

1 HB144
2 116021-2
3 By Representative Payne
4 RFD: Judiciary
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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2 ENROLLED, An Act,

3 Relating to commercial driver licenses issued by the
4 Department of Public Safety; to add Section 36-6-49.25 to the
5 Code of Alabama 1975, to prohibit the issuance of a commercial
6 driver license with an endorsement authorizing the license
7 holder to drive a commercial passenger vehicle (P endorsement)
8 or a school bus (S endorsement) if the person is required to
9 register as a sex offender; to prohibit a person convicted of
10 a crime requiring registration as a sex offender from driving
11 a commercial motor vehicle required to be operated by a
12 commercial driver with a P or an S endorsement; to provide for
13 the revocation of licenses under certain conditions; to
14 provide penalties for violations; and in connection therewith
15 would have as its purpose or effect the requirement of a new
16 or increased expenditure of local funds within the meaning of
17 Amendment 621 of the Constitution of Alabama of 1901, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 36-6-49.25 is added to the Code
22 of Alabama 1975, to read as follows:

23 Section 36-6-49.25.

24 (a) (1) Effective July 1, 2010, except as otherwise
25 provided by this subsection, a person convicted of a crime

1 that requires registration as a sex offender under Article 2
2 of Chapter 20 of Title 15 is prohibited from driving a
3 commercial motor vehicle that requires a commercial driver
4 license with a P or an S endorsement.

5 (2) If a person who is registered as a sex offender
6 pursuant to Article 2 of Chapter 20 of Title 15 on July 1,
7 2010, has a valid commercial driver license with a P or an S
8 endorsement that was issued on or before July 1, 2010, then
9 the person is not disqualified under this subsection until
10 that license expires, provided the person does not commit a
11 subsequent offense that requires registration as a sex
12 offender under Article 2 of Chapter 20 of Title 15.

13 (b) The department shall revoke the commercial
14 driver license with a P or an S endorsement of any person
15 convicted of any offense on or after July 1, 2010, that
16 requires registration as a sex offender under Article 2 of
17 Chapter 20 of Title 15 of Title 15.

18 (c) (1) Effective July 1, 2010, the department shall
19 not issue or renew a commercial driver license with a P or an
20 S endorsement to any person who is required to register as a
21 sex offender under Article 2 of Chapter 20 of Title 15.

22 (2) The department shall not issue a commercial
23 driver license with a P or an S endorsement to an applicant
24 until the department has searched both the statewide registry
25 and the National Sex Offender Public Registry to determine if

1 the person is currently registered as a sex offender in this
2 state or another state.

3 (3) If the department finds that the person is
4 currently registered as a sex offender in either this state or
5 another state, the department shall not issue a commercial
6 driver license with a P or an S endorsement to the person.

7 (4) If the department is unable to access either the
8 statewide registry or all information of other states
9 contained in the National Sex Offender Public Registry, but
10 the person is otherwise qualified to obtain a commercial
11 driver license with a P or an S endorsement, then the
12 department shall issue the commercial driver license with the
13 P or S endorsement, but shall first require the person to sign
14 an affidavit stating that the person does not appear on either
15 the statewide registry or the National Sex Offender Public
16 Registry. The department shall search the statewide registry
17 and the National Sex Offender Public Registry for the person
18 within a reasonable time after access to the statewide
19 registry or the National Sex Offender Public Registry is
20 restored. If the person does appear in either registry, the
21 person is in violation of this section, and the department
22 shall immediately cancel the commercial driver license and
23 shall promptly notify the district attorney of the circuit
24 where the person resides of the offense.

1 (5) Any person denied a commercial driver license
 2 with a P or an S endorsement pursuant to this subsection shall
 3 have a right to file an appeal to the department within 30
 4 days thereafter for a hearing in the matter. The department
 5 shall set the matter for a hearing within 30 days in order to
 6 take testimony and examine the facts of the case and determine
 7 whether the petitioner is entitled to a commercial driver
 8 license with a P or an S endorsement under this subsection.

9 (6) Any person who makes a false affidavit, or who
 10 knowingly swears or affirms falsely, to any matter or thing
 11 required by this section to be affirmed to or sworn is guilty
 12 of a Class C felony.

13 (d) A person who drives a commercial passenger
 14 vehicle or a school bus and who does not have a valid
 15 commercial driver license with a P or an S endorsement because
 16 the person was convicted of a violation that requires
 17 registration as a sex offender under Article 2 of Chapter 20
 18 of Title 15 is guilty of a Class C felony.

19 Section 2. Although this bill would have as its
 20 purpose or effect the requirement of a new or increased
 21 expenditure of local funds, the bill is excluded from further
 22 requirements and application under Amendment 621, now
 23 appearing as Section 111.05 of the Official Recompilation of
 24 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective July 10,
4 2010, following its passage and approval by the Governor, or
5 its otherwise becoming law.

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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 21-JAN-10.

Greg Pappas
Clerk

Senate

18-FEB-10

Passed