

1 HB100
2 125520-1
3 By Representatives Rich, McClendon, Johnson (W) and Greeson
4 RFD: Public Safety and Homeland Security
5 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, each person who drives a
9 motor vehicle on a public highway in this state
10 must be properly licensed to drive the vehicle.

11 This bill would establish a procedure for a
12 motor vehicle operated by a driver without
13 liability insurance, with a suspended or revoked
14 license, or who has never been issued a driver's
15 license to be impounded.

16 This bill would require the impounding
17 agency to notify the registered owner of the
18 vehicle and give the registered owner the
19 opportunity for a hearing.

20 This bill would require the impounding
21 agency to sell a vehicle not released at the end of
22 the 90-day impoundment.

23 This bill would award the proceeds from the
24 sale to the enforcement agency employing the
25 officer that impounded the vehicle

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to motor vehicles; to authorize a motor
5 vehicle operated by a driver without liability insurance, who
6 has a suspended or restricted driver's license, or who has
7 never been issued a driver's license to be impounded under
8 certain conditions; to provide for notice and a hearing
9 concerning the impoundment and release of the vehicle; to
10 authorize certain civil penalties for violations; to authorize
11 the sale of a vehicle that has not been released to the owner
12 following the 90-day impoundment; and to award the proceeds
13 from the sale to law enforcement.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) In this act, the following words have
16 the following meanings:

17 (1) IMPOUNDING AGENCY: The law enforcement agency
18 employing the law enforcement officer impounding a vehicle
19 pursuant to this act.

20 (2) LIENHOLDER. A person or entity having a security
21 interest in the vehicle under the motor vehicle certification
22 of title act.

23 (b) A law enforcement officer may impound for 90
24 days any vehicle the officer has legally stopped if the
25 individual driving the vehicle meets any of the following
26 conditions:

1 (1) Has had his or her driver's license suspended or
2 revoked.

3 (2) Has never been issued a driver's license.

4 (3) Has no liability insurance as defined in Section
5 32-7A-2 of the Code of Alabama 1975, or meets the requirements
6 of Section 32-7A-4 of the Code of Alabama 1975.

7 (c) If the individual driving a vehicle subject to
8 impoundment under subsection (b) claims to be properly
9 licensed but is unable to produce the license on the demand of
10 the law enforcement officer, the officer shall make a
11 reasonable attempt to verify the license status of the
12 individual prior to impoundment.

13 Section 2.

14 (a) Within two working days of impoundment, the
15 impounding agency shall send a notice by certified mail,
16 return receipt requested, to the registered owner of the
17 vehicle and any lienholder, at the address obtained from the
18 Department of Revenue or the Department of Public Safety,
19 informing the registered owner and any lienholder that the
20 vehicle has been impounded. The impounding agency may not
21 charge for more than 15 days' impoundment when the registered
22 owner or lienholder redeems the impounded vehicle unless it
23 notifies the registered owner and lienholder within two
24 working days of the impoundment. The impounding agency shall
25 maintain a published telephone number that provides
26 information 24 hours a day regarding the impoundment of
27 vehicles and the rights of a registered owner or lienholder to

1 request a hearing. The impounding agency shall issue a release
2 to the registered owner, or the agent of the registered owner,
3 or the lienholder, or agent of the lienholder, when the
4 impounding agency is open to serve the public for regular,
5 nonemergency business.

6 (b) The registered owner and any lienholder of a
7 vehicle that is impounded under this act, or the agent of
8 either, shall be provided the opportunity for a hearing to
9 determine the validity of, or consider any mitigating
10 circumstances attendant to, the impoundment.

11 (c) (1) An impounding agency, or a storage facility
12 acting on behalf of an impounding agency, shall release a
13 vehicle to the registered owner or his or her agent prior to
14 sale under any of the following circumstances:

15 a. The vehicle is a stolen vehicle.

16 b. The vehicle is subject to a bailment and is
17 driven by an unlicensed employee of a business establishment,
18 including a parking service or repair garage.

19 c. The vehicle was impounded under this act for an
20 offense that does not authorize the seizure of the vehicle.

21 d. The driver reinstates his or her driver's license
22 or acquires a driver's license and shows proof of proper
23 insurance.

24 e. The motor vehicle owner shows proof of insurance
25 and he or she is properly licensed to drive.

26 (2) No vehicle may be released pursuant to this
27 subsection without presentation of the registered owner's or

1 agent's currently valid license to operate the vehicle and
2 proof of current vehicle registration.

3 (d) The registered owner or his or her agent shall
4 be responsible for all towing and storage charges related to
5 the impoundment and any administrative charges authorized
6 under this act.

7 (e) A vehicle impounded under this act shall be
8 released to the lienholder of the vehicle or his or her agent
9 prior to sale if the lienholder or the lienholder's agent pays
10 all towing and storage fees related to the seizure of the
11 vehicle.

12 (f) The impounding agency, or a storage facility
13 acting on behalf of an impounding agency, shall accept a valid
14 credit card or cash for payment of towing, storage, and
15 related fees by a registered owner or the owner's agent
16 claiming the vehicle. A credit card shall be in the name of
17 the person presenting the card.

18 (g) (1) An impounding agency, or a person operating a
19 storage facility on behalf of an impounding agency, that
20 violates subsection (c) shall be civilly liable to the owner
21 of the vehicle or to the person who tendered the fees for four
22 times the amount of the towing, storage, and related fees, but
23 not to exceed five hundred dollars (\$500).

24 (2) The impounding agency, or a person operating a
25 storage facility on behalf of an impounding agency, shall have
26 sufficient funds on the premises of the primary storage

1 facility during normal business hours to accommodate, and make
2 change in, a reasonable monetary transaction.

3 (h) (1) A vehicle that is impounded under this act
4 shall be released to a rental car agency prior to the end of
5 90 days' impoundment if the agency is either the legal owner
6 or registered owner of the vehicle and the agency pays all
7 towing and storage fees related to impoundment of the vehicle.

8 (2) The rental car agency may require the person to
9 whom the vehicle was rented to pay all towing and storage
10 charges related to the impoundment and any administrative
11 charges that were incurred by the rental car agency in
12 connection with obtaining custody of the vehicle.

13 (i) At the end of 90 days, if the vehicle has not
14 been released to the registered owner or his or her agent, the
15 vehicle shall be sold and all proceeds, after the payment of
16 storage fees, shall be awarded to the law enforcement agency
17 employing the law enforcement officer that impounded the
18 vehicle pursuant to this act.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.