

1 HB170
2 134797-1
3 By Representatives Rich, Greer, Johnson (W), Baughn, Ball,
4 Sanderford and Roberts
5 RFD: Public Safety and Homeland Security
6 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, an individual is
9 required to have his or her driver's license in his
10 or her immediate possession while driving a motor
11 vehicle and is required to display the license upon
12 demand of a police officer or state trooper.

13 This bill would authorize a law enforcement
14 officer to issue a ticket at the scene of an
15 accident when the officer has reasonable suspicion
16 upon a totality of the circumstances to believe the
17 person was driving without a license.

18 This bill would allow a law enforcement
19 officer to request that an individual display his
20 or her driver's license if the law enforcement
21 officer has reasonable cause to believe that the
22 individual was driving even if the law enforcement
23 officer does not observe the individual driving.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 32-6-9, Code of Alabama 1975, as
3 amended by Act 2011-535, 2011 Regular Session, relating to
4 possession and display of a driver's license; to allow a law
5 enforcement officer to request to see a driver's license if
6 the officer has reasonable cause to believe that a person was
7 driving even if the officer did not witness the person driving
8 a motor vehicle; and to authorize a law enforcement officer at
9 the scene of an accident to issue a ticket when the officer
10 has reasonable suspicion upon a totality of the circumstances
11 to believe the person was driving without a license.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 32-6-9, Code of Alabama 1975, as
14 last amended by Act 2011-535, 2011 Regular Session, is amended
15 to read as follows:

16 "§32-6-9.

17 "(a) Every licensee shall have his or her license in
18 his or her immediate possession at all times when driving a
19 motor vehicle and shall display the same, upon demand of a
20 judge of any court, a peace officer or a state trooper.

21 However, no person charged with violating this section shall
22 be convicted if he or she produces in court or the office of
23 the arresting officer a driver's license theretofore issued to
24 him or her and valid at the time of his or her arrest.

25 "(b) Notwithstanding Section 32-1-4, if a law
26 officer arrests a person for a violation of this section and
27 the officer is unable to determine by any other means that the

1 person has a valid driver's license, the officer shall
2 transport the person to the nearest or most accessible
3 magistrate.

4 "(c) A reasonable effort shall be made to determine
5 the citizenship of the person and if an alien, whether the
6 alien is lawfully present in the United States by verification
7 with the federal government pursuant to 8 U.S.C. § 1373(c). An
8 officer shall not attempt to independently make a final
9 determination of whether an alien is lawfully present in the
10 United States.

11 "(d) A verification inquiry, pursuant to 8 U.S.C. §
12 1373(c), shall be made within 48 hours to the Law Enforcement
13 Support Center of the United States Department of Homeland
14 Security or other office or agency designated for that purpose
15 by the federal government. If the person is determined to be
16 an alien unlawfully present in the United States, the person
17 shall be considered a flight risk and shall be detained until
18 prosecution or until handed over to federal immigration
19 authorities.

20 "(e) Notwithstanding any law to the contrary, a law
21 enforcement officer may request that a person display his or
22 her driver's license if the officer has reasonable suspicion
23 to believe, upon a totality of the circumstances, that the
24 person was driving a motor vehicle even if the officer did not
25 observe the individual driving. If, at the scene of an
26 accident, a person fails to display his or her valid driver's
27 license after a request by a law enforcement officer pursuant

1 to this subsection, the person may be issued a citation as
2 provided by law."

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