

1 HB327  
2 175030-4  
3 By Representative Wood  
4 RFD: Public Safety and Homeland Security  
5 First Read: 25-FEB-16

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

Relating to the Alabama State Law Enforcement Agency; to provide for the civil enforcement of the Mandatory Motor Vehicle Liability Insurance Law; to provide for civil penalties; to provide for appeals; and to provide for collection and distribution of the proceeds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following words have the following meanings:

(1) AGENCY. The Alabama State Law Enforcement Agency.

(2) MANDATORY MOTOR VEHICLE LIABILITY INSURANCE LAW. Chapter 7A of Title 32, as amended, Code of Alabama 1975.

(3) MOTOR VEHICLE INCIDENT. An incident involving the driver of a motor vehicle when a traffic citation was issued by a law enforcement officer or the driver of a motor vehicle was involved in an accident and an accident report was filed.

Section 2. (a) The Secretary of the Alabama State Law Enforcement Agency shall develop procedures for the agency to review each motor vehicle incident to determine if the driver of a motor vehicle involved in the incident was given a citation for failure to comply with the Mandatory Motor Vehicle Liability Insurance Law.

1 (b) If the agency determines that the driver of a  
2 motor vehicle was given a citation for failure to comply with  
3 the Mandatory Motor Vehicle Liability Insurance Law, related  
4 to a motor vehicle incident, this act shall have no further  
5 application to the driver and the driver shall have the  
6 citation processed through the criminal courts of the state.

7 (c) If the agency determines that the driver of a  
8 motor vehicle was not given a citation for failure to comply  
9 with the Mandatory Motor Vehicle Liability Insurance Law at  
10 the time of the motor vehicle incident, the agency shall make  
11 an independent determination whether the motor vehicle was  
12 insured under the Mandatory Motor Vehicle Liability Insurance  
13 Law at the time of the motor vehicle incident.

14 Section 3. (a) If the agency determines that the  
15 motor vehicle the driver was driving at the time of the motor  
16 vehicle incident was not in compliance, the agency shall issue  
17 the assessment of a civil penalty in the amount of ~~three~~  
18 ~~hundred dollars (\$300) for the first offense and five hundred~~  
19 ~~dollars (\$500) for a second or subsequent offense to the~~ two  
20 hundred dollars (\$200) for the first offense, three hundred  
21 dollars (\$300) for a second offense, and four hundred dollars  
22 (\$400) for a third or subsequent offense against the driver  
23 for failure to comply with the Mandatory Motor Vehicle  
24 Liability Insurance Law unless the motor vehicle is owned by  
25 any person, firm, association, or corporation licensed and

1 engaged in the business of renting or leasing motor vehicles.  
2 The notice shall be sent by first class U.S. mail to the  
3 address in the records of the agency or otherwise available to  
4 the agency on a traffic citation or accident report. The  
5 notice shall state that the driver's license of the person  
6 will be suspended for 90 days if the person, within 45 days of  
7 the notice, does not either pay the assessment in a manner  
8 acceptable to the agency or appeal the assessment by filing a  
9 notice of appeal with the agency. If the person fails to pay  
10 the civil penalty or file an appeal as provided herein, the  
11 person's driver's license shall be suspended for 90 days and  
12 the civil penalty shall be final. Notwithstanding the  
13 foregoing, the agency may grant a person an extension to pay  
14 the civil penalty not to exceed 60 days if the person files a  
15 written settlement of the assessment.

16 (b) An assessment under the provisions of this act  
17 may not be made more than six months after a motor vehicle  
18 incident.

19 Section 4. The agency shall provide by rule a  
20 hearing procedure and procedures for the administrative  
21 resolution of the notice of assessment. The rules shall  
22 provide that the hearing shall be conducted by a driver  
23 license hearing officer or other hearing officer appointed by  
24 its agency. The hearing may be informal and the sole issue  
25 shall be whether the motor vehicle being operated at the time

1 of the motor vehicle incident was in compliance with the  
2 Mandatory Motor Vehicle Liability Insurance Law. The appeal  
3 shall not be a contested case under the Alabama Administrative  
4 Procedure Act. The final order concerning the appeal may be  
5 reviewed in circuit court by the filing of a petition for  
6 review within 35 days after the final order is issued in the  
7 original appeal.

8 Section 5. If after a hearing, a person is found to  
9 be driving a motor vehicle in violation of the Mandatory Motor  
10 Vehicle Liability Insurance Law, the civil penalty shall be  
11 final. If the civil penalty is not paid within 15 days, the  
12 person's driver's license shall be suspended for 90 days.

13 Section 6. The driver's license of a person assessed  
14 a civil penalty pursuant to this act shall not be reinstated  
15 unless the civil penalty is paid.

16 Section 7. All civil penalties collected pursuant to  
17 this act, after the collection, shall be deposited in the  
18 Highway Traffic Safety Fund on a monthly basis. After the  
19 deduction of the actual and necessary expenses of  
20 administering this act, the net proceeds shall be distributed  
21 as follows:

22 (1) 33 1/3 percent shall be deposited in the Motor  
23 Vehicle Replacement Fund of the agency.

24 (2) 60 1/3 percent shall be deposited in the Highway  
25 Traffic Safety Fund. One-third of this amount shall be used to

1 improve communications for first responders and two-thirds of  
2 this amount shall be used to hire additional state troopers.

3 (3) 6 1/3 percent shall be deposited in the Alabama  
4 Peace Officers' Annuity and Benefit Fund as authorized by  
5 Section 36-21-66, Code of Alabama 1975.

6 Section 8. Any driver assessed a civil penalty for a  
7 violation of the Mandatory Liability Insurance Law shall not  
8 thereafter be subject to a criminal penalty for the same  
9 violation.

10 Section 9. The provisions of this act are  
11 supplemental and shall not be construed to repeal any law not  
12 in direct conflict herewith.

13 Section 10. 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 23-MAR-16, as amended.

Jeff Woodard  
Clerk

Senate	<hr/> 03-MAY-16 <hr/>	Amended and Passed
House	<hr/> 03-MAY-16 <hr/>	Concurred in Senate Amendment