

1 HB471
2 150392-1
3 By Representative McClammy
4 RFD: Public Safety and Homeland Security
5 First Read: 20-MAR-13

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8 SYNOPSIS: Under existing law, a person whose driver's
9 license is suspended cannot apply for a restricted
10 license in order to travel to or from a place of
11 employment or other specified locations.

12 This bill would authorize a court to allow a
13 person whose driver's license has been suspended
14 for certain offenses to receive a restricted
15 license from the Department of Public Safety to
16 allow the person to travel to and from the person's
17 residence and place of employment, as well as to
18 and from other locations.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to suspended driver's licenses; to
25 authorize a court to allow a person whose driver's license has
26 been suspended for certain offenses to receive a restricted
27 license to allow the person to drive under certain conditions;

1 to provide for a fee for the restricted license; to provide
2 procedures for obtaining the restricted license; and to
3 provide for reciprocity for restricted licenses issued in
4 other states under certain conditions.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Except as provided in subsection (b),
7 a court in which an offense is adjudicated or pending
8 resulting in the suspension of a person's driver's license may
9 order the issuance of a restricted license allowing the person
10 to operate a motor vehicle for the purposes provided in
11 subsection (c). A resident of this state whose driver's
12 license has been suspended because of an arrest or charge in
13 another jurisdiction resulting in the suspension of the
14 person's driver's license may apply to the district court in
15 the county of the person's residence for a restricted license
16 allowing the person to operate a motor vehicle for the
17 purposes provided in subsection (c).

18 (b) The court may not order the issuance of a
19 restricted license if, based upon the records of the
20 Department of Public Safety, the person has a prior conviction
21 for any serious traffic offense included in Article 9, Chapter
22 5A, Title 32, Code of Alabama 1975.

23 (c) The court may issue the order allowing the
24 person to operate a motor vehicle for the limited purposes of
25 going to and from the residence of the licensee and any of the
26 following locations:

27 (1) The person's regular place of employment.

1 (2) The office of the person's probation officer or
2 other similar location for the sole purpose of attending a
3 regularly scheduled meeting or other function with the
4 probation officer by a route to be designated by the probation
5 officer.

6 (3) A court-ordered alcohol or substance abuse
7 program.

8 (4) A school or other educational institution that
9 he or she is attending for educational purposes.

10 (5) The person's regular place of worship for
11 regularly scheduled religious services conducted by a bona
12 fide religious institution.

13 (d) The order of the court authorizing the
14 restricted license shall state with specificity the necessary
15 times and places of permissible operation of a motor vehicle.
16 The person may obtain a certified copy of the order and shall,
17 within 10 days after it is issued, present the order, with an
18 application fee of seventy-five dollars (\$75), to the
19 Department of Public Safety. Upon receipt of the application,
20 the department shall issue a restricted license including the
21 limitations imposed in the court order. Any restricted license
22 issued under this section shall be subject to renewal in the
23 same manner as other motor vehicle driver's licenses.

24 (e) A court may order the issuance of a restricted
25 license to a person whose license has been suspended or
26 revoked in another state who subsequently becomes a resident
27 of this state and who has been issued a restricted license by

1 another state if the triggering offense would provide for the
2 issuance of a restricted driver's license under the laws of
3 this state. The person shall file a petition for a restricted
4 driver's license in the district court of the county in which
5 the person resides. Upon review of the petition and a
6 determination of eligibility, the judge may order the issuance
7 of a restricted driver's license allowing the person to
8 operate a motor vehicle for the purposes provided in
9 subsection (c). The order shall state with specificity the
10 necessary times and places of permissible operation of a motor
11 vehicle. The person may obtain a certified copy of the order
12 and shall, within 30 days, present the order, with an
13 application fee of seventy-five dollars (\$75), to the
14 Department of Public Safety. Upon receipt of the application,
15 the department shall issue a restricted license including the
16 limitations imposed in the court order. Any restricted license
17 issued under this subsection shall be subject to renewal in
18 the same manner as other motor vehicle driver's licenses.

19 (f) The Department of Public Safety may adopt rules
20 to provide for the implementation and administration of this
21 act.

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