

HB304 ENGROSSED



1 HB304
2 V77B9PP-2
3 By Representatives Kiel, Marques, Colvin, Fidler, Ross,
4 Robbins
5 RFD: Public Safety and Homeland Security
6 First Read: 18-Feb-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to driver licenses; to amend Sections 32-6-9 and 32-6-19, Code of Alabama 1975, to further provide for the conditions under which a motor vehicle is subject to impoundment and further provide procedures for the impoundment; to add Section 32-6-19.1 to the Code of Alabama 1975, to further provide for the redemption and disposal of an impounded vehicle; and to provide prohibitions against the issuance of local government identification cards.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-9 and 32-6-19, Code of Alabama 1975, are amended to read as follows:

"§32-6-9

(a) Every ~~licensee~~ operator of a motor vehicle shall have his or her driver license in his or her immediate possession at all times when driving a motor vehicle and shall display the ~~same~~ license upon the demand of a judge of any court or ~~a peace~~ law enforcement officer, ~~or a state trooper.~~

(b) No individual ~~However, no person~~ charged with violating this section shall be convicted if he or she produces in court or the office of the arresting officer a



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~~driver's~~driver license ~~that was theretofore issued to him or~~
~~her and~~ valid at the time of his or her arrest.

~~(b)~~ (c) (1) For every ~~person~~individual found in violation
of this section or Section 32-6-1, a reasonable effort shall
be made as soon as possible, but not later than ~~within 48~~
hours, to determine the citizenship of the ~~person~~individual
and if an alien, whether the ~~alien~~individual is lawfully
present in the United States by verification with the federal
government pursuant to 8 U.S.C. § 1373(c).

(2) An officer shall not attempt to independently make
a final determination of whether an alien is lawfully present
in the United States."

"§32-6-19

(a) (1) Any ~~person~~individual whose ~~driver's or~~
~~chauffeur's~~driver license issued in this or another state or
whose driving privilege as a nonresident has been cancelled,
denied, suspended, or revoked as provided in this article and
who ~~drives~~operates any motor vehicle upon the highways of this
state while his or her license or privilege is cancelled,
denied, suspended, or revoked shall be guilty of a misdemeanor
and upon conviction shall be punished by a fine of not less
than one hundred dollars (\$100) nor more than five hundred
dollars (\$500), and in addition thereto may be imprisoned for
not more than 180 days. In addition, the Secretary of the
Alabama State Law Enforcement Agency may suspend or revoke the
individual's license or driving privilege for an additional
period of six months.

(2)a. In addition to all fines, fees, costs, and

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punishments under subdivision (1) and as otherwise prescribed
by law, ~~there shall be imposed or assessed~~ the court shall
impose an additional penalty of fifty dollars (\$50) which
shall be distributed as follows:

1. Fifty percent ~~to be placed in the~~ Traffic Safety
Trust Fund ~~and the~~.

2. Fifty percent to the ~~Peace Officers~~ Officers'
Standards and Training Fund. ~~Also, at the discretion of the~~
~~Director of Public Safety, the person's license may be revoked~~
~~for an additional revocation period of six months (2)~~

b. The additional penalty of fifty dollars (\$50) shall
be assessed in all criminal and quasi-criminal proceedings in
municipal, district, and circuit courts, including, but not
limited to, final bond forfeitures, municipal ordinances
violations, proceedings wherein ~~wherein~~ in which the defendant is
adjudged guilty or pleads guilty, and in all juvenile
delinquency and youthful offender adjudications.

~~(3)~~ c. If the fifty dollar (\$50) penalty required by
this subdivision ~~(1)~~ is not imposed by the court, the clerk of
the court shall automatically assess it upon conviction or
adjudication.

(b) Notwithstanding any provision of law, ~~any person~~
~~who operates~~ except as provided in subdivision (4), a motor
vehicle is deemed a nuisance and shall be ordered to be
impounded by a law enforcement officer if the motor vehicle is
driven upon the highways of this state and any of the
following conditions exist:

(1) The motor vehicle is operated by an individual



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85 ~~whose~~ ~~while his or her driver's~~ driver license or driving
86 privilege is revoked for any reason under the laws of this
87 state or similar laws of any other state or territory, ~~or~~
88 ~~while.~~

89 (2) The motor vehicle is operated by an individual
90 ~~whose~~ ~~his or her driver's~~ driver license or driving privilege
91 is suspended as a consequence of a DUI-related offense,
92 including, but not limited to, being adjudicated a delinquent
93 child or a youthful offender based on a DUI-related offense, ~~or~~
94 ~~or while.~~

95 (3) The motor vehicle is operated by an individual
96 ~~whose~~ ~~his or her driver's~~ driver license or driving privilege
97 is suspended as a result of failure to comply with the implied
98 consent law of this state or laws of another state, or who has
99 been adjudicated a delinquent child or a youthful offender
100 based on an offense that if the person had been an adult would
101 have been a conviction of driving under the influence of a
102 controlled substance or alcohol or failure to comply with the
103 implied consent law, ~~shall be immediately removed from the~~
104 ~~vehicle.~~

105 (4)a. Except as provided in paragraph b., if the motor
106 vehicle is operated by an individual who is unable to produce
107 a valid driver license on demand of the law enforcement
108 officer, the law enforcement officer may cause the motor
109 vehicle to be impounded unless the officer is reasonably able,
110 by other means, to verify that the operator is properly
111 licensed as provided in Section 32-6-9. Prior to impounding
112 the motor vehicle, the law enforcement officer shall make a



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reasonable attempt to verify the license status of the operator if the operator claims to be licensed, but is unable to produce the license on demand of the law enforcement officer. A notation of the officer's attempt to verify that the operator is properly licensed shall be noted on the incident offense report. If the officer orders the vehicle to be impounded, the operator and occupants of the vehicle shall be transported to a place of safety by the impounding officer, and a report shall be made with a full inventory of the items in the vehicle.

b. A law enforcement officer shall not impound a motor vehicle pursuant to this subsection if the driver license of the operator expired within the preceding 180 calendar days and, but for the expiration, the operator would have otherwise been properly licensed and authorized to operate the motor vehicle.

~~(c) The vehicle, regardless of ownership or possessory interest of the operator or person present in the vehicle, except when the~~ A law enforcement officer shall not impound a vehicle under any of the following circumstances:

(1) The owner of the vehicle or another family member of the owner is present in the vehicle ~~and presents,~~ possesses a valid ~~driver's~~ driver license, ~~shall be impounded by any duly sworn law enforcement officer~~ and is otherwise able to lawfully operate the motor vehicle.

(2) ~~If there~~ There is an emergency or medical necessity jeopardizing life or limb, ~~the law enforcement officer may elect not to impound the vehicle.~~



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141 (3) The operator is a health care provider or first
142 responder who is responding to an obligation to provide
143 treatment for a medical emergency.

144 ~~(e)~~ (d) (1) The law enforcement officer making the
145 impoundment shall direct an approved towing service to tow the
146 vehicle to the garage of the towing service, storage lot, or
147 other place of safety and maintain custody and control of the
148 vehicle ~~until the registered owner or authorized agent of the~~
149 ~~registered owner claims the vehicle by paying all reasonable~~
150 ~~and customary towing and storage fees for the services of the~~
151 ~~towing company. The vehicle shall then be released to the~~
152 ~~registered owner or an agent of the owners~~ subject to the
153 procedures of Section 32-6-19.1.

154 (2) Any towing service or towing company removing the
155 vehicle at the direction of the law enforcement officer in
156 accordance with this section shall have a lien on the motor
157 vehicle for all reasonable and customary fees relating to the
158 towing and storage of the motor vehicle. This lien shall be
159 subject and subordinate to all prior security interests and
160 other liens affecting the vehicle whether evidenced on the
161 certificate of title or otherwise. ~~Notice of any sale or other~~
162 ~~proceedings relative to this lien shall be given to the~~
163 ~~holders of all prior security interest or other liens by~~
164 ~~official service of process at least 15 days prior to any sale~~
165 ~~or other proceedings."~~

166 Section 2. Section 32-6-19.1 is added to Division 1 of
167 Article 1 of Chapter 6 of Title 32 of the Code of Alabama
168 1975, to read as follows:



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§32-6-19.1

(a) Except as provided in subsection (b), a motor vehicle impounded pursuant to Section 32-6-19 may be redeemed and released from impoundment upon the occurrence of all of the following:

(1) The registered owner, or the owner's representative as demonstrated by written notarized authorization, appears in person before the law enforcement agency causing the impoundment and presents all of the following for verification and copy by the agency:

a. A valid driver license.

b. Evidence of mandatory motor vehicle insurance as required by Chapter 7A.

c. A copy of the certificate title, bill of sale, or tag receipt of the vehicle.

(2) The individual, as described in subdivision (1), redeeming the motor vehicle pays all reasonable and customary towing and storage fees for the motor vehicle and all administrative costs associated with the impounding of the vehicle.

(b) A motor vehicle impounded pursuant to Section 32-6-19 may be redeemed and released from impoundment to any lienholder, or the lienholder's representative, upon the occurrence of all of the following:

(1) Presentation of a copy of the certificate of title or other evidence documenting a valid lien on the impounded motor vehicle.

(2) Payment of all reasonable and customary towing and



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197 storage fees for the motor vehicle.

198 (3) Payment of all administrative costs associated with
199 the impounding of the vehicle.

200 (c) Any vehicle that is impounded pursuant to Section
201 32-6-19 and not redeemed pursuant to this section within 60
202 days of the date of impoundment shall be sold or otherwise
203 disposed of pursuant to the unclaimed and abandoned motor
204 vehicle procedures of Section 32-8-84 and Chapter 13 of this
205 title.

206 Section 3. A county or municipality may not provide
207 funds to any individual or entity for the purpose of providing
208 monetary or other assistance for the procurement of a driver
209 license or nondriver identification card, as provided under
210 Chapter 6 of Title 32 of the Code of Alabama 1975, and may not
211 issue to an individual any local government identification
212 card, unless the individual provides the same degree of proof
213 of identification required of applicants for driver licenses.

214 Section 4. This act shall become effective on October
215 1, 2025.



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House of Representatives

219 Read for the first time and referred18-Feb-25
220 to the House of Representatives
221 committee on Public Safety and
222 Homeland Security
223
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225 on the calendar:
226 1 amendment
227
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229 as amended
230 Yeas 72
231 Nays 14
232 Abstains 16
233
234
235 John Treadwell
236 Clerk
237