

Senate Bill 7 (Prefiled)
By: Senator Gingrey of the 37th

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 an instructional requirement for certain license
5 applicants; to change certain provisions relating to instruction permits, graduated licensing
6 and related restrictions, and temporary licenses; to provide an effective date; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **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 "(a.2)(1) On and after January 1, 2002, the department shall not issue any initial Class
15 D driver's license or, in the case of a person who has never been issued a Class D driver's
16 license by the department or the equivalent thereof by any other jurisdiction, any initial
17 Class C driver's license unless such person:

18 (A) Has completed an approved driver education course in a licensed private or public
19 driver training school and in addition a cumulative total of at least 20 hours of driving
20 a motor vehicle under other instruction and including at least six hours at night, all of
21 which is verified in writing signed before a person authorized to administer oaths by a
22 parent or guardian of the applicant or by the applicant if such person is at least 18 years
23 of age; or

24 (B) Has completed a cumulative total of at least 40 hours of driving a motor vehicle
25 under instruction and including at least six hours at night, and the same is verified in
26 writing signed before a person authorized to administer oaths by a parent or guardian

of the applicant or by the applicant if such person is at least 18 years of age; provided, however, that enrollment in or completion of a driver education course is not required for purposes of this subparagraph.

(2) The commissioner shall by rule or regulation establish standards for approval of any driver education course for purposes of subparagraph (A) of paragraph (1) of this subsection, provided that such course shall be designed to educate young drivers about safe driving practices and the traffic laws of this state and to train young drivers in the safe operation of motor vehicles."

SECTION 2.

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

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

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

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

(i) Going to or from a place of business where he or she is actually employed on a

regularly scheduled basis;

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

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

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

(B) Any ~~The~~ Class D license holder who is at least 17 years of age shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age; provided, however, that a Class D license holder shall not be charged with a violation of this subparagraph alone but may be charged with violating this subparagraph in addition to any other traffic offense; and

(C) Any Class D license holder who is less than 17 years of age shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state:

(i) Between the hours of 12:00 Midnight and 6:00 A.M. eastern time;

(ii) When more than one other passenger in the vehicle who is not a member of the driver's immediate family is less than 21 years of age; or

(iii) During the six-month period immediately following the date of issuance of such license when there is any other passenger who is not a member of the driver's immediate family and less than 21 years of age in the vehicle;

provided, however, that a Class D license holder shall not be charged with a violation of division (ii) or (iii) of this subparagraph alone but may be charged with violating either such division in addition to any other traffic offense.

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

SECTION 3.

This Act shall become effective on January 1, 2002.

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SECTION 4.

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