

House Bill 1056

By: Representatives Bruce of the 45<sup>th</sup>, Williams of the 128<sup>th</sup>, Coleman of the 65<sup>th</sup>, Mosby of the 59<sup>th</sup>, Post 3, Ashe of the 42<sup>nd</sup>, Post 2, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to  
2 persons not to be licensed, minimum ages for licensees, and school attendance requirements,  
3 so as to revise the requirements for obtaining a driver's license; to require any person who  
4 has never been issued a driver's license to complete a driver education course before  
5 obtaining a driver's license; to amend Chapter 13 of Title 43 of the Official Code of Georgia  
6 Annotated, relating to instructors in driver training and operators of driver training schools,  
7 so as to change certain provisions relating to definitions; to create the Georgia Board of  
8 Driver Training Oversight and establish its powers; to revise the qualifications of driver  
9 training school operators; to revise the qualifications of driver training school instructors; to  
10 require the Department of Motor Vehicle Safety to consult with Georgia Board of Driver  
11 Training Oversight regarding the promulgation of rules and regulations related to said  
12 chapter; to provide effective dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to  
16 be licensed, minimum ages for licensees, and school attendance requirements, is amended  
17 by striking subsection (a.2), and inserting in lieu thereof the following:

18 "(a.2)(1) Except as provided for in subsection (a.3) of this Code section, on or and after  
19 January 1, 2002, the department shall not issue any initial Class D driver's license or, in  
20 the case of a person who has never been issued a Class D driver's license by the  
21 department or the equivalent thereof by any other jurisdiction, any initial Class C driver's  
22 license unless such person:

23 (A) Has completed an approved driver education course in a licensed private or public  
24 driver training school and in addition a cumulative total of at least 20 hours of other  
25 supervised driving experience including at least six hours at night, all of which is  
26 verified in writing signed before a person authorized to administer oaths by a parent or

1 guardian of the applicant or by the applicant if such person is at least 18 years of age;

2 or

3 (B) Has completed a cumulative total of at least 40 hours of supervised driving  
4 experience including at least six hours at night, and the same is verified in writing  
5 signed before a person authorized to administer oaths by a parent or guardian of the  
6 applicant or by the applicant if such person is at least 18 years of age.

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

12 (3) For purposes of supervised driving experience under paragraph (1) of this subsection,  
13 supervision shall be provided by a person at least 21 years of age who is licensed as a  
14 driver for a commercial or noncommercial Class C vehicle, who is fit and capable of  
15 exercising control over the vehicle, and who is occupying a seat beside the driver."

## 16 SECTION 2.

17 Said Code section is further amended by inserting a new subsection (a.3) to read as follows:

18 "(a.3)(1) On and after January 1, 2006, the department shall not issue to any person who  
19 has never been issued a Class D driver's license by the department or the equivalent  
20 thereof by any other jurisdiction, any initial Class C or Class D driver's license unless  
21 such person has completed an approved driver education course in a licensed private or  
22 public driver training school and under the direct personal supervision of a driver training  
23 instructor, which school and instructor are licensed by the department under Chapter 13  
24 of Title 43, 'The Driver Training School and Commercial Driver Training School License  
25 Act.'

26 (2) Any approved driver education course shall include a minimum of 40 hours of  
27 training, comprised of both classroom instruction and supervised driving time. The  
28 curriculum for the classroom instruction shall include, at a minimum, defensive driving  
29 techniques, avoidance of overcompensation, driving in inclement weather, state traffic  
30 laws, safe driving practices, and cell phone usage safety. The supervised driving time  
31 shall be conducted in actual on-road driving conditions and shall include both daytime  
32 and nighttime driving. The supervised driving time shall be conducted by a licensed  
33 driver training instructor who is fit and capable of exercising control over the vehicle and  
34 who is occupying a seat beside the driver. The Georgia Board of Driver Training  
35 Oversight, as created in Code Section 43-13-3.1, shall by rule or regulation establish  
36 standards for classroom instruction and supervised driving time as required by and in

1 accordance with this Code section, including minimum hours of training, minimum  
2 curriculum requirements, and supervised driver training conditions."

3 **SECTION 3.**

4 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in  
5 driver training and operators of driver training schools, is amended by striking Code Section  
6 43-13-2, relating to definitions, in its entirety and inserting in lieu thereof the following:

7 "43-13-2.

8 As used in this chapter, the term:

9 (1) 'Board' means the Georgia Board of Driver Training Oversight, as created in Code  
10 Section 43-13-3.1.

11 ~~(3)~~(2) 'Commercial driver training school' means any person, partnership, limited  
12 liability company, or corporation giving driving instruction to ten or more persons per  
13 calendar year for the purpose of assisting such persons to meet the requirements for  
14 licensed driving of Class A or Class B motor vehicles in this state.

15 ~~(1)~~(3) 'Department' means the Department of Motor Vehicle Safety acting directly or  
16 through its duly authorized officers and agents.

17 ~~(2)~~(4) 'Driver training ~~schools~~ school' means any person, partnership, limited liability  
18 company, ~~or corporation, or public entity~~ giving driving instruction ~~to ten or more~~  
19 ~~persons per calendar year~~ for the purpose of assisting ~~such~~ persons to meet the  
20 requirements for licensed driving of Class C, Class D, or Class M motor vehicles in this  
21 state, except for motorcycle operator safety training programs conducted by or on behalf  
22 of the ~~Department of Motor Vehicle Safety~~ department pursuant to Chapter 15 of Title  
23 40.

24 ~~(4)~~(5) 'Driver's license examiners' means examiners appointed by the ~~Department of~~  
25 ~~Motor Vehicle Safety~~ department for the purpose of giving driver's license examinations.

26 ~~(5)~~(6) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any  
27 person or property is or may be transported or drawn upon, a public highway except  
28 devices used exclusively upon stationary rails or tracks.

29 ~~(6)~~(7) 'Person' means every natural person, firm, partnership, limited liability company,  
30 association, corporation, public entity, or school."

31 **SECTION 4.**

32 Said chapter is further amended by inserting a new Code Section 43-13-3.1 to read as  
33 follows:

1 "43-13-3.1.

2 (a) There is created the Georgia Board of Driver Training Oversight. The board shall  
3 consist of seven members, each of whom shall be appointed by the Governor. Each  
4 member shall serve for a term of three years. The terms shall be staggered so that the terms  
5 of two members shall expire each year for three years and the term of one member shall  
6 expire the following year. No member may serve more than two consecutive full terms.  
7 At least one member shall be a representative from each of the following areas: property,  
8 casualty, or vehicle insurance industry, education, and public safety. At least one member  
9 shall be a parent representative. The remaining members shall be appointed from the  
10 public at large. At the first meeting of the board held each year, the members shall elect  
11 a chairperson to serve for one year. The Governor may remove any member for neglect  
12 of duty, incompetence, or other unethical or dishonorable conduct. After such removal or  
13 after the creation of a vacancy due to death, resignation, or ineligibility, the Governor shall  
14 appoint a successor to serve the unexpired term. Appointees to the board shall,  
15 immediately after their appointment, take and subscribe to a written oath or affirmation  
16 required by law for all public officers.

17 (b) The members of the board shall be reimbursed as provided for in subsection (f) of  
18 Code Section 43-1-2.

19 (c) The Department of Human Resources shall provide staff to perform reasonable  
20 administrative duties as may be prescribed by the board. All official records of the board  
21 or affidavits as to the content of such records shall be prima-facie evidence of all matters  
22 required to be kept therein.

23 (d) The board shall have the following powers and duties:

24 (1) To establish, in addition to those required by law, qualifications of driver training  
25 school operators;

26 (2) To establish, in addition to those required by law, qualifications of driver training  
27 school instructors;

28 (3) To establish, in addition to those required by law, minimum curriculum requirements  
29 and minimum number of hours required for mandatory driver education courses as  
30 required by subsection (a.3) of Code Section 40-5-22, including classroom instruction  
31 and supervised driving time;

32 (4) To promulgate rules and regulations to implement the requirements of this Code  
33 section; and

34 (5) To review at least twice per year the established qualifications of driver training  
35 school operators, established qualifications of driver training school instructors, and  
36 minimum curriculum requirements and minimum number of hours required for

1 mandatory driver education courses and to update such qualifications and requirements  
2 as appropriate."

3 **SECTION 5.**

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

6 "43-13-4.

7 Every person who desires to operate a driver training school or a commercial driver  
8 training school shall meet the following requirements:

9 (1) Be of good moral character;

10 (2) Maintain an established place of business in ~~the State of Georgia~~ this state which is  
11 open to the public;

12 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
13 while used in driver training instruction, insuring the liability of the driver training  
14 school, the driving instructors, and any person taking instruction, in at least the following  
15 amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and,  
16 subject to such limit for one person, \$200,000.00 for bodily injury to or death of two or  
17 more persons in any one accident and the amount of \$20,000.00 for damage to property  
18 of others in any one accident. Evidence of such insurance coverage, in the form of a  
19 certificate from the insurance carrier, shall be filed with the department; and such  
20 certificate shall stipulate that the insurance shall not be canceled except upon ten days'  
21 prior written notice to the department. Such insurance shall be written by a company  
22 authorized to do business in this state;

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

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

35 (6) Meet all requirements as established by the Georgia Board of Driver Training  
36 Oversight pursuant to Code Section 43-13-3.1; and

1 ~~(6)~~(7) Pay to the department an application fee of \$25.00."

2 **SECTION 6.**

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

5 "43-13-5.

6 Every person who desires to qualify as an instructor for a driver training school or a  
7 commercial driver training school shall meet the following requirements:

8 (1) Be of good moral character;

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

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

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

20 (5) Meet all requirements as established by the Georgia Board of Driver Training  
21 Oversight pursuant to Code Section 43-13-3.1; and

22 ~~(5)~~(6) Pay to the department an application fee of \$5.00."

23 **SECTION 7.**

24 Said chapter is further amended by striking subsection (a) of Code Section 43-13-8, relating  
25 to rules and regulations and penalties, in its entirety and inserting in lieu thereof the  
26 following:

27 "(a) The commissioner of motor vehicle safety, in consultation with the Georgia Board of  
28 Driver Training Oversight, is authorized to prescribe, by rule, standards for the eligibility,  
29 conduct, equipment, and operation of driver training schools and instructors and  
30 commercial driver training schools and instructors and to adopt other reasonable rules and  
31 regulations to carry out this chapter. Notwithstanding the foregoing, violations that are  
32 minor in nature and committed by a person, firm, or corporation shall be punished only by  
33 a written reprimand unless the person, firm, or corporation fails to remedy the violation  
34 within 30 days, in which case an administrative fine, not to exceed \$250.00, may be  
35 issued."

1 **SECTION 8.**

2 This Act shall become effective on July 1, 2004.

3 **SECTION 9.**

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