

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 017/381 Department or Agency Dept. of Public Safety (legacy agency)/Alabama Law Enforcement Agency

Rule No. 760-X-1-22

Rule Title: Digital License

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

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? De minimus cost to Agency; optional convenience for citizens

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? No

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

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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.

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**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 Reference Service.

Signature of certifying officer J. A. Collas

Date 06/22/15

(DATE FILED)  
(STAMP)

APA-2  
07/04

**Dept. of Public Safety (legacy agency/  
Alabama Law Enforcement Agency**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:**

Dept. of Public Safety (legacy agency)/  
Alabama Law Enforcement Agency

**RULE NO. & TITLE:**

760-X-1-.22  
Digital License

**INTENDED ACTION:**

Add rule

**SUBSTANCE OF PROPOSED ACTION:**

This proposed action will allow the Alabama Law Enforcement Agency (ALEA) to issue a digital copy of a driver's license or identification card to be displayed through an ALEA approved mobile or other software application on a wireless communication or mobile electronic device.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

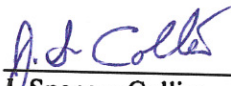
Written or oral comments may be directed to Jason Swann, Legal Division, P.O. Box 304115, Montgomery, Alabama 36130-4115, (334) 517-2814

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

August 4, 2015

**CONTACT PERSON AT AGENCY:**

Jason Swann  
General Counsel  
P.O. Box 304115  
Montgomery, Alabama 36130-4115

  
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Spencer Collier  
Secretary

# NEW RULE

## **760-X-1-.22 Digital License**

(a) The Alabama Law Enforcement Agency (ALEA) may issue a digital copy of a driver license or non-driver identification card that may be displayed through an ALEA approved mobile or other software application on a wireless communications or mobile electronic device. The digital license shall bear the same status and class as the individual's physical license and shall only remain valid as long as the physical driver license remains valid.

(b) The digital driver license or non-driver identification card shall contain, at a minimum, all information present on a physical license or identification card. In addition, a digital license or identification card will include a bar code or other mechanism, as created or approved by ALEA that may be scanned or otherwise utilized to reveal the information.

(c) A licensee may produce an ALEA approved digital copy of his or her license in lieu of possessing a physical license when operating a motor vehicle or vessel.

(d) Upon demand of a judge of any court in this state, a peace officer, or a state trooper, or any other state or local government entity a licensee may produce an ALEA approved digital license or non-driver identification card and it will be recognized as though it was a physical license or identification card. The Secretary or his/her designee shall deem how and when a digital copy of a driver's license or identification card is accepted.

(e) If the licensee displays the digital driver license or identification card through the ALEA approved mobile application, the person is not implicitly consenting to allow access or to search other contents of the wireless communication or electronic device other than provided by law.

(f) The Secretary of Law Enforcement will apply reasonable standards of security to protect the integrity of the license and privacy of the licensee.

Author: Kevin Wright, Michael Robinson, Maury Mitchell, J. Jason Swann

Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-9, 32-6-13.

History: June 22, 2015