

1 HB65
2 114812-7
3 By Representative Gipson
4 RFD: Public Safety
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

1 "Any person under the age of 16 years who shall
2 drive or operate any motor vehicle upon the public highways of
3 this state shall be guilty of a misdemeanor, and shall be
4 dealt with as provided by the juvenile laws of this state;
5 ~~provided, that the provisions of this.~~ This section shall not
6 apply to any student enrolled in a driver training program
7 approved by the State Superintendent of Education or the
8 Director of Public Safety while driving or operating a motor
9 vehicle pursuant to the instructional program. However, no
10 student in any driver training program who is under 16 years
11 of age shall drive or operate any motor vehicle unless
12 accompanied by a licensed driver who is 21 years of age or
13 older.

14 "§32-6-7.2.

15 "(a) A person who is under the age of 18 may not
16 apply for a Stage II restricted regular driver's license until
17 the person has held a Stage I learner's license issued
18 pursuant to Section 32-6-8 or a comparable license issued by
19 another state for at least a six-month period.

20 "(b) In addition to any other requirements of this
21 chapter, if the applicant for a driver's license is 16 years
22 of age, he or she shall submit to the Department of Public
23 Safety the following:

24 "(1) A verification form provided by the Department
25 of Public Safety signed by a parent or legal guardian
26 consenting to the licensure of the applicant ~~and granting~~
27 ~~permission for the applicant to drive without supervision.~~

1 "(2) A verification form provided by the Department
2 of Public Safety signed by a parent, legal guardian, or
3 licensed or certified driving instructor certifying that the
4 applicant has completed a minimum of 30 hours of
5 behind-the-wheel driving practice, or submission of a
6 certificate of completion from the State Department of
7 Education that the applicant has passed a driver's education
8 course approved by the State Department of Education.

9 "(c) A person who is issued a regular driver's
10 license ~~after October 1, 2002,~~ who is age 17 and has been
11 licensed for less than six months or who is age 16 shall be
12 deemed to have a Stage II restricted driver's license. The
13 person may not operate a vehicle under any of the following
14 conditions:

15 "(1) ~~Between 12:00 o'clock midnight and 6:00 o'clock~~
16 ~~a.m. 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday,~~
17 ~~or Thursday and 6:00 o'clock a.m. on Monday, Tuesday,~~
18 ~~Wednesday, Thursday, or Friday and between 11:00 o'clock p.m.~~
19 ~~on Friday or Saturday and 6:00 o'clock a.m. on Saturday or~~
20 ~~Sunday unless one of the following exceptions apply applies:~~

21 "a. The licensee is accompanied by a parent or legal
22 guardian.

23 "b. The licensee is accompanied by a person who is a
24 licensed driver and is at least 21 years of age or the consent
25 of a parent or legal guardian of the driver is given.

26 "c. The licensee is driving to or from a place where
27 the licensee is employed ~~on a regular basis~~ or works.

1 "d. The licensee is driving to or from a school
2 sponsored event.

3 "e. The licensee is driving to or from an event
4 sponsored by a religious organization.

5 "f. The licensee is driving for the purpose of a
6 medical, fire, or law enforcement related emergency.

7 "g. The licensee is driving to or from a place where
8 the licensee participates in hunting or fishing activities. In
9 order for this particular exception to apply, the licensee
10 must have in his or her immediate possession a valid hunting
11 or fishing license for the activity. Additionally, the
12 licensee must have in his or her immediate possession items
13 sufficient to demonstrate that he or she is in fact driving to
14 participate in a hunting or fishing activity that is in season
15 as set out in the rules promulgated by the Commissioner of
16 Conservation and Natural Resources.

17 "(2) If there ~~are~~ is more than ~~four occupants~~ one
18 passenger in the vehicle not including the parents, ~~or~~ legal
19 guardians of the licensee, accompanying family members, or a
20 licensed driver who is at least 21 years of age.

21 "(3) While operating any handheld communication
22 device, including, but not limited to, a cell phone or any
23 other device that sends or receives text messages or emails
24 that is nonessential to the functioning of the vehicle.

25 "(d) A violation of ~~this~~ subsection (c) shall not
26 result in a suspension of the person's driver's license, but
27 shall extend the time period for six months that the person is

1 subject to the restrictions of ~~this~~ subsection (c) before the
2 person is eligible to be designated as an unrestricted
3 driver's license holder or until age 18.

4 "~~(d)~~ (e) The driver's license of any person who is
5 driving with restricted privileges as provided in subsection
6 (c) who during such time is convicted of a second moving
7 traffic violation or is convicted of failure to give
8 information or render aid, racing, fleeing or attempting to
9 elude a law enforcement officer, reckless driving, illegal
10 passing, driving on the wrong side of the road, or any other
11 offense where four or more points are assessed and other
12 violations as designated by rules or regulations promulgated
13 pursuant to the Administrative Procedure Act, shall be
14 automatically suspended for 60 days unless the Alabama Rules
15 of the Road provide a more serious penalty, and the time
16 period that the licensee is subject to the restrictions of
17 subsection (c) shall be extended for six months from the date
18 the person would otherwise be eligible to be designated as an
19 unrestricted driver's license holder or until age 18.

20 "~~(e)~~ (f) The license possessed by any resident of
21 this state who is 17 years of age shall be deemed ~~an~~ a Stage
22 III unrestricted driver's license if the license has been
23 issued for a period of six months or longer and the Department
24 of Public Safety verifies that the license holder has not been
25 convicted of a moving violation of the Alabama Rules of the
26 Road within the preceding six months.

1 "~~(f)~~(g) This section shall not apply to the
2 following:

3 "(1) Any resident of this state age 16 years and
4 over who is married or who is the head of a household.

5 "(2) Any resident who has otherwise been legally
6 relieved of minority.

7 "(3) Any resident who is age 18 or over.

8 "~~(g) Every driver's license issued prior to October
9 1, 2002, shall be considered an unrestricted driver's license.~~

10 "(h) A person who drives a motor vehicle in
11 violation of the conditions imposed in subsection (c) shall be
12 guilty of a traffic violation, but shall not be subject to any
13 criminal penalties or court costs. No citation shall be issued
14 for a traffic violation pursuant to this subsection unless the
15 person is stopped by a law enforcement officer for a separate
16 violation of law and issued a citation or warrant for the
17 separate violation. Information concerning a violation
18 pursuant to this subsection shall not be released to any party
19 and shall not result in any points on a driver's license
20 record.

21 "(i) The Department of Public Safety may promulgate
22 reasonable rules and regulations to carry out and to aid in
23 enforcement of this section and Sections 32-6-7.3 and 32-6-8.

24 "§32-6-8.

25 "(a) Any person 16 years of age or older who, except
26 for his or her lack of instruction in operating a motor
27 vehicle, would otherwise be qualified to obtain a driver's

1 license under this article may apply for a learner's license,
2 and the Department of Public Safety, Driver License Division,
3 may issue the license upon a form which shall be provided by
4 the Director of Public Safety, entitling the applicant, while
5 having the license in his or her immediate possession, to
6 drive or operate a motor vehicle upon the highways for a
7 period of four years, except when operating a motorcycle, the
8 person shall be accompanied by a licensed driver who is at
9 least 21 years of age and actually occupying a seat beside the
10 driver. At the time of applying for the license, the applicant
11 shall pay to the Department of Public Safety, Driver License
12 Division, a fee of twenty dollars (\$20), and the Department of
13 Public Safety, Driver License Division, shall give the
14 applicant a learner's license therefor on a form to be
15 provided by the Director of Public Safety. The temporary
16 instruction license may be renewed only by order of the
17 Director of Public Safety, and in no case shall the original
18 license be renewed or extended more than once. The Department
19 of Public Safety, Driver License Division, shall not issue the
20 Stage I temporary instruction license until the applicant has
21 undergone the same examination that a person applying for a
22 Stage II or Stage III driver's license is required by law to
23 undergo, with the exception of the driving test, and produced
24 a certificate to that effect signed by the proper examining
25 officer.

26 " (b) Any person not less than 15 but under 16 years
27 of age may obtain a Stage I learner's license to learn to

1 operate a motor vehicle upon application to the Department of
2 Public Safety, Driver License Division, which license shall
3 entitle the person to operate a motor vehicle when he or she
4 is accompanied by a parent or his or her legal guardian or a
5 person who is age 21 or over who is duly licensed in this
6 state as a motor vehicle operator or when accompanied by a
7 licensed or certified driving instructor who is actually
8 occupying a seat beside the motor vehicle operator. The
9 application for the Stage I learner's license shall be
10 accompanied by a payment of a fee of twenty dollars (\$20), to
11 be distributed as provided in Section 32-6-5. The age of the
12 applicant shall be substantiated by the applicant filing with
13 the department a certified copy of his or her birth
14 certificate. A Stage I learner's license issued under this
15 subsection shall be in such form as the Director of Public
16 Safety may prescribe; it shall expire in four years; or when
17 the holder subsequently applies for and receives a Stage II or
18 Stage III driver's license. The Stage II or Stage III driver's
19 license shall be issued for the remainder of the four year
20 life of the learner's license at no additional fee, the
21 certificate thereof shall be prima facie evidence that the
22 license holder was 15 years of age or older on the date of its
23 issuance. The license may be suspended or revoked in the same
24 manner and for the same causes as a driver's license and may
25 also be revoked for any violation of the terms and conditions
26 on which it was issued. The Department of Public Safety,
27 Driver License Division, shall not issue such a license to any

1 person until the applicant has undergone the same examination
2 that a person applying for a Stage II or Stage III driver's
3 license is required by law to undergo, with the exception of
4 the driving test, and has produced a certificate to that
5 effect signed by the proper examining officer."

6 Section 2. As used in this act, the following words
7 shall have the following meanings:

8 (1) STAGE I. A learner's permit.

9 (2) STAGE II. A regular driver's license with
10 restrictions based on age and the date of issuance.

11 (3) STAGE III. An unrestricted driver's license.

12 Section 3. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

20 Section 4. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 14-JAN-10

Read for the third time and passed
as amended 19-JAN-10

Yeas 97, Nays 0, Abstains 0

Greg Pappas
Clerk