

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



1
2
3
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 16-28-40, as last amended by Act
19 2025-326, 2025 Regular Session, Code of Alabama 1975, is
20 amended to read as follows:

21 "§16-28-40



29 following:

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

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

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

43 (4) The individual is gainfully and substantially
44 employed.

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

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

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

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

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



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

64 (2) Upon the request of a student seeking a fee
65 exemption on the basis of his or her homelessness, the staff
66 member designated to act as the local educational agency
67 liaison for homeless children and youth, pursuant to 42 U.S.C.
68 § 11432(g)(1)(J)(ii), shall provide documentation that the
69 student is a qualified student, on a form approved by the
70 State Department of Education, for presentation to the Alabama
71 State Law Enforcement Agency, on application for, or renewal,
72 reinstatement, or replacement of a driver license. The term
73 "qualified student" refers to a student who the local
74 educational agency liaison for homeless children and youth
75 verifies as meeting the definition of a "homeless child or
76 youth" as provided by 42 U.S.C. § 11434a(2) and whose
77 enrollment status and disciplinary points have been documented
78 pursuant to subdivision (1).

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



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



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.



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

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

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



HB33 Engrossed

169 2026.



HB33 Engrossed

170
171
172

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
177
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
191