

1 HB34
2 204000-1
3 By Representative Stadthagen
4 RFD: Public Safety and Homeland Security
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

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8 SYNOPSIS: Under existing law, a person whose license
9 has been revoked or suspended for certain offenses
10 and who subsequently operates a motor vehicle is
11 subject to removal from the vehicle, and the
12 vehicle may be impounded by law enforcement.

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

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 To amend Section 32-6-19, Code of Alabama 1975,
17 relating to penalties for driving without a license, to
18 provide for the removal of a person from a motor vehicle and
19 the impoundment of the vehicle if the person has not procured
20 a driver's license; and in connection therewith would have as
21 its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official Recompilation of the
25 Constitution of Alabama of 1901, as amended.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-6-19, Code of Alabama 1975, is
2 amended to read as follows:

3 "§32-6-19.

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

21 "(2) The additional penalty of fifty dollars (\$50)
22 shall be assessed in all criminal and quasi-criminal
23 proceedings in municipal, district, and circuit courts,
24 including, but not limited to, final bond forfeitures,
25 municipal ordinances violations, wherein the defendant is
26 adjudged guilty or pleads guilty and in all juvenile
27 delinquency and youthful offender adjudications.

1 "(3) If the fifty dollar (\$50) penalty required by
2 subdivision (1) is not imposed by the court, the clerk of the
3 court shall automatically assess it upon conviction.

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

23 "(2) The vehicle, regardless of ownership or
24 possessory interest of the operator or person present in the
25 vehicle, except when the owner of the vehicle or another
26 family member of the owner is present in the vehicle and
27 presents a valid driver's license, shall be impounded by any

1 duly sworn law enforcement officer. If there is an emergency
2 or medical necessity jeopardizing life or limb, the law
3 enforcement officer may elect not to impound the vehicle.

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

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

25 Section 2. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

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