

Senate Bill 6 (Prefiled)

By: Senator Gingrey of the 37th

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 drivers' licensing
3 exemptions generally; to change certain provisions relating to persons not to be licensed,
4 minimum ages for licensees, and school attendance requirements; to change certain
5 provisions relating to reinstatement of license of child under 16 years convicted of driving
6 under the influence of alcohol or drugs; to change certain provisions relating to instruction
7 permits, graduated licensing and related restrictions, and temporary licenses; to change
8 certain provisions relating to suspension of license by operation of law for conviction of
9 certain marijuana related offenses; to provide effective dates; to repeal conflicting laws; and
10 for other purposes.

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13

PART I

14

SECTION 1-1.

15 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
16 drivers' licenses, is amended in subsection (a) of Code Section 40-5-21, relating to drivers'
17 licensing exemptions generally, by striking the introductory language and paragraph (2) and
18 inserting in their respective places the following:

19 "(a) Except as provided in Article 7 of this chapter, the 'Georgia Uniform Commercial
20 Driver's License Act,' the following persons are exempt from licenses under this chapter:"

21 "(2) A nonresident who is at least ~~16~~ 17 years of age and who has in his or her immediate
22 possession a valid license issued to him or her in his or her home state or country;
23 provided, however, that any restrictions which would apply to a Georgia driver's license
24 as a matter of law would apply to the privilege afforded to the out-of-state license;"

SECTION 1-2.

Said chapter is further amended in subsection (b) of Code Section 40-5-21, relating to drivers' licensing exemptions generally, by striking the introductory language and paragraph (1) and inserting in their respective places the following:

"(b) Notwithstanding any contrary provisions of Code Section 40-5-20 or subsection (a) of this Code section, a nonresident of this state who is attending a school in this state shall be exempt from the driver's licensing requirements of this chapter if and only if:

(1) He or she is at least ~~16~~ 17 years of age and has in his or her immediate possession a valid license issued to him or her in his or her home state or country; provided, however, that any restrictions which would apply to a Georgia driver's license as a matter of law would apply to the privilege afforded to the out-of-state license; and"

SECTION 1-3.

Said chapter is further amended by striking subsection (a) of Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licensees, and school attendance requirements, and inserting in lieu thereof the following:

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

SECTION 1-4.

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

1 "(a.2) On and after January 1, 2002, the department shall not issue to an applicant any
 2 initial Class D driver's license or, in the case of a person who has never been issued a Class
 3 D driver's license by the department or the equivalent thereof by any other jurisdiction, any
 4 initial Class C driver's license unless such person has completed a cumulative total of at
 5 least 40 hours of driving a motor vehicle under instruction and including at least six hours
 6 at night, and the same is verified in writing signed before a person authorized to administer
 7 oaths by a parent or guardian of the applicant or by the applicant if such person is at least
 8 18 years of age; provided, however, that enrollment in or completion of a driver education
 9 course is not required for purposes of this subsection."

10 **SECTION 1-5.**

11 Said chapter is further amended by striking subsections (a) and (b) of Code Section 40-5-24,
 12 relating to instruction permits, graduated licensing and related restrictions, and temporary
 13 licenses, and inserting in lieu thereof the following:

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

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

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

35 (b)(1) Any resident of this state who is at least ~~16~~ 17 years of age and who, for a period
 36 of at least 12 months, had a valid instruction permit issued under subsection (a) of this

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

17 (A) The Class D license holder shall not drive a Class C motor vehicle on the public
 18 roads, streets, or highways of this state between the hours of ~~1:00 A.M. and 5:00 A.M.~~
 19 12:00 Midnight and 6:00 A.M. eastern standard time or eastern daylight time,
 20 whichever is applicable, unless:

- 21 (i) Going to or from a place of business where he or she is actually employed on a
 22 regularly scheduled basis;
- 23 (ii) Going to or from an event or activity sponsored or sanctioned by a secondary or
 24 postsecondary school in which he or she is enrolled as a student;
- 25 (iii) Going to or from an event or activity sponsored or sanctioned by a religious
 26 organization; or
- 27 (iv) For the purpose of a medical, fire, or law enforcement related emergency; and

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

34 (1.1)(A) The provisions of paragraph (1) of this subsection notwithstanding, a person
 35 holding a valid Class P instruction permit issued prior to July 1, 2001, shall satisfy the
 36 minimum age requirement for issuance of a Class D driver's license at age 16 years.

1 (B) The minimum age requirement of paragraph (1) of this subsection notwithstanding,
 2 any Class D driver's license issued prior to July 1, 2001, shall remain valid until the
 3 expiration date thereof except when suspended or revoked as otherwise provided by this
 4 chapter.

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

15 **SECTION 1-6.**

16 Said chapter is further amended by striking subsection (h) of Code Section 40-5-75, relating
 17 to suspension of license by operation of law for conviction of certain marijuana related
 18 offenses, which reads as follows:

19 "(h) Notwithstanding the provisions of subsection (a) of this Code section, licensed drivers
 20 who are 16 years of age who are adjudicated in a juvenile court pursuant to this Code
 21 section may, at their option, complete a DUI Alcohol or Drug Use Risk Reduction Program
 22 approved by the Department of Human Resources or an assessment and intervention
 23 program approved by the juvenile court."

24 **PART II**

25 **SECTION 2-1.**

26 Said chapter is further amended by striking Code Section 40-5-22.1, relating to reinstatement
 27 of license of child under 16 years convicted of driving under the influence of alcohol or
 28 drugs, inserting in lieu thereof the following:

29 "40-5-22.1.

30 Notwithstanding any other provision of law, if a child under ~~16~~ 17 years of age is
 31 adjudicated delinquent of driving under the influence of alcohol or drugs or of possession
 32 of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the
 33 unlawful possession of a dangerous drug in violation of Code Section 16-13-72 or
 34 convicted in any other court of such offenses, the court shall order that the privilege of such
 35 child to apply for and be issued a driver's license or learner's permit shall be suspended

1 and delayed until such child is ~~17 years of age for a first conviction and until such child is~~
 2 18 years of age ~~for a second or subsequent such conviction~~. Upon such person reaching
 3 ~~the required~~ 18 years of age, such license privilege shall be reinstated if the child submits
 4 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 5 the Department of Human Resources or an assessment and intervention program approved
 6 by the juvenile court and pays a fee of \$210.00 to the Department of Public Safety or
 7 \$200.00 when such application is processed by mail. The court shall notify the Department
 8 of Public Safety of its order delaying the issuance of such child's license within 15 days
 9 of the date of such order. The Department of Public Safety shall not issue a driver's license
 10 or learner's permit to any person contrary to a court order issued pursuant to this Code
 11 section."

12 **PART III**

13 **SECTION 3-1.**

14 Said chapter is further amended by striking Code Section 40-5-22.1, relating to reinstatement
 15 of license of child under 16 years convicted of driving under the influence of alcohol or
 16 drugs, inserting in lieu thereof the following:

17 "40-5-22.1.

18 Notwithstanding any other provision of law, if a child under ~~16~~ 17 years of age is
 19 adjudicated delinquent of driving under the influence of alcohol or drugs or of possession
 20 of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the
 21 unlawful possession of a dangerous drug in violation of Code Section 16-13-72 or
 22 convicted in any other court of such offenses, the court shall order that the privilege of such
 23 child to apply for and be issued a driver's license or learner's permit shall be suspended
 24 and delayed until such child is ~~17 years of age for a first conviction and until such child is~~
 25 18 years of age ~~for a second or subsequent such conviction~~. Upon such person reaching
 26 ~~the required~~ 18 years of age, such license privilege shall be reinstated if the child submits
 27 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
 28 the Department of Human Resources or an assessment and intervention program approved
 29 by the juvenile court and pays a fee of \$210.00 to the Department of Motor Vehicle Safety
 30 or \$200.00 when such application is processed by mail. The court shall notify the
 31 Department of Motor Vehicle Safety of its order delaying the issuance of such child's
 32 license within 15 days of the date of such order. The Department of Motor Vehicle Safety
 33 shall not issue a driver's license or learner's permit to any person contrary to a court order
 34 issued pursuant to this Code section."

35 **PART IV**

SECTION 4-1.

(a) This Act shall become effective July 1, 2001, except as otherwise provided by subsection (b) of this section.

(b) Each provision amended in Part III of this Act shall become effective and supersede that respective provision amended in Part II of this Act on July 1, 2001, or on such date thereafter as that same provision, as amended by an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes fully effective pursuant to Section 13-1 of Ga. L. 2000, p. 951, whichever is later.

SECTION 4-2.

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