

- 1 HB304
- 2 G37PR66-1
- 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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4	SYNOPSIS:
5	Under existing law, every operator of a motor
6	vehicle is required to possess his or her driver
7	license or driving permit and display the license or
8	permit to an arresting officer upon request.
9	Also under existing law, an officer who arrests
10	an individual for driving while intoxicated or while
11	driving with a suspended, canceled, revoked, or denied
12	driver license may impound the vehicle, with
13	exceptions.
14	This bill would further provide for the
15	authority to impound a motor vehicle when an individual
16	unlawfully operates the vehicle without having been
17	issued a driver license, with exceptions.
18	This bill would further provide for the process
19	to redeem an impounded motor vehicle.
20	This bill would also provide restrictions on the
21	issuance of local government identification cards.
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24	A BILL
25	TO BE ENTITLED
26	AN ACT
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28 Relating to driver licenses; to amend Sections 32-6-9



- and 32-6-19, Code of Alabama 1975, to further provide for the
- 30 conditions under which a motor vehicle is subject to
- 31 impoundment and further provide procedures for the
- impoundment; to add Section 32-6-19.1 to the Code of Alabama
- 33 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.
- 36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 37 Section 1. Sections 32-6-9 and 32-6-19, Code of Alabama
- 38 1975, are amended to read as follows:
- 39 **"**\$32-6-9
- 40 (a) Every licensee operator of a motor vehicle shall
- 41 have his or her driver license in his or her immediate
- 42 possession at all times when driving a motor vehicle and shall
- display the same, license upon the demand of a judge of any
- 44 court or, a peacelaw enforcement officer, or a state trooper.
- 45 (b) No individual However, no person charged with
- 46 violating this section shall be convicted if he or she
- 47 produces in court or the office of the arresting officer a
- 48 driver'sdriver license that wastheretofore issued to him or
- 49 her and valid at the time of his or her arrest.
- (b) (c) (1) For every personindividual found in violation
- of this section or Section 32-6-1, a reasonable effort shall
- 52 be made as soon as possible, but not later than within 48
- 53 hours, to determine the citizenship of the personindividual
- and if an alien, whether the alienindividual is lawfully
- 55 present in the United States by verification with the federal
- government pursuant to 8 U.S.C. § 1373(c).





57 (2) An officer shall not attempt to independently make 58 a final determination of whether an alien is lawfully present in the United States." 59 **"**§32-6-19 60 (a) (1) Any personindividual whose driver's or 61 62 chauffeur'sdriver license issued in this or another state or 63 whose driving privilege as a nonresident has been cancelled, 64 denied, suspended, or revoked as provided in this article and 65 who drives operates any motor vehicle upon the highways of this state while his or her license or privilege is cancelled, 66 67 denied, suspended, or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less 68 than one hundred dollars (\$100) nor more than five hundred 69 70 dollars (\$500), and in addition thereto may be imprisoned for 71 not more than 180 days. In addition, the Secretary of the Alabama State Law Enforcement Agency may suspend or revoke the 72 73 individual's license or driving privilege for an additional 74 period of six months. 75 (2) a. In addition to all fines, fees, costs, and 76 punishments under subdivision (1) and as otherwise prescribed 77 by law, there shall be imposed or assessed the court shall 78 impose an additional penalty of fifty dollars (\$50). The 79 penalty under this subdivision shall be distributed as 80 follows:-81 1. One-third to be placed in the Traffic Safety Trust 82 Fund and the. 2. One-third to the Peace Officers Standards 83 and Training Fund. Also, at the discretion of the Director of 84





Public Safety, the person's license may be revoked for an additional revocation period of six months.

- 87 <u>3. One-third to the law enforcement agency issuing the</u> 88 citation.
 - (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 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 a motor vehicle is deemed a nuisance and may 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 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.
- 110 (2) The motor vehicle is operated by an individual

 111 whose his or her driver's driver license or driving privilege

 112 is suspended as a consequence of a DUI-related offense,

including, but not limited to, being adjudicated <u>a</u> delinquent <u>child</u> 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.

vehicle is operated by an individual who is unable to produce a valid driver license on demand of the law enforcement officer, 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 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

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

(c) (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.
- 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
 188 1975, to read as follows:
- 189 \$32-6-19.1

- 190 (a) Except as provided in subsection (b), a motor

 191 vehicle impounded pursuant to Section 32-6-19 may be redeemed

 192 and released from impoundment upon the occurrence of all of

 193 the following:
- 194 (1) The registered owner, or the owner's representative
 195 as demonstrated by written notarized authorization, appears in
 196 person before the law enforcement agency causing the



- impoundment and presents all of the following for verification and copy by the agency:
- 199 a. A valid driver license.
- 200 b. Evidence of mandatory motor vehicle insurance as 201 required by Chapter 7A.
- 202 c. A copy of the certificate title, bill of sale, or 203 tag receipt of the vehicle.
- 204 (2) The individual, as described in subdivision (1),
 205 redeeming the motor vehicle pays all reasonable and customary
 206 towing and storage fees for the motor vehicle and all
 207 administrative costs associated with the impounding of the
 208 vehicle.
- 209 (b) A motor vehicle impounded pursuant to Section
 210 32-6-19 may be redeemed and released from impoundment to any
 211 lienholder, or the lienholder's representative, upon the
 212 occurrence of all of the following:
- 213 (1) Presentation of a copy of the certificate of title 214 or other evidence documenting a valid lien on the impounded 215 motor vehicle.
- 216 (2) Payment of all reasonable and customary towing and 217 storage fees for the motor vehicle.
- 218 (3) Payment of all administrative costs associated with 219 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 deemed an abandoned motor vehicle and shall be sold or otherwise disposed of pursuant to Chapter 13.



225	Section 3. A county or municipality may not provide
226	funds to any individual or entity for the purpose of providing
227	monetary or other assistance for the procurement of a driver
228	license or nondriver identification card, as provided under
229	Chapter 6 of Title 32 of the Code of Alabama 1975, and may not
230	issue to an individual any local government identification
231	card, unless the individual provides the same degree of proof
232	of identification required of applicants for driver licenses.
233	Section 4. This act shall become effective on October
234	1, 2025.