

House Bill 1168 (FLOOR SUBSTITUTE)

By: Representatives Rice of the 64th, Parham of the 94th, and Powell of the 23rd

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 applications for
4 drivers' licenses or instruction permits; to provide that the Department of Motor Vehicle
5 Safety may authorize licensed driver training schools to administer the driver's examination;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

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

18 (2) Signed and verified by a licensed driver training instructor before a person authorized
19 to administer oaths when such instructor is acting as an agent for such purposes on behalf
20 of the father, mother, or guardian of the applicant and such agency is evidenced by
21 permission of such parent or guardian which has been granted in writing and signed and
22 verified by such parent or guardian before a person authorized to administer oaths and on
23 such form as shall be prescribed by rule or regulation of the department."

SECTION 2.

Said chapter is further amended in Code Section 40-5-27, relating to examination of applicants, by striking subsection (a) and inserting in its place the following and by adding new subsections (d) and (e) to read as follows:

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

"(d) The department shall implement a six-month pilot program to determine licensing requirements for licensed driver training schools to conduct on-the-road driving tests as provided in subsection (e) of this Code section. The department shall report the results of such pilot program to the House Committee on Motor Vehicles.

(e) If the department determines that the pilot program provided for in subsection (d) of this Code section is successful, it shall authorize licensed driver training schools to conduct on-the-road driving tests as provided in this subsection. The department shall, prior to approving a licensed driver training school to conduct on-the-road driving tests as provided in this subsection, make a determination that the school has been licensed for a minimum of one year and has conducted driver education and adult education courses on a full-time basis for such one-year period and that such school meets all other standards which the department may establish as a condition for approval to conduct such tests. The department shall authorize a driver training school licensed pursuant to Chapter 13 of Title 43 and approved by the department to administer the testing provided for in this Code section, provided that the applicant has successfully completed a driver training course which includes a minimum of 30 class hours of instruction and six hours of private in-car training.

1 The department may establish by rules and regulations the type of tests or demonstrations
2 to be made by applicants for any Class C or Class D driver's license under this Code
3 section."

4 **SECTION 3.**

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