

1 SB140  
2 173406-2  
3 By Senator Singleton  
4 RFD: Judiciary  
5 First Read: 03-FEB-16

1 SB140

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 32-6-3 of the Code of Alabama  
15 1975, is amended to read as follows:

16 "§32-6-3.

17 "(a) Every person who applies for an initial Alabama  
18 driver's license issued by the ~~Department of Public Safety~~  
19 Alabama State Law Enforcement Agency under this article shall  
20 be given and successfully pass an examination before the  
21 issuance of a driver's license. The person shall apply to the  
22 officer, state trooper, or duly authorized third party testing  
23 agent of the ~~Director of Public Safety~~ Secretary of the  
24 Alabama State Law Enforcement Agency, or one of them where  
25 there is more than one, designated by the ~~Director of Public~~

1 ~~Safety~~ secretary to conduct examinations. A minor shall  
2 furnish a certified copy of his or her birth certificate or a  
3 certified statement from the county superintendent of  
4 education of the county in which the minor resides or from the  
5 superintendent of the school which the minor attends proving  
6 that the minor is at least 16 years of age. Upon satisfying  
7 this requirement, the minor shall be examined.

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

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

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

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

8            "(2) In no way shall the State Department of  
9 Education be responsible for the approval and training of  
10 private high school driver education instructors as third  
11 party testing agents for the ~~Department of Public Safety~~  
12 agency.

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

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

21            "(c) (1) If the applicant passes the examination, the  
22 applicant shall be given a certificate to that effect, on a  
23 form provided by the ~~Director of Public Safety~~ secretary, by  
24 the officer, state trooper, or duly authorized third party  
25 testing agent of the ~~Director of Public Safety~~ secretary

1 conducting the examination. The applicant shall present the  
2 certificate to a driver's license office of the ~~department~~  
3 agency.

4 "(2) After an applicant passes the driving portion  
5 of the examination a photo of the applicant shall be attached  
6 to the examination report and any other documents related to  
7 the examination of the applicant.

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

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

1           "(f) Failure of a person to appear after notice to  
2 take such an examination or test, or refusal by a person to  
3 take the examination or test, shall be grounds for suspension  
4 or revocation of the license of the person by the ~~Director of~~  
5 ~~Public Safety~~ secretary. A person to whom such an examination  
6 or test is given who fails to pass the examination or test  
7 shall have his or her license revoked by the ~~Director of~~  
8 ~~Public Safety~~ secretary."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB140  
Senate 15-MAR-16  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 04-MAY-16

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By: Senator Singleton