

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 381 Department or Agency Alabama Law Enforcement Agency
Rule No. 760-X-1-.24
Rule Title: Hardship Driver License
 New X Amend Repeal Adopt by Reference

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

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

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

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

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

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

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

Does the proposed rule have an economic impact? No

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

Certification of Authorized Official

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

Signature of certifying officer *Hel Taylor*
Date 2/16/22

(DATE FILED)
(STAMP)
REC'D & FILED

FEB 18 2022

APA-2

Alabama Law Enforcement Agency

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Law Enforcement Agency

RULE NO. & TITLE:

76-X-1-.24 Hardship Driver License

INTENDED ACTION:

Minor changes to the wording and formatting and remove imbedded form

SUBSTANCE OF PROPOSED ACTION:

Amend rule to provide governance for hardship driver license

TIME, PLACE, MANNER OF PRESENTING VIEWS:


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

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 4, 2022

CONTACT PERSON AT AGENCY:

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



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

Amendment

ALABAMA LAW ENFORCEMENT AGENCY

**CHAPTER 760-X-1-.24
HARDSHIP DRIVER LICENSE**

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 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;
- (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 Alabama 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. A person whose driver license is currently suspended or revoked for a serious traffic offense pursuant to Title 32, Code of Alabama 1975, as amended, is 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 include a motor-driven cycle or motorcycle with a Class DM license, 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 Section 15-20A-17, Code of Alabama 1975, as amended, which pertains 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 programing; 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 and from voting, if eligible.

(c) Disqualified from Holding a Driver License - For purposes of Section 32-6-12.1, Code of Alabama 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 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 Alabama 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(a), Code of Alabama, 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; and

(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 (4) 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 it 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 reinstatement 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 his or her hardship driver license as required by Sections 32-7A-3 and 41-27-40 through 41-27-48, Code of Alabama 1975, as amended, 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 Section 32-5A-191, Code of Alabama 1975, as amended;

(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 Alabama 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 Alabama 1975, as amended, and Alabama Administrative Code Section 760-X-1-.07, or as otherwise directed by law.

(b) A hardship driver license shall immediately be revoked for any serious traffic offense as defined by Title 32, Code of Alabama 1975, as amended, for any four (4) 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 Section 32-6-17, Code of Alabama 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 ~~any~~ and 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: §§ 32-2-9, 41-27-40 through 41-27-48,
Code of Alabama 1975, as amended.

History: New rule: filed February 14, 2018; effective March 31,
2018. Amended: Filed June 22, 2021, effective August 14, 2021.

Amended: Filed February 18, 2022, effective April 4, 2022.



ALABAMA LAW ENFORCEMENT AGENCY
 DRIVER LICENSE DIVISION
 301 SOUTH RIPLEY STREET / P.O. BOX 1471 / MONTGOMERY,
 AL 36102-1471 PHONE 334.242.4400 / WWW.ALEA.GOV
 HARDSHIP LICENSE UNIT
 FAX: 334.353.9988 — EMAIL: HARDSHIP.LICENSE@ALEA.GOV

APPLICATION FOR HARDSHIP LICENSE

May be submitted via mail, email or fax

Applicant Type (choose all that apply):

- Participating in an ADOC regulated work release program¹
- Participating in a recognized/compliant Community Corrections Program¹
- Released from Alabama Department of Corrections custody as demonstrated by ADOC Form C-80 License
- Suspended/Revoked and cannot obtain reasonable transportation
- Reapplication Previous Hardship license expired or expiring²

***A person who has been adjudicated or convicted of DUI under Alabama Code Section 32-5A-191 is not eligible to apply for a hardship license.*

Name (First, Middle, Last): _____

Mailing Address: _____

City, State, Zip: _____

Social Security No.: _____

AL Driver License No.: _____

Date of Birth: _____

Email Address: _____

Daytime Phone Number: _____

I do solemnly swear, affirm, and certify I am the person named herein and the statements on this application, including all required attachments, which are hereby incorporated by this reference, are true and correct.

Signature of Applicant _____

_____ Date

*Attachments Required: # 1 - # 3 Required for all applicants *Failure to send the required attachments will result in the rejection of your application.**

1. List and description of all specific vehicles applicant may use (Make, Model, Tag #, Owner's name if not yourself)
2. Provide proof of Mandatory Liability Insurance for each vehicle
3. Statement regarding the inability to obtain reasonable transportation (explain why you need a Hardship license)
4. Proof of SR-22 insurance (if applicable)
5. Letter from Program Director of work release or community corrections program (applies only to ¹ designation above)
6. Demonstration of substantial progress toward reinstatement (applies only to ² designation above)

DO NOT WRITE BELOW THIS LINE - FOR DEPARTMENT USE ONLY

Application received date: _____

Rejected date: _____

Application approved date: _____

Email sent date: _____

Approved/Rejected by: _____

Letter sent date: _____