

House Bill 313

By: Representative Hembree of the 98th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
 2 relating to issuance, expiration, and renewal of motor vehicle drivers' licenses, so as to
 3 change certain provisions relating to persons not to be licensed and minimum ages for
 4 licensees; to change certain provisions relating to instruction permits, graduated licensing,
 5 and related restrictions; to provide effective dates; to repeal conflicting laws; and for other
 6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 10 issuance, expiration, and renewal of motor vehicle drivers' licenses, is amended by striking
 11 subsection (a) of Code Section 40-5-22, relating to persons not to be licensed and minimum
 12 ages for licensees, and inserting in lieu thereof the following:

13 "(a) The department shall not issue any Class C driver's license to any person who is under
 14 18 years of age or Class M driver's license to any person who is under the age of 16 years,
 15 except that the department may, under subsection (a) of Code Section 40-5-24, issue a
 16 Class P instruction permit permitting the operation of a noncommercial Class C vehicle to

1 any person who is at least 15 years of age, and may, under subsection (b) of Code Section
2 40-5-24, issue a Class D driver's license permitting the operation of a noncommercial Class
3 C vehicle to any person who is at least ~~16~~ 17 years of age. On and after January 1, 1985,
4 the department shall not issue any driver's license to any person under 18 years of age
5 unless such person presents a certificate or other evidence acceptable to the department
6 which indicates satisfactory completion of an alcohol and drug course as prescribed in
7 subsection (b) of Code Section 20-2-142; provided, however, that a person under 18 years
8 of age who becomes a resident of this state and who has in his or her immediate possession
9 a valid license issued to him or her in another state or country shall not be required to take
10 or complete the alcohol and drug course. The department shall not issue a driver's license
11 or a Class P instruction permit for the operation of a Class A or B vehicle or any
12 commercial driver's license to any person who is under the age of 18 years."

13 SECTION 2.

14 Said article is further amended in Code Section 40-5-24, relating to instruction permits,
15 graduated licensing, and related restrictions, by striking paragraph (2) of subsection (a) and
16 the introductory language of paragraph (1) of subsection (b) and inserting in lieu thereof the
17 following:

18 "(2) A person who has been issued an instruction permit under this subsection and has
19 never been issued a Class D driver's license under subsection (b) of this Code section will
20 become eligible for a Class D driver's license under subsection (b) of this Code section
21 only if such person is at least ~~16~~ 17 years of age, has a valid instruction permit which is
22 not under suspension, and, for a period of not less than 12 consecutive months prior to
23 making application for a Class D driver's license, has not been convicted of a violation
24 of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of
25 Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing

1 or attempting to elude an officer, reckless driving, or convicted of any offense for which
2 four or more points are assessable under subsection (c) of Code Section 40-5-57."

3 "(b)(1) Any resident of this state who is at least ~~16~~ 17 years of age and who, for a period
4 of at least 12 months, had a valid instruction permit issued under subsection (a) of this
5 Code section may apply to the department for a Class D driver's license to operate a
6 noncommercial Class C vehicle if such resident has otherwise complied with all
7 prerequisites for the issuance of such Class D driver's license as provided in subsection
8 (a) of this Code section, provided that a resident at least ~~16~~ 17 years of age who has at
9 any age surrendered to the department a valid instruction permit or driver's license issued
10 by another state or the District of Columbia or who has submitted to the department
11 proof, to the satisfaction of the department, of a valid instruction permit or driver's
12 license issued by another state or the District of Columbia may apply his or her driving
13 record under such previously issued permit or driver's license toward meeting the
14 eligibility requirements for a Class D driver's license the same as if such previously
15 issued permit or driver's license were an instruction permit issued under subsection (a)
16 of this Code section. The department shall, after the applicant has successfully passed a
17 behind the wheel road test, issue to the applicant a Class D driver's license which shall
18 entitle the applicant, while having such license in his or her immediate possession, to
19 drive a Class C vehicle upon the public highways of this state under the following
20 conditions:"

21 **SECTION 3.**

22 This Act shall become effective on July 1, 2001, except that this Act shall become effective
23 for purposes of promulgating rules or regulations upon approval of this Act by the Governor
24 or upon its becoming law without such approval.

25 **SECTION 4.**

26 All laws and parts of laws in conflict with this Act are repealed.