ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

CHAPTER 760-X-1
PROMULGATED RULES

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760-X-1-.01 Certain Motor Vehicles Required To Stop At Rail/ Highway Crossings And Draw Bridges.

(1) Every person operating

(a) any motor vehicle carrying passengers for hire,

(b) a bus or truck, other than a pick-up truck, carrying passengers whether for hire or not,

(c) any school bus carrying any school child or other passengers,

(d) every bus transporting passengers,

(e) every motor vehicle transporting any quantity of chlorine,

(f) every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

1. Explosives A

2. Explosives B

3. Poison

4. Flammable

5. Oxidizers

6. Compressed Gas

7. Corrosives

8. Flammable Gas

9. Radioactive

10. Dangerous

11. Combustible (cargo tanks only)

(g) every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous materials as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of Title 49 CFR, which by reference is made a part of this regulation,

(h) every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by Section 173.115 of Title 49 CFR, and

(i) every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of Section 170.13 of Title 49 CFR.

(2) For the purpose of this regulation, the provisions of Title 32-5A-151, Code of Ala. 1975, shall also apply to any drawbridge, known or marked as such.
Author: Colonel Jerry Shoemaker, Public Safety Director; Bobby J. Kemp, Highway Director
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-5-74, 32-5A-151.
History: Filed April 23, 1982.

760-X-1-.02 Reinstatement Of Driving Privilege After Revocation.

The Director of Public Safety, at any time after the expiration of six months from the date of revocation, may reinstate the driving privilege of any person whose privilege of driving a motor vehicle on the streets and highways of this state has been revoked in accordance with the provisions of Code of Ala. 1975, §§32-6-1 through 32-6-36 and §32-5A-195 inclusive as the result of a conviction of an offense enumerated in §32-5A-195 for which revocation of license is mandatory, in the following manner:

(a) The Director, upon investigation of such person and satisfactorily showing that an applicant is deserving of reinstatement of his driving privilege, may permit such person to be examined by the Driver License Examiner.

(b) Upon successful passage of such examination, the applicant shall present his certificate of examination to the Judge of Probate or License Commissioner's Office with the required fee and the operator's license shall be issued.
Author:
Statutory Authority: Code of Ala. 1975, §§32-3-9, 32-6-13.
History: Filed April 23, 1982.

760-X-1-.03 Transfer Of Driver License Forbidden.

No transfer of a driver license shall be permitted and any person to whom a driver license has been issued as required by the provisions of Code of Ala. 1975, §32-6, who permits or allows another to use the driver license issued to him while driving a motor vehicle upon the highways of the State of Alabama or any person who presents as his own a driver license issued to another person shall be guilty of a violation of this rule and regulation for which said violator may be subjected to the penalties provided in Code of Ala. 1975, §32-6-18, and shall have their driver license suspended for a period of sixty days.
Author: B. W. Henderson
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982. **Amended:** March 8, 1993.

760-X-1-.04 Mutilating, Defacing Or Reproducing A Driver License Or Learner's Permit.

Any person who willfully mutilates, mars, changes, reproduces, alters, defaces, disfigures, or otherwise changes the form of any driver license, or temporary instruction permit issued to any person under Code of Ala. 1975, §§32-6-6, 32-6-3, and 32-6-8, with the intent to defraud shall be guilty of a violation of this rule and regulation and may be subject to the penalties provided in Code of Ala. 1975, §32-6-18. Further, any person having in his possession a driver license or temporary instruction permit which has been willfully mutilated, marred, changed, reproduced, altered, defaced, disfigured or otherwise changed shall be prima facie evidence that he has violated this rule and regulation and may be subject to the penalties provided in Code of Ala. 1975, §32-6-18, and shall have their driver license suspended for a period of sixty days.
Author: B. W. Henderson
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982. **Amended:** March 8, 1993.

760-X-1-.05 Transfer Of Registration Of Motor Vehicle To Members Of Immediate Family.

(1) By the authority vested in me as Director of the Department of Public Safety of the State of Alabama, provided for in Code of Ala. 1975, §32-7-3A, I do hereby establish, proclaim, and promulgate the following regulation pertaining to Code of Ala. 1975, §32-7-32.

(2) When an owner's registration has been suspended under the provisions of Code of Ala. 1975, §32-7, supra, and it is the desire of such owner to transfer the registration now suspended to a member of the immediate family of such owner, it shall be prima facie evidence that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purpose of Code of Ala. 1975, §32-7, supra, when the member of the immediate family to whom the proposed transfer is to be made shall present to the Director proof of financial responsibility, said proof beginning at a time when the proposed transfer is to take place and continuing for a period of time not less than that period for which proof of financial responsibility would be required to be maintained by the present owner thereof as provided for in Code of Ala. 1975, §32-7-18.

Author:
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-7-3.
History: Filed April 23, 1982.

760-X-1-.06 Establishing A Prima Facie Maximum Speed Limit On Interstate Highways, Limited Access Highways, And Four-Lane Divided Highways.

Superseded by Code of Ala. 1975, §32-5-90, and executive order of the Governor establishing state speed limit on interstate highways, limited access highways, and four-1ane divided highways.

Author:
Statutory Authority: Code of Ala. 1975, §32-5A-171.
History: Filed April 23, 1982.

760-X-1-.07 Suspension And Revocation Of Driver License Under The Point System.

(1) Section 32-5A-195, Code of Ala. 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 Ala. 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 32-5A-195, Code of Ala. 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.

However, there is no clear, uniform basis upon which 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 driver license 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, 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) 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/her driver license, the driver may request a pre-suspension or administrative hearing in the county of his/her residence before an agent of the Director of Public Safety. If a driver requests a pre-suspension hearing within 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 30 days within which he/she may appeal to the circuit court of the county of his/her 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) If upon an administrative hearing the period of suspension 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 30 days.
Author: Major H.B. McCall, Capt. T. D. Chapman, Samantha J. Naramore
Statutory Authority: Code of Ala. 1975, as amended, §§32-2-9, 32-6-13.
History: Filed April 23, 1982. **Amended:** Filed November 12, 1996; effective December 17, 1996. **Amended:** Filed March 13, 2009; effective April 17, 2009. **Amended:** Published June 30, 2021; effective August 14, 2021.

760-X-1-.08 Safety Responsibility Act Administrative Hearing.

(1) In all administrative hearings conducted pursuant to a request under Code of Ala. 1975, §32-7-3, the Hearing Officer designated by the Director, shall, in addition to all other matters required by law to be determined, ascertain whether or not there is a reasonable possibility of a judgment or judgments being rendered against the licensee.

(a) Nature of Hearing

1. The hearing will be ex-parte, strictly administrative in nature, and as such will be informal.

(b) Pre-Suspension Hearing

1. Upon receipt of the notice of Order of Suspension, the licensee may request a pre-suspension administrative hearing in the county of his residence before a Hearing Officer designated by the Director.

2. A request for a pre-suspension hearing must be made in writing to the Director within fifteen (15) days of the date of issuance of the notice of Order of Suspension.

3. If a request is made within fifteen (15) days, the Order of Suspension shall be deferred until the result of the hearing is final. The Hearing Officer will forward the results of the hearing to the Director of the Department of Public Safety for review. The Director will either confirm, modify, or set aside the Order of

Suspension and notify the licensee his decision in writing.

(c) Post-Suspension Hearing

1. Any request for a hearing made after the fifteen (15) day period above mentioned, will not defer the Order of Suspension.

2. When hearing, which was not requested within the fifteen (15) day period above mentioned, is held subsequent to the effective date of the Order of Suspension, the Hearing Officer shall prior to holding any hearing demand the surrender of the suspended license and/or registration certificates and license plates and shall hold the same during the hearing, unless these are already surrendered. However, if at the hearing, it is determined by the Hearing Officer that the suspendee either does not come under the provisions of the Act or comes under an exception to the Act, the Hearing Officer shall return the license and/or registration certificates and license plates to the suspendee to be retained by him until final determination is made by the Director of Public Safety.

3. After the completion of the hearing, the Hearing Officer shall forward to the Director of Public Safety the results of the hearing and any license and/or registration certificates and license plates surrendered to the Hearing Officer and retained by him. After review of the results of the hearing, together with any other relevant records and information available to him, the Director of Public Safety shall confirm, modify or set aside the suspension and shall notify the licensee of his decision.

Author:
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-7-3.
History: Filed April 23, 1982.

760-X-1-.09 **Defining The Adequacy Of Brakes, And Prescribing The Performance Standards Thereof, Of Motor Vehicles Using The Highways Of The State Of Alabama.**

(1) Brake Equipment Required - Every motor vehicle, trailer, and pole trailer, and any combination of such vehicles operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this section.

(a) Service Brakes-Adequacy - Every such motor vehicle and combination of vehicles shall be equipped with service brakes

complying with the performance requirements of this rule and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(b) Service Brakes-Adequacy - Every such vehicle and combination of vehicles except motorcycles and motor driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on any surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source or energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(c) Brakes on all Wheels - Every vehicle shall be equipped with brakes acting on all wheels except:

1. Trailers, Semi-Trailers, or Pole Trailers of a gross weight not exceeding 3,000 pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

(ii) The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of this rule.

2. Any vehicle being towed in driveway or tow away operations provided the combination of vehicles is capable of complying with the performance requirements of this rule.

3. Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that

when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of this rule.

4. The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this rule.

(d) Automatic Trailer Brake Application Upon Breakaway. Every trailer, semi-trailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semi-trailer, and pole trailer with a gross weight in excess of 3,000 pounds, manufactured or assembled after January 1, 1972, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(e) Tractor Brakes Protected. Every motor vehicle manufactured or assembled after January 1, 1972, and used to tow a trailer, semi-trailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(f) Trailer Air Reservoirs Safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1972, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(g) Two Means of Emergency Brake Operation.

1. Air Brakes. After January 1, 1972, every towing vehicle manufactured or assembled after that date, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than 20 pounds per square inch not higher than 45 pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the

automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

2. Vacuum Brakes. After January 1, 1972, every towing vehicle manufactured or assembled after that date used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have in addition to the single control device required by subsection (h), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(h) Single Control to Operate All Brakes. After January 1, 1972, every motor vehicle, trailer, semi-trailer and pole trailer, and every combination of such vehicles manufactured or assembled after that date, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

(i) Reservoir Capacity and Check Valve.

1. Air Brakes. Every bus, truck or truck tractor with air operated brakes shall be equipped with a least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cutout setting, a full service brake application may be made without lowering such reservoir pressure by more than 20 percent. Each reservoir shall be provided with means for readily draining accumulated oil or

2. Vacuum Brakes. After January 1, 1972, every truck with three or more axles equipped with vacuum assistor type brakes and every truck-tractor and truck used for towing a vehicle equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than 40 percent.

3. Reservoir Safeguarded. All motor vehicles, trailers, semi-trailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(j) Warning Devices

1. Air Brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below 50 percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

2. Vacuum Brakes. After January 1, 1972, every truck tractor and truck first put in use to be used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

3. Combination of Warning Devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

(2) Performance Ability of Brakes.

(a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

1. Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification.

2. Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second tabulated herein for its classification, and

3. Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

(b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

Classification of Vehicles	**Braking Force As A Percentage of Gross Vehicle or Combination Weight**	**Deceleration in Feet Per Second Second**	**Brake System Application & Braking Distance in Feet from an Initial Speed of 20 M.P.H**
1. Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross rating	52.8%	17	25
2. All motorcycles & motor-driven cycles	43.5%	14	30
3. Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.4%	14	30
4. Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40

Classification of Vehicles	Braking Force As A Percentage of Gross Vehicle or Combination Weight	Deceleration in Feet Per Second Second	Brake System Application & Braking Distance in Feet from an Initial Speed of 20 M.P.H
5. Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
6. Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
7. All combinations of vehicles in driveaway-towaway operations	43.5%	14	40
8. All other vehicles and combinations of vehicles	43.5%	14	50

(3) Maintenance of Brakes

(a) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Author:
Statutory Authority: Code of Ala. 1975, §32-2-9.
History: Filed April 23, 1982.

760-X-1-.10 To Provide For Persons To Be Designated To Act In Loco Parentis For Fifteen (15) Year Old Learner Permit Holders.

(1) Code of Ala. 1975, §32-6-8, provides that a person not less than fifteen (15) but under sixteen (16) years of age may obtain a permit to learn to operate a motor vehicle, which permit shall entitle such person to operate a motor vehicle when he or she is

accompanied by a parent or his or her legal guardian who is duly licensed in this state as a motor vehicle operator, or when accompanied by a licensed or certified driving instructor, who is actually occupying a seat beside the motor vehicle operator.

(2) If neither parent or guardian holds a license to operate a motor vehicle, the parent or guardian may at the time the fifteen (15) year old makes application for a learner's permit name a person or persons not to exceed two (2) to act in loco parentis to supervise the permit holder. The driver license examiner shall list the persons to act in loco parentis on a special form and have the parent or guardian sign the form in duplicate. One copy will be kept with the application and the other copy will be attached to the learner's permit.

Author:
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982.

760-X-1-.11 Maximum Speed Limit On All Highways.

Superseded by Code of Ala. 1975, §32-5-90 and executive order of the Governor establishing state speed limit of 55 MPH.

Author:
Statutory Authority:
History: Filed April 23, 1982.

760-X-1-.12 Regulations To Suspend Or Revoke Driver License For Failing To Appear In Court.

(1) Any person who is a resident of the State of Alabama or any person who has an Alabama driver license and is arrested for a violation of any provision of any law, ordinance, or promulgated rule of any state, county, city, Territory of the United States or Province of Canada which if committed in this state would be punishable as a misdemeanor under Code of Ala. 1975, Title 32, who is issued a summons or otherwise notified or instructed in writing to appear at a time and place specified in such summons or notice and is released on sufficient written bond, approved by the arresting officer, or is otherwise released, and who violates his written bond to appear or who otherwise fails to appear shall be subject to the provisions of this rule as defined and described in paragraph B.

(2) When the Director of Public Safety receives written notice from the court, or the licensing authority of the state, Territory or Province, where the offense was committed that such person has violated his written bond to appear or otherwise failed to appear as instructed or notified, the Director shall suspend the driver license and driving privilege of the defaulting driver until

notified by the court or licensing authority that such driver has complied with a notice to appear.

(3) The Director of Public Safety, upon suspending any license shall require that such license be surrendered and be retained by the Director of Public Safety until final notice has been received from the Court or licensing authority that the driver has complied with a notice to appear. If such licensee refused to surrender such license, he shall be considered in violation of this rule, and shall be subject to the penalties provided by Code of Ala. 1975, §32-6-18.
Author:
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982.

760-X-1-.13 Driver License Examinations: Required To Be Given By Agent Of The Department Of Public Safety.

(1) Code of Ala. 1975, §32-6-3, requires an unlicensed driver to be given an examination by a duly authorized agent of the Director of Public Safety, and the applicant must pass the examination before receiving a driver license.

(2) Any person who presents himself to a duly authorized agent of the Director of Public Safety, Probate Judge's Office or Licensed Commissioner's Office and conceals his identity unlawfully and fraudulently or assists or aids another in unlawfully and fraudulently concealing his identify, shall be in violation of this rule and shall have his driver license suspended for a period of sixty (60) days and may be punished under Code of Ala. 1975, §32-6-18 (C) and (E).
Author: Captain B. W. Henderson
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982. **Amended:** Filed August 15, 1996; effective September 19, 1996.

760-X-1-.14 Speed Limit Within Safety Rest Areas.

(1) We, Jerry Shoemaker, Public Safety Director, and Rex Rainer, Highway Director, having found by engineering and traffic investigation that there exist no statewide prima facie speed limit within Safety Rest Areas, as described in Volume 7, Chapter 6, Section 3 of the Federal-Aid Program Manual, constructed and maintained by and for the State of Alabama upon Federal-Aid Highways, do set, ordain and establish that the speed limit within such Safety Rest Areas shall be twenty-five (25) miles per hour. Such speed limit shall be in effect at all times; and provided, further, that no speed limit fixed under authority of this

directive shall be effective unless appropriate signs are erected giving notice of the authorized speed.

(2) Any law, or rule to the contrary notwithstanding, this rule shall become effective upon its approval by the Governor.
Author:
Statutory Authority: Code of Ala. 1975, §32-5-94; Volume 7, Chapter 6, Section 3, Paragraph 5, of the Federal-Aid Highway Program Manual.
History: Filed April 23, 1982.

760-X-1-.15 Drivers Exempt From Securing Alabama Driver License.

In addition to those classes of drivers exempt from securing an Alabama driver license as provided by Code of Ala. 1975, §32-6-2, the following persons shall be exempt from securing an Alabama driver license so long as they hold a valid driver license issued by their home state:

(a) A nonresident on active duty in the armed forces of the United States and such nonresident's spouse and dependent children.

(b) Any nonresident full time student, properly enrolled and registered in a school, college, university or trade school in this state.

Author:
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13.
History: Filed April 23, 1982.

760-X-1-.16 Motor Carrier Safety And Hazardous Material Regulations.

(1) Part 107, Subpart B, Part 40, Parts 171-180, Part 382, Part 383, Part 384, and Parts 390-399 of Title 49, Code of Federal Regulations of the U.S. Department of Transportation and as they may be amended in the future are hereby adopted as part of Promulgated Rule No. 760-X-1-.16 of the Alabama Department of Public Safety.

(a) The Alabama Department of Public Safety shall have the authority to enforce these regulations.

(b) These regulations shall apply to all motor carriers both inter and intra, private, for hire, etc., where practical.

(c) Whenever these regulations require notification of the Department of Transportation, the Alabama Department of Public Safety shall be notified.

(2) In order to become certified in proper metal coil load securement, as required by Code of Ala. 1975, §32-9A-2(a)(4)a, a commercial vehicle operator must do one of the following:

(a) Obtain a certificate that notes the commercial vehicle operator's successful completion of the Securing Metal Coils Course that can be accessed through the website www.metalcoiltraining.com and that is generated by the testing website upon passage of the exam that is part of that course;

(b) Obtain an endorsement on his/her state commercial driver's license that specifically notes his/her authorization to haul metal coils in the licensing state; or

(c) Obtain a State of Alabama Metal Coil Certificate issued to the commercial vehicle operator by his/her motor carrier, if the motor carrier is authorized by the Alabama Department of Public Safety to issue the Alabama Metal Coil Certificate.

1. In order to have authority to issue a State of Alabama Metal Coil Certificate, a motor carrier must mail the Alabama Department of Public Safety's Motor Carrier Safety Unit a notarized affidavit from the motor carrier's safety compliance officer that states the safety compliance officer has personal knowledge that the motor carrier requires every commercial vehicle operator to receive training before hauling metal coils for the motor carrier in the requirements for securing metal coils set forth by 49 C.F.R. §393.120.

2. Upon receipt of the affidavit, the Alabama Department of Public Safety will mail or electronically mail a letter to the motor carrier that will provide the motor carrier with the website address, user id, and password needed to gain access to the certificates.

(3) A commercial vehicle operator shall not be considered certified for purposes of Code of Ala. 1975, §32-9A-2(a)(4)a, unless his/her certificate or license endorsement is filled out in full.

Author: B.W. Henderson, Zackery Burr
Statutory Authority: Code of Ala. 1975, §§32-2-9, as amended, 32-9A-2, as amended.
History: **Emergency rule** filed June 27, 1986. **Permanent adoption:** Filed September 10, 1986. **Amended:** Filed June 5, 1992. **Amended:** Filed July 19, 1994; effective August 23, 1994. **Amended:** Filed March 12, 1996; effective April 16, 1996. **Amended:** Filed April 6, 2011; effective May 11, 2011.

760-X-1-.17 Regulation On Window Tinting.

(a) As used in this Rule, the term:

1. "Light reflectance" means the ratio of the amount of total light that is reflected outward by a product or material to the amount of total light falling on the product or material.

2. "Light transmission" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through a surface to the amount of light falling on the surface.

3. "Manufacturer" means a person who produces or assembles a vehicle glass-coating material or who fabricates, laminates, or tempers a safety-glazing material, which material reduces light transmission.

4. "Material" means any transparent product or substance which reduces light transmission.

(b) Except as provided in this Code section, from and after March 1, 1991, it shall be unlawful for any person to operate a motor vehicle registered in this state:

1. Which has material and glazing applied or affixed to the front windshield, which material and glazing when so applied or affixed reduce light transmission through the windshield; or

2. Which has material and glazing applied or affixed to the rear windshield or the side or door windows, which material and glazing when so applied or affixed reduce light transmission through the windshield or window to less than 32 percent or increase light reflectance to more than 20 percent.

(c) The provisions of section (2) of this Rule section shall not apply to:

1. Adjustable sun visors which are mounted forward of the side windows and are not attached to the glass;

2. Signs, stickers, or other matter which is displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other matter which is displayed in a seven-inch square in the lower corner of the windshield nearest the driver;

3. Direction, destination, or termination signs upon a passenger common carrier motor vehicle if the signs do not interfere with the driver's clear view of approaching traffic;

4. Any transparent item which is not red or amber in color which is placed on the uppermost six inches of the windshield;

5. Any federal, state, or local sticker or certificate which is required by law to be placed on any windshield or window;

6. Any other vehicle, the windows or windshields of which have been tinted or darkened before factory delivery or permitted by federal law or regulation, except for those windows to the right and left of the driver; or

7. Any motor vehicle not registered in this state.

(d) The Department of Public Safety may, upon application from a person required for medical reasons to be shielded from the direct rays of the sun and only if such application is supported by written attestation of such fact from a person licensed to practice medicine under Chapter 24 of Title 34, issue an exemption from the provisions of this Rule for any motor vehicle owned by such person or in which such person is a habitual passenger. The exemption shall be issued with such conditions and limitations as may be prescribed by the Department of Public Safety.

(e) From and after March 1, 1991, each manufacturer of material designed to be affixed or applied to the windows or windshields of a motor vehicle may, before shipping such material into this state, apply to the director of public safety for approval and registration of its material and the label for identification and certification of compliance. No material shall be approved by the director unless the manufacturer demonstrates that such material, when applied or affixed to a window, shall not reduce light transmission or increase light reflectance in violation of section (2) of this Rule. The manufacturer of any material shipped into this state on or after March 1, 1991, shall provide labels of a size and type approved by the director, written instructions for the placement of such labels, and a notice that the improper installation of material to a window or windshield or the failure to display a label as provided in this section is a violation of state law. It shall be unlawful for any person to alter or reproduce any label approved by the director or to knowingly use any approved label except as authorized by this Rule.

(f) From and after March 1, 1991, any motor vehicle which has material and glazing applied or affixed to the windows or rear windshield of such vehicle, which material and glazing have reduced the light transmission through such window or windshield or increased the light reflectance of such window or windshield, shall display a label visible from the outside such vehicle indicating that such windows and windshield are in compliance with

the light transmission and light reflectance requirements as provided in section (2) of this Rule. From and after March 1, 1991, no person shall install any material upon the windshield or windows of any motor vehicle, the installation of which would result in a reduction of light transmission or an increase in light reflectance in violation of section (2) of this Rule.

(g) This rule regulates the use of nontransparent material on vehicles as provided in §32-5-215, Code of Ala. 1975, as amended.
Author: B. W. Henderson, Jack M. Curtis
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-5-215, as amended.
History: Filed November 14, 1990.

760-X-1-.18 Criminal History Information.

The following are procedures for obtaining criminal history information from the Alabama Department of Pubic Safety in accordance with Act No. 92-676.

- The applicant's full name, race, sex, date of birth, and social security number.

- A release form signed by the applicant (you must use the Department of Public Safety release form, ABI-46).

- A cashier's check, bank or postal money order in the amount of $25 (per applicant) made payable to the Alabama Bureau of Investigation.

- Mail request to: Alabama Department of Public Safety.
Alabama Bureau of Investigation
Attention Identification Unit
P. O. Box 1511
Montgomery, Alabama 36102-1511

Author: Fulton Prevost, B. W. Henderson
Statutory Authority: Act No. 92-676 (Second Special Session, 1992, Alabama Legislature).
History: **New Rule:** Filed April 5, 1993; effective May 20, 1993.

760-X-1-.19 Requirement The Social Security Number Be Divulged In Order To Obtain A Driver License And Non-Driver Identification Card.

(1) All persons eligible for a social security number applying for a driver license shall be required to furnish to the Alabama Department of Public Safety their social security number in order to obtain an Alabama driver license except as provided for in Paragraphs 4 and 5.

(2) The Department shall use such numbers for the purpose of administering the driver license laws of this state and for such other purposes as may be permitted under state and federal law.

(3) The Department shall maintain the confidentiality of social security numbers obtained by it except to the extend the use of such numbers is permitted by state and federal law.

(4) Foreign Nationals legally residing in the State of a period exceeding six months and who are not authorized a social security number are not required to provide a social security number prior to making application for a driver license or non-driver identification card. Proof of Authorized Presence, as defined in 760-X-1-.20, in the United States for a period exceeding six months from the date of application for a driver license shall be provided by the applicant to the Department at the time of application.

(5) United States citizens who, based upon sincere, well established religious objections, do not have a social security number assigned to them, must provide verifiable proof from the Social Security Administration that a social security number has never been assigned to them.

Author: Captain B. W. Henderson, Jack Curtis, 2002 amendments Tom Simon

Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13; 42 U.S.C. §405(c).

History: **New Rule:** Filed January 11, 1996; effective February 15, 1996. **Amended:** Filed October 29, 2002; effective December 3, 2002.

760-X-1-.20 Proof of Identity, Authorized Presence.

1. **Definitions.** As used in this Rule, the following terms shall have the following meanings:

   (a) APPLICANT. An applicant for a license or ID.

   (b) LICENSE. An Alabama driver license, regardless of class, stage, or restrictions; an Alabama learner's permit, whether issued for commercial or non-commercial driving; or an Alabama vessel license. The term includes any type of license listed in Table 2.

   (c) ID. An Alabama nondriver identification card.

   (d) LISTED DOCUMENT. A document listed in Table 1 of this Rule as acceptable documentation for proof of name, date of birth, and authorized presence. The term includes documents designated as either "Primary" or "Secondary" in Table 1. The

term refers only to the original Listed Document or to a copy that is certified by the agency that issued the Listed Document or its successor agency.

(e) OUT-OF-STATE DRIVER LICENSE. A driver license issued by a state other than Alabama or by another transfer-eligible jurisdiction.

(f) PRIMARY LISTED DOCUMENT. A Listed Document that is designated by Table 1 as a "Primary" document.

(g) STATE. A State of the United States; the District of Columbia; or any United States Territory, including Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(h) U.S. BIRTH CERTIFICATE. An official government record of birth that has been issued by a federal or state agency designated by law to issue such records and that indicates the individual's date of birth, full name, and sex.

(i) VESSEL LICENSE. An Alabama boater safety certification, as described in Article 2 of Chapter 5 of Title 33 of the Code of Alabama 1975.

2. **Proof of Identity.** Any individual applying for an original Alabama license or ID must submit proof of his or her identity, including name, date of birth, and authorized presence in the United States. This will help to safeguard the accuracy and integrity of Department of Public Safety documents.

3. **Scope.** This Rule is intended to establish minimum standards for the issuance of all Alabama licenses and IDs. Compliance with this Rule does not, by itself, entitle an applicant to the issuance of a STAR ID document that is acceptable for certain federally designated purposes, including boarding federally regulated commercial aircraft. STAR ID documents have additional proof, verification, and issuance requirements that are described in the REAL ID Act of 2005 (P.L. 109-13) and the U.S. Department of Homeland Security's implementing regulations (Title 6, Part 37 of the Code of Federal Regulations).

4. **In General.** Except as otherwise provided in this Rule, an applicant for a license or ID must offer proof of his or her identity by presenting the following documentation:

(a) The applicant's original Social Security Card and

(b) Listed Documents in one of the following combinations:

1. If any of the Listed Documents presented by the applicant bear a photograph of the applicant, then the applicant may present one (1) Primary Listed Document and one (1) additional Listed Document.

2. Otherwise, the applicant must present one (1) Primary Listed Document and two (2) additional Listed Documents.

5. **Driver License Transfer.** An applicant seeking to transfer an out-of-state driver license to Alabama must, in lieu of the requirements of subsection (4)(b), present his or her out-of-state driver license and one (1) Primary Listed Document.

6. **Proof of Social Security Number, Exceptions.** Except as otherwise stated in this Rule, when an individual applies for an Alabama license or ID the applicant must present proof of his or her Social Security number, regardless of whether the applicant wishes to have the number displayed on the applicable license or ID. Ordinarily, this requirement will be satisfied by presenting the applicant's original Social Security Card pursuant to subsection (4)(a).

(a) In lieu of presenting his or her original Social Security Card pursuant to subsection (4)(a), an applicant may offer proof of his or her Social Security number by presenting an original of one of the following documents, if the document displays the applicant's Social Security number:

1. A certified letter from the U.S. Social Security Administration, on SSA letterhead, stating the applicant's name and Social Security number.

2. A computer-generated printout from the U.S. Social Security Administration, with the SSA's official stamp affixed, that displays the applicant's name and Social Security number.

3. A United States Uniformed Services Identification and Privilege Card.

4. A U.S. Department of Defense Certificate of Release or Discharge from Active Duty (DD Form 214).

5. A Medicare or Medicaid Identification Card, if the card displays the letter "A" immediately after the applicant's Social Security number.

6. A U.S. Internal Revenue Service Wage and Tax Statement (Form W-2).

(b) A U.S. citizen who, based upon sincere, well-established religious objections, has never been assigned a Social Security number must, in lieu of the requirements of subsection (4)(a), present verifiable proof from the Social Security Administration that a Social Security number has never been assigned to him or her.

(c) A foreign national who applies for a license or ID and who has not been assigned a Social Security number must, in lieu of the requirements of subsection (4)(a), present verifiable proof from the Social Security Administration that he or she is ineligible for the assignment of a Social Security number and present proof of his or her authorized presence in the United States to the satisfaction of the license examiner as described in subsection (11)(d).

(d) A record existing on ALEA's driver license database as the result of a license or ID previously issued to the applicant may be considered as proof of the applicant's Social Security number.

(e) Notwithstanding the provisions of this Rule, an applicant for a license issued pursuant to the Alabama Uniform Commercial Driver License Act, Code of Ala. 1975, §§ 32-6-49.1, et seq., must offer proof of his or her Social Security number in the manner specified by the Act.

7. **Proof of Date of Birth.** An applicant for any type of Alabama license or ID must meet the minimum age requirements relevant to that license or ID, which are set forth in Table 2. A record existing on ALEA's driver license database as the result of a license or ID previously issued to the applicant may be considered proof of the applicant's date of birth. If no such record exists, the applicant's date of birth must be established by at least one Primary Listed Document.

8. **Learner License.** Notwithstanding any other provisions of this Rule, a 15-year-old applicant seeking to obtain a Stage I learner license pursuant to Section 32-6-8(b), Code of Alabama 1975, must present at least one of the following Listed Documents, which will count towards the total number of Listed Documents required by subsection (4)(b) of this Rule:

(a) If the applicant was born in the United States, the applicant must present his or her U.S. birth certificate.

(b) If the applicant was not born in the United States, the applicant must present at least one of the following:

1. A foreign birth certificate printed in, or translated into, English and certified by the embassy of the country of issuance.

2. A Certificate of Foreign Birth issued by the Alabama Department of Public Health, or a certificate of foreign birth issued by a federal or state government agency designated by law to issue such records, if the certificate's issuance requires, at a minimum, the same degree of proof of the subject's identity required to obtain an Alabama Certificate of Foreign Birth.

3. A U.S. Passport.

9. **Proof of School Enrollment or Exclusion.** An individual under the age of 19 who is applying for, renewing, or seeking reinstatement of a driver license must present a diploma or other certificate of graduation, a GED certificate, or a completed and signed School Enrollment/Exclusion Form (ALEA Form DL-1/93). Such documentation will count towards the total number of Listed Documents required by subsection (4)(b) of this Rule.

10. **Previous Deportation.** An applicant who has previously been deported from the United States must, in addition to satisfying the documentation requirements provided in subsection (4) of this Rule, present proof from U.S. Immigration and Customs Enforcement that his or her legal presence status has been restored.

11. **Foreign National Applicants.**

(a) In order to be eligible for the issuance of a license or ID pursuant to Section 32-6-10.1, Code of Alabama 1975, a foreign national applicant must be lawfully present in the United States and have at least 30 days of allowable time remaining in the United States.

(b) Any individual lawfully present in the United States and classified as a lawful permanent resident of the United States, or classified in any of the following U.S. Visa categories, is eligible to apply for a license or ID pursuant to Section 32-6-10.1, Code of Alabama 1975: A, B, E, F, G-4, H, I, J, K, L, M, NATO, O, P, Q, R, S, T, TN, TD, TPS, or U. Provided, however, that F and M visa holders must also present a Certificate of Eligibility for Nonimmigrant Student Status (Form I-20), and J-1 and J-2 visa holders must also present a Certificate of Eligibility for Exchange Visitor Status (Form DS-2019 or Form IAP-66).

(c) For the purposes of issuing licenses and IDs to foreign nationals pursuant to Section 32-6-10.1, Code of Alabama 1975, the Department of Public Safety shall presume a foreign national's presence in the United States to be unauthorized until the applicant presents documentation evidencing, to the satisfaction of the Department, that the applicant's presence in the United States is authorized.

(d) In the circumstances described in subsection (6)(c), license examiners may consider a variety of documents when determining a foreign national applicant's authorized presence in the United States. Alternative documents include, but are not limited to, one or more documents in the following list. Presentation by the applicant of one or more of the following documents does not ensure that the applicant will be processed for the issuance of an Alabama license or ID:

1. An I-551 stamp in a valid foreign passport.

2. An I-551 stamp on an INS Form I-94 Arrival/Departure Record.

3. Refugee, asylee, or parolee classifications, only when accompanied by proper ICE/DHS documentation.

4. Proof of non-immigration classification provided by the United States Department of Homeland Security (including, but not limited to: valid I-94 Arrival/ Departure Record issued by the DHS; original Form I-797 Notice of Action issued by the DHS showing approval of change of status or extension of stay; or original Form I-797 Notice of Action issued by the DHS evidencing timely filing of an extension petition.

5. United States Uniformed Services Identification and Privilege Card, accompanied with an international travel order (ITO) for international military student (IMS).

6. Valid Employment Authorization Document (EAD) issued by the U.S. Department of Homeland Security, accompanied by a valid foreign passport.

12. **Documentation Requirements.** No document shall be accepted as proof of identity unless it meets the following requirements:

(a) It is the original document, or it is a copy of the original document that bears an attached, original certification from the agency that issued the document or its successor agency.

(b) The document does not bear any of the following defects:

1. Correction fluid (white-out) has been used on pertinent information.

2. Erasure markings appear on pertinent information.

3. Pertinent information is missing.

4. Pertinent information is illegible.

5. Alterations appear in pertinent information.

6. A fold, crease, tear, or hole obliterates or distorts pertinent information.

7. A staple obliterates or distorts pertinent information.

8. The document is not properly signed.

(c) Unless expressly permitted in another part of this Rule, the document is current.

(d) If the document is an immigration document, it reflects that the applicant has at least 30 days of allowable time remaining in the United States.

TABLE 1: ACCEPTABLE DOCUMENTATION FOR PROOF OF NAME, DATE OF BIRTH, AND AUTHORIZED PRESENCE

DOCUMENTS MUST BE ORIGINAL OR COPIES CERTIFIED BY ISSUING AGENCY

PRIMARY	SECONDARY
U.S. Birth Certificate	Driver license issued by another state
U.S. Passport	Nondriver identification card issued by another state
Alabama Driver License	U.S. Armed Forces Driver License
Alabama Nondriver Identification Card	U.S. Department of Defense Certificate of Release or Discharge from Active Duty (DD Form 214)
U.S. Certificate of Naturalization (Form N-550 or Form N-570)	U.S. Selective Service System Registration Card
U.S. Certificate of Citizenship (Form N-560 or Form N-561)	U.S. Department of Veterans Affairs Veteran Health Identification Card
U.S. Consular Report of Birth Abroad (Form FS-240), or a predecessor document (Form DS-1350 or Form FS-545)	U.S. Internal Revenue Service Wage and Tax Statement (Form W-2) for the previous year, with a copy of filed forms
U.S. Permanent Resident Card (Form I-551)	Marriage license or certificate
	Professional license issued by a federal or state government agency

PRIMARY **SECONDARY**

FOR NON-U.S. CITIZEN APPLICANTS:

Valid foreign passport containing a valid U.S. immigration document

U.S. Employment Authorization Document (Form I-766 or Form I-688) bearing one of the following codes:

- A03 – Refugee
- A04 – Paroled as Refugee
- A05 – Asylee
- C08 – Asylum Applicant
- C11 – Alien paroled into the U.S. in the public interest or temporarily for emergency reasons

School Enrollment/Exclusion Form (ALEA Form DL-1/93)

A certified school record:

- Current transcript
- Most recent report card
- GED certificate
- Certificate of graduation
- Certified letter from school

Photo identification card issued by applicant's school

Documents from a court of record:

- Divorce decree
- Adoption decree
- Name change decree
- Bankruptcy decree

Probation or release documents issued by a state or federal department of corrections, accompanied by a photo identification card issued by the same authority or a felon identification card issued by the Sheriff of the applicant's county of residence

A Certificate of Foreign Birth issued by the Alabama Department of Public Health, or a comparable certificate of foreign birth issued by a federal or state government agency designated by law to issue such records

PRIMARY	SECONDARY
	FOR NON-U.S. CITIZEN APPLICANTS:
	U.S. Employment Authorization Document (Form I-766 or Form I-688)accompanied by valid Social Security Card
	Valid I-94 Arrival/Departure Record issued by federal DHS
	Valid U.S. Visa, of a category listed in subsection (11)(b), authorizing presence in the country for a period of at least 30 days
	Original Form I-97, Notice of Action, issued by federal DHS showing approval of change of status or extension of stay
	Original Form I-797, Notice of Action, issued by federal DHS evidencing timely filing of an extension petition

TABLE 2: MINIMUM AGE REQUIREMENTS FOR

ALEA-ISSUED LICENSES AND IDENTIFICATION CARDS

TYPE	AGE
Nondriver Identification Card	No minimum age requirement
Vessel License	12 years old
Class M Motorcycle License with Motor-Driven Cycle Restriction	14 years old
Stage I Class D Driver License (Learner's Permit)	15 years old
Stage II Class D Driver License (Restricted DL)	16 years old, if individual has held a Stage I License for at least six months Otherwise, 18 years old
Stage III Class D Driver License (Unrestricted DL)	17 years old, if individual has held a Stage II License for at least six months Otherwise, 18 years old
CDL Class A Restricted	18 years old
CDL Class B Restricted	18 years old
CDL Class A Unrestricted	21 years old
CDL Class B Unrestricted	21 years old
CDL Class C	21 years old

Author: Director Holley Cook, Noel S. Barnes, Joseph R. Latham
Statutory Authority: Code of Ala. 1975, §§32-2-9; 32-6-10.1; 32-6-13.
History: **New Rule:** Filed May 15, 2000; effective June 19, 2000. **Amended:** Filed October 29, 2002; effective December 3, 2002. **Amended:** Filed April 29, 2004; effective June 3, 2004. **Amended:** Filed January 8, 2008; effective February 12, 2008. **Repealed and New Rule:** Published August 29, 2025; effective October 13, 2025.

760-X-1-.21 Foreign Jurisdiction Convicted Sex Offender Registration, Notification, And Due Process Hearings.

All persons convicted of any sex related crime are required by statute to register with law enforcement. This includes persons convicted in states other than Alabama, federal courts, tribal territories, United States territories, and other jurisdictions. Persons convicted in jurisdictions other than Alabama may be entitled to a due process hearing prior to community notification if their conviction does not fall within the parameters of Code of Ala. 1975, Sections 15-20A-1 through 15-20A-48 (2011), the Alabama Sex Offender Registration and Notification Act. Persons convicted in jurisdictions other than Alabama follow the steps below:

(1) Persons convicted in jurisdictions other than Alabama must register by completing ALEA Form 47 upon entering into Alabama to reside, work, or attend school.

(2) When the Department of Alabama Law Enforcement Agency receives the ALEA Form 47, the department will make a determination as to the applicability of the Alabama Sex Offender Registration and Notification Act to the offender. This determination includes whether the offender is entitled to be offered a due process hearing.

(3) If the conviction is for a sex offense as defined in Code of Ala. 1975, Section 15-20A-5, except for those covered in subsection (35), then the offender is automatically subject to the entire Act without a due process hearing. However, if not and community notification is not automatically applied under the Act, the department will make a preliminary determination concerning the applicability of the Act to the offender. If it is determined that the Act should apply to the offender, the department will mail a notice to the offender of the department's determination that also explains how to appeal the determination. The notice will be mailed by certified mail, return receipt requested.

(4) If the notice is returned unclaimed or incorrect address, this will result in waiver of a hearing.

(5) If the offender disagrees with the department's determination, he or she must notify the Alabama Law Enforcement Agency, Legal Unit at P.O. Box 1511, Montgomery, Alabama 36102-1511 in writing within twenty (20) days of receipt of the notice. If the offender fails to notify the department of the hearing request within this time period, this will result in waiver of a hearing.

(6) Appeals of the department's determination will be heard by an Administrative Law Judge provided by the department.

(7) Appeals will be held at the department's office closest to the address of the offender.

(8) Appeal of the decision of the Administrative Law Judge will be with the Circuit Court in Montgomery County, Alabama.

Author: Michael W. Robinson, Lindsey W. Clements, Casey Bates
Statutory Authority: Code of Ala. 1975, §15-20-38(a).
History: **New Rule:** Filed September 10, 2002; effective October 15, 2002. **Amended:** Filed September 20, 2012; effective October 25, 2012. **Amended:** Filed November 17, 2017; effective January 1, 2018.

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 pursuant to Section 32-6-1, Code of Ala. 1975, that may be displayed through an ALEA approved mobile or other software application on a wireless communications or mobile electronic device.

(b) The digital driver license or non-driver identification card may contain all information present on a physical license or identification card. In addition, a digital license or identification card may 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 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 for 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: **New Rule:** Filed October 26, 2015; effective November 30, 2015.

760-X-1-.23 Mandatory Liability Insurance.

(1) **Definitions.** As used in this Rule, the following terms shall have the following meanings:

(a) ALEA. The Alabama State Law Enforcement Agency.

(b) ALVIN. The Alabama Vehicle Information Network, or any successor vehicle titling system maintained by the Alabama Department of Revenue.

(c) CIVIL PENALTY. A monetary assessment imposed for civil regulatory purposes by ALEA, pursuant to Section 41-27-42, Code of Alabama 1975, to penalize a driver's noncompliance with the MLI Law.

(d) DRIVER. An operator of a motor vehicle.

(e) HEARING OFFICER. Any driver license hearing officer or other ALEA-appointed hearing officer.

(f) INSURANCE. Liability insurance required pursuant to Section 32-7A-4, Code of Alabama 1975.

(g) MLI LAW. Alabama's Mandatory Motor Vehicle Liability Insurance Law, which is codified at Chapter 7A of Title 32 of the Code of Alabama 1975.

(h) MLI CITATION. A citation for failure to comply with the MLI Law.

(i) MOTOR VEHICLE INCIDENT. An incident involving one or more drivers and one or more motor vehicles, if at least one of the following has occurred in connection with the incident:

1. A law enforcement officer has issued a traffic citation.

2. One or more drivers were involved in an accident, and an accident report has been filed.

(j) OIVS. Alabama's Online Insurance Verification System, as defined in Section 32-7B-2(6), Code of Alabama 1975.

(k) UTTC. An Alabama Uniform Traffic Ticket and Complaint, as provided for in Section 12-12-53, Code of Alabama 1975.

(l) UTCR. An Alabama Uniform Traffic Crash Report, as provided for in Section 32-10-8, Code of Alabama 1975.

(2) **In General.** With limited exceptions, a driver operating a motor vehicle in this state must comply with the provisions of Alabama's Mandatory Motor Vehicle Liability Insurance Law, which requires certain minimum liability coverage. A driver who was involved in a motor vehicle incident, who was not in compliance with the MLI Law at the time of the incident, and who was not issued a criminal citation for his or her failure to comply shall be subject to the civil enforcement scheme established in Sections 41-27-40 through 41-27-48, Code of Alabama 1975. The driver will receive a civil penalty for his or her noncompliance, and failure to timely pay that penalty will result in the suspension of his or her driver license.

(3) **Determining Noncompliance with MLI Law.**

(a) UTTCs issued in eCite and UTCRs filed in eCrash in connection with a motor vehicle incident will be reviewed to determine whether each involved driver was issued an MLI citation at the time of the motor vehicle incident.

(b) If the reviewed materials do not indicate that an involved driver was issued an MLI citation, then vehicle, tag, and insurance information available in ALVIN and OIVS will be consulted to determine whether the motor vehicle the driver was operating was covered by insurance in compliance with the MLI Law at the time of the incident, and whether exceptions to the MLI Law applied.

(c) ALEA will assess a civil penalty against a driver involved in a motor vehicle incident if the review in subsections (a) and (b) determines that the driver was operating a motor vehicle in violation of the MLI Law at the time of the incident and was not issued an MLI citation at the time of the incident.

(4) **Notice of Assessment, Procedures for Administrative Resolution.**

(a) When a civil penalty is assessed against a driver, ALEA will cause a notice of assessment to be mailed, via first class U.S. Mail, to the address for the driver in ALEA's records or to an address for the driver otherwise available to ALEA on a relevant UTTC or UTCR.

(b) The notice of assessment will bear a notice mail date and will include the amount of the civil penalty assessed, information about how to pay the penalty or dispute it, and language warning the driver that his or her driver license will be suspended for a period of 90 days unless he or she takes action in accordance with subsection (c).

(c) The driver must take one of the following actions within 45 days of the notice mail date:

1. Pay the civil penalty in full, using one of the following methods:

(i) The civil penalty may be paid online via credit card (American Express, Discover, Mastercard, or Visa) by visiting https://mli.alea.gov.

(ii) The civil penalty may be paid in-person in cash by following the procedures specified for cash payment in the notice of assessment. However, the civil penalty cannot be paid in-person, in cash or otherwise, at any ALEA office or county revenue office.

2. File a request for a sixty-day extension to pay the civil penalty and a settlement agreement, provided by ALEA and signed by the driver, wherein the driver agrees to pay the civil penalty in full.

(i) The required documents must be filed online at https://mli.alea.gov or by mail addressed to the Mandatory Liability Insurance Unit, PO Box 1471, Montgomery, AL 36102-1471.

(ii) Once a driver files an extension request, the driver shall not be entitled to appeal ALEA's assessment of the civil penalty or receive an administrative hearing.

3. Submit verification, in the manner required by https://mli.alea.gov, that the motor vehicle was covered by insurance at the time of the motor vehicle incident. Upon verification that the motor vehicle was covered by insurance, the civil penalty will be voided.

4. Appeal ALEA's assessment of the civil penalty by filing a notice of appeal with ALEA, either online at https://mli.alea.gov or by mail addressed to the Driver License Hearing Unit, PO Box 1471, Montgomery, AL 36102-1471.

(d) In any of the following circumstances, the driver's driver license will be suspended for a period of 90 days:

1. The driver fails to comply with subsection (4)(c) of this Rule.

2. The driver, after receiving an extension pursuant to subsection (4)(c)2. of this Rule, fails to pay the civil penalty in full within the extended time period granted by ALEA.

3. After the issuance of a final decision denying his or her appeal of the assessment, the driver fails to pay the civil penalty in full within fifteen days of the notice mail date on the notice of decision.

(e) After a driver license suspension pursuant to subsection (d), the driver must apply for reinstatement to obtain a driver license. The driver must pay the civil penalty in full before ALEA will process an application to reinstate the driver license. The driver must also pay any fees arising out of the application for reinstatement.

(f) The driving privileges of an unlicensed driver may be suspended for a period of 90 days, pursuant to the same notification and administrative resolution procedures provided by this rule, and may be reinstated as provided in subsection (e).

(5) **Administrative Appeal and Hearing, Judicial Review.**

(a) A driver who timely appeals the assessment of the civil penalty is entitled to an administrative hearing conducted by a

hearing officer. In all administrative hearings conducted pursuant to a request under Section 41-27-43, Code of Alabama 1975, the hearing officer shall ascertain, in addition to all other matters required by law to be determined, whether the motor vehicle the driver was operating at the time of the motor vehicle incident was operated in compliance with the MLI Law.

(b) The driver must commence an appeal as provided in subsection (4)(c)4. The notice of appeal must be received by ALEA within 45 days of the notice mail date on the notice of assessment. Failure to file the notice of appeal within the prescribed time shall constitute a waiver of the driver's right to an administrative hearing and judicial review.

(c) If an appeal is timely made, the suspension of the driver's license shall be stayed until the result of the hearing is final.

(d) The hearing will be conducted as soon as practicable and not more than thirty days after the filing of the notice of appeal. The hearing will be held at a location designated by the Secretary, unless the parties agree to a different location.

(e) ALEA shall provide written notice of the time and place of the hearing to the driver at least five days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(f) The hearing will be strictly administrative in nature and will be informal. The sole issue at the hearing will be whether the motor vehicle the driver was operating at the time of the motor vehicle incident was operated in compliance with the MLI Law. The hearing officer will review that issue de novo.

(g) The hearing officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant documents.

(h) The hearing officer shall make a final determination that either upholds the civil penalty or withdraws the civil penalty.

(i) A notice of decision communicating the hearing officer's final decision and bearing a notice mail date will be mailed, via first class U.S. Mail, to the address for the driver in ALEA's records or to an address for the driver otherwise available to ALEA.

(j) If the hearing officer finds that the driver operated the motor vehicle in violation of the MLI Law, the driver must pay the

civil penalty within fifteen days of the notice mail date on the notice of decision.

(k) Within 35 days of the notice mail date on the notice of decision, a party to the administrative appeal may file a petition for judicial review in the Circuit Court of Montgomery County, Alabama or in an Alabama circuit court for the county where the driver resides or where the offense occurred.
Author: Director Pamela Shepard, Joseph R. Latham
Statutory Authority: Code of Ala. 1975, §§32-2-9; 41-27-40 through 41-27-48.
History: New Rule: Filed May 9, 2017; effective June 23, 2017.
Amended: Filed February 14, 2018; effective March 31, 2018.
Repealed and New Rule: Published April 30, 2026; effective June 14, 2026.

760-X-1-.24 Hardship Driver License.

(1) Definitions:

(a) Hardship Driver License Applicant - A person disqualified from holding a driver license by state law, who can provide supporting documentation as requested by the Alabama Law Enforcement Agency ("ALEA"), and who is:

1. Currently participating in a work release program run, regulated, or recognized by the Alabama Department of Corrections ("ADOC") as demonstrated by a letter or other document provided from the program director or designee; or

2. Currently participating in a community corrections program ("CCP") that is recognized by an Alabama circuit, district, or municipal court and is in compliance with the ADOC's minimum standards as demonstrated by a letter or other document provided from the CCP program director or designee; or

3. An individual released from ADOC custody:

(i) upon completion of sentence;

(ii) after being granted parole by the Alabama Bureau of Pardons and Paroles ("the Bureau");

(iii) following a period of confinement served in the custody of the ADOC of up to 45 days ("dunk") imposed by the Bureau with return to parole supervision;

(iv) Pursuant to mandatory release (Section 15-22-26.2, Code of Ala. 1975, as amended);

(v) As otherwise provided by law, including persons returned to probation supervision following a period of confinement ("dunk") imposed by the sentencing court of up to 45 days in the custody population of the ADOC; or

4. A person with a suspended or revoked Alabama driver license who can demonstrate to the reasonable satisfaction of ALEA that he/she does not pose a risk to public safety and who can fully demonstrate to the reasonable satisfaction of ALEA that he/she cannot obtain reasonable transportation. Persons whose driver license is currently suspended or revoked for a serious traffic offense pursuant to Title 32 of the Code of Alabama are considered a risk to public safety for purposes of this rule.

(b) Hardship Driver License - A Class D driver license with specified and limited driving privileges. Unless otherwise specified herein, a hardship driver license shall be subject to all laws, rules, regulations, restrictions, and limitations that apply to Class D driver licenses. A hardship driver license strictly limits the operation of a motor vehicle to the following circumstances:

1. for the purpose of driving to or from the hardship driver licensee's place of employment, job training, job readiness programming, or job interviews;

2. for the purpose of driving to or from a religious service, affiliated religious function, or a civic event recognized to meet basic secular needs for full societal participation;

3. for the purpose of driving to or from a sanctioned educational institution recognized by the State of Alabama where the individual is a regularly enrolled student; schools or childcare facilities where a family member or dependent is enrolled; or events sanctioned by the school or childcare facility where the student, family member, or dependent is enrolled. This rule shall in no way diminish or affect the limitations or requirements of §15-20A-17, Code of Ala. 1975, as amended, which pertain to adult sex offenders, or the limitations or requirements of any other state or federal law, rule, or regulation;

4. for the purpose of driving to or from any court-ordered program, treatment, community service, or event, including but not limited to drug or alcohol counseling

or other rehabilitation program; court appearance; supervising probation and parole field office for reporting or programming; CCP; or work release program;

5. for the purpose of driving to or from a scheduled medical or mental health treatment appointment, a pharmacy for obtaining prescriptions, or in the event of a medical emergency;

6. for the purpose of driving to or from purchasing food and household necessities and performing essential household duties; and/or

7. for the purpose of driving to or from voting, if eligible.

(c) Disqualified from Holding a Driver License - For purposes of §32-6-12.1, Code of Ala. 1975, as amended, a person with a suspended or revoked Alabama driver license, including but not limited to suspension or revocation due to criminal conviction, adjudication, or a finding of delinquency as provided by law or a person whose driver license has been suspended or revoked as a civil penalty.

(2) Upon receiving an application for a hardship driver license from an individual who meets one of the hardship driver license applicant criteria specified in Alabama Administrative Code Section 760-X-1-.24(1)(a) and is not excluded from eligibility pursuant to Alabama Administrative Code Section 760-X-1-.24(7) or otherwise, ALEA may issue a hardship driver license. Applications for a hardship driver license and must be submitted to the ALEA Driver License, Hardship Unit.

(3) An initial application for a hardship driver license must include:

(a) the completed Application for Hardship Driver License Form, available on ALEA's website and at official ALEA Driver License Offices throughout the state.

(b) the driver license number that is suspended or revoked.

(c) for individuals meeting the hardship driver license applicant criteria in subsections 760-X-1-.24(1)(a)(1-3), a letter or document from the applicable authorized official stating that the applicant is eligible and meets the criteria pursuant to §32-6-12.1, Code of Ala. 1975, as amended.

(d) relevant driver information required by ALEA, including but not limited to that required by Alabama Administrative Code Sections 760-X-1-.19 and 760-X-1-.20 and any amendments thereto.

(e) proof of applicable insurance as required by Alabama Administrative Code Section 760-X-1-.24(6).

(4) Hardship Driver License Validity Period:

(a) A hardship driver license shall have an initial validity period of four years.

(b) An application to reapply for a hardship driver license after the initial validity period will be approved upon the hardship driver licensee's demonstration of good cause to the reasonable satisfaction of ALEA. Good cause includes but is not limited to demonstrable reentry efforts of the applicant and/or substantial progress towards resolving issues preventing the applicant's driver license reinstatement.

(c) A hardship driver license will be void upon driver license reinstatement if such time occurs prior to hardship driver license expiration.

(5) An individual whose driver license has been revoked is subject to examination by the Driver License Examiner as required by law for issuance of a hardship driver license.

(6) An individual whose driver license has been revoked and who is required to carry SR-22 insurance under applicable law is required to carry SR-22 insurance while holding a hardship driver license. Otherwise, an individual is required to carry mandatory liability insurance for the duration of their hardship driver license as required by Alabama Code Sections 32-7A-3, 41-27-40 through 41-27-48, or as otherwise required by law.

(7) A hardship driver license will not be issued:

(a) to a person who has been adjudicated or convicted of driving under the influence pursuant to Alabama Code Section 32-5A-191.

(b) to a driver who has committed any moving violation involving or resulting in serious physical injury or death of another person;

(c) to a person whose driver license is currently suspended or revoked for a serious traffic offense pursuant to Title 32 of the Code of Ala. 1975, as amended;

(d) at the discretion of the ALEA Secretary or his/her designee;

(e) to any person less than 16 years of age;

(f) to a driver who is medically ineligible for a Class D Driver License as provided by law; and

(g) For commercial driving privileges.

(8) The applicant shall have the right to a review by the ALEA Hardship Unit upon denial of his/her hardship application.

(9) Hardship Driver License Revocation:

(a) A hardship driver license shall immediately be revoked as mandated by Sections 32-5A-195(j) and 32-10-1(b), Code of Ala. 1975, as amended, and Alabama Administrative Code Section 760-X-1-.07 or as otherwise required by law.

(b) A hardship driver license shall immediately be revoked for any serious traffic offense as defined by Title 32 of the Code of Alabama for any four moving violations occurring during the four (4) year hardship license period or for non-compliance with any requirement or limitation provided herein.

(c) A hardship driver license may be revoked at any time subject to the discretion of the ALEA Secretary.

(10) Once revoked, a hardship driver license is not eligible for reinstatement.

(11) Fees: The cost of each hardship driver license issued shall be fixed at the cost of production and issuance of the hardship driver license and such cost shall be paid and remitted to ALEA. Disbursement of fees by ALEA will be in accordance with Class D driver license fees.

(12) Reinstatement of Driver License:

(a) During the hardship driver license validity period, a hardship driver licensee may apply with ALEA for driver license reinstatement. Hardship driver licensees are encouraged to apply for driver license reinstatement as soon as they are eligible and as far as possible in advance of the expiration of their hardship driver license.

(b) All applicable laws, rules, and regulations, including §32-6-17, Code of Ala. 1975, as amended, and Alabama Administrative Code Section 760-X-1-.02, to specifically include payment of all required fees, will apply to driver license reinstatement for any hardship licensee.

(c) A person whose hardship driver license has been revoked shall not be eligible to apply for a driver license until at least six (6) months from the date of the hardship license revocation regardless of the revocation date of their driver license.

(13) A hardship driver license issued pursuant to these rules is only valid in the state of Alabama and shall not be transferred to

another state. A hardship driver license shall not be considered REAL ID compliant under applicable federal law.

(14) Neither ALEA nor its officials, employees, agents, or assigns shall bear any criminal and/or civil liability for the use or improper use of a hardship driver license. In addition to the provisions herein, a hardship driver license applicant shall comply with all other existing restrictions and/or requirements under the law related to the acquisition and use of a driver license in Alabama; nothing in these rules shall be deemed to supersede or replace the same.

Author: Samantha J. Naramore
Statutory Authority: Code of Ala. 1975, §32-2-9, 41-27-40 thru 41-27-48.
History: New Rule: Filed May 4, 2018; effective June 18, 2018. **Repealed and New Rule:** Filed November 29, 2018; effective January 3, 2019. **Amended:** Published June 30, 2021; effective August 14, 2021. **Amended:** Published April 29, 2022; effective June 13, 2022.

760-X-1-.25 Nonconsensual Towing.

These rules shall establish procedures governing the use of towing and recovery services for nonconsensual towing directed by the agency of commercial motor vehicles as defined by 49 C.F.R. Part 390.5. The Alabama Law Enforcement Agency shall approve towing and recovery service rates as reasonable based on what is customary in practice of the industry.

(1) Definitions and Abbreviations.

(a) Agency – The Alabama Law Enforcement Agency (ALEA).

(b) Approved Rates – The rates for services of towing operations annually approved by the Agency to reflect market fluctuation within the industry, updated by April 1 of each calendar year, a copy of which shall be maintained at the Agency Headquarters in the Agency's Towing and Recovery Services Policy.

(c) Motor Vehicle – A vehicle intended primarily for use and operation on the public roads and highways which is self-propelled.

(d) Nonconsensual Towing – The moving, transporting, or recovery of a commercial vehicle by an approved towing and recovery service without the prior consent or authorization of the owner or operator of the vehicle pursuant to the Agency's Towing and Recovery Services Policy.

(e) Towing – The moving, transporting, or recovery from private or public property or from a storage facility of a person's commercial motor vehicle, the moving or removing of an unclaimed motor vehicle, as defined in Code of Ala. 1975, §32-8-84, or the immobilization of or preparation for moving or removing of the commercial motor vehicle, for which a fee is charged, either directly or indirectly.

(f) Towing and Recovery Service – An individual or business entity that provides towing and recovery services at the direction of a law enforcement officer of the agency in exchange for a fee or charge.

(g) Commercial Motor Vehicle – Any motor vehicle as defined by 49 C.F.R. Part 390.5, including but not limited to Medium Duty and Heavy Duty Commercial Vehicles.

(h) Trooper Commander – The commander of an agency troop/ division, or his/her designee.

(i) Medium Duty Commercial Vehicle - the towing, transport, and recovery of a vehicle with a gross vehicle weight rating of 10,001 pounds to 26,000 pounds.

(j) Heavy Duty Commercial Vehicle - the towing, transport, and recovery of a vehicle with a gross vehicle weight rating of 26,001 pounds and greater.

(2) Commercial Vehicle Owner to have reasonable access to the vehicle or contents. A commercial vehicle owner or his designee shall have reasonable access to the vehicle during normal operating hours for the towing or recovery business in accordance with the Agency's Towing and Recovery Services Policy.

(3) Security deposit required before removal of tractor or trailer. Before the tractor or trailer belonging to the commercial vehicle owner is removed, the commercial vehicle owner shall pay to the towing or recovery business a security deposit up to two thousand dollars ($2,000.00).

(4) Service Charge Dispute Resolution Process.

(a) Upon a dispute over fees and charges related to towing and recovery services for nonconsensual towing, the commercial motor vehicle owner or the motor vehicle owner's designee must file a written complaint with the towing and recovery service provider and the trooper commander or his/her designee within three (3) business days of receipt of invoice for the services provided.

(b) Upon receipt of the written complaint challenging the fees and charges, the towing and recovery service shall cease any and all storage charges that would accrue during the complaint review procedure.

(c) Upon a dispute over an unpaid invoice, the towing and recovery service provider may file a complaint after thirty (30) days of the date of the invoice but no later than ninety (90) days after that same date.

(d) If no agreement for cost adjustments can be made by the commercial motor vehicle owner or the commercial motor vehicle owner's designee and the towing and recovery service within seven (7) days from the date of the submission of the complaint under subdivision (a) or (b), the complaint shall be reviewed by the trooper commander or his/her designee with jurisdiction over the location upon which the vehicle was located at the time of towing or recovery. The trooper commander or his/her designee shall make a determination, in writing, on the complaint within three (3) business days as follows:

1. If the trooper commander or his/her designee determines that the fees are reasonable, the towing and recovery service may submit additional charges for any and all reasonable storage fees that have accrued during the complaint procedure.

2. If the trooper commander or his/her designee finds the towing and recovery charges to be in excess of the reasonable rates that are the customary practice of the industry, the trooper commander or his/her designee may adjust the charges accordingly and require the towing and recovery service to comply with the revised fees and charges.

(5) Disciplinary Actions. Any towing and recovery service that violates any provision within Article 3 of Chapter 27 of Title 41 shall be subject to disciplinary action in accordance with the Agency's Towing and Recovery Services Policy, including but not limited to a fine for each violation not to exceed Five Hundred Dollars ($500.00).

(6) Appeal Procedures.

(a) Any determination or order by the trooper commander or designee may be appealed in accordance with the Alabama Administrative Procedure Act.

(b) The party who appeals is entitled to an administrative hearing. In all administrative hearings conducted pursuant to a request under Code of Ala. 1975, §41-27-61, the hearing officer designated by the

Secretary of ALEA, in addition to all other matters required by law to be determined, shall ascertain whether the findings of the trooper commander or designee should be upheld.

(c) A request for an administrative hearing may be made by written request mailed to ALEA, DPS Division, Highway Patrol, P.O. Box 1511, Montgomery, Alabama 36102-1511.

(d) The request shall be received by the Agency within thirty (30) days of the notice mail date. Failure to request an administrative hearing within the prescribed time shall constitute a waiver of the party's right to an administrative hearing and judicial review.

(e) If an appeal is timely filed, the finding of the trooper commander or his/her designee shall be stayed until the result of the hearing is final.

(f) The hearing shall be scheduled as quickly as practicable and not more than thirty (30) days after the filing of the request for a hearing.

(g) The hearing shall be held at a location designated by the Secretary of ALEA unless all of the parties agree to a different location.

(h) ALEA shall provide a written notice of the time and place of the hearing to all of the parties at least five (5) days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(i) The hearing shall be before an Agency hearing officer or other hearing officer appointed by ALEA.

(j) The hearing will be strictly administrative in nature and will be informal.

(k) The sole issue to be determined at the hearing will be whether the trooper commander or his/her designee's determination was justified.

(l) The ALEA hearing officer or other hearing officer appointed by ALEA may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant documents.

(m) The ALEA hearing officer or other hearing officer appointed by ALEA shall make a final written determination that makes both findings of fact and conclusions of law, which shall either uphold the trooper commander or his/her designee's determination or amend the determination.

(n) If the trooper commander or his/her designee's determination is upheld, compliance with the determination shall be required.

(o) Within thirty-five (35) days of the issuance of a final order, a party may file a petition in the circuit court of the county where the towing services were provided, the county of the complainant's residence or place of business, or Montgomery County for judicial review.

(7) Prohibitions.

(a) The Agency may not receive compensation from a towing and recovery service.

(b) A state trooper or other employee of the Agency may not do any of the following:

1. Receive compensation or receive any other incentive, monetary or otherwise, to use a particular towing and recovery service.

2. Hold any financial interest in a towing and recovery service.

3. Recommend any towing and recovery service in the performance of his or her duties.

(8) Trooper Commander responsibilities. All assignments for towing and recovery services shall be made by the trooper commander or his/her designee with jurisdiction over the location in which the vehicle is located at the time the services are needed and in compliance with the Agency's Towing and Recovery Services Policy.

Author: F. Tim McCollum, Jeffrey Jordan, Jean Brown, Meridith H. Barnes

Statutory Authority: Code of Ala. 1975, §§41-27-60 through 41-27-63.

History: **New Rule:** Filed January 24, 2019; effective March 10, 2019.