

1 HB234
2 173406-1
3 By Representative Ford
4 RFD: Public Safety and Homeland Security
5 First Read: 16-FEB-16

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8 SYNOPSIS: Under existing law, the Alabama State 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 This bill would also require the agency to
18 develop and provide continuing education to all
19 third party agents on an annual basis.

20 This bill would additionally require a
21 photograph to be attached to an applicant's
22 examination report after the applicant passes the
23 driving portion of the driver's license exam.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 32-6-3 of the Code of Alabama 1975,
3 relating to the examination for a driver's license; to further
4 provide that the Alabama Law Enforcement Agency may authorize
5 driver education instructors at private driving schools to
6 administer the examination; to require the agency to provide
7 continuing education to all third party agents; and to require
8 a photograph be attached to an applicant's examination report
9 under certain conditions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 32-6-3 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§32-6-3.

14 "(a) Every person who applies for an initial Alabama
15 driver's license issued by the ~~Department of Public Safety~~
16 Alabama State Law Enforcement Agency under this article shall
17 be given and successfully pass an examination before the
18 issuance of a driver's license. The person shall apply to the
19 officer, state trooper, or duly authorized third party testing
20 agent of the ~~Director of Public Safety~~ Secretary of the
21 Alabama State Law Enforcement Agency, or one of them where
22 there is more than one, designated by the ~~Director of Public~~
23 ~~Safety~~ secretary to conduct examinations. A minor shall
24 furnish a certified copy of his or her birth certificate or a
25 certified statement from the county superintendent of
26 education of the county in which the minor resides or from the
27 superintendent of the school which the minor attends proving

1 that the minor is at least 16 years of age. Upon satisfying
2 this requirement, the minor shall be examined.

3 " (b) (1) The ~~Director of Public Safety~~ secretary
4 shall promulgate reasonable rules and regulations not in
5 conflict with the laws of this state as to the kind of
6 examination or test to be given and the method and manner of
7 giving the examination, ascertaining and reporting the results
8 of the examination, and to who qualifies to give the
9 examination. In lieu of examination by the ~~Department of~~
10 ~~Public Safety~~ agency for the written, oral, vision, and
11 driving portion of the examination, an applicant currently
12 enrolled or beginning enrollment in a high school drivers'
13 education class may submit proof that the applicant has passed
14 the written, oral, vision, and driving portion of the
15 examination which has been given by ~~either~~ any of the
16 following:

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

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

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

1 "(2) In no way shall the State Department of
2 Education be responsible for the approval and training of
3 private high school driver education instructors as third
4 party testing agents for the ~~Department of Public Safety~~
5 agency.

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

9 "(4) The agency shall develop a continuing education
10 program that includes an update on any new laws, rules, or
11 procedures and shall require all third party testing agents to
12 annually attend the continuing education program in order for
13 the agents to keep their certification.

14 "(c) (1) If the applicant passes the examination, the
15 applicant shall be given a certificate to that effect, on a
16 form provided by the ~~Director of Public Safety~~ secretary, by
17 the officer, state trooper, or duly authorized third party
18 testing agent of the ~~Director of Public Safety~~ secretary
19 conducting the examination. The applicant shall present the
20 certificate to a driver's license office of the ~~department~~
21 agency.

22 "(2) After an applicant passes the driving portion
23 of the examination a photo of the applicant shall be attached
24 to the examination report and any other documents related to
25 the examination of the applicant.

26 "(d) If a person fails to pass the examination, no
27 certificate shall be given to the person. No application for

1 an initial Alabama driver's license shall be accepted by a
2 judge of probate or license commissioner.

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

17 "(f) Failure of a person to appear after notice to
18 take such an examination or test, or refusal by a person to
19 take the examination or test, shall be grounds for suspension
20 or revocation of the license of the person by the ~~Director of~~
21 ~~Public Safety~~ secretary. A person to whom such an examination
22 or test is given who fails to pass the examination or test
23 shall have his or her license revoked by the ~~Director of~~
24 ~~Public Safety~~ secretary."

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

