HB34

204000-1

By Representative Stadthagen

RFD: Public Safety and Homeland Security

First Read: 04-FEB-20

PFD: 01/23/2020
SYNOPSIS: Under existing law, a person whose license has been revoked or suspended for certain offenses and who subsequently operates a motor vehicle is subject to removal from the vehicle, and the vehicle may be impounded by law enforcement.

This bill would provide for the removal of a person operating a motor vehicle and for the impoundment of the vehicle if the person has failed to procure a driver's license as required by existing law.

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, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the...
affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

   The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

   A BILL

   TO BE ENTITLED

   AN ACT

   To amend Section 32-6-19, Code of Alabama 1975, relating to penalties for driving without a license, to provide for the removal of a person from a motor vehicle and the impoundment of the vehicle if the person has not procured a driver's license; 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. Section 32-6-19, Code of Alabama 1975, is amended to read as follows:

"§32-6-19.

"(a)(1) Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, denied, suspended, or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while his or her license or privilege is cancelled, denied, suspended, or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and in addition thereto may be imprisoned for not more than 180 days. In addition to all fines, fees, costs, and punishments prescribed by law, there shall be imposed or assessed an additional penalty of fifty dollars ($50) to be placed in the Traffic Safety Trust Fund and the Peace Officers Standards and Training Fund. Also, at the discretion of the Director of Public Safety, the person's license may be revoked for an additional revocation period of six months.

"(2) The additional penalty of fifty dollars ($50) shall be assessed in all criminal and quasi-criminal proceedings in municipal, district, and circuit courts, including, but not limited to, final bond forfeitures, municipal ordinances violations, wherein the defendant is adjudged guilty or pleads guilty and in all juvenile delinquency and youthful offender adjudications.
"(3) If the fifty dollar ($50) penalty required by subdivision (1) is not imposed by the court, the clerk of the court shall automatically assess it upon conviction.

"(b)(1) Notwithstanding any provision of law, any person who operates a motor vehicle upon the highways of this state while his or her driver's license or driving privilege is revoked for any reason under the laws of this state or similar laws of any other state or territory, or while his or her driver's license or driving privilege is suspended as a consequence of a DUI-related offense, including, but not limited to, being adjudicated delinquent or a youthful offender based on a DUI-related offense, or while his or her driver's license or driving privilege is suspended as a result of failure to comply with the implied consent law of this state or laws of another state, or who has been adjudicated a delinquent child or a youthful offender based on an offense that if the person had been an adult would have been a conviction of driving under the influence of a controlled substance or alcohol or failure to comply with the implied consent law, or who has failed to procure a driver's license in violation of Section 32-6-1, shall be immediately removed from the vehicle.

"(2) The vehicle, regardless of ownership or possessory interest of the operator or person present in the vehicle, except when the owner of the vehicle or another family member of the owner is present in the vehicle and presents a valid driver's license, shall be impounded by any
duly sworn law enforcement officer. If there is an emergency
or medical necessity jeopardizing life or limb, the law
enforcement officer may elect not to impound the vehicle.

"(c)(1) The law enforcement officer making the
impoundment shall direct an approved towing service to tow the
vehicle to the garage of the towing service, storage lot, or
other place of safety and maintain custody and control of the
vehicle until the registered owner or authorized agent of the
registered owner claims the vehicle by paying all reasonable
and customary towing and storage fees for the services of the
towing company. The vehicle shall then be released to the
registered owner or an agent of the owner.

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

Section 2. 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 3. 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.