HB160
203959-1
By Representative Hill
RFD: Judiciary
First Read: 06-FEB-20
SYNOPSIS: Under existing law, an individual that is convicted or adjudicated for minor in possession of alcohol is subject to drivers license suspension.

This bill would provide that an individual's drivers license may not be suspended for a conviction or adjudication of minor in possession of alcohol.

Under existing law, an individual who is required to pay child support and does not pay child support may have his or her drivers license suspended for failure to pay child support.

This bill would provide that an individual's drivers license may not be suspended for failure to pay child support.

Under existing law, an individual's drivers license will be suspended for failure to appear in court.

This bill would provide that an individual's drivers license may not be suspended for failure to appear in court.
Under existing law, if a court orders an individual to pay a fine or restitution as a result of a traffic infraction and he or she fails to pay, his or her drivers license will be suspended.

This bill would provide that an individual's drivers license may not be suspended for failure to pay a fine or restitution.

Under existing law, an individual that is convicted or adjudicated for drug related offenses is subject to drivers license will be suspension.

This bill would provide than an individual's drivers license may not be suspended for a conviction or adjudication of a drug related offense.

This bill would also repeal existing statutes relating to suspension of a drivers license for drug crime convictions or adjudications and for failure to attend school.

A BILL

TO BE ENTITLED

AN ACT

Relating to driver license suspensions; to amend Sections 28-3A-25, as last amended by Act 2019-492, 2019 Regular Session, 30-3-170 and 30-3-179, Code of Alabama 1975, to provide for the elimination of the suspension of an
individual's drivers license in certain circumstances; and to
repeal Sections 13A-12-290, 13A-12-291, 13A-12-292,
13A-12-293, and 13A-12-294, 16-28-40, 16-28-41, 16-28-42,

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-3A-25, as last amended by Act
2019-492, 2019 Regular Session, 30-3-170 and 30-3-179, Code of
Alabama 1975, are amended to read as follows:

"§28-3A-25.

(a) It shall be unlawful:

"(1) For any manufacturer, importer, or wholesaler,
or the servants, agents, or employees of the same, to sell,
trade, or barter in alcoholic beverages between the hours of
nine o'clock p.m. of any Saturday and two o'clock a.m. of the
following Monday, except as otherwise provided in this title.

"(2) For any wholesaler or the servants, agents, or
employees of the wholesaler to sell alcoholic beverages, to
other than wholesale or retail licensees or others within this
state lawfully authorized to sell alcoholic beverages, or to
sell for export.

"(3) For any person, licensee, or the board, either
directly or by the servants, agents, or employees of the same,
or for any servant, agent, or employee of the same, to sell,
deliver, furnish, or give away alcoholic beverages to any
person under the legal drinking age, as defined in Section
28-1-5, or to permit any person under the legal drinking age,
as defined in Section 28-1-5, to drink, consume, or possess any alcoholic beverages on any licensee's premises.

"(4) For any person to consume alcoholic beverages on the premises of any state liquor store or any off-premises licensee, or to allow alcoholic beverages to be consumed on the premises of any state liquor store or any off-premises licensee, except as specifically allowed by law for the tasting of alcoholic beverages.

"(5) For any licensee to fail to keep for a period of at least three years, complete and truthful records covering the operation of his or her license and particularly showing the date of all purchases of alcoholic beverages, the actual price paid therefor, and the name of the vendor, or to refuse the board or any authorized employee of the board access to the records or the opportunity to make copies of the records when the request is made during business hours.

"(6) For any licensee or the servants, agents, or employees of the same to refuse the board, any of its authorized employees, or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises at any time the premises are open for business.

"(7) For any person to knowingly sell any alcoholic beverages to any person engaged in the business of illegally selling alcoholic beverages.

"(8) For any person to manufacture, transport, or import alcoholic beverages into this state, except in
accordance with the reasonable rules of the board. This subdivision shall not prohibit the transportation of alcoholic beverages through the state or any dry county so long as the beverages are not for delivery therein, if the transportation is done in accordance with the reasonable rules of the board.

"(9) For any person to fortify, adulterate, contaminate, or in any manner change the character or purity of alcoholic beverages from that as originally marketed by the manufacturer, except that a retail licensee may mix a chaser or other ingredients necessary to prepare a cocktail or mixed drink or may make infusions for on-premises consumption in accordance with Section 28-3A-20.3.

"(10) For any person licensed to sell alcoholic beverages to offer to give any thing of value as a premium for the return of caps, stoppers, corks, stamps, or labels taken from any bottle, case, barrel, or package containing the alcoholic beverages, or to offer to give any thing of value as a premium or present to induce the purchase of the alcoholic beverages, or for any other purpose whatsoever in connection with the sale of the alcoholic beverages. This subdivision shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners of the containers.

"(11) For any licensee or transporter for hire, servant, agent, or employee of the same, to transport any alcoholic beverages except in the original container, and for any transporter for hire to transport any alcoholic beverages
within the state, unless the transporter holds a permit issued by the board.

"(12) For any manufacturer, importer, or wholesaler, servant, agent, or employee of the same, to deliver any alcoholic beverages, except in vehicles bearing such information on each side of the vehicle as required by the board.

"(13) For any person to sell alcoholic beverages within any dry county or county where the electors have voted against the sales, except in wet municipalities or as authorized by Section 28-3A-18.

"(14) For any person, firm, corporation, partnership, or association of persons as the terms are defined in Section 28-3-1, including any civic center authority, racing commission, fair authority, airport authority, public or quasi-public board, agency, or commission, any agent thereof, or otherwise, who or which has not been properly licensed under the appropriate provisions of this chapter to sell, offer for sale, or have in possession for sale, any alcoholic beverages. Any alcoholic beverages so possessed, maintained, or kept shall be contraband and subject to condemnation and confiscation as provided by law.

"(15) For any manufacturer, distiller, producer, importer, or distributor of alcoholic beverages to employ and maintain any person, who is not a full-time bona fide employee, as a resident sales agent, broker, or other like representative, for the purpose of promoting a sale, purchase,
or acquisition of alcoholic beverages to or by the state or
the board, or for any person who is not a full-time bona fide
employee to act as an agent, broker, or representative of any
manufacturer, distributor, producer, importer, or distiller
for that purpose.

"(16) For any person to sell, give away, or
otherwise dispose of taxable alcoholic beverages within this
state on which the required taxes have not been paid as
required by law.

"(17) For any wholesaler or retailer, or the
servant, agent, or employee of the same, to sell, distribute,
deliver, or to receive or store for sale or distribution
within this state any alcoholic beverages unless there first
has been issued by the board a manufacturer's license to the
manufacturer of the alcoholic beverages or its designated
representative or an importer license to the importer of the
alcoholic beverages.

"(18) For any person under the legal drinking age,
as defined in Section 28-1-5, to attempt to purchase, to
purchase, consume, possess, or transport any alcoholic
beverages within the state; provided, however, it shall not be
unlawful for a person under the legal drinking age, as defined
in Section 28-1-5, to be an employee of a wholesale licensee
or an off-premises retail licensee of the board to handle,
transport, or sell any beer or table wine if the person under
the legal drinking age is acting within the line and scope of
his or her employment while so acting. There must be an adult
licensee, servant, agent, or employee of the same present at all times a licensed establishment is open for business.

"(19) For any person, except where authorized by a local act or general act of local application or pursuant to Section 28-3-25, to buy, give away, sell, or serve for consumption on or off the premises, or to drink or consume any alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of two o'clock a.m.

"(20) Except where authorized by a local act or general act of local application or pursuant to Section 28-3-25, for the proprietor, keeper, or operator of any cafe, lunchroom, restaurant, hotel dining room, or other public place to knowingly permit any person to give away, sell, or serve for consumption, on or off the premises, or to drink or consume any alcoholic beverages on the premises of the cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of two o'clock a.m.

"(21) For a person under the age of 21 years to knowingly use or attempt to use a false, forged, deceptive, or otherwise nongenuine driver's license to obtain or attempt to obtain alcoholic beverages within this state.

"(b)(1) Any violation of subdivisions (1) through (17) of subsection (a) shall be a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), to which, at the discretion of the court or judge trying the case, may be added imprisonment
in the county jail or at hard labor for the county for not
more than six months for the first conviction; and, on the
second conviction of a violation of the subdivisions, the
offense, in addition to the aforementioned fine, shall be
punishable by imprisonment or at hard labor for the county for
not less than three months nor more than six months to be
imposed by the court or judge trying the case; and, on the
third conviction and every subsequent conviction of a
violation of the subdivisions, the offense, in addition to a
fine within the limits abovenamed, shall be punishable by
imprisonment or at hard labor for the county for not less than
six months nor more than 12 months.

"(2) Any violation of subdivision (18), (19), (20),
or (21) of subsection (a) shall be a misdemeanor punishable by
a fine of not less than fifty dollars ($50) nor more than five
hundred dollars ($500), to which, at the discretion of the
court or judge trying the case, may be added imprisonment in
the county jail or at hard labor for the county for not more
than three months.

"(c) In addition to the penalties otherwise provided
for a violation of subdivisions (18) and (21) of subsection
(a), upon conviction, including convictions in juvenile court
or under the Youthful Offender Act, the offender's license to
operate a motor vehicle in this state shall be surrendered by
the offender to the judge adjudicating the case for a period
of not less than three months nor more than six months. The
judge shall forward a copy of the order suspending the license
§30-3-170.

When used in this article, the following words shall have the following meanings:

(1) COURT. A court of competent jurisdiction or administrative agency having the authority to issue and enforce support orders.

(2) DELINQUENT or DELINQUENCY. A support debt or support obligation due and unpaid in an amount equal to or greater than six months support payments as of the date of service of a notice of intent to suspend or revoke a license.

(3) DEPARTMENT. The Alabama Department of Human Resources, including the county departments of human resources.

(4) LICENSE. Any license, certificate, registration, or authorization issued by a licensing authority which grants a person a right or privilege to engage in an occupational, professional, sporting, or recreational activity, or to operate a motor vehicle.

(5) LICENSEE. The holder of a license.

(6) LICENSING AUTHORITY. Any department, division, board, agency, or instrumentality of the State of Alabama or its political subdivisions that issues a license.

(7) OBLIGEE. Either of the following:

a. A person to whom support benefits are ordered by the court.
"b. A public agency of this or another state that has the right to receive support payments or otherwise is providing support enforcement services under Title IV-D of the Social Security Act. The term shall include the department.

"(8) OBLIGOR. A person ordered by a court to make periodic payments for the benefit and support of another person or child.

"(9) SUPPORT or SUPPORT ORDER. Support of a minor child and spousal support when the spousal support is collected pursuant to the requirements of Title IV-D of the Social Security Act. Support order shall mean any order, decree, or judgment for the support of a child, or in the case of an order being enforced pursuant to the requirements of Title IV-D of the Social Security Act, a spouse, or former spouse, issued by a court or other entity authorized to issue the orders.

"§30-3-179.

"It is the intent of the Legislature that this article provide for the withholding, restricted use, suspension, or revocation of professional, occupational, or recreational, or drivers' licenses for the failure to pay child support or to comply with subpoenas or warrants relating to paternity or child support proceedings."

Section 2. (a) The Alabama State Law Enforcement Agency may not suspend or revoke a person's driver's license for failing to appear in court.
(b) The Secretary of the Alabama State Law Enforcement Agency shall adopt rules as are necessary to implement the requirements of this section.

Section 3. (a) A court may not suspend an individual's privilege to operate a motor vehicle in this state for failure to pay a fine or restitution imposed as a result of a traffic infraction.

(b) It is the intent of the Legislature that pursuant to Amendment 328 of the Constitution of Alabama of 1901, now appearing as Section 150 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the Supreme Court of Alabama shall amend its rules to conform with this act.


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