

House Bill 9

By: Representative Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To provide for driver education courses and instructional requirements; to amend Article 2
2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and
3 adult education, so as to require certain postsecondary technical schools to offer a course in
4 driver education; to change certain provisions relating to management and control of adult
5 literacy and postsecondary technical education programs and schools; to amend Article 2 of
6 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance,
7 expiration, and renewal of motor vehicle drivers' licenses, so as to change certain provisions
8 relating to licensing exemptions; to require driver education and instruction as conditions for
9 issuing drivers' licenses to certain persons; to amend Chapter 13 of Title 43 of the Official
10 Code of Georgia Annotated, relating to instructors in driver training and operators of driver
11 training schools, so as to change certain provisions relating to definitions; to change certain
12 provisions relating to exceptions to operation of chapter; to provide effective dates; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

17 Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to
18 technical and adult education, is amended by adding a new Code Section 20-4-15.1 to read
19 as follows:

20 "20-4-15.1.

21 On and after July 1, 2001, a driver education course approved under subparagraph
22 (a.2)(1)(A) of Code Section 40-5-22 shall be offered not less than once each academic term
23 in each postsecondary technical school or institution or technical college operated by the
24 Department of Technical and Adult Education, in accordance with any applicable
25 requirements under Chapter 13 of Title 43, 'The Driver Training School License Act.'"

SECTION 1-2.

H. B. 9

1 Said article is further amended by striking Code Section 20-4-18, relating to management and
 2 control of adult literacy and postsecondary technical education programs and schools, and
 3 inserting in lieu thereof the following:

4 "20-4-18.

5 Subject to the provisions of Code ~~Section~~ Sections 20-4-15.1 and 20-4-20, any other Code
 6 section of this article to the contrary notwithstanding, all decisions regarding the delivery
 7 of adult literacy and postsecondary technical education programs and services to business,
 8 industry, and individuals who are 16 years of age or older and who have completed or left
 9 the public schools, to include the awarding of high school equivalency certificates, shall
 10 be made by the Department of Technical and Adult Education. Commensurate with this
 11 authority, the department shall exercise state level management and operational control
 12 over adult literacy education programs, postsecondary technical schools, and adult
 13 vocational centers."

14 **SECTION 1-3.**

15 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 16 issuance, expiration, and renewal of motor vehicle drivers' licenses, is amended by striking
 17 paragraph (11) of subsection (a) of Code Section 40-5-21, relating to licensing exemptions,
 18 and inserting in lieu thereof the following:

19 "(11) Any resident who is 15 years of age or over while taking actual in-car training in a
 20 training vehicle other than a commercial motor vehicle under the direct personal
 21 supervision of a driving instructor when such driving instructor and training vehicle are
 22 licensed by the Department of Public Safety in accordance with the provisions of Chapter
 23 13 of Title 43, 'The Driver Training School License Act,' ~~or when such driving instructor~~
 24 ~~and vehicle are approved by the State Department of Education for a driver education~~
 25 ~~program offered by a public high school, provided that the course is open only to students~~
 26 ~~of such accredited school.~~ As used in the previous sentence, the term 'commercial motor
 27 vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized
 28 for the in-car training authorized under this paragraph shall be equipped with dual
 29 controlled brakes and shall be marked with signs in accordance with the Department of
 30 Public Safety ~~or Department of Education~~ rules clearly identifying such vehicles as training
 31 cars belonging to a private or public driving school ~~or public high school~~. A driving
 32 instructor shall test the eyesight of any unlicensed person who will be receiving actual
 33 in-car training prior to commencement of such training, and no unlicensed driver shall
 34 receive in-car training unless such person has at least the visual acuity and horizontal field
 35 of vision as is required for issuance of a driver's license in subsection (c) of Code Section
 36 40-5-27."

SECTION 1-4.

Said article is further amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licensees, and school attendance requirements, by inserting a new subsection (a.2) read as follows:

"(a.2)(1) In addition to any other requirements provided by law, on and after January 1, 2002, the department shall not issue to any person less than 21 years of age 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, any initial Class C driver's license, unless such person has:

(A) Satisfactorily completed a driver education course approved by the department pursuant to this subparagraph and taught in a private or public driver training school and under the direct personal supervision of a driver training instructor, which school and instructor were licensed by the department under Chapter 13 of Title 43, 'The Driver Training School License Act.' The commissioner shall by rule or regulation establish standards for approval and proof of satisfactory completion of the driver education course required by this subparagraph, provided that such course shall be designed to educate young drivers about the traffic laws of this state and safe driving practices and to train young drivers in the safe operation of motor vehicles and shall require not less than six hours of driving a motor vehicle while under instruction; and

(B) In addition to driving instruction received pursuant to subparagraph (A) of this paragraph, completed not less than 40 hours of driving under supervision, including at least ten hours at night, which is verified in writing signed before a person authorized to administer oaths by the applicant if he or she is at least 18 years of age or a parent or guardian of the applicant if the applicant is less than 18 years of age. Such supervision may be provided by any licensed Class C driver who is at least 21 years of age, who is fit and capable of exercising control over the vehicle, and who occupies a seat beside the driver."

SECTION 1-5.

Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, is amended by striking paragraph (2) of Code Section 43-13-2, relating to definitions, and inserting in lieu thereof the following:

"(2) 'Driver training schools' means any person, partnership, limited liability company, ~~or~~ corporation, or other entity giving driving instruction to ten or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of motor vehicles in this state."

SECTION 1-6.

1 Said chapter is further amended by striking Code Section 43-13-10, relating to exceptions
2 to operation of chapter, and inserting in lieu thereof the following:

3 "43-13-10.

4 (a) This chapter shall not apply to a college conducting a driver training course; nor shall
5 it apply to driver improvement schools operated by the state or by a county or municipality,
6 except as otherwise provided by subsection (b) of this Code section.

7 (b) The provisions of this chapter other than paragraph (2) of Code Section 43-13-4 shall
8 apply to secondary schools, postsecondary technical schools or institutions, and technical
9 colleges conducting driver training courses and to instructors therefor."

10 PART II

11 SECTION 2-1.

12 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
13 issuance, expiration, and renewal of motor vehicle drivers' licenses, is amended by striking
14 paragraph (11) of subsection (a) of Code Section 40-5-21, relating to licensing exemptions,
15 and inserting in lieu thereof the following:

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

34 PART III

35 SECTION 3-1.

- 1 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
2 law without such approval, except as otherwise provided by subsection (b) of this section.
- 3 (b) Each provision amended in Part II of this Act shall become effective and supersede that
4 respective provision amended in Part I of this Act upon its approval by the Governor or upon
5 its becoming law without such approval, or on such date thereafter as that same provision,
6 as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes fully effective
7 pursuant to Section 13-1 of that 2000 Act, whichever is later.

8 **SECTION 3-2.**

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