

1 SB55
2 188819-2
3 By Senator Chambliss
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/05/2018

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8 SYNOPSIS: Under existing law, a person whose driver's
9 license is suspended or revoked for a non-DUI
10 offense may not drive during the suspension or
11 revocation period.

12 This bill would authorize a person whose
13 driver's license is suspended or revoked to apply
14 for and receive a restricted driving permit if the
15 person's driver's license suspension or revocation
16 causes extreme hardship to the person, as defined.

17 This bill would limit a person who has been
18 issued a restricted driving permit to driving only
19 under certain conditions as specified by the
20 Secretary of the Alabama State Law Enforcement
21 Agency.

22 This bill would establish civil and criminal
23 penalties for a violation.

24 This bill would authorize a person whose
25 restricted driving permit has been revoked or whose
26 application for a permit has been denied to receive
27 a hearing.

1 This bill would give the Secretary of the
2 Alabama State Law Enforcement Agency rulemaking
3 authority.

4 Amendment 621 of the Constitution of Alabama
5 of 1901, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, prohibits a general
8 law whose purpose or effect would be to require a
9 new or increased expenditure of local funds from
10 becoming effective with regard to a local
11 governmental entity without enactment by a 2/3 vote
12 unless: it comes within one of a number of
13 specified exceptions; it is approved by the
14 affected entity; or the Legislature appropriates
15 funds, or provides a local source of revenue, to
16 the entity for the purpose.

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of the amendment. However,
20 the bill does not require approval of a local
21 governmental entity or enactment by a 2/3 vote to
22 become effective because it comes within one of the
23 specified exceptions contained in the amendment.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to motor vehicles; to provide for the
3 issuance of a restricted driving permit; to provide
4 restrictions on the issuance of the permit; to provide civil
5 and criminal penalties for a violation; to provide for a
6 hearing under certain conditions; to provide rulemaking
7 authority to the Secretary of the Alabama State Law
8 Enforcement Agency; and in connection therewith would have as
9 its purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) (1) Except as provided in subsection
16 (b), a person whose driver's license has been suspended or
17 revoked may apply for a restricted driving permit.

18 (2) An application for a restricted driving permit
19 shall be made on a form prescribed by the Secretary of the
20 Alabama State Law Enforcement Agency. The form shall require
21 the information necessary for the agency to determine the need
22 for the permit. All applications shall be signed by the
23 applicant before a person authorized to administer oaths.

24 (3) The agency shall issue a limited driving permit
25 if the application indicates that refusal to issue the permit
26 would cause extreme hardship to the applicant. Extreme

1 hardship means that the applicant cannot obtain reasonable
2 transportation necessary for any of the following purposes:

3 a. Going to and from the applicant's place of
4 employment.

5 b. Obtaining medical care or prescriptions.

6 c. Going to and from the applicant's place of
7 worship, including, but not limited to, the applicant's
8 temple, church, synagogue, or mosque.

9 d. Attending court, reporting to a probation
10 officer, or performing court-ordered community service.

11 e. Attending a program, event, treatment, or
12 activity ordered by the court that entered the judgment of
13 conviction resulting in suspension of the driver's license of
14 the applicant.

15 (b) A restricted driving permit may not be issued to
16 a person whose driver's license has been suspended or revoked
17 for any of the following:

18 (1) Conviction of driving under the influence of
19 alcohol or a controlled substance, except as provided in
20 Section 32-5A-191, Code of Alabama 1975, relating to the
21 issuance of an ignition interlock device restricted license.

22 (2) Refusing to submit to a chemical test upon the
23 request of a law enforcement officer after being lawfully
24 arrested for suspicion of driving under the influence of
25 alcohol or a controlled substance, except as provided in
26 Section 32-5A-191, Code of Alabama 1975, relating to the
27 issuance of an ignition interlock device restricted license.

1 (3) Conviction of manslaughter or homicide by
2 vehicle resulting from the operation of a motor vehicle.

3 (4) Conviction of any felony in the commission of
4 which a motor vehicle is used.

5 (5) Conviction upon three charges of reckless
6 driving committed within a period of 36 months.

7 (6) Conviction of fleeing or attempting to elude a
8 police officer.

9 (c) A restricted driving permit shall be endorsed
10 with conditions as the Secretary of the Alabama State Law
11 Enforcement Agency deems necessary to ensure that the permit
12 will be used by the person only to avoid the conditions of
13 extreme hardship. The conditions may include the following
14 restrictions:

15 (1) Specific places between which the person may be
16 allowed to operate a motor vehicle.

17 (2) Routes to be followed by the person.

18 (3) Times of travel.

19 (4) The specific vehicles that the permittee may
20 operate.

21 (5) Any other restriction required by the agency.

22 (d) If a person who has been issued a restricted
23 driving permit is convicted of violating any state law
24 relating to the movement of vehicles or of violating any
25 condition endorsed on his or her restricted driving permit,
26 the Secretary of the Alabama State Law Enforcement Agency
27 shall revoke the permit. A person whose restricted driving

1 permit has been revoked shall not be eligible to apply for a
2 driver's license until at least six months from the date the
3 permit was revoked. The agency may impose an additional period
4 of suspension for the conviction upon which the revocation of
5 the permit was based.

6 (e) A person whose restricted driving permit has
7 been revoked pursuant to subsection (d) or who has been
8 refused a permit by the Secretary of the Alabama State Law
9 Enforcement Agency may request a hearing. The hearing shall be
10 provided by the agency within 30 calendar days after receipt
11 of the request and shall be conducted in accordance with the
12 Administrative Procedure Act, Chapter 22 of Title 41, Code of
13 Alabama 1975. Appeals from the hearing shall be conducted in
14 accordance with the chapter.

15 (f) The Secretary of the Alabama State Law
16 Enforcement Agency may adopt rules necessary for the
17 implementation and administration of this act.

18 (g) A person who violates a condition specified on
19 his or her restricted driving permit is guilty of a Class C
20 misdemeanor.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.