

House Bill 78

By: Representative Rice of the 79<sup>th</sup>

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  
17 any person who is at least 15 years of age, and may, under subsection (b) of Code Section  
18 40-5-24, issue a Class D driver's license permitting the operation of a noncommercial Class  
19 C vehicle ~~to any person who is at least 16 years of age~~ as provided by Code Section  
20 40-5-24. On and after January 1, 1985, the department shall not issue any driver's license  
21 to any person under 18 years of age unless such person presents a certificate or other  
22 evidence acceptable to the department which indicates satisfactory completion of an  
23 alcohol and drug course as prescribed in subsection (b) of Code Section 20-2-142;  
24 provided, however, that a person under 18 years of age who becomes a resident of this state  
25 and who has in his or her immediate possession a valid license issued to him or her in  
26 another state or country shall not be required to take or complete the alcohol and drug

1 course. The department shall not issue a driver's license or a Class P instruction permit for  
 2 the operation of a Class A or B vehicle or any commercial driver's license to any person  
 3 who is under the age of 18 years."

#### 4 SECTION 2.

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

9 "(2) A person who has been issued an instruction permit under this subsection and has  
 10 never been issued a Class D driver's license under subsection (b) of this Code section will  
 11 become eligible for a Class D driver's license under subsection (b) of this Code section  
 12 only if such person ~~is at least 16 years of age~~ meets the applicable minimum age  
 13 requirement of paragraph (1) of subsection (b) of this Code section, has a valid  
 14 instruction permit which is not under suspension, and, for a period of not less than 12  
 15 consecutive months prior to making application for a Class D driver's license, has not  
 16 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene  
 17 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using  
 18 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted  
 19 of any offense for which four or more points are assessable under subsection (c) of Code  
 20 Section 40-5-57."

21 "(b)(1) Any resident of this state who is at least ~~16~~ 17 years of age and who, for a period  
 22 of at least 12 months, had a valid instruction permit issued under subsection (a) of this  
 23 Code section may apply to the department for a Class D driver's license to operate a  
 24 noncommercial Class C vehicle if such resident has otherwise complied with all  
 25 prerequisites for the issuance of such Class D driver's license as provided in subsection  
 26 (a) of this Code section, provided that a resident at least ~~16~~ 17 years of age who has at  
 27 any age surrendered to the department a valid instruction permit or driver's license issued  
 28 by another state or the District of Columbia or who has submitted to the department  
 29 proof, to the satisfaction of the department, of a valid instruction permit or driver's license  
 30 issued by another state or the District of Columbia may apply his or her driving record  
 31 under such previously issued permit or driver's license toward meeting the eligibility  
 32 requirements for a Class D driver's license the same as if such previously issued permit  
 33 or driver's license were an instruction permit issued under subsection (a) of this Code  
 34 section. The foregoing minimum age limitations of this paragraph shall not apply to any  
 35 person issued a Class D license prior to January 1, 2002; and on and after such date the  
 36 foregoing minimum age limitations shall be waived for any person least 16 years of age

1 who has completed a course of driver education approved by the department and in a  
2 private or public licensed driver training school, provided that standards for approval of  
3 such course shall be established by rule or regulation and such course shall be designed  
4 to educate young drivers regarding the traffic laws of this state and safe driving practices  
5 and to train such drivers in the safe operation of motor vehicles. The department shall,  
6 after the applicant has successfully passed a behind the wheel road test, issue to the  
7 applicant a Class D driver's license which shall entitle the applicant, while having such  
8 license in his or her immediate possession, to drive a Class C vehicle upon the public  
9 highways of this state under the following conditions:"

10

**SECTION 3.**

11 This Act shall become effective on January 1, 2002, except that this Act shall become  
12 effective for purposes of promulgating rules or regulations upon approval of this Act by the  
13 Governor or upon its becoming law without such approval.

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**SECTION 4.**

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