

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 381 Department or Agency Alabama Law Enforcement Agency
Rule No. 760-X-1-.07
Rule Title: Suspension and Revocation of Driver License Under the Point System
☐ New ☒ Amend ☐ Repeal ☐ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Hester Taylor

Date 4/16/2021

(DATE FILED)
(STAMP)

APA-2

ALABAMA LAW ENFORCEMENT AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Law Enforcement Agency

RULE NO. & TITLE:

760-X-1-.07 Suspension and Revocation of Driver License
Under the Point System

INTENDED ACTION:

Amend rule

SUBSTANCE OF PROPOSED ACTION:

Amend existing rule to provide and clarify governance for
suspension and revocation of driver license under the point
system

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be directed to Noel Barnes, ALEA, 201 South
Union Street, Suite 300, Montgomery, AL 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 4, 2021

CONTACT PERSON AT AGENCY:

Noel Barnes
General Counsel, ALEA
201 South Union Street, Suite 300
Montgomery, AL 36104



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

~~History: Filed April 23, 1982.~~

Amendment

ALABAMA LAW ENFORCEMENT AGENCY

CHAPTER 760-X-1-.07

Suspension and Revocation of Driver License
Under the Point System

760-X-1-.07 ~~Suspension Aand~~ Revocation Of Driver License
Under ~~T~~the Point System.

(1) ~~Code of Ala. 1975, as amended, §~~Section 32-~~S~~5A-195, Code of Alabama 1975, as amended, provides that the Director of Public Safety shall forthwith revoke the license of any driver upon receipt of such driver's record of any of the following offenses when such conviction has become final:

- (a) _____ manslaughter resulting from the operation of a motor vehicle;
- (b) _____ driving a motor vehicle by a person who is a habitual user of narcotic drugs, or while intoxicated, any felony in the commission of which a motor vehicle is used;
- (c) _____ failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (d) _____ perjury, or the making of a false affidavit or statement under oath to the Director of Public Safety under this article, or under any other law relating to the ownership or operation of motor vehicles.

Section 32-10-1(b), Code of Alabama 1975, as amended, also provides that the Director shall revoke ~~the driver license of persons convicted of leaving the scene of an accident under this section.~~ § Section 32-~~S~~5A-195, Code of Alabama 1975, as amended, further provides that the Director of Public Safety of the State of Alabama is authorized to suspend the driver license of a driver whom he/she determines to be: (1) a habitually reckless or negligent driver of a motor vehicle, or (2) is a habitual violator of the traffic laws.

~~(1) _____~~ However, there is no clear, uniform basis upon which

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the Director may act in finding that the driver license of a person should be suspended on either or both of the above grounds. Therefore, in order to establish a uniform system of suspending a drivers' licenses on either or both of the grounds listed in

§ Section 32-5A-195, the following classifications of point values shall

be assessed for the following enumerated offenses against each driver, ~~whether~~ occurring within or without the State of Alabama:

(a) Any conviction which resulted from a charge that involved the drinking of alcoholic beverages and the driving of a motor vehicle but did not require mandatory revocation of the driver license.....6 points

(b) Reckless Driving or Reckless Endangerment involving operating a motor vehicle.....6 points

(c) Failure to Yield Right of Way.....5 points

- (d) Passing Stopped School Bus 5 points
- (e) Wrong Side of Road/Illegal Passing 4 points
- (f) Following Too Closely 3 points
- (g) Disregarding Traffic Control Devices 3 points
- (h) All other Moving Violations 2 points
- (i) Inability to Control Vehicle 2 points
- (j) Improper operation of motorcycle 2 points
- (k) Speeding violation to include 1-25 mph over speed
limit..... 2 points
- (l) Speeding 26 or more over speed limit.... 5 points
- (m) Drinking alcohol while operating a
vehicle..... 2 points
- (n) Admin per se..... 6 points
- (o) Improper operation of motorcycle..... 2 points
- (p) Fail to obey construction/maintenance zone
markers/Flagman/police officer/restricted lane..... 3 points
- (q) Emergency vehicles violation..... 2 points
- (r) Fail to signal/use incorrect turn signal 2 points
- (s) Making improper turn..... 2 points
- (t) Coasting..... 2 points
- (u) Unsafe operation..... 2 points

(2) The Director shall suspend a driver license in accordance with the following schedule; provided, however, that the Director may modify or alter the suspension period as set out below, if upon the completion of the administrative hearing, the findings warrant a different suspension period:

- (a) 12-14 Points in a 2-year period.....60 days

- (b) 15-17 Points in a 2-Year period.....90 days
- (c) 18-20 Points in a 2-Year period.....120 days
- (d) 21-23 Points in a 2-year period.....180 days
- (e) 24 and above Points in a 2-year period...365 days

(3) Upon receipt of notice of the suspension of his driver license, the driver may request a pre-suspension or administrative hearing in the county of his residence before an agent of the Director of Public Safety. If a pre-suspension hearing is requested within ten (10) days of the date of the notice, suspension is deferred until date of hearing. The result of this hearing will be forwarded to the Director of the Department of Public Safety who shall either affirm, rescind, or reduce the period stated in said order of suspension or good cause appearing therefore, may extend the period of suspension of such license.

(4) Upon notification of the results of the administrative hearing, the driver, if dissatisfied with the results of said hearing, has thirty (30) days within which he may appeal to the circuit court of the county of his residence.

(5) Reports of traffic convictions shall retain their point value for suspension purposes for a period of two years from the date of conviction.

(6) ~~Upon completion of the period of suspension given by the Director, the point value of the reports upon which said suspension was based shall not be considered for subsequent suspension purposes, provided that~~ If upon an administrative hearing the period of suspension ~~be~~ is mitigated, the points shall remain effective during any period or probation which may be imposed.

(7) If a licensee changes his/her name or address, he/she shall notify the Department of Public Safety, Driver License Division, within thirty (30) days.

~~(7)~~

Authors: New rule and 1996 and 2009 amendments: Major H.B. McCall, Capt. T. D. Chapman; 2021 Amendment: Samantha J. Naramore

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Statutory Authority: ~~Code of Ala. 1975, §§~~ Sections 32-2-9, 32-6-13, Code of Alabama 1975, as amended.

History: New Rule: Filed April 23, 1982. **Amended:** Filed November 12, 1996; effective December 17, 1996. **Amended:** Filed March 13, 2009; effective April 17, 2009. Amended: filed April 20, 2021.