

House Bill 1168

By: Representatives Rice of the 64th, Parham of the 94th, Keen of the 146th, Reece of the 21st,
Brown of the 89th, and others

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 examination of
3 applicants; to provide that licensed driver training schools may conduct road tests for
4 applicants for drivers' licenses; to provide for approval by the department of driver training
5 schools; to provide that it shall be a misdemeanor to a licensed driving instructor to falsely
6 certify that an applicant has passed a road test; to provide for a contract to be entered
7 between approved licensed driver schools and applicants; to provide for compliance of driver
8 training schools to be monitored by the department; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle
13 drivers' licenses, is amended by striking subsection (a) of Code Section 40-5-27, relating to
14 examination of applicants, in its entirety and inserting in lieu thereof the following:

15 "(a) The department shall examine every applicant for a driver's license, except as
16 otherwise provided by subsection (d) of this Code section. Such examination shall include
17 a test of the applicant's eyesight, his or her ability to understand official traffic-control
18 devices, and his or her knowledge of safe driving practices and the traffic laws of this state
19 and shall also include a comprehensive on-the-road driving test during which the applicant
20 shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable
21 control in the operation of a motor vehicle of the type or general class of vehicles he or she
22 desires a license to drive; provided, however, that the on-the-road driving test requirement
23 shall not apply to any applicant for a Class C driver's license who holds a Class D driver's
24 license issued on or after January 1, 2002. Applicants 18 years of age and older with valid
25 and current licenses issued by another state of the United States or the District of Columbia
26 who surrender their previous licenses to obtain a Georgia license shall be exempt from

1 taking such tests other than tests of eyesight. The examination may also include such
2 further physical and mental examination as the department finds necessary to determine the
3 applicant's fitness to operate a motor vehicle safely upon the highways. The commissioner
4 may establish by rules and regulations the type of tests or demonstrations to be made by
5 applicants for any class of license."

6 SECTION 2.

7 Said Code section is further amended by adding a new subsection (d) to read as follows:

8 "(d)(1)(A) Any person who possesses a valid instruction permit issued by the
9 department and who successfully completes a course of driver training from a driver
10 training school licensed pursuant to Chapter 13 of Title 43 and approved by the
11 department to administer the testing provided for in this subsection, which course
12 includes a minimum of 30 class hours of instruction and six hours of private in-car
13 training, and who successfully completes an additional 40 minute road test administered
14 by a licensed instructor of such school shall be exempt from the driving examination
15 required by subsection (a) of this Code section for issuance of a driver's license. Upon
16 an applicant's successful completion of the eyesight examination and submission of a
17 certificate of completion of the required course and road test examination from an
18 approved licensed driver training school, the department shall issue such person a
19 driver's license without the requirement of further testing. Any person who is
20 exempted from obtaining an instruction permit prior to taking a driver training course
21 pursuant to Code Section 40-5-21 may, after completion of a driver training course
22 from a licensed driver training school and successful completion of a 40 minute road
23 test administered by a licensed instructor of such school, be authorized to be exempted
24 by the department from any additional test of such person's actual driving, but such
25 person shall be required to successfully complete the written driver's license
26 examination and the standard eyesight examination administered by the department as
27 a condition of obtaining a license. The provisions of this subsection shall not apply to
28 any person who is required to use bioptic lenses as a condition of licensure. Such
29 persons shall continue to be subject to the licensing requirements set forth in subsection
30 (c) of this Code section.

31 (B) The department shall, prior to approving a licensed driving school to conduct road
32 tests as provided for in this subsection, make a determination that the school has been
33 licensed for a minimum of five years and has conducted driver education and adult
34 education courses on a full-time basis for such five-year period and that such school
35 meets all other standards which the department may establish as a condition for
36 approval to conduct such tests. The department shall develop a standardized sample

1 road test which shall be used by all approved licensed driving schools when
2 administering a road test. A road test score sheet shall be prepared by the licensed
3 driving instructor administering the road test for each individual applicant. The road
4 test score sheet shall indicate the applicant's proficiency in each of the following:
5 low-speed maneuvers, including three-point turns and U-turns; parking maneuvers,
6 including parallel parking and parking on a hill, if available; straight driving, right hand
7 turns, and left hand turns in actual traffic conditions, including distance judgment,
8 proper lane selection, use of mirrors, and signaling; yielding and stopping at appropriate
9 traffic lights, signs, and road markings; entering, exiting, and proper lane changes on
10 highways or interstate highways; knowledge of general vehicle instruments and
11 controls; and general competency behind the wheel. The road test score sheet shall be
12 signed by the licensed driving instructor, shall indicate the driving instructor's
13 department certificate number, and shall indicate whether the applicant passes or fails
14 the road test. It shall be a misdemeanor for a licensed driving instructor to falsely
15 certify that an applicant has successfully demonstrated the required proficiency
16 standard on a road test. Each approved licensed driving school shall maintain the road
17 test score sheet for a period of three years from the date of such test. The licensed
18 driving school instructor shall complete for each student who demonstrates the required
19 competency and proficiency on the road test a certificate of road test completion which
20 the student shall submit to the department as provided in subparagraph (A) of this
21 paragraph. The department shall provide the certificates of road test completion to all
22 authorized licensed driving schools, which certificates shall be sequentially numbered,
23 and at a cost to be determined by the department, which cost shall be set to cover the
24 printing costs of such certificates.

25 (2) An approved licensed driving school shall enter into a contract with each person
26 seeking a testing exemption under paragraph (1) of this subsection. The form of such
27 contract shall be approved by the department and each contract shall be sequentially
28 numbered and shall contain the following information: the licensed name of the driving
29 school; the complete address and telephone number of such school; the applicant's full
30 name, street address, and telephone number; the applicant's date of birth; the applicant's
31 learner's permit number and the expiration date or an explanation of why the applicant
32 is exempt from the requirement of a learner's permit; the driver's education certificate
33 of completion number; the fee for the road test service; the fee paid by the applicant to
34 the licensed driving school; notice that the applicant may take the road test from the
35 approved licensed driving school or from the department; notice that no part of the fee
36 for such road test shall be refunded unless the failure to conduct such test is solely the
37 fault of the driving school; notice that the terms of the written agreement are governed

1 by the laws of the State of Georgia, that the written agreement constitutes the entire
2 contract between the driving school and the applicant, and that no verbal statement or
3 promise made by any representative of the driving school shall be recognized or given
4 effect; notice that it is a violation of the laws of the State of Georgia to guarantee issuance
5 of a driver's license; and notice that the department is the sole entity authorized to issue
6 drivers' licenses in the State of Georgia. The contract may serve as the applicant's
7 receipt. Each approved licensed driving school shall maintain a copy of any such
8 contract for a period of three years from the date of such contract. In the event that the
9 road test applicant is under 18 years of age but has completed a teenage driver education
10 program consisting of 30 hours of classroom and six hours of private in-car training, the
11 parent or guardian of such minor may, upon a form approved by the department, give his
12 or her permission for such minor to contract with the approved licensed driving school
13 for the administration of such road test. The permission of such parent or guardian shall
14 be notarized and shall be maintained by the driving school, with the contract, for a period
15 of three years.

16 (3) The compliance of approved licensed driving schools with the requirements of this
17 subsection shall be monitored by the department and the department shall revoke the
18 approval of any licensed driving school to conduct road tests under the provisions of this
19 subsection if it determines that such school is not in full compliance with all such
20 requirements. The department shall be reimbursed by the licensed driving school for any
21 testing expenses paid to the driving school by the department for an authorized
22 representative of the department who completes a road test administered by the driving
23 school. Reimbursement shall be made within ten calendar days after written submission
24 to the driving school of the necessary information."

25 SECTION 3.

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