

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

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a certified driver  
9 education instructor, who is approved by the State  
10 Department of Education and trained as a third  
11 party testing agent for the Department of Public  
12 Safety, may administer and submit proof to the  
13 Department of Public Safety that a public high  
14 school student, who is enrolled in a high school  
15 driver education class, has passed the written,  
16 oral, vision, and driving portions of the driver's  
17 license examination.

18 This bill would allow a private high school  
19 driver education instructor, who is certified,  
20 approved, and trained by the Department of Public  
21 Safety, to also act as a third party testing agent  
22 for the Department of Public Safety for students  
23 enrolled in the driver education class of the  
24 private high school.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 To amend Section 32-6-3, Code of Alabama 1975,  
4 relating to the application for and issuance of a driver's  
5 license; to allow a private high school driver education  
6 instructor, who is certified, approved, and trained by the  
7 Department of Public Safety, to act as a third party testing  
8 agent for the department for students enrolled in a driver  
9 education class.

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 under this article shall be given and successfully pass an  
17 examination before the issuance of a driver's license. The  
18 person shall apply to the officer, state trooper, or duly  
19 authorized third party testing agent of the Director of Public  
20 Safety, or one of them where there is more than one,  
21 designated by the Director of Public Safety to conduct  
22 examinations. A minor shall furnish a certified copy of his or  
23 her birth certificate or a certified statement from the county  
24 superintendent of education of the county in which the minor  
25 resides or from the superintendent of the school which the  
26 minor attends proving that the minor is at least 16 years of

1 age. Upon satisfying this requirement, the minor shall be  
2 examined.

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

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

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

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

1           "(c) If the applicant passes the examination, the  
2 applicant shall be given a certificate to that effect, on a  
3 form provided by the Director of Public Safety, by the  
4 officer, state trooper, or duly authorized third party testing  
5 agent of the Director of Public Safety conducting the  
6 examination. The applicant shall present the certificate to a  
7 driver's license office of the department.

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 deems it  
15 advisable to require the person to take the examination. If  
16 the Director of Public Safety deems it advisable, the director  
17 shall notify the person in writing by letter sent to the  
18 address given on the application of the person at least 10  
19 days before the date on which the examination or test is given  
20 of the time and place of the examination. The examination  
21 given to such a person shall be conducted in the same manner  
22 and the result of the examination ascertained and reported in  
23 the same way as examinations are given to persons applying for  
24 an initial 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. A person to whom such an examination or test is  
3 given who fails to pass the examination or test shall have his  
4 or her license revoked by the Director of Public Safety."

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