

Senate Bill 1

By: Senators Hill of the 4<sup>th</sup>, Gingrey of the 37<sup>th</sup>, Starr of the 44<sup>th</sup>, Walker of the 22<sup>nd</sup> and Hecht of the 34<sup>th</sup>

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to persons not to be licensed, minimum ages for licensees, and school attendance requirements; to provide driver training requirements for certain license applicants; to change certain provisions relating to instruction permits, graduated licensing and related restrictions, and temporary licenses; to change certain provisions relating to examination of applicants; to change certain provisions relating to revocation of licenses of persons under age 21 for certain offenses and issuance of new licenses following revocations; to change certain provisions relating to licensing exemptions; to provide effective dates; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**PART 1**

**SECTION 1-1.**

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, is amended by adding to Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licensees, and school attendance requirements, a new subsection (a.2) to read as follows:

"(a.2)(1) On and after January 1, 2002, the department shall not issue any initial Class D driver's license or, in the case of a person who has never been issued a Class D driver's license by the department or the equivalent thereof by any other jurisdiction, any initial Class C driver's license unless such person:

(A) Has completed an approved driver education course in a licensed private or public driver training school and in addition a cumulative total of at least 20 hours of other supervised driving experience including at least six hours at night, all of which is verified in writing signed before a person authorized to administer oaths by a parent or

guardian of the applicant or by the applicant if such person is at least 18 years of age;  
or

(B) Has completed a cumulative total of at least 40 hours of supervised driving experience including at least six hours at night, and the same is verified in writing signed before a person authorized to administer oaths by a parent or guardian of the applicant or by the applicant if such person is at least 18 years of age.

(2) The commissioner shall by rule or regulation establish standards for approval of any driver education course for purposes of subparagraph (A) of paragraph (1) of this subsection, provided that such course shall be designed to educate young drivers about safe driving practices and the traffic laws of this state and to train young drivers in the safe operation of motor vehicles.

(3) For purposes of supervised driving experience under paragraph (1) of this subsection, supervision shall be provided by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver."

## SECTION 1-2.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-24, relating to instruction permits, graduated licensing and related restrictions, and temporary licenses, and inserting in lieu thereof the following:

"(b)(1) Any resident of this state who is at least 16 years of age and who, for a period of at least 12 months, had a valid instruction permit issued under subsection (a) of this Code section may apply to the department for a Class D driver's license to operate a noncommercial Class C vehicle if such resident has otherwise complied with all prerequisites for the issuance of such Class D driver's license as provided in subsection (a) of this Code section, provided that a resident at least 16 years of age who has at any age surrendered to the department a valid instruction permit or driver's license issued by another state or the District of Columbia or who has submitted to the department proof, to the satisfaction of the department, of a valid instruction permit or driver's license issued by another state or the District of Columbia may apply his or her driving record under such previously issued permit or driver's license toward meeting the eligibility requirements for a Class D driver's license the same as if such previously issued permit or driver's license were an instruction permit issued under subsection (a) of this Code section.

(2) The department shall, after all applicable requirements have been met and the applicant has successfully passed a behind the wheel road test, issue to the applicant a

Class D driver's license which shall entitle the applicant, while having such license in his or her immediate possession, to drive a Class C vehicle upon the public highways of this state under the following conditions:

(A)(i) Any ~~The~~ Class D license holder who is at least 17 years of age shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of ~~1:00 A.M.~~ 12:00 Midnight and ~~5:00~~ 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; ~~unless:~~

~~(i) Going to or from a place of business where he or she is actually employed on a regularly scheduled basis;~~

~~(ii) Going to or from an event or activity sponsored or sanctioned by a secondary or postsecondary school in which he or she is enrolled as a student;~~

~~(iii) Going to or from an event or activity sponsored or sanctioned by a religious organization; or~~

~~(iv) For the purpose of a medical, fire, or law enforcement related emergency; and~~

(ii) Any Class D license holder who is less than 17 years of age shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 10:00 P.M. and 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

(B) Any ~~The~~ Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than ~~three other passengers~~ one other passenger in the vehicle who ~~are not members~~ is not a member of the driver's immediate family ~~are~~ is less than 21 years of age;

provided, however, that a Class D license holder shall not be charged with a violation of this ~~subparagraph~~ paragraph alone but may be charged with violating this ~~subparagraph~~ paragraph in addition to any other traffic offense.

~~(2)~~(3) A person who has been issued a Class D driver's license under this subsection and has never been issued a Class C driver's license under this chapter will become eligible for a Class C driver's license under this chapter only if such person has a valid Class D driver's license which is not under suspension and, for a period of not less than 12 consecutive months prior to making application for a Class C driver's license, has not been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted of any offense for which ~~four~~ two or more points are assessable under subsection (c) of Code Section 40-5-57 and is at least 18 years of age."

**SECTION 1-3.**

Said chapter is further amended by striking subsection (a) of Code Section 40-5-27, relating to examination of applicants, and inserting in lieu thereof the following:

"(a) The department shall examine every applicant for a driver's license. Such examination shall include a test of the applicant's eyesight, his or her ability to understand official traffic-control devices, and his or her knowledge of safe driving practices and the traffic laws of this state and ~~may~~ shall also include an actual demonstration of a comprehensive on-the-road driving test during which the applicant shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he or she desires a license to drive. Applicants 18 years of age and older with valid and current licenses issued by another state of the United States or the District of Columbia who surrender their previous licenses to obtain a Georgia license shall be exempt from taking such tests other than tests of eyesight. The examination may also include such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. The commissioner may establish by rules and regulations the type of tests or demonstrations to be made by applicants for any class of license."

**SECTION 1-4.**

Said chapter is further amended by striking subsection (a) of Code Section 40-5-57.1, relating to revocation of licenses of persons under age 21 for certain offenses and issuance of new licenses following revocations, and inserting in lieu thereof the following:

"(a) Notwithstanding any other provision of this chapter, the driver's license of any person under 21 years of age convicted of hit and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer, reckless driving, any offense for which four or more points are assessable under subsection (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of paragraph (2) of subsection (a) of Code Section 3-3-23, violation of paragraph (3) or (5) of subsection (a) of Code Section 3-3-23, or violation of Code Section 40-6-391 shall be revoked by the department as provided by this Code section, ~~and a;~~ and the driver's license of any person who was under 18 years of age at the time of committing any offense for which two or more points are assessable under subsection (c) of Code Section 40-5-57 and who was convicted of such offense shall also be revoked by the department as provided by this Code section. Any driver's license revoked under this subsection shall not be reinstated. A plea of nolo contendere shall be considered a conviction for purposes of this subsection. Notice of revocation shall be given

1 by certified mail or statutory overnight delivery, return receipt requested; or, in lieu thereof,  
2 notice may be given by personal service upon such person. Such license shall be surrendered  
3 within ten days of notification of such revocation. Notice given by certified mail or statutory  
4 overnight delivery, return receipt requested, mailed to the person's last known address shall  
5 be prima-facie evidence that such person received the required notice."

7 **PART 2**

8 **SECTION 2-1.**

9 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle  
10 drivers' licenses, is amended by striking paragraph (11) of subsection (a) of Code Section  
11 40-5-21, relating to licensing exemptions, and inserting in lieu thereof the following:

12 "(11) Any resident who is 15 years of age or over while taking actual in-car training in  
13 a training vehicle other than a commercial motor vehicle under the direct personal  
14 supervision of a driving instructor when such driving instructor and training vehicle are  
15 licensed by the Department of Public Safety in accordance with the provisions of Chapter  
16 13 of Title 43, 'The Driver Training School License Act,' ~~or when such driving instructor~~  
17 ~~and vehicle are approved by the State Department of Education for a driver education~~  
18 ~~program offered by a public high school, provided that the course is open only to students~~  
19 ~~of such accredited school.~~ As used in the previous sentence, the term 'commercial motor  
20 vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized  
21 for the in-car training authorized under this paragraph shall be equipped with dual  
22 controlled brakes and shall be marked with signs in accordance with the Department of  
23 Public Safety ~~or Department of Education~~ rules clearly identifying such vehicles as  
24 training cars belonging to a licensed driving school ~~or public high school~~. A driving  
25 instructor shall test the eyesight of any unlicensed person who will be receiving actual  
26 in-car training prior to commencement of such training, and no unlicensed driver shall  
27 receive in-car training unless such person has at least the visual acuity and horizontal  
28 field of vision as is required for issuance of a driver's license in subsection (c) of Code  
29 Section 40-5-27."

## PART 3

## SECTION 3-1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, is amended by striking paragraph (11) of subsection (a) of Code Section 40-5-21, relating to licensing exemptions, and inserting in lieu thereof the following:

"(11) Any resident who is 15 years of age or over while taking actual in-car training in a training vehicle other than a commercial motor vehicle under the direct personal supervision of a driving instructor when such driving instructor and training vehicle are licensed by the department in accordance with the provisions of Chapter 13 of Title 43, 'The Driver Training School License Act,' ~~or when such driving instructor and vehicle are approved by the State Department of Education for a driver education program offered by a public high school, provided that the course is open only to students of such accredited school.~~ As used in the previous sentence, the term 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized for the in-car training authorized under this paragraph shall be equipped with dual controlled brakes and shall be marked with signs in accordance with the Department of Motor Vehicle Safety ~~or Department of Education~~ rules clearly identifying such vehicles as training cars belonging to a licensed driving school ~~or public high school~~. A driving instructor shall test the eyesight of any unlicensed person who will be receiving actual in-car training prior to commencement of such training, and no unlicensed driver shall receive in-car training unless such person has at least the visual acuity and horizontal field of vision as is required for issuance of a driver's license in subsection (c) of Code Section 40-5-27."

## PART 4

## SECTION 4-1.

(a) This Act shall become effective on January 1, 2002, except as otherwise provided by subsection (b) of this section.

(b) Each provision amended in Part 3 of this Act shall become effective and supersede that respective provision amended in Part 2 of this Act on January 1, 2002, or on such date thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever is later.

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- SECTION 4-2.
- All laws and parts of laws in conflict with this Act are repealed.