

HB219 INTRODUCED



1 HB219
2 DEFQHNN-1
3 By Representative Faulkner
4 RFD: Public Safety and Homeland Security
5 First Read: 22-Feb-24



4 SYNOPSIS:

5 Under existing law, within his or her
6 discretion, a law enforcement officer may impound a car
7 if the driver fails to show proof of current
8 registration and insurance as required by law.

9 Also under existing law, if a vehicle is
10 involved in a traffic stop or an accident and the
11 driver fails to provide proof of current registration
12 and insurance, a law enforcement officer shall impound
13 the car on the second violation. The impound will
14 release the vehicle upon payment of fees associated
15 with towing and impound, without requiring proof of
16 registration and insurance. However, on the third
17 violation, the impound is prohibited from releasing the
18 vehicle unless proof of registration and insurance is
19 presented.

20 This bill would provide that if a law
21 enforcement officer impounds a vehicle because the
22 driver fails to provide proof of current registration
23 and insurance, the impound may not release the vehicle
24 unless proof of current registration and insurance is
25 presented and any other requirements by law are
26 satisfied.

27 This bill would also provide that as required by
28 law, every time a vehicle is impounded the vehicle



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shall not be released until proof of current registration and insurance is presented and any other requirements by law are satisfied.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Section 32-7A-16, Code of Alabama 1975, to require that if a law enforcement officer impounds a vehicle for failure to present proof of current registration and insurance, the vehicle may not be released from impound until proof of current registration and insurance is presented, among other requirements by law; and to require that in every instance that a law enforcement officer impounds a vehicle at a traffic stop or an accident because the driver fails to present proof of current registration and insurance, the vehicle may not be released from impound until proof of current registration and insurance is presented and any other requirements by law are satisfied.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-7A-16, Code of Alabama 1975, is amended to read as follows:

"§32-7A-16

(a) ~~A person~~An individual is guilty of a Class C misdemeanor who:

(1) Operates a motor vehicle without a liability



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insurance policy, a commercial automobile liability insurance policy, a motor vehicle liability insurance bond, or deposit of cash in accordance with this chapter.

(2) With notice of cancellation, recision, abrogation, or termination of insurance, registers, or attempts to register a motor vehicle.

(b) ~~A person~~An individual shall be guilty of a traffic violation who:

(1) Operates a motor vehicle and upon demand of a law enforcement officer, fails or refuses to present satisfactory evidence of insurance unless a law enforcement officer verifies motor vehicle liability insurance coverage through the online insurance verification system.

(2) Operates a vehicle the registration of which is suspended or revoked pursuant to this chapter.

(3) Operates a motor vehicle and presents evidence of insurance when there is no valid insurance in effect on the motor vehicle as required by this chapter.

(c) A motor vehicle may be impounded at the discretion of a law enforcement officer if the operator fails to provide evidence of registration and insurance as required by this title or Title 40. Evidence of registration and insurance may be verified through the online insurance verification system and other electronic means as necessary. If impounded, the motor vehicle shall not be released from impound until proof is presented that the requirements of Section 32-7A-4 are satisfied and all reasonable and customary towing, impoundment, and storage fees are paid.



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(d) For the purposes of this chapter, "operating a motor vehicle" shall be satisfied whenever it is apparent that the vehicle has traveled any distance upon a public road or highway and a law enforcement officer may have only observed the results of finding the vehicle stopped either on or off the public road or highway, as for example when the vehicle has come to a stop after an accident. Witnessing the operation of the vehicle is not required for a citation to be issued under this chapter.

(e) ~~(1)~~ In no case shall a motor vehicle for which a traffic stop has been conducted or which has been involved in an accident continue to be operated on a public road or highway if the operator of the motor vehicle fails to provide evidence of registration and insurance as required by Section 32-7A-4, this title, or Title 40, and in ~~such~~that event the following shall apply:

~~a.~~ (1) For a first violation within a two-year registration period, the law enforcement officer shall direct the motor vehicle to be moved to a place of safety away from the roadway.

~~b.~~ (2) For a second violation within a two-year registration period, the law enforcement officer shall direct an approved towing service to tow the vehicle to a location of the operator's choice and to release the motor vehicle to the owner, operator, or agent thereof upon presenting proof that the requirements of Section 32-7A-4 are satisfied and payment of any fees associated with the towing, impoundment, and storage of the vehicle.



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113 ~~e.~~ (3) For a third or subsequent violation within a
114 two-year registration period, the law enforcement officer
115 shall cause the vehicle to be impounded. The motor vehicle may
116 not be released to the operator, owner, or agent thereof until
117 presenting proof that the requirements of Section 32-7A-4 are
118 satisfied and until all reasonable and customary towing,
119 impoundment, and storage fees are paid.

120 ~~(2)~~ (f) Any towing service that removes a motor vehicle
121 at the direction of a law enforcement officer shall have a
122 lien on the motor vehicle for all reasonable and customary
123 fees related to the towing, impoundment, and storage of a
124 motor vehicle as provided in Section 32-6-19(c)(2)."

125 Section 2. This act shall become effective on October
126 1, 2024.