

1 SB46
2 114812-5
3 By Senator Ross
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

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8 SYNOPSIS: Existing law provides for graduated
9 driver's licenses but does not identify the three
10 stages of graduated licenses by name.

11 This bill would name the stages as Stage
12 I-Learning Permit, Stage II-Restricted Licensing,
13 and Stage III-Unrestricted or Regular License.

14 Under existing law, no student in a driver
15 training program who is under 16 years of age is
16 allowed to drive or operate any motor vehicle
17 unless accompanied by a licensed driver.

18 This bill would require the licensed driver
19 to be over 21 years of age.

20 Under existing law, a person who is issued a
21 regular driver's license and who is age 16 or who
22 is age 17 and has been licensed for less than six
23 months may not operate a vehicle after 12 midnight
24 or if there are more than four occupants in the
25 vehicle not including the parents or legal
26 guardians and family members of the licensee.

1 This bill would prohibit the licensee from
2 operating a vehicle after certain specified hours,
3 subject to certain exceptions, or if there is more
4 than one occupant in the vehicle not including the
5 licensed driver and parents or legal guardian and
6 family members of the licensee.

7 Under existing law, any person 16 years of
8 age or older who has a learner's permit may drive
9 or operate a motor vehicle if accompanied by a
10 licensed driver who is occupying a seat beside the
11 driver.

12 Under existing law, the operation of a
13 vehicle by a Stage II restricted driver while using
14 a cell phone or similar communication device is not
15 specifically prohibited.

16 This bill would prohibit a person with a
17 Stage II restricted driver's license from operating
18 a motor vehicle while operating a handheld
19 communication device under certain conditions.

20 This bill would require the licensed driver
21 who is occupying a seat beside the driver who has a
22 Stage I learner's permit to be 21 years of age or
23 older.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose. The purpose or effect
10 of this bill would be to require a new or increased
11 expenditure of local funds within the meaning of
12 the amendment. However, the bill does not require
13 approval of a local governmental entity or
14 enactment by a 2/3 vote to become effective because
15 it comes within one of the specified exceptions
16 contained in the amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of
23 the Code of Alabama 1975, relating to 3-stage graduated
24 driver's licenses or licensing criteria; to allow the licensed
25 driver accompanying a student in any driver training program
26 to be 21 years of age or older; to further provide for
27 restrictions on driver's licenses for persons 16 or 17 years

1 of age including restrictions on the use of certain
2 communication devices under certain conditions; to provide for
3 the age of the licensed driver occupying the seat next to a
4 driver 16 years of age or older who has a State I learner's
5 permit; and in connection therewith would have as its purpose
6 or effect the requirement of a new or increased expenditure of
7 local funds within the meaning of Amendment 621 of the
8 Constitution of Alabama of 1901, now appearing as Section
9 111.05 of the Official Recompilation of the Constitution of
10 Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§32-5-64.

15 "Any person under the age of 16 years who shall
16 drive or operate any motor vehicle upon the public highways of
17 this state shall be guilty of a misdemeanor, and shall be
18 dealt with as provided by the juvenile laws of this state;
19 ~~provided, that the provisions of this.~~ This section shall not
20 apply to any student enrolled in a driver training program
21 approved by the State Superintendent of Education or the
22 Director of Public Safety while driving or operating a motor
23 vehicle pursuant to the instructional program. However, no
24 student in any driver training program who is under 16 years
25 of age shall drive or operate any motor vehicle unless
26 accompanied by a licensed driver who is 21 years of age or
27 older.

1 "§32-6-7.2.

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

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

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

15 "(2) A verification form provided by the Department
16 of Public Safety signed by a parent, legal guardian, or
17 licensed or certified driving instructor certifying that the
18 applicant has completed a minimum of 30 hours of
19 behind-the-wheel driving practice, or submission of a
20 certificate of completion from the State Department of
21 Education that the applicant has passed a driver's education
22 course approved by the State Department of Education.

23 "(c) A person who is issued a regular driver's
24 license ~~after October 1, 2002,~~ who is age 17 and has been
25 licensed for less than six months or who is age 16 shall be
26 deemed to have a Stage II restricted driver's license. The

1 person may not operate a vehicle under any of the following
2 conditions:

3 " (1) ~~Between 12:00 o'clock midnight and 6:00 o'clock~~
4 ~~a.m. 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday,~~
5 ~~or Thursday and 6:00 o'clock a.m. on Monday, Tuesday,~~
6 ~~Wednesday, Thursday, or Friday and between 11:00 o'clock p.m.~~
7 ~~on Friday or Saturday and 6:00 o'clock a.m. on Saturday or~~
8 ~~Sunday unless one of the following exceptions apply applies:~~

9 "a. The licensee is accompanied by a parent or legal
10 guardian.

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

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

16 "d. The licensee is driving to or from a school
17 sponsored event.

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

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

22 "g. The licensee is driving to or from a place where
23 the licensee participates in hunting or fishing activities. In
24 order for this particular exception to apply, the licensee
25 must have in his or her immediate possession a valid hunting
26 or fishing license for the activity. Additionally, the
27 licensee must have in his or her immediate possession items

1 sufficient to demonstrate that he or she is in fact driving to
2 participate in a hunting or fishing activity that is in season
3 as set out in the rules promulgated by the Commissioner of
4 Conservation and Natural Resources.

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

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

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

17 "~~(d)~~ (e) The driver's license of any person who is
18 driving with restricted privileges as provided in subsection
19 (c) who during such time is convicted of a second moving
20 traffic violation or is convicted of failure to give
21 information or render aid, racing, fleeing or attempting to
22 elude a law enforcement officer, reckless driving, illegal
23 passing, driving on the wrong side of the road, or any other
24 offense where four or more points are assessed and other
25 violations as designated by rules or regulations promulgated
26 pursuant to the Administrative Procedure Act, shall be
27 automatically suspended for 60 days unless the Alabama Rules

1 of the Road provide a more serious penalty, and the time
2 period that the licensee is subject to the restrictions of
3 subsection (c) shall be extended for six months from the date
4 the person would otherwise be eligible to be designated as an
5 unrestricted driver's license holder or until age 18.

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

13 ~~"(f) (g)~~ This section shall not apply to the
14 following:

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

17 "(2) Any resident who has otherwise been legally
18 relieved of minority.

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

20 ~~"(g) Every driver's license issued prior to October~~
21 ~~1, 2002, shall be considered an unrestricted driver's license.~~

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

1 violation of law and issued a citation or warrant for the
2 separate violation. Information concerning a violation
3 pursuant to this subsection shall not be released to any party
4 and shall not result in any points on a driver's license
5 record.

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

9 "§32-6-8.

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

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

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

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

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

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

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

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

24 Section 3. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

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