
17 violation of applicable restrictions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall be known and may be cited  
20 as the Deputy Hart Act.

21 Section 2. Section 32-6-7.2, Code of Alabama 1975,  
22 as last amended by Act 2015-516, 2015 First Special Session,  
23 is amended to read as follows:

24 "§32-6-7.2.

25 "(a) A person who is under the age of 18 may not  
26 apply for a Stage II restricted regular driver's license until  
27 the person has held a Stage I learner's license issued

1 pursuant to Section 32-6-8 or a comparable license issued by  
2 another state for at least a six-month period.

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

7 "(1) A verification form provided by the Department  
8 of Public Safety signed by a parent or legal guardian, or a  
9 grandparent with the consent of a parent or legal guardian,  
10 consenting to the licensure of the applicant.

11 "(2) A verification form provided by the Department  
12 of Public Safety signed by a parent, legal guardian, a  
13 grandparent with the consent of a parent or legal guardian, or  
14 a licensed or certified driving instructor, certifying that  
15 the applicant has completed a minimum of 50 hours of  
16 behind-the-wheel driving practice, or submission of a  
17 certificate of completion from the State Department of  
18 Education that the applicant has passed a driver's education  
19 course approved by the State Department of Education.

20 "This subdivision shall not be construed to require  
21 a course sanctioned by the State Department of Education to  
22 include the 50-hour requirement for behind-the-wheel driving  
23 practice.

24 "(c) A person who is issued a regular driver's  
25 license who is age 17 and has been licensed for less than six  
26 months or who is age 16 shall be deemed to have a Stage II

1 restricted driver's license. The person may not operate a  
2 vehicle under any of the following conditions:

3 "(1) Between 12:00 o'clock midnight and 6:00 o'clock  
4 a.m. unless one of the following exceptions applies:

5 "a. The licensee is accompanied by a parent or legal  
6 guardian.

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

10 "c. The licensee is driving to or from a place where  
11 the licensee is employed or works.

12 "d. The licensee is driving to or from a school  
13 sponsored event.

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

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

18 "g. The licensee is driving to or from a place where  
19 the licensee participates in hunting or fishing activities. In  
20 order for this particular exception to apply, the licensee  
21 must have in his or her immediate possession a valid hunting  
22 or fishing license for the activity.

23 "(2) If there is more than one passenger in the  
24 vehicle not including the parents, legal guardians of the  
25 licensee, accompanying family members, or a licensed driver  
26 who is at least 21 years of age.

1           "(3) While operating any handheld communication  
2 device that is nonessential to the functioning of the vehicle.

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

9           "(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.

25           "(f) The license possessed by any resident of this  
26 state who is 17 years of age shall be deemed a Stage III  
27 unrestricted driver's license if the license has been issued

1 for a period of six months or longer and the Department of  
2 Public Safety verifies that the license holder has not been  
3 convicted of a moving violation of the Alabama Rules of the  
4 Road within the preceding six months.

5 "(g) This section shall not apply to the following:

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

8 "(2) Any resident who has otherwise been legally  
9 relieved of minority.

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

11 "(h) (1) A person who drives a motor vehicle in  
12 violation of the conditions imposed in subsection (c) shall be  
13 guilty of a traffic violation, ~~but~~ and shall ~~not~~ be subject to  
14 ~~any the following criminal~~ penalties or court costs. ~~No~~  
15 ~~citation shall be issued for a traffic violation pursuant to~~  
16 ~~this subsection unless the person is stopped by a law~~  
17 ~~enforcement officer for a separate violation of law and issued~~  
18 ~~a citation or warrant for the separate violation. Information~~  
19 ~~concerning a violation pursuant to this subsection shall not~~  
20 ~~be released to any party and shall not result in any points on~~  
21 ~~a driver's license record.:~~

22 "a. The privileges of the Stage II license shall be  
23 revoked and the person shall be required to revert to a Stage  
24 I learner's permit for a period of six months prior to  
25 eligibility to reapply for a Stage II license.

26 "b. The person shall be subject to a fine of two  
27 hundred fifty dollars (\$250), plus court costs.

1           "c. A conviction under this subsection shall be  
2 entered on the driving record of any individual charged under  
3 this subsection as a two-point violation.

4           "(2) A parent or legal guardian who knowingly allows  
5 his or her child or ward with a Stage I or Stage II license to  
6 drive a motor vehicle in violation of the applicable  
7 restrictions of the license shall be subject to a fine of five  
8 hundred dollars (\$500), plus court costs.

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

12           "(j) As used in this section, the following words  
13 shall have the following meanings:

14           "(1) STAGE I. A learner's permit.

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

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

18           Section 3. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.