

1 HB425
2 217844-1
3 By Representatives England and Jones (M)
4 RFD: Judiciary
5 First Read: 01-MAR-22

SYNOPSIS: Under existing law, a person who has been adjudicated or convicted of driving under the influence is not eligible for a hardship driver license.

This bill would provide that a person whose driving under the influence adjudication or conviction occurred more than five years before application is eligible for a hardship driver license.

A BILL
TO BE ENTITLED
AN ACT

Relating to persons charged with driving under the influence; to amend Section 32-6-12.1, Code of Alabama 1975, to provide that a person who was adjudicated or convicted of driving under the influence more than five years before application is eligible for a hardship driver license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-6-12.1, Code of Alabama 1975,
2 is amended to read as follows:

3 "§32-6-12.1.

4 "(a) The Alabama State Law Enforcement Agency shall
5 develop and implement a Class D hardship driver license
6 program with specified and limited driving privileges for
7 inmates in work release programs or community corrections
8 programs and for persons released from incarceration from the
9 Department of Corrections. Each person released from a period
10 of confinement from the Department of Corrections, immediately
11 following his or her release, shall be eligible to apply for a
12 hardship driver license with specified and limited driving
13 privileges from the Alabama State Law Enforcement Agency and
14 shall be subject to rules, terms, regulations, restrictions,
15 and eligibility requirements established by the Alabama State
16 Law Enforcement Agency, as well as subject to payment of a fee
17 not to exceed the cost of production and issuance of the
18 hardship driver license.

19 "(b) The Alabama State Law Enforcement Agency shall
20 develop and implement a Class D hardship driver license
21 program with specified and limited driving privileges for a
22 person with a suspended or revoked license who can demonstrate
23 to the reasonable satisfaction of the agency that he or she
24 does not pose a risk to public safety and cannot obtain
25 reasonable transportation as further provided in this section.
26 Any person with a suspended or revoked license who can fully
27 demonstrate to the reasonable satisfaction of the agency that

1 he or she cannot obtain reasonable transportation shall be
2 eligible to apply for a hardship driver license with specified
3 and limited driving privileges from the agency and shall be
4 subject to rules, terms, regulations, restrictions, and
5 eligibility requirements established by the agency, as well as
6 subject to payment of a fee not to exceed the cost of
7 production and issuance of the hardship driver license.

8 "(c) A person whose hardship driver license has been
9 revoked shall not be eligible to apply for a ~~driver's~~ driver
10 license until at least six months from the date the license
11 was revoked.

12 "(d) A person who has been adjudicated or convicted
13 of driving under the influence, pursuant to Section 32-5A-191,
14 within five years before his or her application for a hardship
15 license, shall not be eligible for a hardship driver license.

16 "(e) The Secretary of the Alabama State Law
17 Enforcement Agency shall ~~promulgate~~ adopt such rules,
18 regulations, restrictions, and eligibility requirements as are
19 necessary to implement ~~the provisions of~~ this section.
20 Additionally, the Alabama State Law Enforcement Agency shall
21 collaborate with the Board of Pardons and Paroles to implement
22 ~~the provisions of~~ this section."

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.