ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

CHAPTER 760-X-1
PROMULGATED RULES

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.

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