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3 SENATE JUDY COMMITTEE SUBSTITUTE FOR SB75
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8 SYNOPSIS: Under existing law, an individual who is
9 convicted or adjudicated a minor in possession of
10 alcohol is subject to driver's license suspension.

11 This bill would provide that an individual's
12 driver's license may not be suspended for a
13 conviction or adjudication of a minor in possession
14 of alcohol.

15 Under existing law, an individual's driver's
16 license will be suspended for failure to appear in
17 court.

18 This bill would provide that an individual's
19 driver's license may not be suspended for failure
20 to appear in court.

21 Under existing law, if a court orders an
22 individual to pay a fine or restitution as a result
23 of a traffic infraction and he or she fails to pay,
24 his or her driver's license will be suspended.

25 This bill would provide that an individual's
26 driver's license may not be suspended for failure
27 to pay a fine or restitution.

1 Under existing law, an individual that is
2 convicted or adjudicated for drug related offenses
3 is subject to driver's license will be suspension.

4 This bill would provide than an individual's
5 driver's license may not be suspended for a
6 conviction or adjudication of a drug related
7 offense.

8 This bill would also repeal existing
9 statutes relating to suspension of a driver's
10 license for drug crime convictions or adjudications
11 and for failure to attend school.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT
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17 Relating to driver license suspensions; to amend
18 Section 28-3A-25, as last amended by Act 2019-492, 2019
19 Regular Session, Code of Alabama 1975, to provide for the
20 elimination of the suspension of an individual's driver's
21 license in certain circumstances; and to repeal Sections
22 13A-12-290, 13A-12-291, 13A-12-292, 13A-12-293, and
23 13A-12-294, 16-28-40, 16-28-41, 16-28-42, 16-28-43, 16-28-44,
24 and 16-28-45, Code of Alabama 1975.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 28-3A-25, as last amended by Act
2 2019-492, 2019 Regular Session, Code of Alabama 1975, is
3 amended to read as follows:

4 "§28-3A-25.

5 "(a) It shall be unlawful:

6 "(1) For any manufacturer, importer, or wholesaler,
7 or the servants, agents, or employees of the same, to sell,
8 trade, or barter in alcoholic beverages between the hours of
9 nine o'clock p.m. of any Saturday and two o'clock a.m. of the
10 following Monday, except as otherwise provided in this title.

11 "(2) For any wholesaler or the servants, agents, or
12 employees of the wholesaler to sell alcoholic beverages, to
13 other than wholesale or retail licensees or others within this
14 state lawfully authorized to sell alcoholic beverages, or to
15 sell for export.

16 "(3) For any person, licensee, or the board, either
17 directly or by the servants, agents, or employees of the same,
18 or for any servant, agent, or employee of the same, to sell,
19 deliver, furnish, or give away alcoholic beverages to any
20 person under the legal drinking age, as defined in Section
21 28-1-5, or to permit any person under the legal drinking age,
22 as defined in Section 28-1-5, to drink, consume, or possess
23 any alcoholic beverages on any licensee's premises.

24 "(4) For any person to consume alcoholic beverages
25 on the premises of any state liquor store or any off-premises
26 licensee, or to allow alcoholic beverages to be consumed on
27 the premises of any state liquor store or any off-premises

1 licensee, except as specifically allowed by law for the
2 tasting of alcoholic beverages.

3 "(5) For any licensee to fail to keep for a period
4 of at least three years, complete and truthful records
5 covering the operation of his or her license and particularly
6 showing the date of all purchases of alcoholic beverages, the
7 actual price paid therefor, and the name of the vendor, or to
8 refuse the board or any authorized employee of the board
9 access to the records or the opportunity to make copies of the
10 records when the request is made during business hours.

11 "(6) For any licensee or the servants, agents, or
12 employees of the same to refuse the board, any of its
13 authorized employees, or any duly commissioned law enforcement
14 officer the right to completely inspect the entire licensed
15 premises at any time the premises are open for business.

16 "(7) For any person to knowingly sell any alcoholic
17 beverages to any person engaged in the business of illegally
18 selling alcoholic beverages.

19 "(8) For any person to manufacture, transport, or
20 import alcoholic beverages into this state, except in
21 accordance with the reasonable rules of the board. This
22 subdivision shall not prohibit the transportation of alcoholic
23 beverages through the state or any dry county so long as the
24 beverages are not for delivery therein, if the transportation
25 is done in accordance with the reasonable rules of the board.

26 "(9) For any person to fortify, adulterate,
27 contaminate, or in any manner change the character or purity

1 of alcoholic beverages from that as originally marketed by the
2 manufacturer, except that a retail licensee may mix a chaser
3 or other ingredients necessary to prepare a cocktail or mixed
4 drink or may make infusions for on-premises consumption in
5 accordance with Section 28-3A-20.3.

6 "(10) For any person licensed to sell alcoholic
7 beverages to offer to give any thing of value as a premium for
8 the return of caps, stoppers, corks, stamps, or labels taken
9 from any bottle, case, barrel, or package containing the
10 alcoholic beverages, or to offer to give any thing of value as
11 a premium or present to induce the purchase of the alcoholic
12 beverages, or for any other purpose whatsoever in connection
13 with the sale of the alcoholic beverages. This subdivision
14 shall not apply to the return of any moneys specifically
15 deposited for the return of the original containers to the
16 owners of the containers.

17 "(11) For any licensee or transporter for hire,
18 servant, agent, or employee of the same, to transport any
19 alcoholic beverages except in the original container, and for
20 any transporter for hire to transport any alcoholic beverages
21 within the state, unless the transporter holds a permit issued
22 by the board.

23 "(12) For any manufacturer, importer, or wholesaler,
24 servant, agent, or employee of the same, to deliver any
25 alcoholic beverages, except in vehicles bearing such
26 information on each side of the vehicle as required by the
27 board.

1 "(13) For any person to sell alcoholic beverages
2 within any dry county or county where the electors have voted
3 against the sales, except in wet municipalities or as
4 authorized by Section 28-3A-18.

5 "(14) For any person, firm, corporation,
6 partnership, or association of persons as the terms are
7 defined in Section 28-3-1, including any civic center
8 authority, racing commission, fair authority, airport
9 authority, public or quasi-public board, agency, or
10 commission, any agent thereof, or otherwise, who or which has
11 not been properly licensed under the appropriate provisions of
12 this chapter to sell, offer for sale, or have in possession
13 for sale, any alcoholic beverages. Any alcoholic beverages so
14 possessed, maintained, or kept shall be contraband and subject
15 to condemnation and confiscation as provided by law.

16 "(15) For any manufacturer, distiller, producer,
17 importer, or distributor of alcoholic beverages to employ and
18 maintain any person, who is not a full-time bona fide
19 employee, as a resident sales agent, broker, or other like
20 representative, for the purpose of promoting a sale, purchase,
21 or acquisition of alcoholic beverages to or by the state or
22 the board, or for any person who is not a full-time bona fide
23 employee to act as an agent, broker, or representative of any
24 manufacturer, distributor, producer, importer, or distiller
25 for that purpose.

26 "(16) For any person to sell, give away, or
27 otherwise dispose of taxable alcoholic beverages within this

1 state on which the required taxes have not been paid as
2 required by law.

3 "(17) For any wholesaler or retailer, or the
4 servant, agent, or employee of the same, to sell, distribute,
5 deliver, or to receive or store for sale or distribution
6 within this state any alcoholic beverages unless there first
7 has been issued by the board a manufacturer's license to the
8 manufacturer of the alcoholic beverages or its designated
9 representative or an importer license to the importer of the
10 alcoholic beverages.

11 "(18) For any person under the legal drinking age,
12 as defined in Section 28-1-5, to attempt to purchase, to
13 purchase, consume, possess, or transport any alcoholic
14 beverages within the state; provided, however, it shall not be
15 unlawful for a person under the legal drinking age, as defined
16 in Section 28-1-5, to be an employee of a wholesale licensee
17 or an off-premises retail licensee of the board to handle,
18 transport, or sell any beer or table wine if the person under
19 the legal drinking age is acting within the line and scope of
20 his or her employment while so acting. There must be an adult
21 licensee, servant, agent, or employee of the same present at
22 all times a licensed establishment is open for business.

23 "(19) For any person, except where authorized by a
24 local act or general act of local application or pursuant to
25 Section 28-3-25, to buy, give away, sell, or serve for
26 consumption on or off the premises, or to drink or consume any
27 alcoholic beverages in any cafe, lunchroom, restaurant, hotel

1 dining room, or other public place on Sunday after the hour of
2 two o'clock a.m.

3 "(20) Except where authorized by a local act or
4 general act of local application or pursuant to Section
5 28-3-25, for the proprietor, keeper, or operator of any cafe,
6 lunchroom, restaurant, hotel dining room, or other public
7 place to knowingly permit any person to give away, sell, or
8 serve for consumption, on or off the premises, or to drink or
9 consume any alcoholic beverages on the premises of the cafe,
10 lunchroom, restaurant, hotel dining room, or other public
11 place on Sunday after the hour of two o'clock a.m.

12 "(21) For a person under the age of 21 years to
13 knowingly use or attempt to use a false, forged, deceptive, or
14 otherwise nongenuine driver's license to obtain or attempt to
15 obtain alcoholic beverages within this state.

16 "(b) (1) Any violation of subdivisions (1) through
17 (17) of subsection (a) shall be a misdemeanor punishable by a
18 fine of not less than one hundred dollars (\$100) nor more than
19 one thousand dollars (\$1,000), to which, at the discretion of
20 the court or judge trying the case, may be added imprisonment
21 in the county jail or at hard labor for the county for not
22 more than six months for the first conviction; and, on the
23 second conviction of a violation of the subdivisions, the
24 offense, in addition to the aforementioned fine, shall be
25 punishable by imprisonment or at hard labor for the county for
26 not less than three months nor more than six months to be
27 imposed by the court or judge trying the case; and, on the

1 third conviction and every subsequent conviction of a
2 violation of the subdivisions, the offense, in addition to a
3 fine within the limits abovenamed, shall be punishable by
4 imprisonment or at hard labor for the county for not less than
5 six months nor more than 12 months.

6 "(2) Any violation of subdivision (18), (19), (20),
7 or (21) of subsection (a) shall be a misdemeanor punishable by
8 a fine of not less than fifty dollars (\$50) nor more than five
9 hundred dollars (\$500), to which, at the discretion of the
10 court or judge trying the case, may be added imprisonment in
11 the county jail or at hard labor for the county for not more
12 than three months.

13 ~~"(c) In addition to the penalties otherwise provided~~
14 ~~for a violation of subdivisions (18) and (21) of subsection~~
15 ~~(a), upon conviction, including convictions in juvenile court~~
16 ~~or under the Youthful Offender Act, the offender's license to~~
17 ~~operate a motor vehicle in this state shall be surrendered by~~
18 ~~the offender to the judge adjudicating the case for a period~~
19 ~~of not less than three months nor more than six months. The~~
20 ~~judge shall forward a copy of the order suspending the license~~
21 ~~to the Alabama State Law Enforcement Agency for enforcement~~
22 ~~purposes."~~

23 Section 2. (a) The Alabama State Law Enforcement
24 Agency may not suspend or revoke a person's driver's license
25 for failing to appear in court.

1 (b) The Secretary of the Alabama State Law
2 Enforcement Agency shall adopt rules as are necessary to
3 implement the requirements of this section.

4 Section 3. (a) A court may not suspend an
5 individual's privilege to operate a motor vehicle in this
6 state for failure to pay a fine or restitution imposed as a
7 result of a traffic infraction.

8 (b) It is the intent of the Legislature that
9 pursuant to Amendment 328 of the Constitution of Alabama of
10 1901, now appearing as Section 150 of the Official
11 Recompilation of the Constitution of Alabama of 1901, as
12 amended, the Supreme Court of Alabama shall amend its rules to
13 conform with this act.

14 Section 4. Sections 13A-12-290, 13A-12-291,
15 13A-12-292, 13A-12-293, and 13A-12-294 of the Code of Alabama
16 1975, relating to driver's license suspension for certain drug
17 related violations and Sections 16-28-40, 16-28-41, 16-28-42,
18 16-28-43, 16-28-44, and 16-28-45 of the Code of Alabama 1975,
19 relating to conditioning if driving privileges upon school
20 attendance, are specifically repealed.

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