

## HB33 ENGROSSED



1 HB33  
2 5V8Z866-2  
3 By Representative Bolton  
4 RFD: Public Safety and Homeland Security  
5 First Read: 13-Jan-26  
6 PFD: 14-Aug-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to driver licenses; to amend Section 16-28-40, as last amended by Act 2025-326, 2025 Regular Session, Code of Alabama 1975, to change the age in which the Alabama State Law Enforcement Agency (ALEA) may deny a driver license or learner permit application due to failure to provide or satisfy certain graduation requirements or other criteria; and to further provide for approved criteria accepted by ALEA during the driver license and learner permit application process.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-28-40, as last amended by Act 2025-326, 2025 Regular Session, Code of Alabama 1975, is amended to read as follows:

"§16-28-40

(a) The Alabama State Law Enforcement Agency shall deny a driver license or a learner permit for the operation of a motor vehicle to any individual under 19 ~~17~~ years of age who does not, at the time of application, ~~present a diploma or other certificate of graduation issued to the individual from a secondary high school of this state or any other state, or documentation that the individual satisfies~~ satisfy one of the



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following:

(1) The individual is enrolled and making satisfactory progress in a nontraditional high school diploma option program or a course leading to a high school diploma or general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate.

(2) The individual is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school which would extend the age of eligibility for the student to apply for a driver license.

(3) The individual is participating in a job training program approved by the State Superintendent of Education.

(4) The individual is gainfully and substantially employed.

(5) The individual is a parent with the care and custody of a minor or unborn child.

(6) A physician certifies that the parents of the individual depend on him or her as their sole source of transportation.

(7) The individual is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(8) The individual has graduated from a high school or secondary school in this state.

(b) (1) The attendance officer or chief attendance administrator, upon request, shall provide documentation of



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enrollment status and disciplinary points on a form approved by the State Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Alabama State Law Enforcement Agency, on application for, or renewal or reinstatement of, a driver license or a learner permit to operate a motor vehicle.

(2) Upon the request of a student seeking a fee exemption on the basis of his or her homelessness, the staff member designated to act as the local educational agency liaison for homeless children and youth, pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii), shall provide documentation that the student is a qualified student, on a form approved by the State Department of Education, for presentation to the Alabama State Law Enforcement Agency, on application for, or renewal, reinstatement, or replacement of a driver license. The term "qualified student" refers to a student who the local educational agency liaison for homeless children and youth verifies as meeting the definition of a "homeless child or youth" as provided by 42 U.S.C. § 11434a(2) and whose enrollment status and disciplinary points have been documented pursuant to subdivision (1).

(3) Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Alabama State Law Enforcement Agency of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.



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85 (c) Within five days of receipt of a notice of  
86 withdrawal, the Alabama State Law Enforcement Agency shall  
87 send notice to the licensee that his or her driver license or  
88 learner permit will be suspended under this article on the  
89 30th day following the date the notice was sent unless  
90 documentation of compliance with this article is received by  
91 the agency before the 30th day.

92 (d) Whenever the withdrawal from school of the student,  
93 or the failure of the student to enroll in a course leading to  
94 or to obtain a GED or high school diploma, is beyond the  
95 control of the student, or is for the purpose of transfer to  
96 another school as confirmed in writing by the parent or  
97 guardian of the student, or is for the purpose of  
98 participating in a job training program approved by the State  
99 Superintendent of Education, no notice shall be sent by the  
100 proper school official to the Alabama State Law Enforcement  
101 Agency to suspend the license of the student. If the student  
102 is applying for or renewing a driver license or a learner  
103 permit, the attendance officer or chief attendance  
104 administrator, upon request, shall provide the student with  
105 documentation to present to the Alabama State Law Enforcement  
106 Agency to exempt the student from this section. The local  
107 superintendent of education with the assistance of the county  
108 or city school attendance director as the case may be, and any  
109 other staff or school personnel, or the appropriate school  
110 official of any private secondary school, shall be the sole  
111 judge of whether the withdrawal is due to circumstances beyond  
112 the control of the individual. Suspension or expulsion from



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113 school or imprisonment in a jail or penitentiary is not a  
114 circumstance beyond the control of an individual.

115 (e)(1) Any individual over 14 years of age who is  
116 convicted of the crime of possession of a pistol on the  
117 premises of a public school, or a public school bus, or both,  
118 under Section 13A-11-72 shall be denied issuance of a driver  
119 license or learner permit for the operation of a motor vehicle  
120 for 180 days from the date the individual is eligible and  
121 applies for a license or permit for the operation of a motor  
122 vehicle. Any adjudication as a juvenile delinquent or youthful  
123 offender where the underlying charge is the possession of a  
124 pistol on the premises of a public school, or a public school  
125 bus, or both, under Section 13A-11-72 shall be considered a  
126 conviction under this subsection, and the adjudication of an  
127 individual as a juvenile delinquent or youthful offender where  
128 the underlying charge is a violation under Section 13A-11-72  
129 shall be reported to the Alabama State Law Enforcement Agency.

130 (2) If an individual over 14 years of age possesses a  
131 driver license on the date of conviction, the Alabama State  
132 Law Enforcement Agency, within five days of receipt of a  
133 notice of conviction from the court, shall send notice to the  
134 licensee that his or her driver license will be suspended. The  
135 notice shall state that the license will be suspended for 180  
136 days commencing on the 30th day following the date the notice  
137 was sent unless documentation is received by the agency before  
138 the 30th day that the individual was not convicted of the  
139 crime. Upon the appropriate date, the agency shall suspend the  
140 license.



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(3) Upon the written request of the individual whose license is denied or suspended, the Alabama State Law Enforcement Agency shall afford the individual an opportunity for a hearing in the same manner and under the procedure used for other driver license suspensions. If the suspension or denial of issuance determination is sustained by the Secretary of the Alabama State Law Enforcement Agency or the authorized agent of the secretary, upon such hearing, the individual may file a petition in the appropriate court to review the final order of suspension or denial by the secretary or the authorized agent of the secretary in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180-day period, the Alabama State Law Enforcement Agency, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Alabama State Law Enforcement Agency of the conviction of an individual over 14 years of age of a crime involving the possession of a pistol on the premises of a public school or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may adopt necessary rules and regulations to implement this notification procedure."

Section 2. This act shall become effective on August 1,



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169 2026.





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### House of Representatives

173 Read for the first time and referred .....13-Jan-26  
174 to the House of Representatives  
175 committee on Public Safety and  
176 Homeland Security  
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178 Read for the second time and placed .....21-Jan-26  
179 on the calendar:  
180 0 amendments  
181  
182 Read for the third time and passed .....05-Feb-26  
183 as amended  
184 Yeas 98  
185 Nays 0  
186 Abstains 5  
187  
188

189 John Treadwell  
190 Clerk  
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