

1 HB681
2 165972-1
3 By Representative Brown
4 RFD: Public Safety and Homeland Security
5 First Read: 19-MAY-15

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8 SYNOPSIS: Under existing law, the Alabama Law
9 Enforcement Agency may certify, approve, and train
10 third party testing agents in public and private
11 schools to administer the examination for an
12 Alabama driver's license.

13 This bill would further authorize the agency
14 to certify, approve, and train driver education
15 instructors at private driving schools to
16 administer the examination for a driver's license.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 32-6-3 of the Code of Alabama 1975,
23 relating to the examination for a driver's license; to further
24 provide that the Alabama Law Enforcement Agency may authorize
25 driver education instructors at private driving schools to
26 administer the examination.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-6-3 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§32-6-3.

4 "(a) Every person who applies for an initial Alabama
5 driver's license issued by the ~~Department of Public Safety~~
6 Alabama Law Enforcement Agency under this article shall be
7 given and successfully pass an examination before the issuance
8 of a driver's license. The person shall apply to the officer,
9 state trooper, or duly authorized third party testing agent of
10 the ~~Director of Public Safety~~ Secretary of the Alabama Law
11 Enforcement Agency, or one of them where there is more than
12 one, designated by the ~~Director of Public Safety~~ secretary to
13 conduct examinations. A minor shall furnish a certified copy
14 of his or her birth certificate or a certified statement from
15 the county superintendent of education of the county in which
16 the minor resides or from the superintendent of the school
17 which the minor attends proving that the minor is at least 16
18 years of age. Upon satisfying this requirement, the minor
19 shall be examined.

20 "(b) (1) The ~~Director of Public Safety~~ secretary
21 shall promulgate reasonable rules and regulations not in
22 conflict with the laws of this state as to the kind of
23 examination or test to be given and the method and manner of
24 giving the examination, ascertaining and reporting the results
25 of the examination, and to who qualifies to give the
26 examination. In lieu of examination by the ~~Department of~~
27 Public Safety agency for the written, oral, vision, and

1 driving portion of the examination, an applicant currently
2 enrolled or beginning enrollment in a high school drivers'
3 education class may submit proof that the applicant has passed
4 the written, oral, vision, and driving portion of the
5 examination which has been given by ~~either~~ any of the
6 following:

7 "a. A certified driver education instructor at a
8 public high school who is approved by the State Department of
9 Education and trained as a third party testing agent for the
10 ~~Department of Public Safety~~ agency.

11 "b. A driver education instructor at a private high
12 school who is certified, approved, and trained by the
13 ~~Department of Public Safety~~ agency to act as a third party
14 testing agent for the ~~Department of Public Safety~~ agency.

15 "c. A driver education instructor at a private
16 driving school who is certified, approved, and trained by the
17 agency to act as a third party testing agent for the agency.

18 "(2) In no way shall the State Department of
19 Education be responsible for the approval and training of
20 private high school driver education instructors as third
21 party testing agents for the ~~Department of Public Safety~~
22 agency.

23 "(3) Reports of all examinations shall be on forms
24 provided by the ~~Director of Public Safety~~ secretary and shall
25 indicate if the applicant passed the examination.

26 "(c) If the applicant passes the examination, the
27 applicant shall be given a certificate to that effect, on a

1 form provided by the ~~Director of Public Safety~~ secretary, by
2 the officer, state trooper, or duly authorized third party
3 testing agent of the ~~Director of Public Safety~~ secretary
4 conducting the examination. The applicant shall present the
5 certificate to a driver's license office of the ~~department~~
6 agency.

7 "(d) If a person fails to pass the examination, no
8 certificate shall be given to the person. No application for
9 an initial Alabama driver's license shall be accepted by a
10 judge of probate or license commissioner.

11 "(e) A person who secures a renewal of a license in
12 the manner provided by law shall not be required to take the
13 examination unless the ~~Director of Public Safety~~ secretary
14 deems it advisable to require the person to take the
15 examination. If the ~~Director of Public Safety~~ secretary deems
16 it advisable, the ~~director~~ secretary shall notify the person
17 in writing by letter sent to the address given on the
18 application of the person at least 10 days before the date on
19 which the examination or test is given of the time and place
20 of the examination. The examination given to ~~such a~~ the person
21 shall be conducted in the same manner and the result of the
22 examination ascertained and reported in the same way as
23 examinations are given to persons applying for an initial
24 Alabama driver's license.

25 "(f) Failure of a person to appear after notice to
26 take such an examination or test, or refusal by a person to
27 take the examination or test, shall be grounds for suspension

1 or revocation of the license of the person by the ~~Director of~~
2 ~~Public Safety~~ secretary. A person to whom such an examination
3 or test is given who fails to pass the examination or test
4 shall have his or her license revoked by the ~~Director of~~
5 ~~Public Safety~~ secretary."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.