### 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



1	
2	
3	
4	
5	A BILL
6	TO BE ENTITLED
7	AN ACT
8	
9	Relating to driver licenses; to amend Sections 32-6-9
10	and 32-6-19, Code of Alabama 1975, to further provide for the
11	conditions under which a motor vehicle is subject to
12	impoundment and further provide procedures for the
13	impoundment; to add Section 32-6-19.1 to the Code of Alabama
14	1975, to further provide for the redemption and disposal of an
15	impounded vehicle; and to provide prohibitions against the
16	issuance of local government identification cards.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Sections 32-6-9 and 32-6-19, Code of Alabama
19	1975, are amended to read as follows:
20	<b>"</b> §32-6-9
21	(a) Every <del>licensee</del> operator of a motor vehicle shall
22	have his or her <u>driver</u> license in his or her immediate
23	possession at all times when driving a motor vehicle and shall
24	display the same, license upon the demand of a judge of any
25	court or $_ au$ a peacelaw enforcement officer, or a state trooper.
26	(b) No individual However, no person charged with
27	violating this section shall be convicted if he or she
28	produces in court or the office of the arresting officer a



- 29 <u>driver'sdriver</u> license that wastheretofore issued to him or
- 30 her and valid at the time of his or her arrest.

government pursuant to 8 U.S.C. § 1373(c).

- 31 (b)(c)(1) For every personindividual found in violation
  32 of this section or Section 32-6-1, a reasonable effort shall
  33 be made as soon as possible, but not later than within 48
  34 hours, to determine the citizenship of the personindividual
  35 and if an alien, whether the alienindividual is lawfully
  36 present in the United States by verification with the federal
- 38 (2) An officer shall not attempt to independently make
  39 a final determination of whether an alien is lawfully present
  40 in the United States."
- 41 "\$32-6-19

period of six months.

37

42

43

44

45

46

47

48

49

50

51

52

53

54

55

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



- 57 punishments under subdivision (1) and as otherwise prescribed 58 by law, there shall be imposed or assessed the court shall impose an additional penalty of fifty dollars (\$50) which 59 60 shall be distributed as follows: 1. Fifty percent to be placed in the Traffic Safety 61 62 Trust Fund and the. 63 2. Fifty percent to the Peace Officers Officers' 64 Standards and Training Fund. Also, at the discretion of the 65 Director of Public Safety, the person's license may be revoked for an additional revocation period of six months(2) 66 67 b. The additional penalty of fifty dollars (\$50) shall be assessed in all criminal and quasi-criminal proceedings in 68 municipal, district, and circuit courts, including, but not 69 70 limited to, final bond forfeitures, municipal ordinances 71 violations, proceedings wherein in which the defendant is adjudged guilty or pleads guilty, and in all juvenile 72 73 delinquency and youthful offender adjudications. 74 (3)c. If the fifty dollar (\$50) penalty required by 75 this subdivision (1)—is not imposed by the court, the clerk of 76 the court shall automatically assess it upon conviction or 77 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:

84

(1) The motor vehicle is operated by an individual



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

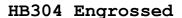
- whose his or her driver's driver license or driving privilege is suspended as a consequence of a DUI-related offense, including, but not limited to, being adjudicated a delinquent child or a youthful offender based on a DUI-related offense, or while.
- whose his or her driver's driver license or driving privilege is suspended as a result of failure to comply with the implied consent law of this state or laws of another state, or who has been adjudicated a delinquent child or a youthful offender based on an offense that if the person had been an adult would have been a conviction of driving under the influence of a controlled substance or alcohol or failure to comply with the implied consent law, shall be immediately removed from the vehicle.
- (4) a. Except as provided in paragraph b., if the motor vehicle is operated by an individual who is unable to produce a valid driver license on demand of the law enforcement officer, the law enforcement officer may cause the motor vehicle to be impounded unless the officer is reasonably able, by other means, to verify that the operator is properly licensed as provided in Section 32-6-9. Prior to impounding the motor vehicle, the law enforcement officer shall make a



113	reasonable attempt to verify the license status of the
114	operator if the operator claims to be licensed, but is unable
115	to produce the license on demand of the law enforcement
116	officer. A notation of the officer's attempt to verify that
117	the operator is properly licensed shall be noted on the
118	incident offense report. If the officer orders the vehicle to
119	be impounded, the operator and occupants of the vehicle shall
120	be transported to a place of safety by the impounding officer,
121	and a report shall be made with a full inventory of the items
122	in the vehicle.
123	b. A law enforcement officer shall not impound a motor
124	vehicle pursuant to this subsection if the driver license of
125	the operator expired within the preceding 180 calendar days
126	and, but for the expiration, the operator would have otherwise
127	been properly licensed and authorized to operate the motor
128	<u>vehicle.</u>
129	(c) The vehicle, regardless of ownership or possessory
130	interest of the operator or person present in the vehicle,
131	except when the A law enforcement officer shall not impound a
132	vehicle under any of the following circumstances:
133	(1) The owner of the vehicle or another family member
134	of the owner is present in the vehicle and presents, possesses
135	a valid driver's driver license, shall be impounded by any duly
136	sworn law enforcement officer and is otherwise able to lawfully
137	operate the motor vehicle.
138	(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.

140





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.

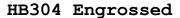
(e) (d) (1) The law enforcement officer making the impoundment shall direct an approved towing service to tow the vehicle to the garage of the towing service, storage lot, or other place of safety and maintain custody and control of the vehicle until the registered owner or authorized agent of the registered owner claims the vehicle by paying all reasonable and customary towing and storage fees for the services of the towing company. The vehicle shall then be released to the registered owner or an agent of the owner\_subject to the procedures of Section 32-6-19.1.

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

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



- 169 \$32-6-19.1
- 170 (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
- 173 the following:
- 174 (1) The registered owner, or the owner's representative
- 175 as demonstrated by written notarized authorization, appears in
- 176 person before the law enforcement agency causing the
- 177 impoundment and presents all of the following for verification
- 178 and copy by the agency:
- 179 a. A valid driver license.
- b. Evidence of mandatory motor vehicle insurance as
- 181 required by Chapter 7A.
- 182 c. A copy of the certificate title, bill of sale, or
- 183 tag receipt of the vehicle.
- 184 (2) The individual, as described in subdivision (1),
- 185 redeeming the motor vehicle pays all reasonable and customary
- 186 towing and storage fees for the motor vehicle and all
- 187 administrative costs associated with the impounding of the
- 188 vehicle.
- (b) A motor vehicle impounded pursuant to Section
- 190 32-6-19 may be redeemed and released from impoundment to any
- 191 lienholder, or the lienholder's representative, upon the
- 192 occurrence of all of the following:
- 193 (1) Presentation of a copy of the certificate of title
- or other evidence documenting a valid lien on the impounded
- 195 motor vehicle.
- 196 (2) Payment of all reasonable and customary towing and

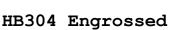




- 197 storage fees for the motor vehicle.
- 198 (3) Payment of all administrative costs associated with 199 the impounding of the vehicle.
- (c) Any vehicle that is impounded pursuant to Section 32-6-19 and not redeemed pursuant to this section within 60 days of the date of impoundment shall be sold or otherwise disposed of pursuant to the unclaimed and abandoned motor vehicle procedures of Section 32-8-84 and Chapter 13 of this title.

206 Section 3. A county or municipality may not provide 207 funds to any individual or entity for the purpose of providing monetary or other assistance for the procurement of a driver 208 209 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 card, unless the individual provides the same degree of proof 212 of identification required of applicants for driver licenses. 213

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





216 217 218 House of Representatives 220 to the House of Representatives committee on Public Safety and 221 222 Homeland Security 223 224 Read for the second time and placed ............27-Feb-25 on the calendar: 225 226 1 amendment 227 228 Read for the third time and passed ...........06-Mar-25 as amended 229 230 Yeas 72 Nays 14 231 Abstains 16 232 233 234 235 John Treadwell Clerk 236 237