



**House Public Safety and Homeland Security Reported
Substitute for HB304**

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

31 ~~(b)~~ (c) (1) For every ~~person~~individual 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 ~~person~~individual
35 and if an alien, whether the ~~alien~~individual is lawfully
36 present in the United States by verification with the federal
37 government pursuant to 8 U.S.C. § 1373(c).

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

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

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



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57 punishments under subdivision (1) and as otherwise prescribed
58 by law, ~~there shall be imposed or assessed~~ the court shall
59 impose an additional penalty of fifty dollars (\$50). The
60 penalty under this subdivision shall be distributed as
61 follows:-

62 1. One-third to ~~be placed in~~ the Traffic Safety Trust
63 Fund ~~and the~~.

64 2. One-third to the Peace ~~Officers~~ Officers' Standards
65 and Training Fund. ~~Also, at the discretion of the Director of~~
66 ~~Public Safety, the person's license may be revoked for an~~
67 ~~additional revocation period of six months.~~

68 3. One-third to the law enforcement agency issuing the
69 citation.

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

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

81 (b) Notwithstanding any provision of law, ~~any person~~
82 ~~who operates~~ a motor vehicle is deemed a nuisance and may be
83 ordered to be impounded by a law enforcement officer if the
84 motor vehicle is driven upon the highways of this state and



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85 any of the following conditions exist:

86 (1) The motor vehicle is operated by an individual
87 whose ~~while his or her driver's~~ driver license or driving
88 privilege is revoked for any reason under the laws of this
89 state or similar laws of any other state or territory, ~~or~~
90 ~~while.~~

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

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

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



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

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

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

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

139 (2) ~~If there~~There is an emergency or medical necessity
140 jeopardizing life or limb, ~~the law enforcement officer may~~



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141 ~~elect not to impound the vehicle.~~

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

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

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

167 Section 2. Section 32-6-19.1 is added to Division 1 of
168 Article 1 of Chapter 6 of Title 32 of the Code of Alabama



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169 1975, to read as follows:

170 §32-6-19.1

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

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

180 a. A valid driver license.

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

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

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

190 (b) A motor vehicle impounded pursuant to Section
191 32-6-19 may be redeemed and released from impoundment to any
192 lienholder, or the lienholder's representative, upon the
193 occurrence of all of the following:

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



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197 (2) Payment of all reasonable and customary towing and
198 storage fees for the motor vehicle.

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

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

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

215 Section 4. This act shall become effective on October
216 1, 2025.