

Senate Bill 1

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

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 drivers' licenses, so as to change certain
3 provisions relating to persons not to be licensed, minimum ages for licensees, and school
4 attendance requirements; to provide a supervised driving experience requirement for certain
5 license applicants; to change certain provisions relating to instruction permits, graduated
6 licensing and related restrictions, and temporary licenses; to change certain provisions
7 relating to examination of applicants; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
11 issuance, expiration, and renewal of drivers' licenses, is amended by adding to Code Section
12 40-5-22, relating to persons not to be licensed, minimum ages for licensees, and school
13 attendance requirements, a new subsection (a.2) to read as follows:
14

15 "(a.2) On and after January 1, 2002, the department shall not issue to an applicant any
16 initial Class D driver's license or, in the case of a person who has never been issued a Class
17 D driver's license by the department or the equivalent thereof by any other jurisdiction, any
18 initial Class C driver's license unless such person has completed a cumulative total of at
19 least 40 hours of driving a motor vehicle under supervision, including at least six hours at
20 night, and the same is verified in writing signed before a person authorized to administer
21 oaths by a parent or guardian of the applicant or by the applicant if such person is at least
22 18 years of age. Such supervision may be provided by any licensed Class C driver who is
23 at least 21 years of age, who is fit and capable of exercising control over the vehicle, and
24 who occupies a seat beside the driver. Enrollment in or completion of a driver education

1 course is not required for purposes of this subsection, but any hours of supervised driving
 2 experience acquired during such a course may be applied toward meeting the requirements
 3 of this subsection."

4 SECTION 2.

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

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

22 (2) The department shall, after all applicable requirements have been met and the
 23 applicant has successfully passed a behind the wheel road test, issue to the applicant a
 24 Class D driver's license which shall entitle the applicant, while having such license in his
 25 or her immediate possession, to drive a Class C vehicle upon the public highways of this
 26 state under the following conditions:

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

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

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

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

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

4 (B)(i) ~~Any~~ The Class D license holder who is at least 17 years of age shall not drive
 5 a Class C motor vehicle upon the public roads, streets, or highways of this state when
 6 more than three other passengers in the vehicle who are not members of the driver's
 7 immediate family are less than 21 years of age; and

8 (ii) Any Class D license holder who is less than 17 years of age shall not drive a
 9 Class C motor vehicle on the public roads, streets, or highways of this state when
 10 more than one other passenger in the vehicle who is not a member of the driver's
 11 immediate family is less than 21 years of age;

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

15 ~~(2)~~(3) A person who has been issued a Class D driver's license under this subsection and
 16 has never been issued a Class C driver's license under this chapter will become eligible
 17 for a Class C driver's license under this chapter only if such person has a valid Class D
 18 driver's license which is not under suspension and, for a period of not less than 12
 19 consecutive months prior to making application for a Class C driver's license, has not
 20 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
 21 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using
 22 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted
 23 of any offense for which four or more points are assessable under subsection (c) of Code
 24 Section 40-5-57 and is at least 18 years of age."

25 SECTION 3.

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

28 "(a) The department shall examine every applicant for a driver's license. Such examination
 29 shall include a test of the applicant's eyesight, his or her ability to understand official
 30 traffic-control devices, and his or her knowledge of safe driving practices and the traffic
 31 laws of this state and ~~may~~ shall also include ~~an actual demonstration of a comprehensive~~
 32 on-the-road driving test during which the applicant shall be required to fully demonstrate
 33 his or her ability to exercise ordinary and reasonable control in the operation of a motor
 34 vehicle of the type or general class of vehicles he or she desires a license to drive.
 35 Applicants 18 years of age and older with valid and current licenses issued by another state
 36 of the United States or the District of Columbia who surrender their previous licenses to

1 obtain a Georgia license shall be exempt from taking such tests other than tests of eyesight.
2 The examination may also include such further physical and mental examination as the
3 department finds necessary to determine the applicant's fitness to operate a motor vehicle
4 safely upon the highways. The commissioner may establish by rules and regulations the
5 type of tests or demonstrations to be made by applicants for any class of license."

6 **SECTION 4.**

7 This Act shall become effective on January 1, 2002.

8 **SECTION 5.**

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