

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

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8 SYNOPSIS: Existing law provides for graduated  
9 driver's licenses but does not identify the three  
10 stages of graduated licenses by name.

11 This bill would name the stages as Stage  
12 I-Learning Permit, Stage II-Restricted Licensing,  
13 and Stage III-Unrestricted or Regular License.

14 Under existing law, no student in a driver  
15 training program who is under 16 years of age is  
16 allowed to drive or operate any motor vehicle  
17 unless accompanied by a licensed driver.

18 This bill would require the licensed driver  
19 to be over 21 years of age.

20 Under existing law, a person who is issued a  
21 regular driver's license and who is age 16 or who  
22 is age 17 and has been licensed for less than six  
23 months may not operate a vehicle after 12 midnight  
24 or if there are more than four occupants in the  
25 vehicle not including the parents or legal  
26 guardians and family members of the licensee.

1           This bill would prohibit the licensee from  
2           operating a vehicle after certain specified hours,  
3           subject to certain exceptions, or if there is more  
4           than one occupant in the vehicle not including the  
5           licensed driver and parents or legal guardian and  
6           family members of the licensee.

7           Under existing law, any person 16 years of  
8           age or older who has a learner's permit may drive  
9           or operate a motor vehicle if accompanied by a  
10          licensed driver who is occupying a seat beside the  
11          driver.

12          Under existing law, the operation of a  
13          vehicle by a Stage II restricted driver while using  
14          a cell phone or similar communication device is not  
15          specifically prohibited.

16          This bill would prohibit a person with a  
17          Stage II restricted driver's license from operating  
18          a motor vehicle while operating a handheld  
19          communication device including a cell phone or any  
20          other device that sends or receives text messages  
21          or emails.

22          This bill would require the licensed driver  
23          who is occupying a seat beside the driver who has a  
24          Stage I learner's permit to be 21 years of age or  
25          older.

26          Amendment 621 of the Constitution of Alabama  
27          of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of  
2 Alabama of 1901, as amended, prohibits a general  
3 law whose purpose or effect would be to require a  
4 new or increased expenditure of local funds from  
5 becoming effective with regard to a local  
6 governmental entity without enactment by a 2/3 vote  
7 unless: it comes within one of a number of  
8 specified exceptions; it is approved by the  
9 affected entity; or the Legislature appropriates  
10 funds, or provides a local source of revenue, to  
11 the entity for the purpose. The purpose or effect  
12 of this bill would be to require a new or increased  
13 expenditure of local funds within the meaning of  
14 the amendment. However, the bill does not require  
15 approval of a local governmental entity or  
16 enactment by a 2/3 vote to become effective because  
17 it comes within one of the specified exceptions  
18 contained in the amendment.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of  
25 the Code of Alabama 1975, relating to 3-stage graduated  
26 driver's licenses or licensing criteria; to allow the licensed  
27 driver accompanying a student in any driver training program

1 to be 21 years of age or older; to further provide for  
2 restrictions on driver's licenses for persons 16 or 17 years  
3 of age including restrictions on the use of certain  
4 communication devices; to provide for the age of the licensed  
5 driver occupying the seat next to a driver 16 years of age or  
6 older who has a State I learner's permit; and in connection  
7 therewith would have as its purpose or effect the requirement  
8 of a new or increased expenditure of local funds within the  
9 meaning of Amendment 621 of the Constitution of Alabama of  
10 1901, now appearing as Section 111.05 of the Official  
11 Recompilation of the Constitution of Alabama of 1901, as  
12 amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 32-5-64, 32-6-7.2, and 32-6-8 of  
15 the Code of Alabama 1975, are amended to read as follows:

16 "§32-5-64.

17 "Any person under the age of 16 years who shall  
18 drive or operate any motor vehicle upon the public highways of  
19 this state shall be guilty of a misdemeanor, and shall be  
20 dealt with as provided by the juvenile laws of this state;  
21 ~~provided, that the provisions of this.~~ This section shall not  
22 apply to any student enrolled in a driver training program  
23 approved by the State Superintendent of Education or the  
24 Director of Public Safety while driving or operating a motor  
25 vehicle pursuant to the instructional program. However, no  
26 student in any driver training program who is under 16 years  
27 of age shall drive or operate any motor vehicle unless

1 accompanied by a licensed driver who is 21 years of age or  
2 older.

3 "§32-6-7.2.

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

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

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

17 "(2) A verification form provided by the Department  
18 of Public Safety signed by a parent, legal guardian, or  
19 licensed or certified driving instructor certifying that the  
20 applicant has completed a minimum of 30 hours of  
21 behind-the-wheel driving practice, or submission of a  
22 certificate of completion from the State Department of  
23 Education that the applicant has passed a driver's education  
24 course approved by the State Department of Education.

25 "(c) A person who is issued a regular driver's  
26 license ~~after October 1, 2002,~~ who is age 17 and has been  
27 licensed for less than six months or who is age 16 shall be

1 deemed to have a Stage II restricted driver's license. The  
2 person may not operate a vehicle under any of the following  
3 conditions:

4 "(1) ~~Between 12:00 o'clock midnight and 6:00 o'clock~~  
5 ~~a.m. 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday,~~  
6 ~~or Thursday and 6:00 o'clock a.m. on Monday, Tuesday,~~  
7 ~~Wednesday, Thursday, or Friday and between 11:00 o'clock p.m.~~  
8 ~~on Friday or Saturday and 6:00 o'clock a.m. on Saturday or~~  
9 ~~Sunday unless one of the following exceptions apply applies:~~

10 "a. The licensee is accompanied by a parent or legal  
11 guardian.

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

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

17 "d. The licensee is driving to or from a school  
18 sponsored event.

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

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

23 "g. The licensee is driving to or from a place where  
24 the licensee participates in hunting or fishing activities. In  
25 order for this particular exception to apply, the licensee  
26 must have in his or her immediate possession a valid hunting  
27 or fishing license for the activity. Additionally, the

1 licensee must have in his or her immediate possession items  
2 sufficient to demonstrate that he or she is in fact driving to  
3 participate in a hunting or fishing activity that is in season  
4 as set out in the rules promulgated by the Commissioner of  
5 Conservation and Natural Resources.

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

10 "(3) While operating any handheld communication  
11 device, including, but not limited to, a cell phone or any  
12 other device that sends or receives text messages or emails.

13 "(d) A violation of ~~this~~ subsection (c) shall not  
14 result in a suspension of the person's driver's license, but  
15 shall extend the time period for six months that the person is  
16 subject to the restrictions of ~~this~~ subsection (c) before the  
17 person is eligible to be designated as an unrestricted  
18 driver's license holder or until age 18.

19 "~~(d)~~ (e) The driver's license of any person who is  
20 driving with restricted privileges as provided in subsection  
21 (c) who during such time is convicted of a second moving  
22 traffic violation or is convicted of failure to give  
23 information or render aid, racing, fleeing or attempting to  
24 elude a law enforcement officer, reckless driving, illegal  
25 passing, driving on the wrong side of the road, or any other  
26 offense where four or more points are assessed and other  
27 violations as designated by rules or regulations promulgated



1 pursuant to the Administrative Procedure Act, shall be  
2 automatically suspended for 60 days unless the Alabama Rules  
3 of the Road provide a more serious penalty, and the time  
4 period that the licensee is subject to the restrictions of  
5 subsection (c) shall be extended for six months from the date  
6 the person would otherwise be eligible to be designated as an  
7 unrestricted driver's license holder or until age 18.

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

15 ~~"(f) (g)~~ This section shall not apply to the  
16 following:

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

19 "(2) Any resident who has otherwise been legally  
20 relieved of minority.

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

22 ~~"(g) Every driver's license issued prior to October~~  
23 ~~1, 2002, shall be considered an unrestricted driver's license.~~

24 "(h) A person who drives a motor vehicle in  
25 violation of the conditions imposed in subsection (c) shall be  
26 guilty of a traffic violation, but shall not be subject to any  
27 criminal penalties or court costs. No citation shall be issued

1 for a traffic violation pursuant to this subsection unless the  
2 person is stopped by a law enforcement officer for a separate  
3 violation of law and issued a citation or warrant for the  
4 separate violation. Information concerning a violation  
5 pursuant to this subsection shall not be released to any party  
6 and shall not result in any points on a driver's license  
7 record.

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

11 "§32-6-8.

12 "(a) Any person 16 years of age or older who, except  
13 for his or her lack of instruction in operating a motor  
14 vehicle, would otherwise be qualified to obtain a driver's  
15 license under this article may apply for a learner's license,  
16 and the Department of Public Safety, Driver License Division,  
17 may issue the license upon a form which shall be provided by  
18 the Director of Public Safety, entitling the applicant, while  
19 having the license in his or her immediate possession, to  
20 drive or operate a motor vehicle upon the highways for a  
21 period of four years, except when operating a motorcycle, the  
22 person shall be accompanied by a licensed driver who is at  
23 least 21 years of age and actually occupying a seat beside the  
24 driver. At the time of applying for the license, the applicant  
25 shall pay to the Department of Public Safety, Driver License  
26 Division, a fee of twenty dollars (\$20), and the Department of  
27 Public Safety, Driver License Division, shall give the

1 applicant a learner's license therefor on a form to be  
2 provided by the Director of Public Safety. The temporary  
3 instruction license may be renewed only by order of the  
4 Director of Public Safety, and in no case shall the original  
5 license be renewed or extended more than once. The Department  
6 of Public Safety, Driver License Division, shall not issue the  
7 Stage I temporary instruction license until the applicant has  
8 undergone the same examination that a person applying for a  
9 Stage II or Stage III driver's license is required by law to  
10 undergo, with the exception of the driving test, and produced  
11 a certificate to that effect signed by the proper examining  
12 officer.

13 " (b) Any person not less than 15 but under 16 years  
14 of age may obtain a Stage I learner's license to learn to  
15 operate a motor vehicle upon application to the Department of  
16 Public Safety, Driver License Division, which license shall  
17 entitle the person to operate a motor vehicle when he or she  
18 is accompanied by a parent or his or her legal guardian or a  
19 person who is age 21 or over who is duly licensed in this  
20 state as a motor vehicle operator or when accompanied by a  
21 licensed or certified driving instructor who is actually  
22 occupying a seat beside the motor vehicle operator. The  
23 application for the Stage I learner's license shall be  
24 accompanied by a payment of a fee of twenty dollars (\$20), to  
25 be distributed as provided in Section 32-6-5. The age of the  
26 applicant shall be substantiated by the applicant filing with  
27 the department a certified copy of his or her birth

1 certificate. A Stage I learner's license issued under this  
2 subsection shall be in such form as the Director of Public  
3 Safety may prescribe; it shall expire in four years; or when  
4 the holder subsequently applies for and receives a Stage II or  
5 Stage III driver's license. The Stage II or Stage III driver's  
6 license shall be issued for the remainder of the four year  
7 life of the learner's license at no additional fee, the  
8 certificate thereof shall be prima facie evidence that the  
9 license holder was 15 years of age or older on the date of its  
10 issuance. The license may be suspended or revoked in the same  
11 manner and for the same causes as a driver's license and may  
12 also be revoked for any violation of the terms and conditions  
13 on which it was issued. The Department of Public Safety,  
14 Driver License Division, shall not issue such a license to any  
15 person until the applicant has undergone the same examination  
16 that a person applying for a Stage II or Stage III driver's  
17 license is required by law to undergo, with the exception of  
18 the driving test, and has produced a certificate to that  
19 effect signed by the proper examining officer."

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

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

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

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

26 Section 3. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official Recompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

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