HB385

217328-5

By Representative South

RFD: Ways and Means General Fund

First Read: 22-FEB-22
ENROLLED, An Act,

Relating to driver's licenses; to amend Sections 16-28-40, 32-6-4, 32-6-6, 32-6-6.1, 32-6-15, and 32-6-21, Code of Alabama 1975, to exempt homeless children and youth from certain fees associated with a driver's license; to require a designated staff member to verify a student qualifies for an exemption.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-28-40, 32-6-4, 32-6-6, 32-6-6.1, 32-6-15, and 32-6-21, Code of Alabama 1975, are amended to read as follows:

"§16-28-40.

"(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person satisfies one of the following:

"(1) The person is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate"
"(2) The person is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school that would extend the age of eligibility for the student to apply for a driver's license.

"(3) The person is participating in a job training program approved by the State Superintendent of Education.

"(4) The person is gainfully and substantially employed.

"(5) The person is a parent with the care and custody of a minor or unborn child.

"(6) A physician certifies that the parents of the person depend on him or her as their sole source of transportation.

"(7) The person is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

"(b)(1) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status and disciplinary points on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or
reinstatement of, a driver's license or a learner's license to operate a motor vehicle.

"(2) Upon the request of a student seeking a fee exemption on the basis of his or her homelessness, the attendance officer or chief attendance administrator staff member designated to act as the local educational agency liaison for homeless children and youth, pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii), shall provide documentation that the student is a qualified student, on a form approved by the Department of Education, for presentation to the Department of Public Safety, on application for, or renewal, reinstatement, or replacement of a driver's license. The term "qualified student" refers to a student who the school attendance officer or chief attendance administrator the local educational agency liaison for homeless children and youth verifies as meeting the definition of a "homeless child or youth" as provided by 42 U.S.C. § 11434(a)(2) and whose enrollment status and disciplinary points have been documented pursuant to subdivision (1).

"(3) Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.
(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any
private secondary school, shall be the sole judge of whether
the withdrawal is due to circumstances beyond the control of
the person. Suspension or expulsion from school or
imprisonment in a jail or penitentiary is not a circumstance
beyond the control of a person.

"(e)(1) Any person over the age of 14 who is
convicted of the crime of possession of a pistol on the
premises of a public school, or a public school bus, or both,
under Section 13A-11-72 shall be denied issuance of a driver's
permit or license for the operation of a motor vehicle for 180
days from the date the person is eligible and applies for a
permit or license for the operation of a motor vehicle. Any
adjudication as a juvenile delinquent or youthful offender
where the underlying charge is the possession of a pistol on
the premises of a public school, or a public school bus, or
both, under Section 13A-11-72 shall be considered a conviction
under this subsection, and the adjudication of a person as a
juvenile delinquent or youthful offender where the underlying
charge is a violation under Section 13A-11-72 shall be
reported to the Department of Public Safety.

"(2) If a person over the age of 14 years possesses
a driver's license on the date of conviction, the Department
of Public Safety, within five days of receipt of a notice of
conviction from the court, shall send notice to the licensee
that his or her driver's license will be suspended. The notice
1 shall state that the license will be suspended for 180 days
2 commencing on the 30th day following the date the notice was
3 sent unless documentation is received by the department before
4 the 30th day that the person was not convicted of the crime.
5 Upon the appropriate date, the department shall suspend the
6 license.

"(3) Upon the written request of the person whose
7 license is denied or suspended, the Department of Public
8 Safety shall afford the person an opportunity for a hearing in
9 the same manner and under the procedure used for other
10 driver's license suspensions. If the suspension or denial of
11 issuance determination is sustained by the Director of the
12 Department of Public Safety or the authorized agent of the
13 director, upon such hearing, the person may file a petition in
14 the appropriate court to review the final order of suspension
15 or denial by the director or the authorized agent of the
16 director in the same manner and under the same conditions as
17 is provided in the case of suspensions and denials.
18 "(4) If the conviction is reversed within the
19 180-day period, the department, upon receipt of notice of the
20 reversal from the Administrative Office of Courts, shall
21 reinstate a suspended license and shall accept an application
22 for a license and shall issue the license according to law and
23 regulation.
(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

§32-6-4.

(a) Upon the installation of a system for the issuance of drivers' licenses and nondriver identification cards with color photographs of licensees and nondrivers thereon, all initial Alabama licenses and nondriver identification cards and renewals of licenses issued in this state shall be issued in the following manner:

(1) The person shall apply under oath to the Department of Public Safety, Driver License Division, for an initial Alabama driver's license or nondriver identification card and to the judge of probate or license commissioner of the county of his or her residence for the renewal of a license or nondriver identification card upon a form which shall be provided by the Director of Public Safety.

(2) For the renewal of a driver's license or nondriver identification card, the judge of probate or license commissioner shall take a color photograph of the licensee
with equipment to be furnished by the Department of Public Safety to be attached to each application.

"(b)(1) For the purpose of defraying the cost of issuing drivers' licenses or nondriver identification cards with color photographs of the licensee or nondriver thereon, except as provided in Section 32-6-4.1, the Department of Public Safety, Driver License Division, judge of probate, or license commissioner shall collect for each license or identification card the sum of twenty dollars ($20) required fee for a four-year license or an identification card, and the Department of Public Safety, Driver License Division, judge of probate, or license commissioner shall give the licensee a driver's license or identification card. Except as provided by rules and regulations of the Director of Public Safety, the nondriver identification card shall bear no expiration date for any person 62 years of age or older.

"(2) A qualified student, as defined in Section 16-28-40(b)(2), is exempt from the driver's license issuance fee required by this section.

"(c)(1) Any male applicant who applies for a driver's license or a learner's license or a renewal of the license who is at least 18 years of age, but less than 26 years of age, shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 App. U.S.C.A. Sec. 453, as amended.
"(2) The Department of Public Safety shall forward in an electronic format the necessary personal information of the applicants identified in this subsection to the Selective Service System. The applicant's signature on the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The department shall notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.

§32-6-6.

"(a) Each driver's license issued by the Department of Public Safety, except temporary permits or other special circumstances as determined by the Director of the Department of Public Safety, shall bear thereon contain a distinguishing number assigned to the licensee and a color photograph of the licensee, the name, birthdate, address, and a description of the licensee, who, for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof of the license, shall endorse his or her usual or regular signature upon the license in the space provided thereon, unless a facsimile of the licensee's signature appears thereon on the license."
"(b) A photo driver's license and photo nondriver identification card as provided in Section 32-6-4 shall have a photo core that meets the minimum width and length dimensions specified in ANSI standards X4.13-1971 and ANSI standard CR80, plus or minus 1/4 inch. In addition to all current and existing fees, the department may charge an additional fee to recover the cost of producing and issuing photo driver's licenses and photo nondriver identification cards. The fee may not exceed ten cents ($0.10) over the actual cost of producing and issuing the license or card including the cost of materials, labor costs, telecommunications costs, computer costs, postage, and any other costs incurred in producing and issuing a license or card.

"(c) A driver's license issued to a qualifying student described in Section 16-28-40(b) shall be exempt from any fees under this section.

"(d) Revenues collected under this section shall be used by the department for the sole purpose of this program, and any excess shall revert to the General Fund at the end of each fiscal year.

"§32-6-6.1.

"In addition to any other fees imposed for issuance of a driver's license and photo nondriver identification card, the Department of Public Safety shall impose an additional fee of fifty cents ($0.50) for each driver's license and photo
nondriver identification card issued, except for a driver's license issued to a qualifying student, as defined in Section 16-28-40(b)(2). The fee collected under this section shall be allocated and appropriated to the Alabama Veterans Living Legacy Trust Fund created by the Alabama Veterans Living Legacy Act of 2008, Division 2, commencing with Section 16-44A-50, of Article 2 of Chapter 44A, and expenditures of such the fee pursuant to the master plan for facilities, programs, and outreach provided by that division and its related programs.

"§32-6-15.

"(a) In the event any driver's license issued under the provisions of this article is lost or destroyed, the person to whom the same was issued may upon payment of a fee of fifteen dollars ($15) collection of the required fee and upon furnishing proof to the Director of Public Safety that the same has been lost or destroyed, secure a duplicate. No fee shall be charged to a qualified student, as defined by Section 16-28-40(b)(2), for his or her first duplicate driver's license. The second and subsequent duplicates applied for will shall require the payment of a fee of fifteen dollars ($15) and, upon furnishing proof to the Director of Public Safety that his or her previously held license or duplicate has been lost or destroyed, secure another duplicate. Application for such a duplicate will shall be made to the
Director of Public Safety on forms provided by him the director. The fee shall be collected by the director, paid into the State Treasury and credited to the Highway Traffic Safety Fund for the Department of Public Safety.

"(b) Any person making a false affidavit to the Director of Public Safety for the purpose of obtaining a duplicate driver's license shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than 30 days or by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

"$32-6-21.

"(a) Every applicant for an original driver license, temporary instruction and learner's permit, and motor driven cycle operator's license, shall pay an examination fee of five dollars ($5) to the Alabama Department of Public Safety upon applying to the officer, state trooper, or duly authorized agent of the Director of Public Safety, or to one of them where there is more than one designated by the Director of Public Safety. The five dollar ($5) fee shall be required prior to each examination. No driver's license examination fee shall be charged to a qualified student, as defined in Section 16-28-40(b)(2), for his or her first examination.
"(b) The Alabama Department of Public Safety shall issue proper receipts for the examination fee and shall properly transmit all moneys received by it the department for deposit in the State General Fund."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 09-MAR-22, as amended.

Jeff Woodard
Clerk

Senate 05-APR-22 Amended and Passed
House 06-APR-22 Concurred in Senate Amendment