

**760-X-1-.24 Hardship Driver License New Rule**

(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 Board of Pardons and Paroles (“ABPP”);
    - iii. Following a period of confinement served in the custody of the ADOC of up to 45 days (“dunk”) imposed by the ABPP with return to parole supervision;
    - iv. Pursuant to mandatory release. Ala. Code § 15-22-26.2;
    - 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 or she does not pose a risk to public safety

and who can fully demonstrate to the reasonable satisfaction of ALEA that he or 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. However, nothing in these rules shall be construed to provide any right to appeal the suspension or revocation of a hardship driver license. 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 Alabama Code Section 15-20A-17, 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.

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

(c) Disqualified from Holding a Driver License - For purposes of Alabama Code Section 32-6-12.1, 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 subsection 760-x-1-.24(1)(a) and is not excluded from eligibility pursuant to 760-x-1-.24(7) or otherwise, ALEA may issue a hardship driver license. Applications for a hardship driver license and renewals thereof must be submitted to the ALEA Driver License, Hardship Unit, P. O. Box 1471, Montgomery AL 36102-1471 or emailed to [Hardship.License@alea.gov](mailto:Hardship.License@alea.gov).

(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 was 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 Alabama Code Section 32-6-12.1(a).

(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 760-x-1-.24(6).

(4) Hardship Driver License Validity Period:

- (a) A hardship driver license shall have an initial validity period of one year. At the end of the first-year validity period, the hardship driver license may be renewed annually for a maximum of three additional consecutive years, at no additional cost, if the hardship driver licensee meets all requirements for renewal.
  - (b) The hardship driver license validity period will begin on the date of issuance and each subsequent one-year renewal application must be approved by ALEA by the anniversary date of the initial issuance for the hardship license validity period to be considered renewed. Renewal applications may be submitted as early as 180 days in advance of the anniversary date of the initial issuance.
  - (c) An application for renewal of a hardship driver license 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 progress towards resolving issues preventing the applicant's driver license reinstatement.
  - (d) A hardship driver license will expire if an application for renewal is not timely submitted by the applicant and approved by ALEA by the anniversary date of the initial issuance of the hardship license.
  - (e) A hardship driver license will be void upon driver license reinstatement if such time occurs prior to hardship driver license expiration.
  - (f) After a hardship driver license application is approved, upon the expiration of three consecutive renewals from the initial issuance of a hardship driver license, an eligible person may reapply for a hardship driver license. Reapplication for a hardship driver license will be permitted in accordance with the full application process specified in 760-x-1-.24(3) but such reapplications shall be granted only upon an applicant'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 progress towards resolving issues preventing the applicant's driver license reinstatement.
- (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 Alabama.
- (d) At the discretion of the Secretary of ALEA or his or 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.
- (g) For commercial driving privileges.

(8) Hardship Driver License Suspension:

- (a) A hardship driver license shall be subject to those rules pertaining to the suspension and revocation of a driver license under the point system pursuant to Alabama Administrative Code Section 760-x-1-.07, except that those point values established by 760-x-1-.07(2) are prorated in accordance with the one-year validity period and any renewals of the hardship license as follows:
  - 1. 6-7 Points in a one-year period.....60 days
  - 2. 8 Points in a one-year period.....90 days
  - 3. 9-10 Points in a one-year period.....120 days
  - 4. 11-12 Points in a one-year period.....180 days
  - 5. 13 and above Points in a one-year period...365 days

- (b) However, nothing in these rules shall be construed to provide any right to appeal the suspension or revocation of a hardship driver license.

(9) Hardship Driver License Revocation:

- (a) A hardship driver license shall immediately be revoked as mandated by Alabama Code Sections 32-5A-195(j), 32-10-1(b), and Alabama Administrative Code Section 760-x-1-.07 or as otherwise required by law.
- (b) Notwithstanding subsection 760-x-1-.24(8)(a), a hardship driver license shall immediately be revoked for any serious traffic offense as defined by Title 32 of the Code of Alabama or for non-compliance with any requirement or limitation provided herein.
- (c) Any sworn law enforcement officer shall have the authority to request review by ALEA for revocation of a hardship driver license if said officer determines that revocation is mandated by subsections 760-x-1-.24(8)(a) or (b).
- (d) 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 Alabama Code Section 32-6-17 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 reinstatement 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.

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