

1 HB385
2 217328-5
3 By Representative South
4 RFD: Ways and Means General Fund
5 First Read: 22-FEB-22

1
2 ENROLLED, An Act,

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 16-28-40, 32-6-4, 32-6-6,
11 32-6-6.1, 32-6-15, and 32-6-21, Code of Alabama 1975, are
12 amended to read as follows:

13 "§16-28-40.

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

21 "(1) ~~is~~ The person is enrolled and making
22 satisfactory progress in a course leading to a general
23 educational development certificate (GED) from a state
24 approved institution or organization, or has obtained the
25 certificate~~7.~~

1 "(2) ~~is~~ The person is enrolled in a secondary school
2 of this state or any other state and has not at the time of
3 application accumulated disciplinary points while a student in
4 school that would extend the age of eligibility for the
5 student to apply for a driver's license~~7.~~.

6 "(3) ~~is~~ The person is participating in a job
7 training program approved by the State Superintendent of
8 Education~~7.~~.

9 "(4) ~~is~~ The person is gainfully and substantially
10 employed~~7.~~.

11 "(5) ~~is~~ The person is a parent with the care and
12 custody of a minor or unborn child~~7.~~.

13 "(6) ~~has a~~ A physician ~~certify~~ certifies that the
14 parents of the person depend on him or her as their sole
15 source of transportation~~7.~~or.

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

19 "(b) (1) The attendance officer or chief attendance
20 administrator, upon request, shall provide documentation of
21 enrollment status and disciplinary points on a form approved
22 by the Department of Education to any student 15 years of age
23 or older who is properly enrolled in a school under the
24 jurisdiction of the official, for presentation to the
25 Department of Public Safety, on application for, or renewal or

1 reinstatement of, a driver's license or a learner's license to
2 operate a motor vehicle.

3 "(2) Upon the request of a student seeking a fee
4 exemption on the basis of his or her homelessness, the
5 attendance officer or chief attendance administrator staff
6 member designated to act as the local educational agency
7 liaison for homeless children and youth, pursuant to 42 U.S.C.
8 § 11432(g) (1) (J) (ii), shall provide documentation that the
9 student is a qualified student, on a form approved by the
10 Department of Education, for presentation to the Department of
11 Public Safety, on application for, or renewal, reinstatement,
12 or replacement of a driver's license. The term "qualified
13 student" refers to a student who a school attendance officer
14 or chief attendance administrator the local educational agency
15 liaison for homeless children and youth verifies as meeting
16 the definition of a "homeless child or youth" as provided by
17 42 U.S.C. § 11434(a) (2) and whose enrollment status and
18 disciplinary points have been documented pursuant to
19 subdivision (1).

20 "(3) Whenever a student 16 years of age or older
21 withdraws from school, the attendance officer or chief
22 attendance administrator shall notify the Department of Public
23 Safety of the withdrawal. Withdrawal shall be defined as more
24 than 10 consecutive or 15 days total unexcused absences during
25 a single semester.

1 "(c) Within five days of receipt of a notice of
2 withdrawal, the Department of Public Safety shall send notice
3 to the licensee that his or her driver's license or learner's
4 license will be suspended under this article on the 30th day
5 following the date the notice was sent unless documentation of
6 compliance with this article is received by the department
7 before the 30th day.

8 "(d) Whenever the withdrawal from school of the
9 student, or the failure of the student to enroll in a course
10 leading to or to obtain a GED or high school diploma, is
11 beyond the control of the student, or is for the purpose of
12 transfer to another school as confirmed in writing by the
13 parent or guardian of the student, or is for the purpose of
14 participating in a job training program approved by the State
15 Superintendent of Education, no notice shall be sent by the
16 proper school official to the Department of Public Safety to
17 suspend the license of the student. If the student is applying
18 for or renewing a driver's license or a learner's license, the
19 attendance officer or chief attendance administrator, upon
20 request, shall provide the student with documentation to
21 present to the Department of Public Safety to exempt the
22 student from this section. The local superintendent of
23 education with the assistance of the county or city school
24 attendance director as the case may be, and any other staff or
25 school personnel, or the appropriate school official of any

1 private secondary school, shall be the sole judge of whether
2 the withdrawal is due to circumstances beyond the control of
3 the person. Suspension or expulsion from school or
4 imprisonment in a jail or penitentiary is not a circumstance
5 beyond the control of a person.

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

21 "(2) If a person over the age of 14 years possesses
22 a driver's license on the date of conviction, the Department
23 of Public Safety, within five days of receipt of a notice of
24 conviction from the court, shall send notice to the licensee
25 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.

7 "(3) Upon the written request of the person whose
8 license is denied or suspended, the Department of Public
9 Safety shall afford the person an opportunity for a hearing in
10 the same manner and under the procedure used for other
11 driver's license suspensions. If the suspension or denial of
12 issuance determination is sustained by the Director of the
13 Department of Public Safety or the authorized agent of the
14 director, upon such hearing, the person may file a petition in
15 the appropriate court to review the final order of suspension
16 or denial by the director or the authorized agent of the
17 director in the same manner and under the same conditions as
18 is provided in the case of suspensions and denials.

19 "(4) If the conviction is reversed within the
20 180-day period, the department, upon receipt of notice of the
21 reversal from the Administrative Office of Courts, shall
22 reinstate a suspended license and shall accept an application
23 for a license and shall issue the license according to law and
24 regulation.

1 "(5) The court shall notify the Department of Public
2 Safety of the conviction of a person over the age of 14 of a
3 crime involving the possession of a pistol on the premises of
4 a public school, or a public school bus, or both, under
5 Section 13A-11-72 and any reversal of the conviction. The
6 Administrative Office of Courts may promulgate necessary rules
7 and regulations to implement this notification procedure.

8 "§32-6-4.

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

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

22 "(2) For the renewal of a driver's license or
23 nondriver identification card, the judge of probate or license
24 commissioner shall take a color photograph of the licensee

1 with equipment to be furnished by the Department of Public
2 Safety to be attached to each application.

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

17 "(2) A qualified student, as defined in Section
18 16-28-40(b) (2), is exempt from the driver's license issuance
19 fee required by this section.

20 "(c) (1) Any male applicant who applies for a
21 driver's license or a learner's license or a renewal of the
22 license who is at least 18 years of age, but less than 26
23 years of age, shall be registered in compliance with the
24 requirements of Section 3 of the Military Selective Service
25 Act, 50 App. U.S.C.A. Sec. 453, as amended.

1 "(2) The Department of Public Safety shall forward
2 in an electronic format the necessary personal information of
3 the applicants identified in this subsection to the Selective
4 Service System. The applicant's signature on the application
5 shall serve as an indication that the applicant either has
6 already registered with the Selective Service System or that
7 he is authorizing the department to forward to the Selective
8 Service System the necessary information for registration. The
9 department shall notify the applicant at the time of
10 application that his signature constitutes consent to
11 registration with the Selective Service System, if he is not
12 already registered.

13 "§32-6-6.

14 "(a) Each driver's license issued by the Department
15 of Public Safety, except temporary permits or other special
16 circumstances as determined by the Director of the Department
17 of Public Safety, shall bear thereon contain a distinguishing
18 number assigned to the licensee and a color photograph of the
19 licensee, the name, birthdate, address, and a description of
20 the licensee, who, for the purpose of identification and as a
21 condition precedent to the validity of the license,
22 immediately upon receipt thereof of the license, shall endorse
23 his or her usual or regular signature upon the license in the
24 space provided thereon, unless a facsimile of the licensee's
25 signature appears thereon on the license.

1 "(b) A photo driver's license and photo nondriver
2 identification card as provided in Section 32-6-4 shall have a
3 photo core that meets the minimum width and length dimensions
4 specified in ANSI standards X4.13-1971 and ANSI standard CR80,
5 plus or minus 1/4 inch. In addition to all current and
6 existing fees, the department may charge an additional fee to
7 recover the cost of producing and issuing photo ~~drivers'~~
8 driver's licenses and photo nondriver identification cards.
9 The fee may not exceed ten cents (\$.10) over the actual cost
10 of producing and issuing the license or card including the
11 cost of materials, labor costs, telecommunications costs,
12 computer costs, postage, and any other costs incurred in
13 producing and issuing a license or card.

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

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

21 "§32-6-6.1.

22 "In addition to any other fees imposed for issuance
23 of a driver's license and photo nondriver identification card,
24 the Department of Public Safety shall impose an additional fee
25 of fifty cents (\$.50) for each driver's license and photo

1 nondriver identification card issued, except for a driver's
2 license issued to a qualifying student, as defined in Section
3 16-28-40(b) (2). The fee collected under this section shall be
4 allocated and appropriated to the Alabama Veterans Living
5 Legacy Trust Fund created by the Alabama Veterans Living
6 Legacy Act of 2008, Division 2, commencing with Section
7 16-44A-50, of Article 2 of Chapter 44A, and expenditures of
8 ~~such~~ the fee pursuant to the master plan for facilities,
9 programs, and outreach provided by that division and its
10 related programs.

11 "§32-6-15.

12 "(a) In the event any driver's license issued under
13 ~~the provisions of~~ this article is lost or destroyed, the
14 person to whom the same was issued may upon ~~payment of a fee~~
15 ~~of fifteen dollars (\$15)~~ collection of the required fee and
16 upon furnishing proof to the Director of Public Safety that
17 the same has been lost or destroyed, secure a duplicate. No
18 fee shall be charged to a qualified student, as defined by
19 Section 16-28-40(b) (2), for his or her first duplicate
20 driver's license. The second and subsequent duplicates applied
21 for ~~will~~ shall require the payment of a fee of fifteen dollars
22 (\$15) and, upon furnishing proof to the Director of Public
23 Safety that his or her previously held license or duplicate
24 has been lost or destroyed, secure another duplicate.
25 Application for ~~such~~ a duplicate ~~will~~ shall be made to the

1 Director of Public Safety on forms provided by ~~him~~ the
2 director. The fee shall be collected by the director, paid
3 into the State Treasury, and credited to the Highway Traffic
4 Safety Fund for the Department of Public Safety.

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

12 "§32-6-21.

13 "(a) Every applicant for an original driver license,
14 temporary instruction and learner's permit, and motor driven
15 cycle operator's license, shall pay an examination fee of five
16 dollars (\$5) to the Alabama Department of Public Safety upon
17 applying to the officer, state trooper, or duly authorized
18 agent of the Director of Public Safety, or to one of them
19 where there is more than one designated by the Director of
20 Public Safety. The five ~~dollars~~ dollar (\$5) fee shall be
21 required prior to each examination. No driver's license
22 examination fee shall be charged to a qualified student, as
23 defined in Section 16-28-40(b)(2), for his or her first
24 examination.

1 "(b) The Alabama Department of Public Safety shall
2 issue proper receipts for the examination fee and shall
3 properly transmit all ~~moneys~~ monies received by ~~it~~ the
4 department for deposit in the State General Fund."

5 Section 2. 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.

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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	<hr/>	05-APR-22	Amended and Passed
House	<hr/>	06-APR-22	Concurred in Senate Amendment