HB398

130134-1

By Representative McMillan

RFD: Public Safety and Homeland Security

First Read: 23-FEB-12
SYNOPSIS: Under existing law, for a person under the age of 19 to obtain a driver's license or learner's license for the operation of a motor vehicle, he or she must show proof of enrollment in school or employment.

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

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-28-40.

"(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school that would extend the age of eligibility for the student to apply for a driver's license; (3) is participating
in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed for a minimum of 30 hours per week; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

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

"(c) Each year between July 1 and August 1, the Department of Public Safety shall provide by United States mail to each local superintendent of education in the state, a summary of the requirements of subsections (a) and (b) and a form to be used in notifying the Department of Public Safety
of the withdrawal from school of a student. The local superintendent of education shall provide a copy of the summary and the form to the principal of each secondary high school located within the school system, for implementation in the school.

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

"(d)(e) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of
education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

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

"(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee
that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

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

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

"(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a
crime involving the possession of a pistol on the premises of
a public school, or a public school bus, or both, under
Section 13A-11-72 and any reversal of the conviction. The
Administrative Office of Courts may promulgate necessary rules
and regulations to implement this notification procedure."

Section 2. 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.