

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

1 suspended, or revoked shall be guilty of a misdemeanor and
2 upon conviction shall be punished by a fine of not less than
3 one hundred dollars (\$100) nor more than five hundred dollars
4 (\$500), and in addition thereto may be imprisoned for not more
5 than 180 days. In addition to all fines, fees, costs, and
6 punishments prescribed by law, there shall be imposed or
7 assessed an additional penalty of fifty dollars (\$50) to be
8 placed in the Traffic Safety Trust Fund and the Peace Officers
9 Standards and Training Fund. Also, at the discretion of the
10 Director of Public Safety, the person's license may be revoked
11 for an additional revocation period of six months.

12 "(2) The additional penalty of fifty dollars (\$50)
13 shall be assessed in all criminal and quasi-criminal
14 proceedings in municipal, district, and circuit courts,
15 including, but not limited to, final bond forfeitures,
16 municipal ordinances violations, wherein the defendant is
17 adjudged guilty or pleads guilty and in all juvenile
18 delinquency and youthful offender adjudications.

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

22 "(b) (1) Notwithstanding any provision of law, any
23 person who operates a motor vehicle upon the highways of this
24 state while his or her driver's license or driving privilege
25 is revoked for any reason under the laws of this state or
26 similar laws of any other state or territory, or while his or
27 her driver's license or driving privilege is suspended as a

1 consequence of a DUI-related offense, including, but not
2 limited to, being adjudicated delinquent or a youthful
3 offender based on a DUI-related offense, or while his or her
4 driver's license or driving privilege is suspended as a result
5 of failure to comply with the implied consent law of this
6 state or laws of another state, or who has been adjudicated a
7 delinquent child or a youthful offender based on an offense
8 that if the person had been an adult would have been a
9 conviction of driving under the influence of a controlled
10 substance or alcohol or failure to comply with the implied
11 consent law, or who has failed to procure a driver's license
12 in violation of Section 32-6-1, shall be immediately removed
13 from the vehicle.

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

22 (3) The law enforcement officer or company hired by
23 the county or municipality may elect to place boot, booting,
24 or vehicle immobilization equipment on the vehicle in lieu of
25 towing.

26 (4) For purposes of this section, boot, booting, or
27 vehicle immobilization means the act of placing on a parked

1 motor vehicle a lockable vehicle wheel clamp or similar device
2 that is designed to be placed on a parked vehicle to prevent
3 the operation of the vehicle until the device is unlocked and
4 removed. The term includes the devices used for this purpose.
5 The devices shall be a high-visibility color, such as yellow,
6 orange, or red. No cables, chains, ropes, or other similar
7 means of vehicle immobilization shall be allowed.

8 (5) Each boot used by a vehicle immobilization
9 service shall satisfy all of the following:

10 a. Not be modified from the manufacturer's design.

11 b. Be maintained in a safe and good working
12 condition.

13 c. For purposes of this subdivision, reasonable and
14 necessary repairs to maintain a boot in safe and good working
15 condition or to restore it from damage shall not be deemed to
16 be modifications from the manufacturer's design.

17 (6)a. Any vehicle immobilization service engaged in
18 the business of the immobilization of vehicles may not charge
19 the owner of any immobilized vehicle or personal property in
20 excess of sixty-five dollars (\$65) per day for the removal of
21 the vehicle immobilization device or devices. The sixty-five
22 dollar (\$65) fee shall be all-inclusive and no additional fees
23 may be charged for using other equipment or for any other
24 reason.

25 b. Fees for towing or immobilization may be paid by
26 cash, check, credit card, or debit card at no additional
27 charge and the vehicle immobilization service or towing

1 service may not require that fees be paid only in cash. Proof
2 of the ability to accept these forms of payment shall be
3 submitted before obtaining a license by towing or
4 immoblization service. At every location where a booting
5 operation is conducted or where vehicle is impounded, the
6 towing or immoblization service shall have available means of
7 collecting any fees via cash, check, credit card, and debit
8 card.

9 c. If the means to accept any one form of payment is
10 unavailable at the time of immobilization or release of the
11 vehicle, any immobilized vehicles towed vehicles shall be
12 released without charge.

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

22 "(2) Any towing service or towing company removing
23 the vehicle at the direction of the law enforcement officer in
24 accordance with this section shall have a lien on the motor
25 vehicle for all reasonable and customary fees relating to the
26 towing and storage of the motor vehicle. This lien shall be
27 subject and subordinate to all prior security interests and

1 other liens affecting the vehicle whether evidenced on the
2 certificate of title or otherwise. Notice of any sale or other
3 proceedings relative to this lien shall be given to the
4 holders of all prior security interest or other liens by
5 official service of process at least 15 days prior to any sale
6 or other proceedings."

7 "(3) Any person who was arrested for a violation of
8 this section, and whose vehicle was towed and impounded
9 pursuant to this section, may petition the court to determine
10 whether the law enforcement officer had a reasonable belief
11 that the driver was in violation of this section. If the judge
12 determines the law enforcement officer did not have a
13 reasonable belief that the driver was in violation of this
14 section, the judge may order that the law enforcement agency
15 be liable for all towing and storage fees."

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 04-FEB-20

Read for the second time and placed
on the calendar..... 27-FEB-20

Read for the third time and passed
as amended..... 10-MAR-20

Yeas 61, Nays 32, Abstains 10

Jeff Woodard
Clerk