



# IN THE SUPREME COURT OF ALABAMA

December 12, 2023

## ORDER

IT IS ORDERED that Rule 26.11(i)(3), Alabama Rules of Criminal Procedure, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to Amendment of Rule 26.11(i)(3) Effective December 12, 2023, be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 26.11(i)(3) and the adoption of the Committee Comments thereto are effective immediately; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 26.11:

**"Note from the reporter of decisions:** The order amending Rule 26.11(i)(3), Alabama Rules of Criminal Procedure, and adopting the Committee Comments thereto, effective December 12, 2023, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_ So. 3d."

**Parker, C.J., and Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, Mitchell, and Cook, JJ., concur.**

**Witness my hand and seal this 12th day of December, 2023.**

*Megan B. Rhodeseck*

**Clerk of Court,  
Supreme Court of Alabama**

**FILED  
December 12, 2023**

**Clerk of Court  
Supreme Court of Alabama**



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## APPENDIX A

### **Rule 26.11(i)(3), Ala. R. Crim. P.**

(3) If the court orders a defendant to pay restitution imposed as a result of a traffic infraction, the court may suspend the defendant's privilege to operate a motor vehicle in this state upon a failure of the defendant to comply with the order of the court. If the defendant's privilege to operate a motor vehicle has been suspended for failure to comply with such a court order, the privilege may remain suspended until the total amount of the restitution imposed is paid.

If the court orders a defendant to pay a fine, fees, or court costs as a result of a traffic infraction, the court may not suspend the defendant's privilege to operate a motor vehicle in this state upon the failure of the defendant to comply with the order of the court, unless the court's order permits the payment of the fine, fees, or court costs as a part of a payment plan and the defendant fails to make three or more of the required payments.



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## APPENDIX B

### **Committee Comments to Amendment of Rule 26.11(i)(3) Effective December 12, 2023**

Rule 26.11(i)(3) has been amended to conform with Act No. 2023-337, Ala. Acts 2023, by clarifying the circumstances when a defendant's driver's license may be suspended for failure to pay a fine, fees, or court costs when the underlying offense is a traffic infraction. This amendment does not alter a court's ability to suspend a defendant's driver's license when the defendant has failed to pay restitution imposed as a result of a traffic infraction.