

House Bill 450

By: Representatives Powell of the 23<sup>rd</sup> and Parham of the 94<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 instructors in driver training and operators of driver training schools, so as to provide for  
3 licensing and regulation of instructors and operators of driver's education programs; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in  
8 driver training and operators of driver training schools, is amended by striking in its entirety  
9 Code Section 43-13-1, relating to the short title, and inserting in lieu thereof the following:  
10 "43-13-1.

11 This chapter shall be known and may be cited as 'The Driver Training School and Driver's  
12 Education Program License Act.'

13 **SECTION 2.**

14 Said chapter is further amended by striking in its entirety Code Section 43-13-2, relating to  
15 definitions, and inserting in lieu thereof the following:

16 "43-13-2.

17 As used in this chapter, the term:

18 (1) 'Department' means the Department of Motor Vehicle Safety acting directly or  
19 through its duly authorized officers and agents.

20 (2) 'Driver training schools' means any person, partnership, limited liability company,  
21 or corporation giving driving instruction to ten or more persons per calendar year for the  
22 purpose of assisting such persons to meet the requirements for licensed driving of Class  
23 A or Class B motor vehicles in this state.

24 (3) 'Driver's education program' means any person, partnership, limited liability  
25 company, or corporation giving driving instruction to ten or more persons per calendar

1 year for the purpose of assisting such persons to meet the requirements for licensed  
 2 driving of Class C or Class M motor vehicles in this state.

3 ~~(3)~~(4) 'Driver's license examiners' means examiners appointed by the Department of  
 4 Motor Vehicle Safety for the purpose of giving driver's license examinations.

5 ~~(4)~~(5) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any  
 6 person or property is or may be transported or drawn upon, a public highway except  
 7 devices used exclusively upon stationary rails or tracks.

8 ~~(5)~~(6) 'Person' means every natural person, firm, partnership, limited liability company,  
 9 association, corporation, or school."

### 10 SECTION 3.

11 Said chapter is further amended by striking in its entirety Code Section 43-13-3, relating to  
 12 license requirement, and inserting in lieu thereof the following:

13 "43-13-3.

14 No person shall operate a driver training school, operate a driver's education program, or  
 15 engage in the business of giving instruction for hire in the driving of motor vehicles or in  
 16 the preparation of an applicant for examination given by driver's license examiners for a  
 17 driver's license or permit unless a license therefor has been secured from the department.

18 Separate licenses shall be required for the operation of a driver training school and a  
 19 driver's education program."

### 20 SECTION 4.

21 Said chapter is further amended by striking in its entirety Code Section 43-13-4, relating to  
 22 qualifications for driver training and school operators, and inserting in lieu thereof the  
 23 following:

24 "43-13-4.

25 Every person who desires to operate a driver training school or a driver's education  
 26 program shall meet the following requirements:

27 (1) Be of good moral character;

28 (2) Maintain an established place of business in the State of Georgia which is open to the  
 29 public;

30 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
 31 while used in driver training instruction, insuring the liability of the driver training  
 32 school, the driving instructors, and any person taking instruction, in at least the following  
 33 amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and,  
 34 subject to such limit for one person, \$200,000.00 for bodily injury to or death of two or  
 35 more persons in any one accident and the amount of \$20,000.00 for damage to property

1 of others in any one accident. Evidence of such insurance coverage, in the form of a  
 2 certificate from the insurance carrier, shall be filed with the department; and such  
 3 certificate shall stipulate that the insurance shall not be canceled except upon ten days'  
 4 prior written notice to the department. Such insurance shall be written by a company  
 5 authorized to do business in this state;

6 (4) Provide a continuous surety company bond in the principal sum of \$2,500.00 for the  
 7 protection of the contractual rights of students in such form as will meet with the  
 8 approval of the department and written by a company authorized to do business in this  
 9 state; provided, however, that the aggregate liability of the surety for all breaches of the  
 10 condition of the bond in no event shall exceed the principal sum of \$2,500.00 per  
 11 location, and a single bond at such rate for all schools operated by the same person may  
 12 be provided in satisfaction of this paragraph. The surety on any such bond may cancel  
 13 such bond on giving 30 days' notice thereof in writing to the department and shall be  
 14 relieved of liability for any breach of any condition of the bond which occurs after the  
 15 effective date of cancellation;

16 (5) Have the equipment necessary to the giving of proper instruction in the operation of  
 17 motor vehicles as prescribed by the department; and

18 (6) Pay to the department an application fee of \$25.00."

#### 19 SECTION 5.

20 Said chapter is further amended by inserting a new Code section to read as follows:

21 "43-13-4.1.

22 (a) No driver training school shall be permitted to use, adopt, or conduct any business  
 23 under any name that is like or deceptively similar to any name of a Georgia corporation  
 24 registered with the Secretary of State.

25 (b) This Code section shall not prohibit the franchising or licensing of any part or all of the  
 26 name of a driver training school by the owner of the rights therein to another licensed  
 27 driver training school."

#### 28 SECTION 6.

29 Said chapter is further amended by striking in its entirety Code Section 43-13-5, relating to  
 30 qualifications of driver training school instructors, and inserting in lieu thereof the following:

31 "43-13-5.

32 Every person who desires to qualify as an instructor for a driver training school or a  
 33 driver's education program shall meet the following requirements:

34 (1) Be of good moral character;

1 (2) Present to the department evidence of credit in driver education and safety from an  
 2 accredited college or university equivalent to credits in those subjects which are required  
 3 of instructors in the public schools of this state or give satisfactory performance on a  
 4 written, oral, performance, or combination examination administered by the department  
 5 testing both knowledge of the field of driver education and skills necessary to instruct and  
 6 impart driving skills and safety to students. The examination shall be administered  
 7 quarterly or upon the written application of four or more prospective licensees. The  
 8 examination fee shall not exceed \$25.00;

9 (3) Be physically able to operate safely a motor vehicle and to instruct others in the  
 10 operation of motor vehicles;

11 (4) Hold a valid driver's license; and

12 (5) Pay to the department an application fee of \$5.00."

### 13 SECTION 7.

14 Said chapter is further amended by striking in its entirety Code Section 43-13-6, relating to  
 15 issuance of licenses to qualified applicants and expiration and renewal of licenses, and  
 16 inserting in lieu thereof the following:

17 "43-13-6.

18 (a) The department shall issue a license certificate to each operator of a driver training  
 19 school, to each operator of a driver's education program, ~~or~~ to each driver training  
 20 instructor, or to each driver's education instructor when the department is satisfied that  
 21 such person has met the qualifications required under this chapter.

22 (b) All licenses issued to driver training schools, driver's education programs, ~~or~~ driver  
 23 training instructors, or driver's education instructors pursuant to this chapter shall be valid  
 24 for four years from the date of issuance unless sooner canceled, suspended, or revoked  
 25 under Code Section 43-13-7. All licenses shall be renewed through the department as  
 26 provided in subsection (d) of this Code section and shall be valid for four years from the  
 27 date of renewal.

28 (c) The license of each driver training school, driver's education program, ~~and each~~ driver  
 29 training instructor, and driver's education instructor may be renewed subject to the same  
 30 conditions as the original license and upon payment of the same fee.

31 (d) All applications for renewal of a driver training school's license, driver's education  
 32 program license, ~~or~~ driver training instructor's license, or driver's education instructor's  
 33 license shall be on a form prescribed by the department and must be filed with the  
 34 department not more than 60 days nor less than ten days preceding the expiration date of  
 35 the license to be renewed."



1 school that fails to comply with any requirement imposed by or pursuant to this chapter.  
 2 (c) The hearing and any administrative review thereof shall be conducted in accordance  
 3 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia  
 4 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all  
 5 administrative remedies available and who is aggrieved or adversely affected by a final  
 6 order or action of the commissioner shall have the right of judicial review thereof in  
 7 accordance with Chapter 13 of Title 50. All fines recovered under this Code section shall  
 8 be paid into the state treasury. The commissioner may file, in the superior court: (1)  
 9 wherein the person under order resides; (2) if such person is a corporation, in the county  
 10 wherein the corporation maintains its principal place of business; or (3) in the county  
 11 wherein the violation occurred, a certified copy of a final order of the commissioner,  
 12 whether unappealed from or affirmed upon appeal, whereupon the court shall render  
 13 judgment in accordance therewith and notify the parties. Such judgment shall have the  
 14 same effect, and proceedings in relation thereto shall thereafter be the same as though the  
 15 judgment had been rendered in an action duly heard and determined by the court. The  
 16 penalty prescribed in this Code section shall be concurrent, alternative, and cumulative  
 17 with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or  
 18 penalties provided, allowed, or available to the commissioner with respect to any violation  
 19 of this chapter or any order, rules, or regulations promulgated pursuant to this chapter."

#### 20 SECTION 10.

21 Said chapter is further amended by striking in its entirety Code Section 43-13-10, relating  
 22 to exceptions to operation under this chapter, and inserting in lieu thereof the following:

23 "43-13-10.

24 (a) This chapter shall not apply to ~~a college conducting a driver training course; nor shall~~  
 25 ~~it apply to~~ driver improvement schools operated by the state or by a county or municipality.

26 (b) Any public or private secondary or postsecondary school may conduct driver training  
 27 courses or driver's education programs, subject to the requirement that the provisions of  
 28 this chapter other than paragraph (2) of Code Section 43-13-4 shall apply to secondary  
 29 schools conducting driver training courses or driver's education programs and to instructors  
 30 therefor."

#### 31 SECTION 11.

32 This Act shall become effective July 1, 2003.

#### 33 SECTION 12.

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