HB65
114812-11
By Representative Gipson
RFD: Public Safety
First Read: 12-JAN-10
PFD: 12/08/2009
ENROLLED, An Act,

To amend Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, relating to 3-stage graduated driver's licenses or licensing criteria; to allow the licensed driver accompanying a student in any driver training program to be 21 years of age or older; to further provide for restrictions on driver's licenses for persons 16 or 17 years of age including restrictions on the use of certain communication devices; to provide for the age of the licensed driver occupying the seat next to a driver 16 years of age or older who has a State I learner's permit; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-5-64, 32-6-7.2, and 32-6-8 of the Code of Alabama 1975, are amended to read as follows:

"§32-5-64.

"Any person under the age of 16 years who shall drive or operate any motor vehicle upon the public highways of this state shall be guilty of a misdemeanor, and shall be
dealt with as provided by the juvenile laws of this state; provided, that the provisions of this section shall not apply to any student enrolled in a driver training program approved by the State Superintendent of Education or the Director of Public Safety while driving or operating a motor vehicle pursuant to the instructional program. However, no student in any driver training program who is under 16 years of age shall drive or operate any motor vehicle unless accompanied by a licensed driver who is 21 years of age or older.

"§32-6-7.2.

"(a) A person who is under the age of 18 may not apply for a Stage II restricted regular driver's license until the person has held a Stage I learner's license issued pursuant to Section 32-6-8 or a comparable license issued by another state for at least a six-month period.

"(b) In addition to any other requirements of this chapter, if the applicant for a driver's license is 16 years of age, he or she shall submit to the Department of Public Safety the following:

"(1) A verification form provided by the Department of Public Safety signed by a parent or legal guardian consenting to the licensure of the applicant and granting permission for the applicant to drive without supervision.
"(2) A verification form provided by the Department of Public Safety signed by a parent, legal guardian, or licensed or certified driving instructor certifying that the applicant has completed a minimum of 30 hours of behind-the-wheel driving practice, or submission of a certificate of completion from the State Department of Education that the applicant has passed a driver's education course approved by the State Department of Education.

"(c) A person who is issued a regular driver's license after October 1, 2002, who is age 17 and has been licensed for less than six months or who is age 16 shall be deemed to have a Stage II restricted driver's license. The person may not operate a vehicle under any of the following conditions:

"(1) Between 12:00 o'clock midnight and 6:00 o'clock a.m. 10:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday and 6:00 o'clock a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday and between 11:00 o'clock p.m. on Friday or Saturday and 6:00 o'clock a.m. on Saturday or Sunday unless one of the following exceptions apply applies:

"a. The licensee is accompanied by a parent or legal guardian.

"b. The licensee is accompanied by a person who is a licensed driver and is at least 21 years of age or the consent of a parent or legal guardian of the driver is given.
"c. The licensee is driving to or from a place where the licensee is employed on a regular basis or works.

"d. The licensee is driving to or from a school sponsored event.

"e. The licensee is driving to or from an event sponsored by a religious organization.

"f. The licensee is driving for the purpose of a medical, fire, or law enforcement related emergency.

"g. The licensee is driving to or from a place where the licensee participates in hunting or fishing activities. In order for this particular exception to apply, the licensee must have in his or her immediate possession a valid hunting or fishing license for the activity. Additionally, the licensee must have in his or her immediate possession items sufficient to demonstrate that he or she is in fact driving to participate in a hunting or fishing activity that is in season as set out in the rules promulgated by the Commissioner of Conservation and Natural Resources.

"(2) If there are is more than four occupants one passenger in the vehicle not including the parents, or legal guardians of the licensee, accompanying family members, or a licensed driver who is at least 21 years of age.

"(3) While operating any handheld communication device, including, but not limited to, a cell phone or any
other device that sends or receives text messages or emails that is nonessential to the functioning of the vehicle.

"(d) A violation of this subsection (c) shall not result in a suspension of the person's driver's license, but shall extend the time period for six months that the person is subject to the restrictions of this subsection (c) before the person is eligible to be designated as an unrestricted driver's license holder or until age 18.

"(d)(e) The driver's license of any person who is driving with restricted privileges as provided in subsection (c) who during such time is convicted of a second moving traffic violation or is convicted of failure to give information or render aid, racing, fleeing or attempting to elude a law enforcement officer, reckless driving, illegal passing, driving on the wrong side of the road, or any other offense where four or more points are assessed and other violations as designated by rules or regulations promulgated pursuant to the Administrative Procedure Act, shall be automatically suspended for 60 days unless the Alabama Rules of the Road provide a more serious penalty, and the time period that the licensee is subject to the restrictions of subsection (c) shall be extended for six months from the date the person would otherwise be eligible to be designated as an unrestricted driver's license holder or until age 18.
“(e) The license possessed by any resident of this state who is 17 years of age shall be deemed an unrestricted driver's license if the license has been issued for a period of six months or longer and the Department of Public Safety verifies that the license holder has not been convicted of a moving violation of the Alabama Rules of the Road within the preceding six months.

“(f) This section shall not apply to the following:

"(1) Any resident of this state age 16 years and over who is married or who is the head of a household.

"(2) Any resident who has otherwise been legally relieved of minority.

"(3) Any resident who is age 18 or over.

"(g) Every driver's license issued prior to October 1, 2002, shall be considered an unrestricted driver's license.

"(h) A person who drives a motor vehicle in violation of the conditions imposed in subsection (c) shall be guilty of a traffic violation, but shall not be subject to any criminal penalties or court costs. No citation shall be issued for a traffic violation pursuant to this subsection unless the person is stopped by a law enforcement officer for a separate violation of law and issued a citation or warrant for the separate violation. Information concerning a violation pursuant to this subsection shall not be released to any party
and shall not result in any points on a driver's license record.

"(i) The Department of Public Safety may promulgate reasonable rules and regulations to carry out and to aid in enforcement of this section and Sections 32-6-7.3 and 32-6-8.

"§32-6-8.

"(a) Any person 16 years of age or older who, except for his or her lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver's license under this article may apply for a learner's license, and the Department of Public Safety, Driver License Division, may issue the license upon a form which shall be provided by the Director of Public Safety, entitling the applicant, while having the license in his or her immediate possession, to drive or operate a motor vehicle upon the highways for a period of four years, except when operating a motorcycle, the person shall be accompanied by a licensed driver who is at least 21 years of age and actually occupying a seat beside the driver. At the time of applying for the license, the applicant shall pay to the Department of Public Safety, Driver License Division, a fee of twenty dollars ($20), and the Department of Public Safety, Driver License Division, shall give the applicant a learner's license therefor on a form to be provided by the Director of Public Safety. The temporary instruction license may be renewed only by order of the
Director of Public Safety, and in no case shall the original
license be renewed or extended more than once. The Department
of Public Safety, Driver License Division, shall not issue the
Stage I temporary instruction license until the applicant has
undergone the same examination that a person applying for a
Stage II or Stage III driver's license is required by law to
undergo, with the exception of the driving test, and produced
a certificate to that effect signed by the proper examining
officer.

"(b) Any person not less than 15 but under 16 years
of age may obtain a Stage I learner's license to learn to
operate a motor vehicle upon application to the Department of
Public Safety, Driver License Division, which license shall
entitle the person to operate a motor vehicle when he or she
is accompanied by a parent or his or her legal guardian or a
person who is age 21 or over who is duly licensed in this
state as a motor vehicle operator or when accompanied by a
licensed or certified driving instructor who is actually
occupying a seat beside the motor vehicle operator. The
application for the Stage I learner's license shall be
accompanied by a payment of a fee of twenty dollars ($20), to
be distributed as provided in Section 32-6-5. The age of the
applicant shall be substantiated by the applicant filing with
the department a certified copy of his or her birth
certificate. A Stage I learner's license issued under this
subsection shall be in such form as the Director of Public Safety may prescribe; it shall expire in four years; or when the holder subsequently applies for and receives a Stage II or Stage III driver's license. The Stage II or Stage III driver's license shall be issued for the remainder of the four year life of the learner's license at no additional fee, the certificate thereof shall be prima facie evidence that the license holder was 15 years of age or older on the date of its issuance. The license may be suspended or revoked in the same manner and for the same causes as a driver's license and may also be revoked for any violation of the terms and conditions on which it was issued. The Department of Public Safety, Driver License Division, shall not issue such a license to any person until the applicant has undergone the same examination that a person applying for a Stage II or Stage III driver's license is required by law to undergo, with the exception of the driving test, and has produced a certificate to that effect signed by the proper examining officer."

Section 2. As used in this act, the following words shall have the following meanings:

(1) STAGE I. A learner's permit.

(2) STAGE II. A regular driver's license with restrictions based on age and the date of issuance.

(3) STAGE III. An unrestricted driver's license.
Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 19-JAN-10, as amended.

Greg Pappas
Clerk

Senate 14-APR-10 Amended and Passed

House 21-APR-10 Concurred in Senate Amendment

APPROVED Apr 30, 2010

TIME 8:32 a.m.

Bob Riley
GOVERNOR

Alabama Secretary Of State
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Bill Num....: H-65
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