

1 HB160
2 203959-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 06-FEB-20

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8 SYNOPSIS: Under existing law, an individual that is
9 convicted or adjudicated for minor in possession of
10 alcohol is subject to drivers license suspension.

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

15 Under existing law, an individual who is
16 required to pay child support and does not pay
17 child support may have his or her drivers license
18 suspended for failure to pay child support.

19 This bill would provide that an individual's
20 drivers license may not be suspended for failure to
21 pay child support.

22 Under existing law, an individual's drivers
23 license will be suspended for failure to appear in
24 court.

25 This bill would provide that an individual's
26 drivers license may not be suspended for failure to
27 appear in court.

1 Under existing law, if a court orders an
2 individual to pay a fine or restitution as a result
3 of a traffic infraction and he or she fails to pay,
4 his or her drivers license will be suspended.

5 This bill would provide that an individual's
6 drivers license may not be suspended for failure to
7 pay a fine or restitution.

8 Under existing law, an individual that is
9 convicted or adjudicated for drug related offenses
10 is subject to drivers license will be suspension.

11 This bill would provide than an individual's
12 drivers license may not be suspended for a
13 conviction or adjudication of a drug related
14 offense.

15 This bill would also repeal existing
16 statutes relating to suspension of a drivers
17 license for drug crime convictions or adjudications
18 and for failure to attend school.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to driver license suspensions; to amend
25 Sections 28-3A-25, as last amended by Act 2019-492, 2019
26 Regular Session, 30-3-170 and 30-3-179, Code of Alabama 1975,
27 to provide for the elimination of the suspension of an

1 individual's drivers license in certain circumstances; and to
2 repeal Sections 13A-12-290, 13A-12-291, 13A-12-292,
3 13A-12-293, and 13A-12-294, 16-28-40, 16-28-41, 16-28-42,
4 16-28-43, 16-28-44, and 16-28-45, Code of Alabama 1975.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 28-3A-25, as last amended by Act
7 2019-492, 2019 Regular Session, 30-3-170 and 30-3-179, Code of
8 Alabama 1975, are amended to read as follows:

9 "§28-3A-25.

10 "(a) It shall be unlawful:

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

16 "(2) For any wholesaler or the servants, agents, or
17 employees of the wholesaler to sell alcoholic beverages, to
18 other than wholesale or retail licensees or others within this
19 state lawfully authorized to sell alcoholic beverages, or to
20 sell for export.

21 "(3) For any person, licensee, or the board, either
22 directly or by the servants, agents, or employees of the same,
23 or for any servant, agent, or employee of the same, to sell,
24 deliver, furnish, or give away alcoholic beverages to any
25 person under the legal drinking age, as defined in Section
26 28-1-5, or to permit any person under the legal drinking age,

1 as defined in Section 28-1-5, to drink, consume, or possess
2 any alcoholic beverages on any licensee's premises.

3 "(4) For any person to consume alcoholic beverages
4 on the premises of any state liquor store or any off-premises
5 licensee, or to allow alcoholic beverages to be consumed on
6 the premises of any state liquor store or any off-premises
7 licensee, except as specifically allowed by law for the
8 tasting of alcoholic beverages.

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

18 "(6) For any licensee or the servants, agents, or
19 employees of the same to refuse the board, any of its
20 authorized employees, or any duly commissioned law enforcement
21 officer the right to completely inspect the entire licensed
22 premises at any time the premises are open for business.

23 "(7) For any person to knowingly sell any alcoholic
24 beverages to any person engaged in the business of illegally
25 selling alcoholic beverages.

26 "(8) For any person to manufacture, transport, or
27 import alcoholic beverages into this state, except in

1 accordance with the reasonable rules of the board. This
2 subdivision shall not prohibit the transportation of alcoholic
3 beverages through the state or any dry county so long as the
4 beverages are not for delivery therein, if the transportation
5 is done in accordance with the reasonable rules of the board.

6 "(9) For any person to fortify, adulterate,
7 contaminate, or in any manner change the character or purity
8 of alcoholic beverages from that as originally marketed by the
9 manufacturer, except that a retail licensee may mix a chaser
10 or other ingredients necessary to prepare a cocktail or mixed
11 drink or may make infusions for on-premises consumption in
12 accordance with Section 28-3A-20.3.

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

24 "(11) For any licensee or transporter for hire,
25 servant, agent, or employee of the same, to transport any
26 alcoholic beverages except in the original container, and for
27 any transporter for hire to transport any alcoholic beverages

1 within the state, unless the transporter holds a permit issued
2 by the board.

3 "(12) For any manufacturer, importer, or wholesaler,
4 servant, agent, or employee of the same, to deliver any
5 alcoholic beverages, except in vehicles bearing such
6 information on each side of the vehicle as required by the
7 board.

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

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

23 "(15) For any manufacturer, distiller, producer,
24 importer, or distributor of alcoholic beverages to employ and
25 maintain any person, who is not a full-time bona fide
26 employee, as a resident sales agent, broker, or other like
27 representative, for the purpose of promoting a sale, purchase,

1 or acquisition of alcoholic beverages to or by the state or
2 the board, or for any person who is not a full-time bona fide
3 employee to act as an agent, broker, or representative of any
4 manufacturer, distributor, producer, importer, or distiller
5 for that purpose.

6 "(16) For any person to sell, give away, or
7 otherwise dispose of taxable alcoholic beverages within this
8 state on which the required taxes have not been paid as
9 required by law.

10 "(17) For any wholesaler or retailer, or the
11 servant, agent, or employee of the same, to sell, distribute,
12 deliver, or to receive or store for sale or distribution
13 within this state any alcoholic beverages unless there first
14 has been issued by the board a manufacturer's license to the
15 manufacturer of the alcoholic beverages or its designated
16 representative or an importer license to the importer of the
17 alcoholic beverages.

18 "(18) For any person under the legal drinking age,
19 as defined in Section 28-1-5, to attempt to purchase, to
20 purchase, consume, possess, or transport any alcoholic
21 beverages within the state; provided, however, it shall not be
22 unlawful for a person under the legal drinking age, as defined
23 in Section 28-1-5, to be an employee of a wholesale licensee
24 or an off-premises retail licensee of the board to handle,
25 transport, or sell any beer or table wine if the person under
26 the legal drinking age is acting within the line and scope of
27 his or her employment while so acting. There must be an adult

1 licensee, servant, agent, or employee of the same present at
2 all times a licensed establishment is open for business.

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

10 "(20) Except where authorized by a local act or
11 general act of local application or pursuant to Section
12 28-3-25, for the proprietor, keeper, or operator of any cafe,
13 lunchroom, restaurant, hotel dining room, or other public
14 place to knowingly permit any person to give away, sell, or
15 serve for consumption, on or off the premises, or to drink or
16 consume any alcoholic beverages on the premises of the cafe,
17 lunchroom, restaurant, hotel dining room, or other public
18 place on Sunday after the hour of two o'clock a.m.

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

23 "(b) (1) Any violation of subdivisions (1) through
24 (17) of subsection (a) shall be a misdemeanor punishable by a
25 fine of not less than one hundred dollars (\$100) nor more than
26 one thousand dollars (\$1,000), to which, at the discretion of
27 the court or judge trying the case, may be added imprisonment

1 in the county jail or at hard labor for the county for not
2 more than six months for the first conviction; and, on the
3 second conviction of a violation of the subdivisions, the
4 offense, in addition to the aforementioned fine, shall be
5 punishable by imprisonment or at hard labor for the county for
6 not less than three months nor more than six months to be
7 imposed by the court or judge trying the case; and, on the
8 third conviction and every subsequent conviction of a
9 violation of the subdivisions, the offense, in addition to a
10 fine within the limits abovenamed, shall be punishable by
11 imprisonment or at hard labor for the county for not less than
12 six months nor more than 12 months.

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

20 ~~"(c) In addition to the penalties otherwise provided~~
21 ~~for a violation of subdivisions (18) and (21) of subsection~~
22 ~~(a), upon conviction, including convictions in juvenile court~~
23 ~~or under the Youthful Offender Act, the offender's license to~~
24 ~~operate a motor vehicle in this state shall be surrendered by~~
25 ~~the offender to the judge adjudicating the case for a period~~
26 ~~of not less than three months nor more than six months. The~~
27 ~~judge shall forward a copy of the order suspending the license~~

1 ~~to the Alabama State Law Enforcement Agency for enforcement~~
2 ~~purposes.~~

3 "§30-3-170.

4 "When used in this article, the following words
5 shall have the following meanings:

6 "(1) COURT. A court of competent jurisdiction or
7 administrative agency having the authority to issue and
8 enforce support orders.

9 "(2) DELINQUENT or DELINQUENCY. A support debt or
10 support obligation due and unpaid in an amount equal to or
11 greater than six months support payments as of the date of
12 service of a notice of intent to suspend or revoke a license.

13 "(3) DEPARTMENT. The Alabama Department of Human
14 Resources, including the county departments of human
15 resources.

16 "(4) LICENSE. Any license, certificate,
17 registration, or authorization issued by a licensing authority
18 which grants a person a right or privilege to engage in an
19 occupational, professional, sporting, or recreational
20 activity, ~~or to operate a motor vehicle.~~

21 "(5) LICENSEE. The holder of a license.

22 "(6) LICENSING AUTHORITY. Any department, division,
23 board, agency, or instrumentality of the State of Alabama or
24 its political subdivisions that issues a license.

25 "(7) OBLIGEE. Either of the following:

26 "a. A person to whom support benefits are ordered by
27 the court.

1 "b. A public agency of this or another state that
2 has the right to receive support payments or otherwise is
3 providing support enforcement services under Title IV-D of the
4 Social Security Act. The term shall include the department.

5 "(8) OBLIGOR. A person ordered by a court to make
6 periodic payments for the benefit and support of another
7 person or child.

8 "(9) SUPPORT or SUPPORT ORDER. Support of a minor
9 child and spousal support when the spousal support is
10 collected pursuant to the requirements of Title IV-D of the
11 Social Security Act. Support order shall mean any order,
12 decree, or judgment for the support of a child, or in the case
13 of an order being enforced pursuant to the requirements of
14 Title IV-D of the Social Security Act, a spouse, or former
15 spouse, issued by a court or other entity authorized to issue
16 the orders.

17 "§30-3-179.

18 "It is the intent of the Legislature that this
19 article provide for the withholding, restricted use,
20 suspension, or revocation of professional, occupational, or
21 recreational, ~~or drivers'~~ licenses for the failure to pay
22 child support or to comply with subpoenas or warrants relating
23 to paternity or child support proceedings."

24 Section 2. (a) The Alabama State Law Enforcement
25 Agency may not suspend or revoke a person's driver's license
26 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 drivers 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.