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3 BARFOOT SUBSTITUTE FOR SB117
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8 SYNOPSIS: Under existing law, an individual's driver
9 license or driving privilege will be suspended for
10 failure to appear in court.

11 This bill would provide that an individual's
12 driver license or driving privilege may be
13 suspended for failing to appear in court on two or
14 more occasions, when the court appearance is for a
15 post adjudication compliance review of court
16 ordered conditions.

17 Under existing law, if a court orders an
18 individual to pay a fine, fee, court cost, or
19 restitution as a result of a traffic infraction and
20 he or she fails to pay, his or her driver license
21 or driving privilege will be suspended.

22 This bill would provide that an individual's
23 driver license or driving privilege may be
24 suspended for failure to pay a fine, fee, or court
25 cost under certain circumstances.

26 This bill would require the Alabama State
27 Law Enforcement Agency to add points to an

1 individual's driver license when he or she has been
2 convicted of a traffic offense.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to driver license suspensions; to provide
9 for the suspension of an individual's driver license or
10 driving privilege in certain circumstances.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) Notwithstanding any other provision
13 of law, a judge may only order an individual's driver license
14 or driving privilege be suspended for failing to appear in
15 court when the individual failed to appear on two or more
16 occasions and when the court appearance is based on a court's
17 post adjudication compliance review of conditions ordered by
18 the court for a traffic violation.

19 (b) The Alabama State Law Enforcement Agency shall
20 suspend an individual's driver license or driving privilege
21 upon receipt of the court order suspending the license.

22 (c) The Secretary of the Alabama State Law
23 Enforcement Agency shall adopt rules as necessary to implement
24 and administer the requirements of this section.

25 (d) This section shall not apply to an individual
26 holding a commercial driver license or a commercial learner

1 license, or to an individual operating a commercial vehicle at
2 the time of the traffic violation.

3 Section 2. (a) A court may not suspend an
4 individual's driver license for failure to pay a fine, fee, or
5 court cost as a result of a traffic violation unless the
6 individual fails to make half or more of the required payments
7 within one year of the court's order, or fails to make any
8 additional payments one year after the court's order.

9 (b) It is the intent of the Legislature that,
10 pursuant to Amendment 328 of the Constitution of Alabama of
11 1901, now appearing as Section 150 of the Official
12 Recompilation of the Constitution of Alabama of 1901, as
13 amended, the Supreme Court of Alabama shall amend its rules to
14 conform with this section.

15 (c) This section shall not apply to an individual
16 holding a commercial driver license or a commercial learner
17 license, or to an individual operating a commercial motor
18 vehicle at the time of the traffic violation.

19 Section 3. (a) Notwithstanding any other provision
20 of law, for the purposes of ensuring that habitually reckless
21 or negligent drivers do not remain on the road, the Alabama
22 State Law Enforcement Agency shall add points to an
23 individual's driver license for any traffic violation for
24 which the individual has received a final conviction.

25 (b) For purposes of subsection (a), the term "final
26 conviction" means any of the following:

27 (1) A judicial finding of guilt or a plea of guilty.

1 (2) When an individual fails to appear in court to
2 dispute a traffic violation.

3 (c) If the final conviction is based on a judicial
4 finding of guilt or a plea of guilty, the court shall forward
5 a record of the conviction to the Alabama State Law
6 Enforcement Agency after the time has elapsed to perfect an
7 appeal. If the final conviction is based on an individual's
8 failure to appear in court, the court shall forward a record
9 of the conviction to the Alabama State Law Enforcement Agency
10 within five days of the final conviction.

11 (d) A final conviction is the only time when points
12 may be assessed for an underlying traffic violation.

13 Section 4. Nothing in this act shall alter or limit
14 any provision of the Motor Vehicle Responsibility Act, Chapter
15 7 of Title 32, Code of Alabama 1975, or of the Mandatory
16 Liability Insurance Act, Chapter 7A of Title 32, Code of
17 Alabama 1975, including a court's authority to order and
18 enforce restitution by an individual found to have violated
19 either act.

20 Section 5. This act shall become effective on
21 October 1, 2022, following its passage and approval by the
22 Governor, or its otherwise becoming law.