

1 HB166  
2 155500-1  
3 By Representative Wren  
4 RFD: Public Safety and Homeland Security  
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, a driver's license may  
9 not be issued to any person whose driving right or  
10 privilege is suspended or revoked.

11 This bill would authorize a person whose  
12 driver's license has been suspended or revoked for  
13 certain offenses to apply for a restricted driver's  
14 license to allow the person to operate a motor  
15 vehicle under certain conditions.

16 This bill would specify the procedures for  
17 obtaining the restricted driver's license from the  
18 Department of Public Safety or the court presiding  
19 over the traffic offense and would provide criminal  
20 penalties for exceeding the authorization of the  
21 restricted license.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Relating to driver's licenses; to authorize a person  
21 whose driver's license has been suspended or revoked for  
22 certain offenses to apply for a restricted driver's license to  
23 authorize the person to drive under certain circumstances; to  
24 provide for a fee for the license; to provide procedures for  
25 obtaining the license; to provide penalties; and in connection  
26 therewith would have as its purpose or effect the requirement  
27 of a new or increased expenditure of local funds within the

1 meaning of Amendment 621 of the Constitution of Alabama of  
2 1901, now appearing as Section 111.05 of the Official  
3 Recompilation of the Constitution of Alabama of 1901, as  
4 amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Except as provided in Section 2, a  
7 court presiding over a criminal or traffic offense or the  
8 Department of Public Safety may authorize the issuance of a  
9 restricted driver's license to a person whose driver's license  
10 is suspended or revoked upon demonstration by the person of  
11 substantial need for the license.

12 (b) (1) The court may issue a restricted driver's  
13 license upon its own motion or a person requesting a  
14 restricted driver's license may petition the court for the  
15 issuance of the restricted license. Upon approval of a  
16 petition for a restricted license by the court, the court  
17 shall notify the Department of Public Safety that the person  
18 is eligible to receive a restricted license. The court shall  
19 specify the restrictions to be included on the license.

20 (2) A person requesting a restricted license may  
21 apply to the Department of Public Safety for the issuance a  
22 restricted driver's license. If additional information or  
23 inquiry is needed by the department to make a determination of  
24 eligibility, the department may request that an applicant  
25 supply supplemental information or appear before the  
26 department for further inquiry. The department shall adopt

1 rules, including an application form, for the implementation  
2 and administration of this act.

3 (c) (1) Substantial need for the restricted driver's  
4 license includes any of the following:

5 a. Continuation or establishment of employment.

6 b. Attendance at school or an educational  
7 institution.

8 c. Obtaining necessary medical care.

9 d. Attendance and compliance with driver improvement  
10 courses, alcohol and substance abuse courses, probation, or  
11 other court-ordered programs.

12 e. Compliance with the terms of parole.

13 f. Providing dependent care of an immediate family  
14 member.

15 (2) Substantial need may be demonstrated by any of  
16 the following documentation:

17 a. Proof of court-ordered requirements by  
18 documentation of the court order requiring participation in  
19 probation, substance abuse courses, driver improvement  
20 courses, or other court-ordered programs.

21 b. Proof of dependent care by a birth certificate,  
22 power of attorney, court order, or tax documents.

23 c. Proof of employment by a written and sworn  
24 statement from an employer detailing employment history and  
25 the person's employment schedule.

1           d. Proof of employment search by a written and sworn  
2 statement of the intent and necessary action to seek  
3 employment.

4           e. Proof of medical need by a written and sworn  
5 statement of medical need by a treating physician or other  
6 health care provider.

7           f. Proof of enrollment in an educational institution  
8 by an official statement from the educational institution,  
9 including a schedule of attendance.

10          g. Proof of parole by a court order or other  
11 document detailing the terms of parole.

12          h. Any other document demonstrating a substantial  
13 need recognized under subdivision (1).

14           (d) Upon proof of substantial need and demonstration  
15 of eligibility under this act to the court or the Department  
16 of Public Safety, the department shall issue a restricted  
17 driver's license that sets forth the restrictions provided in  
18 subsection (f). The restricted driver shall carry the  
19 restricted license at all times while operating a motor  
20 vehicle.

21           (e) Prior to issuing a restricted license, the  
22 department shall require proof of liability insurance pursuant  
23 to Section 32-7A-4, Code of Alabama 1975.

24           (f) (1) The department may place any of the following  
25 restrictions on the use of the license based upon the  
26 substantial need demonstrated by the person:

1           a. A restriction on the purpose of the operation of  
2 the motor vehicle.

3           b. A restriction on the times and places a vehicle  
4 may be operated.

5           c. A requirement to install and use an ignition  
6 interlock device at the expense of the restricted driver.

7           d. A requirement to comply with a fine and fee  
8 repayment schedule.

9           e. Other restrictions deemed necessary for the  
10 safety and welfare of the public.

11           (2) A restricted driver under this act may not  
12 operate a motor vehicle at any time or place or for any  
13 purpose other than those authorized by the court or the  
14 department.

15           (g) A restricted driver's license issued by the  
16 department is valid until the suspension ends and outstanding  
17 fines and fees are repaid, after which the restricted driver  
18 may apply for a regular driver's license.

19           Section 2. A restricted driver's license authorized  
20 under this act may not be issued to a person whose driver's  
21 license is suspended or revoked for any of the following  
22 reasons:

23           (1) Conviction of homicide under Section 32-5A-192,  
24 Code of Alabama 1975.

25           (2) Conviction of reckless driving under Section  
26 32-5A-190, Code of Alabama 1975.

1 (3) Conviction of trafficking under Section  
2 13A-12-291, Code of Alabama 1975.

3 (4) Suspension for physical or mental disability  
4 under Section 32-6-7, Code of Alabama 1975.

5 Section 3. A person issued a restricted driver's  
6 license under this act shall pay a service fee set by the  
7 Department of Public Safety and payable to the department for  
8 the issuance of the license. The amount of the fee may not  
9 exceed the actual cost to the department to issue the  
10 restricted driver's license.

11 Section 4. (a) If a person's license was suspended  
12 due to failure to pay outstanding traffic fines or fees, the  
13 person shall comply with the repayment schedule in order to  
14 remain eligible for the restricted driver's license.

15 (b) Repayment schedules shall be established by the  
16 court or the Department of Public Safety. The repayment  
17 schedule shall account for the restricted driver's financial  
18 status and be reasonably calculated to allow the restricted  
19 driver to comply with the scheduled payments.

20 (c) Upon demonstration of financial need by a  
21 restricted driver, the first scheduled repayment shall be  
22 delayed up to six months from the issuance of the restricted  
23 driver's license.

24 (d) During the repayment period, if the restricted  
25 driver willfully fails to make three consecutive scheduled  
26 payments, the restricted driver's license shall be revoked and  
27 the original suspension or revocation shall be reinstated

1 until the restricted driver pays the past due balance and  
2 resumes payments in compliance with the repayment schedule.  
3 The restricted driver shall be entitled to an administrative  
4 hearing before the department to determine his or her willful  
5 noncompliance with the payment schedule.

6 (e) Upon the payment of all fines and fees and if no  
7 other suspension remains on the restricted driver's record,  
8 the restricted driver may apply for a regular driver's  
9 license.

10 Section 5. (a) A restricted driver's license issued  
11 under this act may be revoked for any of the following  
12 reasons:

13 (1) Failure to carry the restricted driver's license  
14 while operating a motor vehicle.

15 (2) Violation of any traffic law.

16 (3) Violation of any designated restriction on the  
17 license.

18 (4) Continuation of the restricted driver's license  
19 is adverse to the safety or welfare of the public.

20 (b) A person issued a restricted driver's license  
21 under this act who intentionally or knowingly violates any  
22 designated restriction on the license shall be guilty of a  
23 Class B misdemeanor.

24 (c) A person issued a restricted driver's license  
25 under this act who intentionally or knowingly makes a false  
26 application or statement in order to obtain a restricted  
27 driver's license shall be guilty of a Class A misdemeanor.

1                   Section 6. 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 because the  
5                   bill defines a new crime or amends the definition of an  
6                   existing crime.

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