

The House Committee on Motor Vehicles offers the following substitute to HB 452:

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 provide that licensed driver training instructors may under  
3 certain conditions act as agents for parents or guardians for purposes of such applications;  
4 to change certain provisions relating to examination of applicants; to provide that licensed  
5 driver training schools may conduct road tests for applicants for drivers' licenses; to provide  
6 for approval by the department of driver training schools; to provide that it shall be a  
7 misdemeanor to a licensed driving instructor to falsely certify that an applicant has passed  
8 a road test; to provide for a contract to be entered between approved licensed driver schools  
9 and applicants; to provide for compliance of driver training schools to be monitored by the  
10 department; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle  
14 drivers' licenses, is amended by striking subsection (a) of Code Section 40-5-26, relating to  
15 applications of minors for drivers' licenses and distinctive licenses for persons under age 21,  
16 in its entirety and inserting in lieu thereof the following:

17 "(a) The application of any person under the age of 18 years for an instruction permit or  
18 driver's license shall be ~~signed~~:

19 (1) Signed and verified by the father, mother, or guardian of the applicant before a  
20 person authorized to administer oaths or, in the event there is no parent or guardian, by  
21 another responsible adult; or

22 (2) Signed and verified by a licensed driver training instructor before a person authorized  
23 to administer oaths when such instructor is acting as an agent for such purposes on behalf  
24 of the father, mother, or guardian of the applicant and such agency is evidenced by  
25 permission of such parent or guardian which has been granted in writing and signed and

1 verified by such parent or guardian before a person authorized to administer oaths and on  
 2 such form as shall be prescribed by rule or regulation of the department."

### 3 SECTION 2.

4 Said chapter is further amended by striking subsection (a) of Code Section 40-5-27, relating  
 5 to examination of applicants, in its entirety and inserting in lieu thereof the following:

6 "(a) The department shall examine every applicant for a driver's license, except as  
 7 otherwise provided by subsection (d) of this Code section. Such examination shall include  
 8 a test of the applicant's eyesight, his or her ability to understand official traffic-control  
 9 devices, and his or her knowledge of safe driving practices and the traffic laws of this state  
 10 and shall also include a comprehensive on-the-road driving test during which the applicant  
 11 shall be required to fully demonstrate his or her ability to exercise ordinary and reasonable  
 12 control in the operation of a motor vehicle of the type or general class of vehicles he or she  
 13 desires a license to drive; provided, however, that the on-the-road driving test requirement  
 14 shall not apply to any applicant for a Class C driver's license who holds a Class D driver's  
 15 license issued on or after January 1, 2002. Applicants 18 years of age and older with valid  
 16 and current licenses issued by another state of the United States or the District of Columbia  
 17 who surrender their previous licenses to obtain a Georgia license shall be exempt from  
 18 taking such tests other than tests of eyesight. The examination may also include such  
 19 further physical and mental examination as the department finds necessary to determine the  
 20 applicant's fitness to operate a motor vehicle safely upon the highways. The commissioner  
 21 may establish by rules and regulations the type of tests or demonstrations to be made by  
 22 applicants for any class of license."

### 23 SECTION 3.

24 Said chapter is further amended by adding a new subsection (d) to Code Section 40-5-27,  
 25 relating to examination of applicants, to read as follows:

26 "(d)(1)(A) Any person who possesses a valid instruction permit issued by the  
 27 department and who successfully completes a course of driver training from a driver  
 28 training school licensed pursuant to Chapter 13 of Title 43 and approved by the  
 29 department to administer the testing provided for in this subsection, which course  
 30 includes a minimum of 30 class hours of instruction and six hours of private in-car  
 31 training, and who successfully completes an additional 40 minute road test administered  
 32 by a licensed instructor of such school shall be exempt from the driving examination  
 33 required by subsection (a) of this Code section for issuance of a driver's license. Upon  
 34 an applicant's successful completion of the eyesight examination and submission of a  
 35 certificate of completion of the required course and road test examination from an

1 approved licensed driver training school, the department shall issue such person a  
2 driver's license without the requirement of further testing. Any person who is  
3 exempted from obtaining an instruction permit prior to taking a driver training course  
4 pursuant to Code Section 40-5-21 may, after completion of a driver training course  
5 from a licensed driver training school and successful completion of a 40 minute road  
6 test administered by a licensed instructor of such school, be authorized to be exempted  
7 by the department from any additional test of such person's actual driving, but such  
8 person shall be required to successfully complete the written driver's license  
9 examination and the standard eyesight examination administered by the department as  
10 a condition of obtaining a license. The provisions of this subsection shall not apply to  
11 any person who is required to use bioptic lenses as a condition of licensure. Such  
12 persons shall continue to be subject to the licensing requirements set forth in subsection  
13 (c) of this Code section.

14 (B) The department shall, prior to approving a licensed driving school to conduct road  
15 tests as provided for in this subsection, make a determination that the school has been  
16 licensed for a minimum of five years and has conducted driver education and adult  
17 education courses on a full-time basis for such five-year period and that such school  
18 meets all other standards which the department may establish as a condition for  
19 approval to conduct such tests. The department shall develop a standardized sample  
20 road test which shall be used by all approved licensed driving schools when  
21 administering a road test. A road test score sheet shall be prepared by the licensed  
22 driving instructor administering the road test for each individual applicant. The road  
23 test score sheet shall indicate the applicant's proficiency in each of the following:  
24 low-speed maneuvers, including three-point turns and U-turns; parking maneuvers,  
25 including parallel parking and parking on a hill, if available; straight driving, right hand  
26 turns, and left hand turns in actual traffic conditions, including distance judgment,  
27 proper lane selection, use of mirrors, and signaling; yielding and stopping at appropriate  
28 traffic lights, signs, and road markings; entering, exiting, and proper lane changes on  
29 highways or interstate highways; knowledge of general vehicle instruments and  
30 controls; and general competency behind the wheel. The road test score sheet shall be  
31 signed by the licensed driving instructor, shall indicate the driving instructor's  
32 department certificate number, and shall indicate whether the applicant passes or fails  
33 the road test. It shall be a misdemeanor for a licensed driving instructor to falsely  
34 certify that an applicant has successfully demonstrated the required proficiency  
35 standard on a road test. Each approved licensed driving school shall maintain the road  
36 test score sheet for a period of three years from the date of such test. The licensed  
37 driving school instructor shall complete for each student who demonstrates the required

1 competency and proficiency on the road test a certificate of road test completion which  
2 the student shall submit to the department as provided in subparagraph (A) of this  
3 paragraph. The department shall provide the certificates of road test completion to all  
4 authorized licensed driving schools, which certificates shall be sequentially numbered,  
5 and at a cost to be determined by the department, which cost shall be set to cover the  
6 printing costs of such certificates.

7 (2) An approved licensed driving school shall enter into a contract with each person  
8 seeking a testing exemption under paragraph (1) of this subsection. The form of such  
9 contract shall be approved by the department and each contract shall be sequentially  
10 numbered and shall contain the following information: the licensed name of the driving  
11 school; the complete address and telephone number of such school; the applicant's full  
12 name, street address, and telephone number; the applicant's date of birth; the applicant's  
13 learner's permit number and the expiration date or an explanation of why the applicant  
14 is exempt from the requirement of a learner's permit; the driver's education certificate  
15 of completion number; the fee for the road test service; the fee paid by the applicant to  
16 the licensed driving school; notice that the applicant may take the road test from the  
17 approved licensed driving school or from the department; notice that no part of the fee  
18 for such road test shall be refunded unless the failure to conduct such test is solely the  
19 fault of the driving school; notice that the terms of the written agreement are governed  
20 by the laws of the State of Georgia, that the written agreement constitutes the entire  
21 contract between the driving school and the applicant, and that no verbal statement or  
22 promise made by any representative of the driving school shall be recognized or given  
23 effect; notice that it is a violation of the laws of the State of Georgia to guarantee issuance  
24 of a driver's license; and notice that the department is the sole entity authorized to issue  
25 drivers' licenses in the State of Georgia. The contract may serve as the applicant's  
26 receipt. Each approved licensed driving school shall maintain a copy of any such  
27 contract for a period of three years from the date of such contract. In the event that the  
28 road test applicant is under 18 years of age but has completed a teenage driver education  
29 program consisting of 30 hours of classroom and six hours of private in-car training, the  
30 parent or guardian of such minor may, upon a form approved by the department, give his  
31 or her permission for such minor to contract with the approved licensed driving school  
32 for the administration of such road test. The permission of such parent or guardian shall  
33 be notarized and shall be maintained by the driving school, with the contract, for a period  
34 of three years.

35 (3) The compliance of approved licensed driving schools with the requirements of this  
36 subsection shall be monitored by the department and the department shall revoke the  
37 approval of any licensed driving school to conduct road tests under the provisions of this

1 subsection if it determines that such school is not in full compliance with all such  
2 requirements. The department shall be reimbursed by the licensed driving school for any  
3 testing expenses paid to the driving school by the department for an authorized  
4 representative of the department who completes a road test administered by the driving  
5 school. Reimbursement shall be made within ten calendar days after written submission  
6 to the driving school of the necessary information."

7 **SECTION 4.**

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