

HB219 INTRODUCED



1 HB219

2 DEFQHNN-1

3 By Representative Faulkner

4 RFD: Public Safety and Homeland Security

5 First Read: 22-Feb-24



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SYNOPSIS:

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

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

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

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



HB219 INTRODUCED

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

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A BILL

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TO BE ENTITLED

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AN ACT

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

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 32-7A-16, Code of Alabama 1975, is

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amended to read as follows:

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"§32-7A-16

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

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misdemeanor who:

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(1) Operates a motor vehicle without a liability



HB219 INTRODUCED

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

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

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

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

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

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

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



HB219 INTRODUCED

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

94 (e) ~~(1)~~ In no case shall a motor vehicle for which a
95 traffic stop has been conducted or which has been involved in
96 an accident continue to be operated on a public road or
97 highway if the operator of the motor vehicle fails to provide
98 evidence of registration and insurance as required by Section
99 32-7A-4, this title, or Title 40, and in ~~such~~that event the
100 following shall apply:

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

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



HB219 INTRODUCED

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.