

1 SB304
2 70001-4
3 By Senator Ross
4 RFD: Judiciary
5 First Read: 15-FEB-05

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8 SYNOPSIS: Under existing law, a person who applies
9 for an initial driver's license or learner's
10 license for which an examination is required
11 receives a certificate showing that the person has
12 passed the examination. The person then takes the
13 certificate to the judge of probate or license
14 commissioner in the county for the issuance of a
15 license.

16 This bill would provide that an initial
17 driver's license or learner's license or a driver's
18 license issued after an examination would be issued
19 by a driver's license office of the Department of
20 Public Safety. A driver's license would continue to
21 be renewed at the local office of the judge of
22 probate or license commissioner.

23 Under existing law, a person applies for a
24 nondriver identification card at the office of the
25 local judge of probate or license commissioner.

26 This bill would provide that an initial
27 nondriver identification card would be issued by

1 the driver's license office of the Department of
2 Public Safety. The bill would specify that the fees
3 from the licenses and nondriver identification
4 cards would be deposited in the State Treasury less
5 \$1.50 for each license or card which would be
6 remitted to the judge of probate of the county
7 where issued.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To amend Sections 32-6-3, 32-6-4, 32-6-4.1, 32-6-5,
14 and 32-6-8 of the Code of Alabama 1975, to provide for the
15 issuance of initial driver's licenses, learner's licenses, and
16 nondriver identification cards by a driver's license office of
17 the Department of Public Safety; and to provide for
18 distribution of the fees.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 32-6-3, 32-6-4, 32-6-4.1,
21 32-6-5, and 32-6-8 are amended to read as follows:

22 "§32-6-3.

23 "(a) Every person who applies for an ~~original~~
24 initial Alabama driver's license issued by the Department of
25 Public Safety under this article shall be given and
26 successfully pass an examination before ~~making application to~~
27 ~~the judge of probate or license commissioner~~ for the issuance

1 of a driver's license. The person shall apply to the officer,
2 state trooper, or duly authorized third party testing agent of
3 the Director of Public Safety, or one of them where there is
4 more than one, designated by the Director of Public Safety to
5 conduct examinations. A minor shall furnish a certified copy
6 of his or her birth certificate or a certified statement from
7 the county superintendent of education of the county in which
8 the minor resides or from the superintendent of the school
9 which the minor attends proving that the minor is at least 16
10 years of age. Upon satisfying this requirement, the minor
11 shall be examined.

12 "(b) The Director of Public Safety shall promulgate
13 reasonable rules and regulations not in conflict with the laws
14 of this state as to the kind of examination or test to be
15 given and the method and manner of giving the examination,
16 ascertaining and reporting the results of the examination, and
17 to who qualifies to give the examination. In lieu of
18 examination by the Department of Public Safety for the
19 written, oral, vision, and driving portion of the examination,
20 an applicant currently enrolled or beginning enrollment in a
21 high school drivers' education class may submit proof that the
22 applicant has passed the written, oral, vision, and driving
23 portion of the examination which has been given by a certified
24 driver education instructor approved by the State Department
25 of Education and trained as a third party testing agent for
26 the Department of Public Safety. Reports of all examinations

1 shall be on forms provided by the Director of Public Safety
2 and shall indicate if the applicant passed the examination.

3 "(c) If the applicant passes the examination, the
4 applicant shall be given a certificate to that effect, on a
5 form provided by the Director of Public Safety, by the
6 officer, state trooper, or duly authorized third party testing
7 agent of the Director of Public Safety conducting the
8 examination. The applicant shall present the certificate to
9 ~~the judge of probate or license commissioner of his or her~~
10 ~~county together with the application for a driver's license.~~
11 ~~The judge of probate or license commissioner shall attach the~~
12 ~~certificate to the application and forward the application and~~
13 ~~certificate to the Director of Public Safety. a driver's~~
14 ~~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 ~~original~~ initial Alabama driver's license shall be accepted
18 by a judge of probate or license commissioner ~~unless it is~~
19 ~~accompanied by a certificate showing that the applicant has~~
20 ~~passed the examination.~~

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

1 days before the date on which the examination or test is given
2 of the time and place of the examination. The examination
3 given to such a person shall be conducted in the same manner
4 and the result of the examination ascertained and reported in
5 the same way as examinations are given to persons applying for
6 an ~~original~~ initial Alabama driver's license.

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

14 "§32-6-4.

15 "(a) Upon the installation of a system for the
16 issuance of drivers' licenses and nondriver identification
17 cards with color photographs of licensees and nondrivers
18 thereon, all initial Alabama licenses and nondriver
19 identification cards and renewals of licenses issued in this
20 state shall be issued in the following manner:

21 "(1) The person shall apply under oath to the
22 Department of Public Safety, Driver License Division, for an
23 initial Alabama driver's license or nondriver identification
24 card and to the judge of probate or license commissioner of
25 the county of his or her residence for the ~~driver's license or~~
26 ~~nondriver identification card or~~ renewal of a license or

1 nondriver identification card upon a form which shall be
2 provided by the Director of Public Safety.

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

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

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

1 "(2) The Department of Public Safety shall forward
2 in an electronic format the necessary personal information of
3 the applicants identified in this subsection to the Selective
4 Service System. The applicant's signature on the application
5 shall serve as an indication that the applicant either has
6 already registered with the Selective Service System or that
7 he is authorizing the department to forward to the Selective
8 Service System the necessary information for registration. The
9 department shall notify the applicant at the time of
10 application that his signature constitutes consent to
11 registration with the Selective Service System, if he is not
12 already registered.

13 "§32-6-4.1.

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

1 expiration date, except as provided by rules and regulations
2 of the Director of the Department of Public Safety.

3 "§32-6-5.

4 "At the close of business on Monday of each week
5 when any application has been received or temporary
6 instruction permit provided for in this article has been
7 issued, the judge of probate or Department of Public Safety
8 receiving the application or issuing the permit shall prepare
9 a report of the same upon a form which shall be provided by
10 the Director of Public Safety. One copy of the report,
11 together with all applications received and copies of all
12 permits issued, shall be forwarded to the Director of Public
13 Safety and one copy shall be retained by the judge of probate.
14 On the tenth day of every month except October, November, and
15 December, the judge of probate and the Department of Public
16 Safety shall prepare a report showing the number of
17 applications received and permits issued and the amount of
18 fees received during the previous calendar month; ~~provided,~~
19 ~~that.~~ In the months of October, November, and December, the
20 report shall be prepared on the twentieth day ~~of October,~~
21 ~~November, and December~~ of the month. One copy of ~~the~~ a report
22 shall be forwarded to the Director of Public Safety, one to
23 the Comptroller, and one to the Treasurer, and the judge of
24 probate shall retain a copy. The judge of probate shall also
25 at that time deliver to the Treasurer the amount of all the
26 fees collected, less one dollar fifty cents (\$1.50) for each
27 driver license or identification card issued, which sum shall

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

1 representing five dollars (\$5) shall be deposited into the
2 Highway Traffic Safety Fund for the Department of Public
3 Safety which is hereby created within the State Treasury. All
4 money deposited in the State Treasury to the credit of the
5 Highway Traffic Safety Fund for the Department of Public
6 Safety shall be expended for law enforcement purposes. No
7 money shall be withdrawn or expended from the fund for any law
8 enforcement purpose unless the money has been allotted and
9 budgeted in accordance with Article 4 (commencing with Section
10 41-4-80) of Chapter 4 of Title 41, and only in the amounts and
11 for the law enforcement purposes provided by the Legislature
12 in the general appropriations bill."

13 "§32-6-8.

14 "(a) Any person 16 years of age or older who, except
15 for his lack of instruction in operating a motor vehicle,
16 would otherwise be qualified to obtain a driver's license
17 under this article may apply for a learner's license, and the
18 Department of Public Safety, Driver License Division, judge of
19 probate may issue the license upon a form which shall be
20 provided by the Director of Public Safety, entitling the
21 applicant, while having the license in his or her immediate
22 possession, to drive or operate a motor vehicle upon the
23 highways for a period of four years, except when operating a
24 motorcycle, the person shall be accompanied by a licensed
25 driver who is actually occupying a seat beside the driver. At
26 the time of applying for the license, the applicant shall pay
27 to the Department of Public Safety, Driver License Division,

1 ~~judge of probate~~ a fee of twenty dollars (\$20), and the
2 Department of Public Safety, Driver License Division, ~~judge of~~
3 ~~probate~~ shall give the applicant a learner's license therefor
4 on a form to be provided by the Director of Public Safety. The
5 temporary instruction license may be renewed only by order of
6 the Director of Public Safety, and in no case shall the
7 original license be renewed or extended more than once. The
8 Department of Public Safety, Driver License Division, ~~judge of~~
9 ~~probate~~ shall not issue the temporary instruction license
10 until the applicant has undergone the same examination that a
11 person applying for a driver's license is required by law to
12 undergo, with the exception of the driving test, and produced
13 a certificate to that effect signed by the proper examining
14 officer.

15 " (b) Any person not less than 15 but under 16 years
16 of age may obtain a learner's license to learn to operate a
17 motor vehicle upon application to the Department of Public
18 Safety, Driver License Division, ~~judge of probate of the~~
19 ~~county in which he or she resides,~~ which license shall entitle
20 the person to operate a motor vehicle when he or she is
21 accompanied by a parent or his or her legal guardian or a
22 person who is age 21 or over who is duly licensed in this
23 state as a motor vehicle operator or when accompanied by a
24 licensed or certified driving instructor who is actually
25 occupying a seat beside the motor vehicle operator. The
26 application for the learner's license shall be accompanied by
27 a payment of a fee of twenty dollars (\$20), to be distributed

1 as provided in Section 32-6-5. The age of the applicant shall
2 be substantiated by the applicant filing with the ~~judge of~~
3 ~~probate~~ department a certified copy of his or her birth
4 certificate. A learner's license issued under this subsection
5 shall be in such form as the Director of Public Safety may
6 prescribe; it shall expire in four years; or when the holder
7 subsequently applies for and receives a driver's license. The
8 driver's license shall be issued for the remainder of the four
9 year life of the learner's license at no additional fee, the
10 certificate thereof shall be prima facie evidence that the
11 license holder was 15 years of age or older on the date of its
12 issuance. The license may be suspended or revoked in the same
13 manner and for the same causes as a driver's license and may
14 also be revoked for any violation of the terms and conditions
15 on which it was issued. The Department of Public Safety,
16 Driver License Division, ~~judge of probate~~ shall not issue such
17 a license to any person until the applicant has undergone the
18 same examination that a person applying for a driver's license
19 is required by law to undergo, with the exception of the
20 driving test, and has produced a certificate to that effect
21 signed by the proper examining officer."

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