

1 HB327
2 174363-3
3 By Representative Wood
4 RFD: Public Safety and Homeland Security
5 First Read: 25-FEB-16

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8 SYNOPSIS: This bill would provide a civil procedure
9 for the Alabama State Law Enforcement Agency to
10 enforce the Mandatory Motor Vehicle Liability
11 Insurance Law for motor vehicles. A driver found to
12 have violated the law as determined at a traffic
13 accident or when issued a ticket for a traffic
14 citation who was not charged with a violation at
15 the time of the ticket or accident would be subject
16 to a civil penalty if no insurance was on the
17 vehicle at that time. The driver would have a right
18 to appeal and the driver's license of the driver
19 could be suspended if the driver is found to be in
20 violation.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the Alabama State Law Enforcement
27 Agency; to provide for the civil enforcement of the Mandatory

1 Motor Vehicle Liability Insurance Law; to provide for civil
2 penalties; to provide for appeals; and to provide for
3 collection and distribution of the proceeds.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. For the purposes of this act, the
6 following words have the following meanings:

7 (1) AGENCY. The Alabama State Law Enforcement
8 Agency.

9 (2) MANDATORY MOTOR VEHICLE LIABILITY INSURANCE LAW.
10 Chapter 7A of Title 32, as amended, Code of Alabama 1975.

11 (3) MOTOR VEHICLE INCIDENT. An incident involving
12 the driver of a motor vehicle when a traffic citation was
13 issued by a law enforcement officer or the driver of a motor
14 vehicle was involved in an accident and an accident report was
15 filed.

16 Section 2. (a) The Secretary of the Alabama State
17 Law Enforcement Agency shall develop procedures for the agency
18 to review each motor vehicle incident to determine if the
19 driver of a motor vehicle involved in the incident was given a
20 citation for failure to comply with the Mandatory Motor
21 Vehicle Liability Insurance Law.

22 (b) If the agency determines that the driver of a
23 motor vehicle was given a citation for failure to comply with
24 the Mandatory Motor Vehicle Liability Insurance Law, related
25 to a motor vehicle incident, this act shall have no further
26 application to the driver and the driver shall have the
27 citation processed through the criminal courts of the state.

1 (c) If the agency determines that the driver of a
2 motor vehicle was not given a citation for failure to comply
3 with the Mandatory Motor Vehicle Liability Insurance Law at
4 the time of the motor vehicle incident, the agency shall make
5 an independent determination whether the motor vehicle was
6 insured under the Mandatory Motor Vehicle Liability Insurance
7 Law at the time of the motor vehicle incident. The Department
8 of Revenue and any insurance company writing automobile
9 liability insurance coverage shall cooperate in the
10 determination.

11 Section 3. (a) If the agency is unable to determine
12 that the motor vehicle the driver was driving at the time of
13 the motor vehicle incident was in compliance, the agency shall
14 issue the assessment of a civil penalty in the amount of three
15 hundred dollars (\$300) to the driver for failure to comply
16 with the Mandatory Motor Vehicle Liability Insurance Law. The
17 notice shall be sent by first class U.S. mail to the address
18 in the records of the agency or otherwise available to the
19 agency on a traffic citation or accident report. The notice
20 shall state that the driver's license of the person will be
21 suspended for 90 days if the person, within 45 days of the
22 notice, does not either pay the assessment in a manner
23 acceptable to the agency or appeal the assessment by filing a
24 notice of appeal with the agency. If the person fails to pay
25 the civil penalty or file an appeal as provided herein, the
26 person's driver's license shall be suspended for 90 days and
27 the civil penalty shall be final. Notwithstanding the

1 foregoing, the agency may grant a person an extension to pay
2 the civil penalty not to exceed 60 days if the person files a
3 written settlement of the assessment.

4 (b) An assessment under the provisions of this act
5 may not be made more than one year after a motor vehicle
6 incident.

7 Section 4. The agency shall provide by rule a
8 hearing procedure and procedures for the administrative
9 resolution of the notice of assessment. The rules shall
10 provide that the hearing shall be conducted by a driver
11 license hearing officer or other hearing officer appointed by
12 its agency. The hearing may be informal and the sole issue
13 shall be whether the motor vehicle being operated at the time
14 of the motor vehicle incident was in compliance with the
15 Mandatory Motor Vehicle Liability Insurance Law. The appeal
16 shall not be a contested case under the Alabama Administrative
17 Procedure Act. The final order concerning the appeal may be
18 reviewed in circuit court by the filing of a petition for
19 review within 35 days after the final order is issued in the
20 original appeal.

21 Section 5. If after a hearing, a person is found to
22 be driving a motor vehicle in violation of the Mandatory Motor
23 Vehicle Liability Insurance Law, the person's driver's license
24 shall be suspended for 90 days and the civil penalty shall be
25 final.

1 Section 6. The driver's license of a person assessed
2 a civil penalty pursuant to this act shall not be reinstated
3 unless the civil penalty is paid.

4 Section 7. All civil penalties collected pursuant to
5 this act, after the collection, shall be deposited on a
6 monthly basis as follows:

7 (1) Twenty-five percent shall be deposited in the
8 Motor Vehicle Replacement Fund of the agency.

9 (2) Seventy-five percent shall be deposited in the
10 Highway Traffic Safety Fund. One-third of this amount shall be
11 used to improve communications for first responders and
12 two-thirds of this amount shall be used to hire additional
13 state troopers.

14 Section 8. Any driver assessed a civil penalty for a
15 violation of the Mandatory Liability Insurance Law shall not
16 thereafter be subject to a criminal penalty for the same
17 violation.

18 Section 9. The provisions of this act are
19 supplemental and shall not be construed to repeal any law no
20 in direct conflict herewith.

21 Section 10. 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.