

1 HB556
2 130134-1
3 By Representative McMillan
4 RFD: Education Policy
5 First Read: 21-APR-11

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8 SYNOPSIS: Under existing law, for a person under the
9 age of 19 to obtain a driver's license or learner's
10 license for the operation of a motor vehicle, he or
11 she must show proof of enrollment in school or
12 employment.

13 This bill would require that the employment
14 be for a minimum of 30 hours per week.

15 This bill would also require that a summary
16 of the requirements for obtaining a driver's
17 license or learner's license, and a form for
18 notifying the department of the withdrawal of a
19 student from school, be annually provided by the
20 Department of Public Safety to students through the
21 local superintendent of education.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 To amend Section 16-28-40, Code of Alabama 1975,
2 conditioning driving privileges on school attendance; to
3 require proof of employment for a minimum of 30 hours a week
4 if not enrolled in school; and to require the Department of
5 Public Safety to annually provide notice of the requirements
6 for driving, and a form for notifying the department of the
7 withdrawal of a student from school, to high school students
8 through the local superintendent of education.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 16-28-40 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§16-28-40.

13 "(a) The Department of Public Safety shall deny a
14 driver's license or a learner's license for the operation of a
15 motor vehicle to any person under the age of 19 who does not,
16 at the time of application, present a diploma or other
17 certificate of graduation issued to the person from a
18 secondary high school of this state or any other state, or
19 documentation that the person: (1) is enrolled and making
20 satisfactory progress in a course leading to a general
21 educational development certificate (GED) from a state
22 approved institution or organization, or has obtained the
23 certificate; (2) is enrolled in a secondary school of this
24 state or any other state and has not at the time of
25 application accumulated disciplinary points while a student in
26 school that would extend the age of eligibility for the
27 student to apply for a driver's license; (3) is participating

1 in a job training program approved by the State Superintendent
2 of Education; (4) is gainfully and substantially employed for
3 a minimum of 30 hours per week; (5) is a parent with the care
4 and custody of a minor or unborn child; (6) has a physician
5 certify that the parents of the person depend on him or her as
6 their sole source of transportation; or (7) is exempted from
7 this requirement due to circumstances beyond his or her
8 control as provided in this chapter.

9 "(b) The attendance officer or chief attendance
10 administrator, upon request, shall provide documentation of
11 enrollment status and disciplinary points on a form approved
12 by the Department of Education to any student 15 years of age
13 or older who is properly enrolled in a school under the
14 jurisdiction of the official, for presentation to the
15 Department of Public Safety, on application for, or renewal or
16 reinstatement of, a driver's license or a learner's license to
17 operate a motor vehicle. Whenever a student 16 years of age or
18 older withdraws from school, the attendance officer or chief
19 attendance administrator shall notify the Department of Public
20 Safety of the withdrawal. Withdrawal shall be defined as more
21 than 10 consecutive or 15 days total unexcused absences during
22 a single semester.

23 "(c) Each year between July 1 and August 1, the
24 Department of Public Safety shall provide by United States
25 mail to each local superintendent of education in the state, a
26 summary of the requirements of subsections (a) and (b) and a
27 form to be used in notifying the Department of Public Safety

1 of the withdrawal from school of a student. The local
2 superintendent of education shall provide a copy of the
3 summary and the form to the principal of each secondary high
4 school located within the school system, for implementation in
5 the school.

6 "~~(c)~~ (d) Within five days of receipt of a notice of
7 withdrawal, the Department of Public Safety shall send notice
8 to the licensee that his or her driver's license or learner's
9 license will be suspended under this article on the 30th day
10 following the date the notice was sent unless documentation of
11 compliance with this article is received by the department
12 before the 30th day.

13 "~~(d)~~ (e) Whenever the withdrawal from school of the
14 student, or the failure of the student to enroll in a course
15 leading to or to obtain a GED or high school diploma, is
16 beyond the control of the student, or is for the purpose of
17 transfer to another school as confirmed in writing by the
18 parent or guardian of the student, or is for the purpose of
19 participating in a job training program approved by the State
20 Superintendent of Education, no notice shall be sent by the
21 proper school official to the Department of Public Safety to
22 suspend the license of the student. If the student is applying
23 for or renewing a driver's license or a learner's license, the
24 attendance officer or chief attendance administrator, upon
25 request, shall provide the student with documentation to
26 present to the Department of Public Safety to exempt the
27 student from this section. The local superintendent of

1 education with the assistance of the county or city school
2 attendance director as the case may be, and any other staff or
3 school personnel, or the appropriate school official of any
4 private secondary school, shall be the sole judge of whether
5 the withdrawal is due to circumstances beyond the control of
6 the person. Suspension or expulsion from school or
7 imprisonment in a jail or penitentiary is not a circumstance
8 beyond the control of a person.

9 "~~(e)~~ (f) (1) Any person over the age of 14 who is
10 convicted of the crime of possession of a pistol on the
11 premises of a public school, or a public school bus, or both,
12 under Section 13A-11-72 shall be denied issuance of a driver's
13 permit or license for the operation of a motor vehicle for 180
14 days from the date the person is eligible and applies for a
15 permit or license for the operation of a motor vehicle. Any
16 adjudication as a juvenile delinquent or youthful offender
17 where the underlying charge is the possession of a pistol on
18 the premises of a public school, or a public school bus, or
19 both, under Section 13A-11-72 shall be considered a conviction
20 under this subsection, and the adjudication of a person as a
21 juvenile delinquent or youthful offender where the underlying
22 charge is a violation under Section 13A-11-72 shall be
23 reported to the Department of Public Safety.

24 "(2) If a person over the age of 14 years possesses
25 a driver's license on the date of conviction, the Department
26 of Public Safety, within five days of receipt of a notice of
27 conviction from the court, shall send notice to the licensee

1 that his or her driver's license will be suspended. The notice
2 shall state that the license will be suspended for 180 days
3 commencing on the 30th day following the date the notice was
4 sent unless documentation is received by the department before
5 the 30th day that the person was not convicted of the crime.
6 Upon the appropriate date, the department shall suspend the
7 license.

8 "(3) Upon the written request of the person whose
9 license is denied or suspended, the Department of Public
10 Safety shall afford the person an opportunity for a hearing in
11 the same manner and under the procedure used for other
12 driver's license suspensions. If the suspension or denial of
13 issuance determination is sustained by the Director of the
14 Department of Public Safety or the authorized agent of the
15 director, upon such hearing, the person may file a petition in
16 the appropriate court to review the final order of suspension
17 or denial by the director or the authorized agent of the
18 director in the same manner and under the same conditions as
19 is provided in the case of suspensions and denials.

20 "(4) If the conviction is reversed within the
21 180-day period, the department, upon receipt of notice of the
22 reversal from the Administrative Office of Courts, shall
23 reinstate a suspended license and shall accept an application
24 for a license and shall issue the license according to law and
25 regulation.

26 "(5) The court shall notify the Department of Public
27 Safety of the conviction of a person over the age of 14 of a

1 crime involving the possession of a pistol on the premises of
2 a public school, or a public school bus, or both, under
3 Section 13A-11-72 and any reversal of the conviction. The
4 Administrative Office of Courts may promulgate necessary rules
5 and regulations to implement this notification procedure."

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