

SB54 INTRODUCED



1 997GMP-1
2 By Senators Coleman, Stewart
3 RFD: Judiciary
4 First Read: 07-Mar-23
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SYNOPSIS:

Under existing law, an individual's driver license or driving privilege will be suspended for failure to appear in court.

This bill would provide that an individual's driver license or driving privilege may be suspended for violating his or her written bond to appear or otherwise failing to appear for an initial court date, or for failing to appear in court on two or more occasions when the court appearance is for a post adjudication compliance review of court ordered conditions.

Under existing law, if a court orders an individual to pay a fine, fee, court cost, or restitution as a result of a traffic infraction and he or she fails to pay, his or her driver license or driving privilege will be suspended.

This bill would provide that an individual's driver license or driving privilege may be suspended for failure to pay a fine, fee, or court cost under certain circumstances.

This bill would require the Alabama State Law Enforcement Agency to add points to an individual's driver license when he or she has been convicted of a traffic offense.



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A BILL
TO BE ENTITLED
AN ACT

Relating to driver license suspensions; to provide for the suspension of an individual's driver license or driving privilege in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding any other provision of law, a judge may only order an individual's driver license or driving privilege be suspended for failing to appear in court when either of the following occur:

(1) The individual violates his or her written bond to appear or otherwise fails to appear for an initial court date.

(2) The individual failed to appear on two or more occasions and the court appearance is based on a court's post adjudication compliance review of conditions ordered by the court for a traffic violation.

(b) The Alabama State Law Enforcement Agency shall suspend an individual's driver license or driving privilege upon receipt of the court order suspending the license.

(c) The Secretary of the Alabama State Law Enforcement Agency shall adopt rules as necessary to implement and administer the requirements of this section.

(d) This section shall not apply to an individual holding a commercial driver license or a commercial learner



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57 license or to an individual operating a commercial vehicle at
58 the time of the traffic violation.

59 Section 2. (a) A court may not suspend an individual's
60 driver license for failure to pay a fine, fee, or court cost
61 as a result of a traffic violation unless the individual fails
62 to make half or more of the required payments within one year
63 of the court's order or fails to make any additional payments
64 one year after the court's order.

65 (b) The Alabama State Law Enforcement Agency shall
66 suspend an individual's driver license or driving privilege
67 upon receipt of the court order suspending the license.

68 (c) It is the intent of the Legislature that, pursuant
69 to Section 150 of the Constitution of Alabama of 2022, the
70 Supreme Court of Alabama shall amend its rules to conform with
71 this section.

72 (d) This section shall not apply to an individual
73 holding a commercial driver license or a commercial learner
74 license or to an individual operating a commercial motor
75 vehicle at the time of the traffic violation.

76 Section 3. (a) Notwithstanding any other provision of
77 law, for the purposes of ensuring that habitually reckless or
78 negligent drivers do not remain on the road, the Alabama State
79 Law Enforcement Agency shall add points to an individual's
80 driver license for any traffic violation for which the
81 individual has received a final conviction.

82 (b) For purposes of subsection (a), the term "final
83 conviction" means any of the following:

84 (1) A judicial finding of guilt or a plea of guilty.



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85 (2) When an individual fails to appear in court to
86 dispute a traffic violation.

87 (c) In accordance with subsection (b), after a final
88 conviction, the Alabama State Law Enforcement Agency shall add
89 points to an individual's driver license prior to the
90 completion of any payment plan.

91 (d) If the final conviction is based on a judicial
92 finding of guilt or a plea of guilty, the court shall forward
93 a record of the conviction to the Alabama State Law
94 Enforcement Agency after the time has elapsed to perfect an
95 appeal. If the final conviction is based on an individual's
96 failure to appear in court, the court shall forward a record
97 of the conviction to the Alabama State Law Enforcement Agency
98 within five days of the final conviction.

99 (e) A final conviction is the only time when points may
100 be assessed for an underlying traffic violation.

101 Section 4. Nothing in this act shall alter or limit any
102 provision of the Motor Vehicle Responsibility Act, Chapter 7
103 of Title 32, Code of Alabama 1975, or of the Mandatory
104 Liability Insurance Act, Chapter 7A of Title 32, Code of
105 Alabama 1975, including a court's authority to order and
106 enforce restitution by an individual found to have violated
107 either act.

108 Section 5. This act shall become effective on October
109 1, 2023, following its passage and approval by the Governor,
110 or its otherwise becoming law.

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