

Senate Bill 43

By: Senator Crotts of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor
2 vehicle drivers' licenses, so as to change certain provisions relating to persons not to be
3 licensed, minimum ages for licensees, and school attendance requirements; to impose a
4 driver education requirement for purposes of certain license eligibility; to change certain
5 provisions relating to classes of licenses; to change certain provisions relating to instruction
6 permits, graduated licensing and related restrictions, and temporary permits; to change
7 certain provisions relating to applications and fees; to change certain provisions relating to
8 revocation of licenses of persons under age 21 for certain offenses and issuance of new
9 licenses following revocations; to change certain provisions relating to licensing exemptions;
10 to provide effective dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 PART 1
13 SECTION 1-1.

14 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
15 drivers' licenses, is amended by striking subsection (a) of Code Section 40-5-22, relating to
16 persons not to be licensed, minimum ages for licensees, and school attendance requirements,
17 and inserting in lieu thereof the following:

18 "(a) The department shall not issue any Class C driver's license to any person who is under
19 18 years of age or Class M driver's license to any person who is under the age of 16 years,
20 except that the department may, under subsection (a) of Code Section 40-5-24, issue a
21 Class P instruction permit permitting the operation of a noncommercial Class C vehicle to
22 any person who is at least 15 years of age, may issue a Class E license under subsection
23 (a.1) of Code Section 40-5-24 permitting the operation of a noncommercial Class C vehicle
24 to any person at least 16 years of age, and may, under subsection (b) of Code Section
25 40-5-24, issue a Class D driver's license permitting the operation of a noncommercial Class

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

11 **SECTION 1-2.**

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

15 "(a.2) In addition to any other requirements provided by law, on and after January 1, 2002,
 16 the department shall not issue to any person any initial Class C driver's license unless such
 17 person has satisfactorily completed a driver education course approved by the department
 18 pursuant to this subparagraph and taught in a private driver training school and under the
 19 direct personal supervision of a driver training instructor, which school and instructor were
 20 licensed by the department under Chapter 13 of Title 43, 'The Driver Training School
 21 License Act.' The commissioner shall by rule or regulation establish standards for approval
 22 and proof of satisfactory completion of the driver education course required by this
 23 subparagraph, provided that such course shall be designed to educate young drivers about
 24 the traffic laws of this state and safe driving practices and to train young drivers in the safe
 25 operation of motor vehicles and shall require not less than six hours of driving a motor
 26 vehicle while under instruction."

27 **SECTION 1-3.**

28 Said chapter is further amended by striking subsection (c) of Code Section 40-5-23, relating
 29 to classes of licenses, and inserting in lieu thereof the following:

30 "(c) The noncommercial classes of motor vehicles for which operators may be licensed
 31 shall be as follows:

32 Class A - Any combination of vehicles with a gross vehicle weight rating of 26,001
 33 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being
 34 towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class
 35 C;

1 Class B - Any single vehicle with a gross vehicle weight rating of 26,001 pounds or
 2 more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess
 3 of 10,000 pounds, and all vehicles included within Class C;

4 Class C - Any single vehicle with a gross vehicle weight rating not in excess of 26,000
 5 pounds or any such vehicle towing a vehicle with a gross vehicle weight rating not in
 6 excess of 10,000 pounds and any self-propelled or towed vehicle that is equipped to serve
 7 as temporary living quarters for recreational, camping, or travel purposes and is used
 8 solely as a family or personal conveyance;

9 Class ~~D~~ E - Provisional license applicable to noncommercial Class C vehicles for which
 10 an applicant desires a driver's license but is not presently licensed to drive;

11 Class D - Provisional license applicable to noncommercial Class C vehicles for which an
 12 applicant has been previously issued a Class E license but has never been issued a Class
 13 C license;

14 Class M - Motorcycles, motor driven cycles, and three-wheeled motorcycles;

15 Class P - Instructional permit applicable to all types of vehicles for which an applicant
 16 desires a driver's license but is not presently licensed to drive.

17 Any applicant for a Class A or Class B license must possess a valid Georgia driver's
 18 license for Class C vehicles. A license issued pursuant to this Code section shall not be a
 19 commercial driver's license."

20 SECTION 1-4.

21 Said chapter is further amended by striking Code Section 40-5-24, relating to instruction
 22 permits, graduated licensing and related restrictions, and temporary permits, and inserting
 23 in lieu thereof the following:

24 "40-5-24.

25 (a)(1) Any resident of this state who is at least 15 years of age may apply to the
 26 department for an instruction permit to operate a noncommercial Class C vehicle. The
 27 department shall, after the applicant has successfully passed all parts of the examination
 28 referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an
 29 instruction permit which shall entitle the applicant, while having such permit in his or her
 30 immediate possession, to drive a Class C vehicle upon the public highways for a period
 31 of two years when accompanied by a person at least 21 years of age who is licensed as
 32 a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of
 33 exercising control over the vehicle, and who is occupying a seat beside the driver.

34 (2) A person who has been issued an instruction permit under this subsection and has
 35 never been issued a Class ~~D~~ E driver's license under subsection ~~(b)~~ (a.1) of this Code
 36 section will become eligible for a Class ~~D~~ E driver's license under subsection ~~(b)~~ (a.1)

1 of this Code section only if such person is at least 16 years of age, has a valid instruction
 2 permit which is not under suspension, and, for a period of not less than 12 consecutive
 3 months prior to making application for a Class ~~D~~ E driver's license, has not been
 4 convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene of an
 5 accident in violation of Code Section 40-6-270, racing on highways or streets, using a
 6 motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted
 7 of any offense for which four or more points are assessable under subsection (c) of Code
 8 Section 40-5-57.

9 (3) This subsection does not apply to instruction permits for the operation of motorcycles.

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

27 (A) The Class E license holder shall not drive a Class C motor vehicle on the public
 28 roads, streets, or highways of this state between the hours of 10:00 P.M. and 5:00 A.M.
 29 eastern standard time or eastern daylight time, whichever is applicable, unless:

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

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

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

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

1 (B) The Class E license holder shall not drive a Class C motor vehicle upon the public
 2 roads, streets, or highways of this state when more than one other passenger in the
 3 vehicle who is not a member of the driver's immediate family is less than 21 years of
 4 age; provided, however, that a Class E license holder shall not be charged with a
 5 violation of this subparagraph alone but may be charged with violating this
 6 subparagraph in addition to any other traffic offense.

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

18 (b)(1) Any resident of this state who is at least ~~16~~ 17 years of age and who, for a period
 19 of at least 12 months, had a valid ~~instruction permit~~ Class E driver's license issued under
 20 subsection ~~(a)~~ (a.1) of this Code section may apply to the department for a Class D
 21 driver's license to operate a noncommercial Class C vehicle if such resident has
 22 otherwise complied with all prerequisites for the issuance of such Class D driver's license
 23 as provided in subsection ~~(a)~~ (a.1) of this Code section, provided that a resident at least
 24 ~~16~~ 17 years of age who has at any age surrendered to the department a valid ~~instruction~~
 25 ~~permit or~~ driver's license issued by another state or the District of Columbia or who has
 26 submitted to the department proof, to the satisfaction of the department, of a valid
 27 ~~instruction permit or~~ driver's license issued by another state or the District of Columbia
 28 may apply his or her driving record under such previously issued ~~permit or~~ driver's
 29 license toward meeting the eligibility requirements for a Class D driver's license the same
 30 as if such previously issued ~~permit or~~ driver's license were ~~an instruction permit~~ a Class
 31 E driver's license issued under subsection ~~(a)~~ (a.1) of this Code section. ~~The department~~
 32 ~~shall, after the applicant has successfully passed a behind the wheel road test, issue to the~~
 33 ~~applicant a~~ A Class D driver's license ~~which shall entitle the applicant~~ license holder,
 34 while having such license in his or her immediate possession, to drive a Class C vehicle
 35 upon the public highways of this state under the following conditions:

1 (A) The Class D license holder shall not drive a Class C motor vehicle on the public
 2 roads, streets, or highways of this state between the hours of 1:00 A.M. and 5:00 A.M.
 3 eastern standard time or eastern daylight time, whichever is applicable, unless:

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

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

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

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

11 (B) The Class D license holder shall not drive a Class C motor vehicle upon the public
 12 roads, streets, or highways of this state when more than three other passengers in the
 13 vehicle who are not members of the driver's immediate family are less than 21 years
 14 of age; provided, however, that a Class D license holder shall not be charged with a
 15 violation of this subparagraph alone but may be charged with violating this
 16 subparagraph in addition to any other traffic offense.

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

28 (c) Any resident of this state who is at least 16 years of age may apply to the department
 29 for a noncommercial Class M motorcycle instruction permit. The department shall, after
 30 the applicant has successfully passed all parts of the examination other than the driving test,
 31 issue to the applicant an instruction permit which shall entitle the applicant, while having
 32 such permit in his or her immediate possession, to drive a motorcycle or a motor driven
 33 cycle upon the public highways for a period of six months. A motorcycle instruction permit
 34 shall not be valid when carrying passengers, on a limited access highway, or at night.

35 (d) Any resident of this state who is at least 18 years of age may apply to the department
 36 for an instruction permit to operate noncommercial vehicles in Classes A and B. Such
 37 permits may be issued only to persons with valid commercial or noncommercial Class C

1 licenses or persons who have passed all required tests for a commercial or noncommercial
 2 Class C license. The department shall, after the applicant has successfully passed all parts
 3 of the appropriate examination other than the skill and driving test, issue to the applicant
 4 an instruction permit which shall entitle the applicant, while having the permit in his or her
 5 immediate possession, to operate a vehicle of the appropriate noncommercial class upon
 6 the public highways for a period of 12 months when accompanied by a licensed driver,
 7 qualified in the vehicle being operated, who is fit and capable of exercising control over
 8 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being
 9 issued a driver’s license for Classes A and B, the applicant shall pass a knowledge and skill
 10 test for driving a Class A or B vehicle as provided by the commissioner.

11 (e) The department shall issue a temporary driver’s permit to an applicant for a driver’s
 12 license permitting him or her to operate a specified type or class of motor vehicle while the
 13 department is completing its investigation and determination of all facts relative to such
 14 applicant’s eligibility to receive a driver’s license. Such permit must be in his or her
 15 immediate possession while operating a motor vehicle, and it shall be invalid when the
 16 applicant’s license has been issued or for good cause has been refused. Such permit shall
 17 be valid for no more than 45 days. When a license has been refused, the permit shall be
 18 returned to the department within ten days of receipt of written notice of refusal.”

19 **SECTION 1-5.**

20 Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section
 21 40-5-25, relating to applications and fees, and inserting in lieu thereof the following:

22 “(1) For instruction permits for Classes A, B, C, and M drivers’ licenses
 23 and for ~~Class D~~ Classes D and E drivers’ licenses \$ 10.00”

24 **SECTION 1-6.**

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

28 “(a) Notwithstanding any other provision of this chapter, the driver’s license of any person
 29 who was under 21 years of age convicted of at the time of committing for a second or
 30 subsequent time any of the following offenses shall upon conviction be revoked by the
 31 department and a driver’s license revoked under this subsection shall not be reinstated: hit
 32 and run or leaving the scene of an accident in violation of Code Section 40-6-270, racing
 33 on highways or streets, using a motor vehicle in fleeing or attempting to elude an officer,
 34 reckless driving, any offense for which four or more points are assessable under subsection
 35 (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of paragraph

1 (2) of subsection (a) of Code Section 3-3-23, violation of paragraph (3) or (5) of subsection
 2 (a) of Code Section 3-3-23, or violation of Code Section 40-6-391 ~~shall be revoked by the~~
 3 ~~department as provided by this Code section, and a driver's license revoked under this~~
 4 ~~subsection shall not be reinstated.~~ A plea of nolo contendere shall be considered a
 5 conviction for purposes of this subsection. Notice of revocation shall be given by certified
 6 mail or statutory overnight delivery, return receipt requested; or, in lieu thereof, notice may
 7 be given by personal service upon such person. Such license shall be surrendered within
 8 ten days of notification of such revocation. Notice given by certified mail or statutory
 9 overnight delivery, return receipt requested, mailed to the person's last known address shall
 10 be prima-facie evidence that such person received the required notice."

11 SECTION 1-7.

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

15 ~~"(b) A person whose driver's license has been revoked under subsection (a) of this Code~~
 16 ~~section shall:~~

17 ~~(1) Except as otherwise provided by paragraph (2) of this subsection:~~

18 ~~(A) Upon a first such revocation, be eligible to apply for and, subject to the examination~~
 19 ~~requirements of Code Section 40-5-27 and payment of required fees, be issued a new~~
 20 ~~driver's license six months from the date on which the revoked license was surrendered~~
 21 ~~to and received by the department; and~~

22 ~~(B) Upon a second or subsequent such revocation, be eligible to apply for and, subject~~
 23 ~~to the examination requirements of Code Section 40-5-27 and payment of required fees,~~
 24 ~~be issued a new driver's license 12 months from the date on which the revoked license~~
 25 ~~was surrendered to and received by the department; or~~

26 ~~(2) If the driver's license was revoked upon conviction for violation of Code Section~~
 27 ~~40-6-391 and the driver's alcohol concentration at the time of the offense was 0.08 grams~~
 28 ~~or more, be eligible to apply for and, subject to the examination requirements of Code~~
 29 ~~Section 40-5-27 and payment of required fees, be issued a new driver's license 12 months~~
 30 ~~from the date on which the revoked license was surrendered to and received by the~~
 31 ~~department:~~

32 (b)(1) A person whose Class E driver's license has been revoked under subsection (a)
 33 of this Code section shall:

34 (A) Be eligible to apply for and be issued an instruction permit 30 days from the date
 35 on which the revoked license was surrendered to and received by the department; and

1 (B) Not be eligible for a new Class E, Class D, or Class C driver's license except as
 2 provided by subsections (a), (a.1), and (b) of Code Section 40-5-24.

3 (2) A person whose Class D driver's license has been revoked under subsection (a) of
 4 this Code section shall:

5 (A) Be eligible to apply for and be issued a Class E driver's license 30 days from the
 6 date on which the revoked license was surrendered to and received by the department,
 7 the provisions of Code Section 40-5-24 notwithstanding; and

8 (B) Not be eligible for a new Class D or Class C driver's license except as provided by
 9 subsections (a.1) and (b) of Code Section 40-5-24.

10 (2) A person whose Class C driver's license has been revoked under subsection (a) of
 11 this Code section shall:

12 (A) Be eligible to apply for and be issued a Class D driver's license 30 days from the
 13 date on which the revoked license was surrendered to and received by the department,
 14 the provisions of Code Section 40-5-24 notwithstanding; and

15 (B) Not be eligible for a new Class C driver's license except as provided by subsection
 16 (b) of Code Section 40-5-24."

17 PART 2

18 SECTION 2-1.

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

22 "(11) Any resident who is 15 years of age or over while taking actual in-car training in
 23 a training vehicle other than a commercial motor vehicle under the direct personal
 24 supervision of a driving instructor when such driving instructor and training vehicle are
 25 licensed by the Department of Public Safety in accordance with the provisions of Chapter
 26 13 of Title 43, 'The Driver Training School License Act,'~~or when such driving instructor~~
 27 ~~and vehicle are approved by the State Department of Education for a driver education~~
 28 ~~program offered by a public high school, provided that the course is open only to students~~
 29 ~~of such accredited school.'~~ As used in the previous sentence, the term 'commercial motor
 30 vehicle' shall have the meaning specified in Code Section 40-5-142. All vehicles utilized
 31 for the in-car training authorized under this paragraph shall be equipped with dual
 32 controlled brakes and shall be marked with signs in accordance with the Department of
 33 Public Safety ~~or Department of Education~~ rules clearly identifying such vehicles as
 34 training cars belonging to a private or public driving school ~~or public high school~~. A
 35 driving instructor shall test the eyesight of any unlicensed person who will be receiving

1 actual in-car training prior to commencement of such training, and no unlicensed driver
 2 shall receive in-car training unless such person has at least the visual acuity and
 3 horizontal field of vision as is required for issuance of a driver's license in subsection (c)
 4 of Code Section 40-5-27."

5 **PART 3**

6 **SECTION 3-1.**

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

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

28 **PART 4**

29 **SECTION 4-1.**

- 30 (a) This Act shall become effective on July 1, 2001, except as otherwise provided by
 31 subsection (b) of this section.
- 32 (b) Each provision amended in Part 3 of this Act shall become effective and supersede that
 33 respective provision amended in Part 2 of this Act on July 1, 2001, or on such date thereafter

1 as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951),
2 becomes fully effective pursuant to Section 13-1 of that 2000 Act, whichever is later.

3 **SECTION 4-2.**

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