

1 SB63  
2 145641-2  
3 By Senators Ward and Beason  
4 RFD: Judiciary  
5 First Read: 05-FEB-13  
6 PFD: 01/29/2013

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8 SYNOPSIS: Under existing law, a person is required to  
9 obtain a driver's license before driving a motor  
10 vehicle upon the highways of this state and is  
11 prohibited from driving if his or her license has  
12 been cancelled, denied, suspended, or revoked.

13 Under existing law, a person who is arrested  
14 for a violation of traffic laws that is punishable  
15 as a misdemeanor is issued a summons and is  
16 notified in writing or by an electronic traffic  
17 ticket or e-ticket to appear before a court at a  
18 specified time and place.

19 This bill would provide that a person who  
20 fails to obtain a driver's license before driving  
21 or who drives with a cancelled, denied, suspended,  
22 or revoked driver's license shall be subject to  
23 custodial arrest if practicable and must be  
24 transported to the nearest county or municipal  
25 detention facility.

26 This bill would also provide for restitution  
27 to an injured party when a driver is involved in an

1 accident while driving without a license or with a  
2 suspended or revoked license.

3 The bill would also authorize the towing and  
4 impoundment of a vehicle when a person is driving  
5 without a license or with a suspended or revoked  
6 license and would provide for a lien on the  
7 impounded vehicle.

8 Amendment 621 of the Constitution of Alabama  
9 of 1901, now appearing as Section 111.05 of the  
10 Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended, prohibits a general  
12 law whose purpose or effect would be to require a  
13 new or increased expenditure of local funds from  
14 becoming effective with regard to a local  
15 governmental entity without enactment by a 2/3 vote  
16 unless: it comes within one of a number of  
17 specified exceptions; it is approved by the  
18 affected entity; or the Legislature appropriates  
19 funds, or provides a local source of revenue, to  
20 the entity for the purpose.

21 The purpose or effect of this bill would be  
22 to require a new or increased expenditure of local  
23 funds within the meaning of the amendment. However,  
24 the bill does not require approval of a local  
25 governmental entity or enactment by a 2/3 vote to  
26 become effective because it comes within one of the  
27 specified exceptions contained in the amendment.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

6 Relating to driver's licenses; to provide that a  
7 person who fails to obtain a driver's license before driving  
8 or who drives with a cancelled, denied, suspended, or revoked  
9 license shall be subject to custodial arrest if practicable;  
10 to provide for restitution; to authorize the towing and  
11 impoundment of a vehicle; to provide for a lien on an  
12 impounded motor vehicle; and in connection therewith would  
13 have as its purpose or effect the requirement of a new or  
14 increased expenditure of local funds within the meaning of  
15 Amendment 621 of the Constitution of Alabama of 1901, now  
16 appearing as Section 111.05 of the Official Recompilation of  
17 the Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Notwithstanding Section 32-1-4, Code  
20 of Alabama 1975, a person who operates a motor vehicle on any  
21 public street or highway in this state in violation of Section  
22 32-6-1(a) or 32-6-19, Code of Alabama 1975, shall be subject  
23 to a custodial arrest if practicable and must be transported  
24 to the nearest county or municipal detention facility.

25 (b) A person operating a motor vehicle in violation  
26 of Section 32-6-1(a) or 32-6-19, Code of Alabama 1975, who is

1 involved in a traffic accident may be ordered to pay  
2 restitution by the court for any damages caused by the person.

3 (c) A motor vehicle operated by a person who is in  
4 violation of Section 32-6-1(a) or 32-6-19, Code of Alabama  
5 1975, shall be impounded by any duly sworn law enforcement  
6 officer regardless of the operator's ownership or possessory  
7 interest in the vehicle, unless the owner of the vehicle or  
8 another family member of the owner is present in the vehicle  
9 and presents a valid driver's license. A law enforcement  
10 officer may elect not to impound the vehicle in an emergency  
11 or for medical necessity.

12 (d) The law enforcement officer causing an  
13 impoundment of a motor vehicle under subsection (c) shall  
14 direct an approved towing service to tow the vehicle to the  
15 garage of the towing service, storage lot, or other place of  
16 safety and maintain custody and control of the vehicle. The  
17 motor vehicle shall be released when the registered owner or  
18 authorized agent of the registered owner claims the vehicle by  
19 paying all reasonable and customary towing and storage fees  
20 for the services of the towing company.

21 (e) Any towing service or company removing a vehicle  
22 under subsection (d) shall have a lien on the motor vehicle  
23 for all reasonable and customary fees relating to the towing  
24 and storage of the motor vehicle. This lien shall be subject  
25 and subordinate to all prior security interests and other  
26 liens affecting the vehicle whether evidenced on the  
27 certificate of title or otherwise. Notice of any sale or other

1 proceeding relative to the this lien shall be given to the  
2 holders of all prior security interest or other liens by  
3 official service of process at least 15 days prior to any sale  
4 or other proceeding.

5 Section 2. Although this bill would have as its  
6 purpose or effect the requirement of a new or increased  
7 expenditure of local funds, the bill is excluded from further  
8 requirements and application under Amendment 621, now  
9 appearing as Section 111.05 of the Official Recompilation of  
10 the Constitution of Alabama of 1901, as amended, because the  
11 bill defines a new crime or amends the definition of an  
12 existing crime.

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