

1 HB283
2 70001-6
3 By Representatives Newton (D), Allen, Sherer, Letson, Schmitz
4 and Sanderford
5 RFD: Public Safety
6 First Read: 03-FEB-05

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

7 "(b) The Director of Public Safety shall promulgate
8 reasonable rules and regulations not in conflict with the laws
9 of this state as to the kind of examination or test to be
10 given and the method and manner of giving the examination,
11 ascertaining and reporting the results of the examination, and
12 to who qualifies to give the examination. In lieu of
13 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 certified
19 driver education instructor approved by the State Department
20 of Education and trained as a third party testing agent for
21 the Department of Public Safety. Reports of all examinations
22 shall be on forms provided by the Director of Public Safety
23 and shall indicate if the applicant passed the examination.

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

1 agent of the Director of Public Safety conducting the
2 examination. The applicant shall present the certificate to
3 ~~the judge of probate or license commissioner of his or her~~
4 ~~county together with the application for a driver's license.~~
5 ~~The judge of probate or license commissioner shall attach the~~
6 ~~certificate to the application and forward the application and~~
7 ~~certificate to the Director of Public Safety. a driver's~~
8 ~~license office of the department.~~

9 "(d) If a person fails to pass the examination, no
10 certificate shall be given to the person. No application for
11 an ~~original~~ initial Alabama driver's license shall be accepted
12 by a judge of probate or license commissioner ~~unless it is~~
13 ~~accompanied by a certificate showing that the applicant has~~
14 ~~passed the examination.~~

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

8 "§32-6-4.

9 "(a) Upon the installation of a system for the
10 issuance of drivers' licenses and nondriver identification
11 cards with color photographs of licensees and nondrivers
12 thereon, all initial Alabama licenses and nondriver
13 identification cards and renewals of licenses issued in this
14 state shall be issued in the following manner:

15 "(1) The person shall apply under oath to the
16 Department of Public Safety, Driver License Division, for an
17 initial Alabama driver's license or nondriver identification
18 card and to the judge of probate or license commissioner of
19 the county of his or her residence for the ~~driver's license or~~
20 ~~nondriver identification card or~~ renewal of a license or
21 nondriver identification card upon a form which shall be
22 provided by the Director of Public Safety.

23 "(2) ~~The~~ For the renewal of a driver's license or
24 nondriver identification card, the judge of probate or license
25 commissioner shall take a color photograph of the licensee
26 with equipment to be furnished by the Department of Public
27 Safety to be attached to each application.

1 "(b) For the purpose of defraying the cost of
2 issuing drivers' licenses or nondriver identification cards
3 with color photographs of the licensee or nondriver thereon,
4 except as provided in Section 32-6-4.1, the Department of
5 Public Safety, Driver License Division, judge of probate, or
6 license commissioner shall collect for each license or
7 identification card the sum of twenty dollars (\$20) for a
8 four-year license or an identification card, and the
9 Department of Public Safety, Driver License Division, judge of
10 probate, or license commissioner shall give the licensee a
11 driver's license or identification card. Except as provided by
12 rules and regulations of the Director of Public Safety, the
13 nondriver identification card shall bear no expiration date
14 for any person 62 years of age or older.

15 "(c) (1) Any male applicant who applies for a
16 driver's license or a learner's license or a renewal of the
17 license who is at least 18 years of age, but less than 26
18 years of age, shall be registered in compliance with the
19 requirements of Section 3 of the Military Selective Service
20 Act, 50 App. U.S.C.A. Sec. 453, as amended.

21 "(2) The Department of Public Safety shall forward
22 in an electronic format the necessary personal information of
23 the applicants identified in this subsection to the Selective
24 Service System. The applicant's signature on the application
25 shall serve as an indication that the applicant either has
26 already registered with the Selective Service System or that
27 he is authorizing the department to forward to the Selective

1 Service System the necessary information for registration. The
2 department shall notify the applicant at the time of
3 application that his signature constitutes consent to
4 registration with the Selective Service System, if he is not
5 already registered.

6 "§32-6-4.1.

7 "In addition to the drivers' licenses and nondriver
8 identification cards provided for in Section 32-6-4, the
9 Director of the state Department of Public Safety shall
10 promulgate the necessary rules and regulations for the
11 issuance of special nondriver identification cards. The
12 Department of Public Safety, judge of probate, or license
13 commissioner may charge only the cost to the Department of
14 Public Safety and the county fee, if any, for the issuance of
15 a nondriver identification card for any person 62 years of age
16 or older. A mentally or physically disabled or legally blind
17 person who is incapable of obtaining a driver's license shall
18 not be charged a fee, except the county fee for the issuance
19 of a nondriver identification card nor shall the card have an
20 expiration date, except as provided by rules and regulations
21 of the Director of the Department of Public Safety.

22 "§32-6-5.

23 "At the close of business on Monday of each week
24 when any application has been received or temporary
25 instruction permit provided for in this article has been
26 issued, the judge of probate or Department of Public Safety
27 receiving the application or issuing the permit shall prepare

1 a report of the same upon a form which shall be provided by
2 the Director of Public Safety. One copy of the report,
3 together with all applications received and copies of all
4 permits issued, shall be forwarded to the Director of Public
5 Safety and one copy shall be retained by the judge of probate.
6 On the tenth day of every month except October, November, and
7 December, the judge of probate and the Department of Public
8 Safety shall prepare a report showing the number of
9 applications received and permits issued and the amount of
10 fees received during the previous calendar month; ~~provided,~~
11 ~~that.~~ In the months of October, November, and December, the
12 report shall be prepared on the twentieth day ~~of October,~~
13 ~~November, and December~~ of the month. One copy of ~~the~~ a report
14 shall be forwarded to the Director of Public Safety, one to
15 the Comptroller, and one to the Treasurer, and the judge of
16 probate shall retain a copy. The judge of probate shall also
17 at that time deliver to the Treasurer the amount of all the
18 fees collected, less one dollar fifty cents (\$1.50) for each
19 driver license or identification card issued, which sum shall
20 be retained by him or her. Except in counties where the judge
21 of probate is compensated by fees, each one dollar fifty cents
22 (\$1.50) retained by the judge of probate shall be paid into
23 the public highway and traffic fund of the county. In counties
24 where the judge of probate is compensated by fees, two-fifths
25 of each one dollar fifty cents (\$1.50) retained by the judge
26 of probate shall be for his or her own use, and no other or
27 further charge shall be made by him or her for services

1 rendered in taking or receiving applications or issuing
2 permits, and the remaining three-fifths shall be paid into the
3 public highway and traffic fund of the county. This section,
4 providing for the allocation of the one dollar fifty cents
5 (\$1.50) retained by the judge of probate in counties where the
6 judge of probate is compensated by fees, shall not repeal any
7 local statutes or general statutes of local application
8 providing for a different allocation of the one dollar fifty
9 cents (\$1.50). The funds remitted to the State Treasurer under
10 this section, except for that portion representing five
11 dollars (\$5) for each license or card issued, shall be
12 deposited to the credit of the General Fund and shall be
13 appropriated for public safety use. The Department of Public
14 Safety shall deliver the amount of all the fees collected by
15 the department to the State Treasurer less one dollar fifty
16 cents (\$1.50) for each driver's license or identification card
17 issued, which shall be remitted to ~~judge of probate~~ the county
18 general fund in the county of issuance on the tenth day of the
19 following month. From the funds remitted to the State
20 Treasurer, the portion representing five dollars (\$5) shall be
21 deposited into the Highway Traffic Safety Fund for the
22 Department of Public Safety which is hereby created within the
23 State Treasury. All money deposited in the State Treasury to
24 the credit of the Highway Traffic Safety Fund for the
25 Department of Public Safety shall be expended for law
26 enforcement purposes. No money shall be withdrawn or expended
27 from the fund for any law enforcement purpose unless the money

1 has been allotted and budgeted in accordance with Article 4
2 (commencing with Section 41-4-80) of Chapter 4 of Title 41,
3 and only in the amounts and for the law enforcement purposes
4 provided by the Legislature in the general appropriations
5 bill."

6 "§32-6-8.

7 "(a) Any person 16 years of age or older who, except
8 for his lack of instruction in operating a motor vehicle,
9 would otherwise be qualified to obtain a driver's license
10 under this article may apply for a learner's license, and the
11 Department of Public Safety, Driver License Division, ~~judge of~~
12 ~~probate~~ may issue the license upon a form which shall be
13 provided by the Director of Public Safety, entitling the
14 applicant, while having the license in his or her immediate
15 possession, to drive or operate a motor vehicle upon the
16 highways for a period of four years, except when operating a
17 motorcycle, the person shall be accompanied by a licensed
18 driver who is actually occupying a seat beside the driver. At
19 the time of applying for the license, the applicant shall pay
20 to the Department of Public Safety, Driver License Division,
21 ~~judge of probate~~ a fee of twenty dollars (\$20), and the
22 Department of Public Safety, Driver License Division, ~~judge of~~
23 ~~probate~~ shall give the applicant a learner's license therefor
24 on a form to be provided by the Director of Public Safety. The
25 temporary instruction license may be renewed only by order of
26 the Director of Public Safety, and in no case shall the
27 original license be renewed or extended more than once. The

1 Department of Public Safety, Driver License Division, judge of
2 ~~probate~~ shall not issue the temporary instruction license
3 until the applicant has undergone the same examination that a
4 person applying for a driver's license is required by law to
5 undergo, with the exception of the driving test, and produced
6 a certificate to that effect signed by the proper examining
7 officer.

8 " (b) Any person not less than 15 but under 16 years
9 of age may obtain a learner's license to learn to operate a
10 motor vehicle upon application to the Department of Public
11 Safety, Driver License Division, judge of probate of the
12 ~~county in which he or she resides,~~ which license shall entitle
13 the person to operate a motor vehicle when he or she is
14 accompanied by a parent or his or her legal guardian or a
15 person who is age 21 or over who is duly licensed in this
16 state as a motor vehicle operator or when accompanied by a
17 licensed or certified driving instructor who is actually
18 occupying a seat beside the motor vehicle operator. The
19 application for the learner's license shall be accompanied by
20 a payment of a fee of twenty dollars (\$20), to be distributed
21 as provided in Section 32-6-5. The age of the applicant shall
22 be substantiated by the applicant filing with the ~~judge of~~
23 ~~probate~~ department a certified copy of his or her birth
24 certificate. A learner's license issued under this subsection
25 shall be in such form as the Director of Public Safety may
26 prescribe; it shall expire in four years; or when the holder
27 subsequently applies for and receives a driver's license. The

1 driver's license shall be issued for the remainder of the four
2 year life of the learner's license at no additional fee, the
3 certificate thereof shall be prima facie evidence that the
4 license holder was 15 years of age or older on the date of its
5 issuance. The license may be suspended or revoked in the same
6 manner and for the same causes as a driver's license and may
7 also be revoked for any violation of the terms and conditions
8 on which it was issued. The Department of Public Safety,
9 Driver License Division, ~~judge of probate~~ shall not issue such
10 a license to any person until the applicant has undergone the
11 same examination that a person applying for a driver's license
12 is required by law to undergo, with the exception of the
13 driving test, and has produced a certificate to that effect
14 signed by the proper examining officer."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 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 Public Safety 03-FEB-05

Read for the second time and placed
on the calendar 17-FEB-05

Read for the third time and passed
as amended 27-APR-05

Yeas 72, Nays 15, Abstains 1

Greg Pappas
Clerk