

HB33 INTRODUCED



1 HB33
2 TBSSL95-1
3 By Representative Bolton
4 RFD: Public Safety and Homeland Security
5 First Read: 13-Jan-26
6 PFD: 14-Aug-25



SYNOPSIS:

Under existing law, license applicants under 19 years of age are required to provide documentation of school enrollment status and disciplinary points for application for, or renewal of, a driver license or learner permit, and in the event of withdrawal from school, the student's driver license or learner permit shall be suspended by the Alabama State Law Enforcement Agency.

This bill would amend the law to remove all school enrollment and attendance requirements for the application for, and renewal of, driver licenses and learner permits

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 remove all school enrollment and attendance requirements for the application for, and renewal of, driver licenses and learner permits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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Section 1. Section 16-28-40, 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 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 one of the following:~~

~~(1) The individual is enrolled and making satisfactory progress in a nontraditional high school diploma option program or a course leading to a 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~~



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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.~~

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



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~~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.~~

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

~~(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a CED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Alabama State Law Enforcement Agency to suspend the license of the student. If the student is applying for or renewing a driver license or a learner permit, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Alabama State Law Enforcement~~



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~~Agency to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the individual. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of an individual.~~

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

(2) If an individual over 14 years of age possesses a driver license on the date of conviction, the Alabama State Law Enforcement Agency, within five days of receipt of a notice of conviction from the court, shall send notice to the



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licensee that his or her driver license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the agency before the 30th day that the individual was not convicted of the crime. Upon the appropriate date, the agency shall suspend the license.

(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



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169 years of age of a crime involving the possession of a pistol
170 on the premises of a public school or a public school bus, or
171 both, under Section 13A-11-72 and any reversal of the
172 conviction. The Administrative Office of Courts may adopt
173 necessary rules and regulations to implement this notification
174 procedure."

175 Section 2. This act shall become effective on October
176 1, 2026.