

1 HB19
2 133876-2
3 By Representative Barton
4 RFD: Commerce and Small Business
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Section 32-6-3, Code of Alabama 1975,
9 relating to the application for and issuance of a driver's
10 license; to allow a private high school driver education
11 instructor, who is certified, approved, and trained by the
12 Department of Public Safety, to act as a third party testing
13 agent for the department for students enrolled in a driver
14 education class.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 32-6-3 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§32-6-3.

19 "(a) Every person who applies for an initial Alabama
20 driver's license issued by the Department of Public Safety
21 under this article shall be given and successfully pass an
22 examination before the issuance of a driver's license. The
23 person shall apply to the officer, state trooper, or duly
24 authorized third party testing agent of the Director of Public
25 Safety, or one of them where there is more than one,
26 designated by the Director of Public Safety to conduct
27 examinations. A minor shall furnish a certified copy of his or

1 her birth certificate or a certified statement from the county
2 superintendent of education of the county in which the minor
3 resides or from the superintendent of the school which the
4 minor attends proving that the minor is at least 16 years of
5 age. Upon satisfying this requirement, the minor shall be
6 examined.

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

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

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

1 "c. 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 "(2) Reports of all examinations shall be on forms
6 provided by the Director of Public Safety and shall indicate
7 if the applicant passed the examination.

8 "(c) If the applicant passes the examination, the
9 applicant shall be given a certificate to that effect, on a
10 form provided by the Director of Public Safety, by the
11 officer, state trooper, or duly authorized third party testing
12 agent of the Director of Public Safety conducting the
13 examination. The applicant shall present the certificate to a
14 driver's license office of the department.

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

19 "(e) A person who secures a renewal of a license in
20 the manner provided by law shall not be required to take the
21 examination unless the Director of Public Safety deems it
22 advisable to require the person to take the examination. If
23 the Director of Public Safety deems it advisable, the director
24 shall notify the person in writing by letter sent to the
25 address given on the application of the person at least 10
26 days before the date on which the examination or test is given
27 of the time and place of the examination. The examination

1 given to such a person shall be conducted in the same manner
2 and the result of the examination ascertained and reported in
3 the same way as examinations are given to persons applying for
4 an initial Alabama driver's license.

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

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 07-FEB-12

Read for the second time and placed
on the calendar..... 01-MAR-12

Read for the third time and passed
as amended..... 22-MAR-12

Yeas 99, Nays 0, Abstains 0

Greg Pappas
Clerk