HB388  
149886-1  
By Representative Wood  
RFD: Public Safety and Homeland Security  
First Read: 05-MAR-13
SYNOPSIS: Under existing law, an applicant for a Stage II driver's license who is 16 years of age must submit a verification form certifying that the applicant has completed a minimum of 30 hours of behind-the-wheel driving practice. This bill would require that the applicant complete a minimum of 50 hours.

A BILL
TO BE ENTITLED
AN ACT

Relating to driver's licenses; to amend Section 32-6-7.2, Code of Alabama 1975, to increase the minimum number of hours of behind-the-wheel driving practice required for a Stage II driver's license for a person 16 years of age.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-7.2, Code of Alabama 1975, is amended to read as follows:

"§32-6-7.2.
"(a) A person who is under the age of 18 may not apply for a Stage II restricted regular driver's license until the person has held a Stage I learner's license issued pursuant to Section 32-6-8 or a comparable license issued by another state for at least a six-month period.

"(b) In addition to any other requirements of this chapter, if the applicant for a driver's license is 16 years of age, he or she shall submit to the Department of Public Safety the following:

"(1) A verification form provided by the Department of Public Safety signed by a parent or legal guardian consenting to the licensure of the applicant.

"(2) A verification form provided by the Department of Public Safety signed by a parent, legal guardian, or licensed or certified driving instructor certifying that the applicant has completed a minimum of 50 hours of behind-the-wheel driving practice, or submission of a certificate of completion from the State Department of Education that the applicant has passed a driver's education course approved by the State Department of Education.

"(c) A person who is issued a regular driver's license who is age 17 and has been licensed for less than six months or who is age 16 shall be deemed to have a Stage II restricted driver's license. The person may not operate a vehicle under any of the following conditions:

"(1) Between 12:00 o'clock midnight and 6:00 o'clock a.m. unless one of the following exceptions applies:
"a. The licensee is accompanied by a parent or legal
guardian.

"b. The licensee is accompanied by a person who is a
licensed driver and is at least 21 years of age or the consent
of a parent or legal guardian of the driver is given.

c. The licensee is driving to or from a place where
the licensee is employed or works.

d. The licensee is driving to or from a school
sponsored event.

e. The licensee is driving to or from an event
sponsored by a religious organization.

f. The licensee is driving for the purpose of a
medical, fire, or law enforcement related emergency.

g. The licensee is driving to or from a place where
the licensee participates in hunting or fishing activities. In
order for this particular exception to apply, the licensee
must have in his or her immediate possession a valid hunting
or fishing license for the activity.

"(2) If there is more than one passenger in the
vehicle not including the parents, legal guardians of the
licensee, accompanying family members, or a licensed driver
who is at least 21 years of age.

"(3) While operating any handheld communication
device that is nonessential to the functioning of the vehicle.

"(d) A violation of subsection (c) shall not result
in a suspension of the person's driver's license, but shall
extend the time period for six months that the person is
subject to the restrictions of subsection (c) before the person is eligible to be designated as an unrestricted driver's license holder or until age 18.

"(e) The driver's license of any person who is driving with restricted privileges as provided in subsection (c) who during such time is convicted of a second moving traffic violation or is convicted of failure to give information or render aid, racing, fleeing or attempting to elude a law enforcement officer, reckless driving, illegal passing, driving on the wrong side of the road, or any other offense where four or more points are assessed and other violations as designated by rules or regulations promulgated pursuant to the Administrative Procedure Act, shall be automatically suspended for 60 days unless the Alabama Rules of the Road provide a more serious penalty, and the time period that the licensee is subject to the restrictions of subsection (c) shall be extended for six months from the date the person would otherwise be eligible to be designated as an unrestricted driver's license holder or until age 18.

"(f) The license possessed by any resident of this state who is 17 years of age shall be deemed a Stage III unrestricted driver's license if the license has been issued for a period of six months or longer and the Department of Public Safety verifies that the license holder has not been convicted of a moving violation of the Alabama Rules of the Road within the preceding six months.

"(g) This section shall not apply to the following:
"(1) Any resident of this state age 16 years and
over who is married or who is the head of a household.

"(2) Any resident who has otherwise been legally
relieved of minority.

"(3) Any resident who is age 18 or over.

"(h) A person who drives a motor vehicle in
violation of the conditions imposed in subsection (c) shall be
guilty of a traffic violation, but shall not be subject to any
criminal penalties or court costs. No citation shall be issued
for a traffic violation pursuant to this subsection unless the
person is stopped by a law enforcement officer for a separate
violation of law and issued a citation or warrant for the
separate violation. Information concerning a violation
pursuant to this subsection shall not be released to any party
and shall not result in any points on a driver's license
record.

"(i) The Department of Public Safety may promulgate
reasonable rules and regulations to carry out and to aid in
enforcement of this section and Sections 32-6-7.3 and 32-6-8.

"(j) As used in this section, the following words
shall have the following meanings:

"(1) STAGE I. A learner's permit.

"(2) STAGE II. A regular driver's license with
restrictions based on age and the date of issuance.

"(3) STAGE III. An unrestricted driver's license."
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.