

1 SB26
2 145641-1
3 By Senator Ward
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 05-FEB-13
6 PFD: 12/04/2012

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8 SYNOPSIS: Under existing law, a person is required to
9 obtain a driver's license before driving a motor
10 vehicle upon the highways of this state and is
11 prohibited from driving if his or her license has
12 been cancelled, denied, suspended, or revoked.

13 Under existing law, a person who is arrested
14 for a violation of traffic laws that is punishable
15 as a misdemeanor is issued a summons and is
16 notified in writing or by an electronic traffic
17 ticket or e-ticket to appear before a court at a
18 specified time and place.

19 This bill would provide that a person who
20 fails to obtain a driver's license before driving
21 or who drives with a cancelled, denied, suspended,
22 or revoked driver's license may be subject to
23 custodial arrest, and would require that the
24 person's driver's license be revoked for an
25 additional six months if the person was driving
26 with a cancelled, suspended, or revoked license.

1 The bill would increase the minimum fine for
2 driving with a cancelled, denied, suspended, or
3 revoked license from one hundred dollars (\$100) to
4 two hundred dollars (\$200).

5 This bill would also provide for a
6 determination of negligence when a driver is
7 involved in an accident while driving without a
8 license or with a suspended or revoked license and
9 would provide for restitution to injured parties in
10 certain cases.

11 Amendment 621 of the Constitution of Alabama
12 of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, prohibits a general
15 law whose purpose or effect would be to require a
16 new or increased expenditure of local funds from
17 becoming effective with regard to a local
18 governmental entity without enactment by a 2/3 vote
19 unless: it comes within one of a number of
20 specified exceptions; it is approved by the
21 affected entity; or the Legislature appropriates
22 funds, or provides a local source of revenue, to
23 the entity for the purpose.

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to driver's licenses; to amend Section
10 32-6-19, Code of Alabama 1975, to require the Director of
11 Public Safety to revoke the driver's license of a person
12 driving with a cancelled, suspended, or revoked license for an
13 additional six months; to provide that a person who fails to
14 obtain a driver's license before driving or who drives with a
15 cancelled, denied, suspended, or revoked license may be
16 subject to custodial arrest; to increase fines; to provide for
17 a determination of negligence in certain cases; to provide for
18 restitution; and in connection therewith would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 32-6-19, Code of Alabama 1975, is
26 amended to read as follows:

27 "§32-6-19.

1 "(a) (1) Any person whose driver's or chauffeur's
2 license issued in this or another state or whose driving
3 privilege as a nonresident has been cancelled, denied,
4 suspended, or revoked as provided in this article and who
5 drives any motor vehicle upon the highways of this state while
6 his or her license or privilege is cancelled, denied,
7 suspended, or revoked shall be guilty of a misdemeanor and
8 upon conviction shall be punished by a fine of not less than
9 ~~one hundred dollars (\$100)~~ two hundred dollars (\$200) nor more
10 than five hundred dollars (\$500), and in addition thereto may
11 be imprisoned for not more than 180 days. In addition to all
12 fines, fees, costs, and punishments prescribed by law, there
13 shall be imposed or assessed an additional penalty of fifty
14 dollars (\$50) to be placed in the Traffic Safety Trust Fund
15 and the Peace Officers Standards and Training Fund. ~~Also, at~~
16 ~~the discretion of the~~ The Director of Public Safety, the
17 ~~person's license may be revoked~~ shall revoke the person's
18 license for an additional revocation period of six months.
19 Upon conviction under this section, if a person has a driver's
20 license in his or her possession, the court shall confiscate
21 the driver's license and attach the license to the uniform
22 citation and forward it to the Department of Public Safety
23 within 10 days of the conviction.

24 "(2) The additional penalty of fifty dollars (\$50)
25 shall be assessed in all criminal and quasi-criminal
26 proceedings in municipal, district, and circuit courts,
27 including, but not limited to, final bond forfeitures,

1 municipal ordinances violations, wherein the defendant is
2 adjudged guilty or pleads guilty and in all juvenile
3 delinquency and youthful offender adjudications.

4 "(3) If the fifty dollar (\$50) penalty required by
5 subdivision (1) is not imposed by the court, the clerk of the
6 court shall automatically assess it upon conviction.

7 "(b) Notwithstanding any provision of law, any
8 person who operates a motor vehicle upon the highways of this
9 state while his or her driver's license or driving privilege
10 is revoked for any reason under the laws of this state or
11 similar laws of any other state or territory, or while his or
12 her driver's license or driving privilege is suspended as a
13 consequence of a DUI-related offense, including, but not
14 limited to, being adjudicated delinquent or a youthful
15 offender based on a DUI-related offense, or while his or her
16 driver's license or driving privilege is suspended as a result
17 of failure to comply with the implied consent law of this
18 state or laws of another state, or who has been adjudicated a
19 delinquent child or a youthful offender based on an offense
20 that if the person had been an adult would have been a
21 conviction of driving under the influence of a controlled
22 substance or alcohol or failure to comply with the implied
23 consent law, shall be immediately removed from the vehicle.
24 The vehicle, regardless of ownership or possessory interest of
25 the operator or person present in the vehicle, except when the
26 owner of the vehicle or another family member of the owner is
27 present in the vehicle and presents a valid driver's license,

1 shall be impounded by any duly sworn law enforcement officer.
2 If there is an emergency or medical necessity jeopardizing
3 life or limb, the law enforcement officer may elect not to
4 impound the vehicle.

5 "(c) (1) The law enforcement officer making the
6 impoundment shall direct an approved towing service to tow the
7 vehicle to the garage of the towing service, storage lot, or
8 other place of safety and maintain custody and control of the
9 vehicle until the registered owner or authorized agent of the
10 registered owner claims the vehicle by paying all reasonable
11 and customary towing and storage fees for the services of the
12 towing company. The vehicle shall then be released to the
13 registered owner or an agent of the owner.

14 "(2) Any towing service or towing company removing
15 the vehicle at the direction of the law enforcement officer in
16 accordance with this section shall have a lien on the motor
17 vehicle for all reasonable and customary fees relating to the
18 towing and storage of the motor vehicle. This lien shall be
19 subject and subordinate to all prior security interests and
20 other liens affecting the vehicle whether evidenced on the
21 certificate of title or otherwise. Notice of any sale or other
22 proceedings relative to this lien shall be given to the
23 holders of all prior security interest or other liens by
24 official service of process at least 15 days prior to any sale
25 or other proceedings."

26 Section 2. (a) Notwithstanding Section 32-1-4, Code
27 of Alabama 1975, a person who operates a motor vehicle on any

1 public street or highway in this state in violation of Section
2 32-6-1(a) or 32-6-19, Code of Alabama 1975, may be subject to
3 a custodial arrest.

4 (b) A person driving a motor vehicle in violation of
5 Section 32-6-1(a) or 32-6-19, Code of Alabama 1975, who,
6 either directly or indirectly, is involved in a traffic
7 accident shall be deemed negligent for the purposes of
8 determining fault for any injuries or damages arising from the
9 accident.

10 (c) A person driving a motor vehicle in violation of
11 Section 32-6-1(a) or 32-6-19, Code of Alabama 1975, who is
12 involved in a traffic accident may be ordered to pay
13 restitution by the court for any damages caused by the person.

14 Section 3. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

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