

1 SB111
2 155327-2
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/13/2014

2
3
4
5
6
7
8 SYNOPSIS: Under current law, there is no regulation
9 or oversight of traffic schools throughout the
10 state. This bill provides for requirements for
11 traffic schools and oversight and approval of
12 traffic schools by the Administrative Office of
13 Courts.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to traffic schools; to provide for uniform
20 traffic school requirements; and to provide for oversight and
21 approval of traffic schools by the Administrative Office of
22 Courts.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Whenever a person is charged with any
25 traffic offense not listed in Article 9 of Chapter 5A of Title
26 32, the person shall be eligible to participate in not less
27 than four (4) hours of a traffic safety violator course

1 approved by the Director of the Administrative Office of
2 Courts and thereby have no record of the violation on the
3 person's driving record if the person meets all the following
4 conditions:

5 (1) The defendant has a valid Alabama driver license
6 or permit.

7 (2) The defendant has not had a conviction for any
8 traffic offense within three (3) years before the current
9 offense.

10 (3) The defendant's public and nonpublic driving
11 record as maintained by the Department of Public Safety does
12 not indicate successful completion of a traffic safety
13 violator course under this subsection in the three-year period
14 before the offense.

15 (4) The defendant files an affidavit with the court
16 stating that this is the defendant's first conviction in more
17 than three (3) years, the defendant is not in the process of
18 taking a course under this subsection, and the defendant has
19 not completed a course under this subsection that is not yet
20 reflected on the defendant's public or nonpublic driving
21 record.

22 (5) The offense charged is for a traffic offense not
23 listed in Article 9 of Chapter 5A of Title 32.

24 (6) The defendant pays the applicable fees, costs
25 and any assessments required by law to be paid upon conviction
26 of such an offense.

1 (7) The defendant pays to the court an additional
2 fee to elect to proceed under the provisions of this
3 subsection, to be set by the Administrative Office of Courts
4 pursuant to the Alabama Administrative Procedure Act.
5 Notwithstanding Sections 41-22-2(e) and 41-22-3(1), for the
6 purposes of establishing said fee, the Administrative Office
7 of Courts is an agency under the provisions of the Alabama
8 Administrative Procedure Act.

9 (b) (1) An eligible defendant may enter a plea of
10 nolo contendere or guilty in person or in writing and present
11 to the court, in person or by certified mail, an oral or
12 written request to participate in a course under subsection
13 (a) at least 30 days prior to the court appearance date on the
14 citation.

15 (2) The court shall withhold acceptance of the plea
16 and defer sentencing in order to allow the eligible defendant
17 ninety (90) days to successfully complete not less than four
18 (4) hours of a traffic safety violator course approved by the
19 Director of the Administrative Office of Courts at the cost of
20 the defendant. Upon proof of successful completion entered
21 with the court, the court shall dismiss the prosecution and
22 direct that the case be closed. The only record maintained
23 thereafter shall be the nonpublic record required under
24 subsection (k) of this section solely for use by the courts in
25 determining eligibility under subsection (a).

26 (3) If a person pleads not guilty to a traffic
27 offense not listed in Article 9 of Chapter 5A of Title 32 but

1 is convicted, and the person meets all the requirements under
2 subsection (a), upon request of the defendant the court shall
3 suspend the sentence for such offense to allow the defendant
4 forty-five (45) days to successfully complete not less than
5 four (4) hours of a traffic safety violator course approved by
6 the Director of the Administrative Office of Courts at his or
7 her own cost. Upon successful completion by the defendant of
8 the course, the court shall set the conviction aside, dismiss
9 the prosecution, and direct that the case be closed. The only
10 record maintained thereafter shall be the nonpublic record
11 required under subsection (k) of this section solely for use
12 by the courts in determining an offender's eligibility under
13 subsection (a).

14 (c) An out-of-state resident shall be allowed to
15 complete a substantially similar court-approved program in his
16 or her home state, province, or country provided the
17 requirements of subsection (a) are met, except that the
18 necessary valid driver license or permit shall be one issued
19 by the home jurisdiction.

20 (d) The Director of the Administrative Office of
21 Courts shall not approve a traffic safety violator course
22 under subsection (a) that does not supply at least four (4)
23 hours of instruction, an instructor's manual setting forth an
24 appropriate curriculum, student workbooks, some scientifically
25 verifiable analysis of the effectiveness of the curriculum and
26 provide minimum qualifications for instructors.

1 (e) A court shall inform a defendant making inquiry
2 or entering a personal appearance of the provisions of
3 subsection (a).

4 (f) The Department of Public Safety shall cause
5 notice of the provisions of subsection (a) to be available on
6 its official website.

7 (g) Failure of a defendant to elect to come under
8 the provisions of subsection (a) for whatever reason, in and
9 of itself, shall not invalidate a conviction.

10 (h) No employee of the sentencing court shall
11 personally benefit from a defendant's attendance of a traffic
12 safety violator course. Violation of this prohibition shall
13 result in termination of employment.

14 (i) The additional fee imposed under subdivision (7)
15 of subsection (a) shall be forwarded by the court clerk to the
16 State Treasurer for deposit into the State Judicial
17 Administration Fund administered by the Administrative Office
18 of Courts for operation of the courts of this state.

19 (j) The provisions of subsection (a) shall not be
20 applicable to a charge for any traffic offense committed by
21 the holder of a commercial driver license, regardless of
22 whether the violation occurred while operating a commercial
23 motor vehicle or some other motor vehicle.

24 (k) Every court shall forward to the Department of
25 Public Safety a copy of the certificate of completion after
26 the satisfactory completion by a defendant of a traffic safety
27 violator course approved by the Director of the Administrative

1 Office of Courts under subsection (a), and the department
2 shall make and maintain a private, nonpublic record to be kept
3 for a period of three (3) years. The record shall be solely
4 for the use of the courts in determining eligibility under
5 subsection (a) as a first-time offender and shall not
6 constitute a criminal record for the purpose of private or
7 administrative inquiry.

8 (l) An insurer delivering or issuing for delivery a
9 motor vehicle insurance policy in this state may not cancel or
10 increase the premium charged an insured under the policy
11 because the insured completed a traffic safety violator course
12 approved by the Director of the Administrative Office of
13 Courts under subsection (a) or had a charge dismissed under
14 this section.

15 (m) The Director of the Administrative Office of
16 Courts shall promulgate rules for approval of traffic safety
17 violator courses and any other rules necessary to implement
18 the provisions of this section.

19 Section 2. This act shall become effective on
20 October 1, 2014 following its passage and approval by the
21 Governor, or its otherwise becoming law.