

1 HB385  
2 217328-2  
3 By Representative South  
4 RFD: Ways and Means General Fund  
5 First Read: 22-FEB-22

SYNOPSIS: Under existing law, certain fees are required for an individual to be issued a driver's license or replacement.

This bill would exempt homeless children and youth from certain fees associated with the issuance of a driver's license.

Under existing law, certain individuals under the age of 19 must have their school enrollment verified in order to apply for a driver's license.

This bill would provide that a school attendance officer shall also verify that a student is homeless for the purposes of qualifying for a fee exemption.

A BILL  
TO BE ENTITLED  
AN ACT

1                   Relating to driver's licenses; to amend Sections  
2                   16-28-40, 32-6-4, 32-6-6.1, 32-6-15, and 32-6-21, Code of  
3                   Alabama 1975, to exempt homeless children and youth from  
4                   certain fees associated with a driver's license; to require  
5                   school attendance officers to verify a student qualifies for  
6                   an exemption.

7                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8                   Section 1. Sections 16-28-40, 32-6-4, 32-6-6.1,  
9                   32-6-15, and 32-6-21, Code of Alabama 1975, are amended to  
10                  read as follows:

11                  "§16-28-40.

12                  "(a) The Department of Public Safety shall deny a  
13                  driver's license or a learner's license for the operation of a  
14                  motor vehicle to any person under the age of 19 who does not,  
15                  at the time of application, present a diploma or other  
16                  certificate of graduation issued to the person from a  
17                  secondary high school of this state or any other state, or  
18                  documentation that the person satisfies one of the following:

19                  "(1) ~~is~~ The person is enrolled and making  
20                  satisfactory progress in a course leading to a general  
21                  educational development certificate (GED) from a state  
22                  approved institution or organization, or has obtained the  
23                  certificate~~7~~.

24                  "(2) ~~is~~ The person is enrolled in a secondary school  
25                  of this state or any other state and has not at the time of  
26                  application accumulated disciplinary points while a student in

1 school that would extend the age of eligibility for the  
2 student to apply for a driver's license~~7~~.

3 "(3) ~~is~~ The person is participating in a job  
4 training program approved by the State Superintendent of  
5 Education~~7~~.

6 "(4) ~~is~~ The person is gainfully and substantially  
7 employed~~7~~.

8 "(5) ~~is~~ The person is a parent with the care and  
9 custody of a minor or unborn child~~7~~.

10 "(6) ~~has a~~ A physician ~~certify~~ certifies that the  
11 parents of the person depend on him or her as their sole  
12 source of transportation~~7~~~~or~~.

13 "(7) ~~is~~ The person is exempted from this requirement  
14 due to circumstances beyond his or her control as provided in  
15 this chapter.

16 "(b) (1) The attendance officer or chief attendance  
17 administrator, upon request, shall provide documentation of  
18 enrollment status and disciplinary points on a form approved  
19 by the Department of Education to any student 15 years of age  
20 or older who is properly enrolled in a school under the  
21 jurisdiction of the official, for presentation to the  
22 Department of Public Safety, on application for, or renewal or  
23 reinstatement of, a driver's license or a learner's license to  
24 operate a motor vehicle.

25 "(2) Upon the request of a student seeking a fee  
26 exemption on the basis of his or her homelessness, the  
27 attendance officer or chief attendance administrator shall

1 provide documentation that the student is a qualified student,  
2 on a form approved by the Department of Education, for  
3 presentation to the Department of Public Safety, on  
4 application for, or renewal, reinstatement, or replacement of  
5 a driver's license. The term "qualified student" refers to a  
6 student who a school attendance officer or chief attendance  
7 administrator verifies as meeting the definition of a  
8 "homeless child or youth" as provided by 42 U.S.C. §  
9 11434(a)(2) and whose enrollment status and disciplinary  
10 points have been documented pursuant to subdivision (1).

11           "(3) Whenever a student 16 years of age or older  
12 withdraws from school, the attendance officer or chief  
13 attendance administrator shall notify the Department of Public  
14 Safety of the withdrawal. Withdrawal shall be defined as more  
15 than 10 consecutive or 15 days total unexcused absences during  
16 a single semester.

17           "(c) Within five days of receipt of a notice of  
18 withdrawal, the Department of Public Safety shall send notice  
19 to the licensee that his or her driver's license or learner's  
20 license will be suspended under this article on the 30th day  
21 following the date the notice was sent unless documentation of  
22 compliance with this article is received by the department  
23 before the 30th day.

24           "(d) Whenever the withdrawal from school of the  
25 student, or the failure of the student to enroll in a course  
26 leading to or to obtain a GED or high school diploma, is  
27 beyond the control of the student, or is for the purpose of

1 transfer to another school as confirmed in writing by the  
2 parent or guardian of the student, or is for the purpose of  
3 participating in a job training program approved by the State  
4 Superintendent of Education, no notice shall be sent by the  
5 proper school official to the Department of Public Safety to  
6 suspend the license of the student. If the student is applying  
7 for or renewing a driver's license or a learner's license, the  
8 attendance officer or chief attendance administrator, upon  
9 request, shall provide the student with documentation to  
10 present to the Department of Public Safety to exempt the  
11 student from this section. The local superintendent of  
12 education with the assistance of the county or city school  
13 attendance director as the case may be, and any other staff or  
14 school personnel, or the appropriate school official of any  
15 private secondary school, shall be the sole judge of whether  
16 the withdrawal is due to circumstances beyond the control of  
17 the person. Suspension or expulsion from school or  
18 imprisonment in a jail or penitentiary is not a circumstance  
19 beyond the control of a person.

20 "(e) (1) Any person over the age of 14 who is  
21 convicted of the crime of possession of a pistol on the  
22 premises of a public school, or a public school bus, or both,  
23 under Section 13A-11-72 shall be denied issuance of a driver's  
24 permit or license for the operation of a motor vehicle for 180  
25 days from the date the person is eligible and applies for a  
26 permit or license for the operation of a motor vehicle. Any  
27 adjudication as a juvenile delinquent or youthful offender

1 where the underlying charge is the possession of a pistol on  
2 the premises of a public school, or a public school bus, or  
3 both, under Section 13A-11-72 shall be considered a conviction  
4 under this subsection, and the adjudication of a person as a  
5 juvenile delinquent or youthful offender where the underlying  
6 charge is a violation under Section 13A-11-72 shall be  
7 reported to the Department of Public Safety.

8 "(2) If a person over the age of 14 years possesses  
9 a driver's license on the date of conviction, the Department  
10 of Public Safety, within five days of receipt of a notice of  
11 conviction from the court, shall send notice to the licensee  
12 that his or her driver's license will be suspended. The notice  
13 shall state that the license will be suspended for 180 days  
14 commencing on the 30th day following the date the notice was  
15 sent unless documentation is received by the department before  
16 the 30th day that the person was not convicted of the crime.  
17 Upon the appropriate date, the department shall suspend the  
18 license.

19 "(3) Upon the written request of the person whose  
20 license is denied or suspended, the Department of Public  
21 Safety shall afford the person an opportunity for a hearing in  
22 the same manner and under the procedure used for other  
23 driver's license suspensions. If the suspension or denial of  
24 issuance determination is sustained by the Director of the  
25 Department of Public Safety or the authorized agent of the  
26 director, upon such hearing, the person may file a petition in  
27 the appropriate court to review the final order of suspension

1 or denial by the director or the authorized agent of the  
2 director in the same manner and under the same conditions as  
3 is provided in the case of suspensions and denials.

4 "(4) If the conviction is reversed within the  
5 180-day period, the department, upon receipt of notice of the  
6 reversal from the Administrative Office of Courts, shall  
7 reinstate a suspended license and shall accept an application  
8 for a license and shall issue the license according to law and  
9 regulation.

10 "(5) The court shall notify the Department of Public  
11 Safety of the conviction of a person over the age of 14 of a  
12 crime involving the possession of a pistol on the premises of  
13 a public school, or a public school bus, or both, under  
14 Section 13A-11-72 and any reversal of the conviction. The  
15 Administrative Office of Courts may promulgate necessary rules  
16 and regulations to implement this notification procedure.

17 "§32-6-4.

18 "(a) Upon the installation of a system for the  
19 issuance of drivers' licenses and nondriver identification  
20 cards with color photographs of licensees and nondrivers  
21 thereon, all initial Alabama licenses and nondriver  
22 identification cards and renewals of licenses issued in this  
23 state shall be issued in the following manner:

24 "(1) The person shall apply under oath to the  
25 Department of Public Safety, Driver License Division, for an  
26 initial Alabama driver's license or nondriver identification  
27 card and to the judge of probate or license commissioner of



1 the county of his or her residence for the renewal of a  
2 license or nondriver identification card upon a form which  
3 shall be provided by the Director of Public Safety.

4 "(2) For the renewal of a driver's license or  
5 nondriver identification card, the judge of probate or license  
6 commissioner shall take a color photograph of the licensee  
7 with equipment to be furnished by the Department of Public  
8 Safety to be attached to each application.

9 "(b) (1) For the purpose of defraying the cost of  
10 issuing drivers' licenses or nondriver identification cards  
11 with color photographs of the licensee or nondriver thereon,  
12 except as provided in Section 32-6-4.1, the Department of  
13 Public Safety, Driver License Division, judge of probate, or  
14 license commissioner shall collect for each license or  
15 identification card the sum of twenty dollars (\$20) for a  
16 four-year license or an identification card, and the  
17 Department of Public Safety, Driver License Division, judge of  
18 probate, or license commissioner shall give the licensee a  
19 driver's license or identification card. Except as provided by  
20 rules and regulations of the Director of Public Safety, the  
21 nondriver identification card shall bear no expiration date  
22 for any person 62 years of age or older.

23 "(2) A qualified student, as defined in Section  
24 16-28-40(b) (2), is exempt from the driver's license issuance  
25 fee required by this section.

26 "(c) (1) Any male applicant who applies for a  
27 driver's license or a learner's license or a renewal of the

1 license who is at least 18 years of age, but less than 26  
2 years of age, shall be registered in compliance with the  
3 requirements of Section 3 of the Military Selective Service  
4 Act, 50 App. U.S.C.A. Sec. 453, as amended.

5 "(2) The Department of Public Safety shall forward  
6 in an electronic format the necessary personal information of  
7 the applicants identified in this subsection to the Selective  
8 Service System. The applicant's signature on the application  
9 shall serve as an indication that the applicant either has  
10 already registered with the Selective Service System or that  
11 he is authorizing the department to forward to the Selective  
12 Service System the necessary information for registration. The  
13 department shall notify the applicant at the time of  
14 application that his signature constitutes consent to  
15 registration with the Selective Service System, if he is not  
16 already registered.

17 "§32-6-6.1.

18 "In addition to any other fees imposed for issuance  
19 of a driver's license and photo nondriver identification card,  
20 the Department of Public Safety shall impose an additional fee  
21 of fifty cents (\$.50) for each driver's license and photo  
22 nondriver identification card issued, except for a driver's  
23 license issued to a qualifying student, as defined in Section  
24 16-28-40(b)(2). The fee collected under this section shall be  
25 allocated and appropriated to the Alabama Veterans Living  
26 Legacy Trust Fund created by the Alabama Veterans Living  
27 Legacy Act of 2008, Division 2, commencing with Section

1 16-44A-50, of Article 2 of Chapter 44A, and expenditures of  
2 ~~such~~ the fee pursuant to the master plan for facilities,  
3 programs, and outreach provided by that division and its  
4 related programs.

5 "§32-6-15.

6 "(a) In the event any driver's license issued under  
7 ~~the provisions of~~ this article is lost or destroyed, the  
8 person to whom the same was issued may upon payment of a fee  
9 of fifteen dollars (\$15) and upon furnishing proof to the  
10 Director of Public Safety that the same has been lost or  
11 destroyed, secure a duplicate. No fee shall be charged to a  
12 qualified student, as defined by Section 16-28-40(b)(2), for  
13 his or her first duplicate driver's license. The second and  
14 subsequent duplicates applied for ~~will~~ shall require the  
15 payment of a fee of fifteen dollars (\$15) and, upon furnishing  
16 proof to the Director of Public Safety that his or her  
17 previously held license or duplicate has been lost or  
18 destroyed, secure another duplicate. Application for ~~such~~ a  
19 duplicate ~~will~~ shall be made to the Director of Public Safety  
20 on forms provided by ~~him~~ the director. The fee shall be  
21 collected by the director, paid into the State Treasury, and  
22 credited to the Highway Traffic Safety Fund for the Department  
23 of Public Safety.

24 "(b) Any person making a false affidavit to the  
25 Director of Public Safety for the purpose of obtaining a  
26 duplicate driver's license shall be guilty of a misdemeanor  
27 and upon conviction shall be punished by imprisonment in the

1 county jail for not more than 30 days or by a fine of not less  
2 than twenty-five dollars (\$25) nor more than one hundred  
3 dollars (\$100).

4 "§32-6-21.

5 "(a) Every applicant for an original driver license,  
6 temporary instruction and learner's permit, and motor driven  
7 cycle operator's license, shall pay an examination fee of five  
8 dollars (\$5) to the Alabama Department of Public Safety upon  
9 applying to the officer, state trooper, or duly authorized  
10 agent of the Director of Public Safety, or to one of them  
11 where there is more than one designated by the Director of  
12 Public Safety. The five ~~dollars~~ dollar (\$5) fee shall be  
13 required prior to each examination. No driver's license  
14 examination fee shall be charged to a qualified student, as  
15 defined in Section 16-28-40(b)(2).

16 "(b) The Alabama Department of Public Safety shall  
17 issue proper receipts for the examination fee and shall  
18 properly transmit all ~~moneys~~ monies received by ~~it~~ the  
19 department for deposit in the State General Fund."

20 Section 2. 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.