

1 SB44
2 164766-1
3 By Senator Holtzclaw
4 RFD: Transportation & Energy
5 First Read: 03-MAR-15
6 PFD: 02/24/2015

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8 SYNOPSIS: Under existing law, the Legislature has
9 delegated its legislative authority relating to
10 charges for photo driver's licenses and photo
11 nondriver identification cards to the Department of
12 Public Safety, now a part of the Alabama Law
13 Enforcement Agency, subject to certain standards
14 provided in the law.

15 The Alabama Law Enforcement Agency increased
16 various fees for the licenses effective February 9,
17 2015, without following the rulemaking procedures
18 of the Alabama Administrative Procedure Act.

19 This bill would specify that setting any
20 charge to the public for issuing the driver's
21 licenses or cards would be subject to the Alabama
22 Administrative Procedure Act. The bill would also
23 specify that this action is declaratory of existing
24 law and would be retroactive to February 9, 2015.
25 The bill would also require the department to
26 credit any person who paid the increased fee with

1 the difference in the amount of the increased fee
2 for the obtained licenses prior to the increase.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 32-6-6 of the Code of Alabama 1975,
9 relating to photo driver's licenses and photo nondriver
10 identification cards; to specify that any action setting the
11 fees under the section would be subject to rulemaking under
12 the Alabama Administrative Procedure Act; to provide that this
13 act is declaratory of existing law; and to provide that this
14 act is retroactive and for a credit to persons obtaining
15 licenses based on the increased fees under certain conditions.
16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 32-6-6 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§32-6-6.

20 "(a) Each driver's license issued by the Department
21 of Public Safety, except temporary permits or other special
22 circumstances as determined by the Director of the Department
23 of Public Safety, shall bear thereon a distinguishing number
24 assigned to the licensee and a color photograph of the
25 licensee, the name, birthdate, address, and a description of
26 the licensee, who, for the purpose of identification and as a
27 condition precedent to the validity of the license,

1 immediately upon receipt thereof, shall endorse his or her
2 usual or regular signature upon the license in the space
3 provided thereon, unless a facsimile of the licensee's
4 signature appears thereon.

5 "A photo driver's license and photo nondriver
6 identification card as provided in Section 32-6-4 shall have a
7 photo core that meets the minimum width and length dimensions
8 specified in ANSI standards X4.13-1971 and ANSI standard CR80,
9 plus or minus 1/4 inch. In addition to all current and
10 existing fees, the department may charge an additional fee to
11 recover the cost of producing and issuing photo drivers'
12 licenses and photo nondriver identification cards. The fee may
13 not exceed ten cents (\$.10) over the actual cost of producing
14 and issuing the license or card including the cost of
15 materials, labor costs, telecommunications costs, computer
16 costs, postage, and any other costs incurred in producing and
17 issuing a license or card. Revenues collected under this
18 section shall be used by the department for the sole purpose
19 of this program and any excess shall revert to the General
20 Fund at the end of each fiscal year.

21 "(b) Any action of the department or agency in
22 setting the fee to be charged for a photo driver's license or
23 photo nondriver identification card shall be subject to the
24 rulemaking procedures of the Alabama Administrative Procedure
25 Act."

1 Section 2. (a) The provisions of this act are
2 declaratory of existing law and are retroactive to February 9,
3 2015.

4 (b) The action of the Alabama Law Enforcement Agency
5 in increasing the costs to the public for the purchase of a
6 photo driver's license or nondriver identification card is
7 expressly declared invalid for failure to follow the
8 rulemaking procedures of the Alabama Administrative Procedure
9 Act.

10 Section 3. Any person who purchased a photo driver's
11 license or nondriver identification card or after February 9,
12 2015, shall be entitled to a credit on the purchase of any
13 photo driver's license or nondriver identification card after
14 the effective date of this act based on the difference in the
15 increased cost of any license purchased on or after February
16 9, 2015, and the cost of the license prior to that date.

17 Section 4. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.