

The House Committee on Motor Vehicles offered the following substitute to SB 13:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to change certain provisions relating to furnishing of information; to
3 provide that licensed driver training instructors may under certain conditions act as agents
4 for parents or guardians for purposes of applications for drivers' licenses or instruction
5 permits; to provide that the Department of Motor Vehicle Safety may authorize licensed
6 driver training schools to administer the driver's examination; to change certain provisions
7 relating to suspension of drivers' licenses; to provide that a suspension date shall commence
8 on the date the license is surrendered to the department or a court or on the date that the court
9 processes the citation or conviction; to provide that the department shall destroy suspended
10 or revoked driver's licenses, permits, or identification cards; to provide for related matters;
11 to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
15 is amended in Code Section 40-5-2, relating to keeping of records of applications for licenses
16 and information on licensees and furnishing of information, by striking division (c)(1)(B)(ii)
17 and inserting in its place the following:

18 "(ii) For the purpose of ascertaining necessary rating information by an insurance
19 agent or insurer pursuant to an insurer's a contract with the Georgia Technology
20 Authority for the immediate on-line electronic furnishing of limited rating information
21 to such insurer's agents and insurance support organizations. Limited rating
22 information furnished under this division shall include only the number of violations
23 of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,
24 or other intoxicating substances, and the number and type of other moving traffic
25 violations which were committed by the proposed insured driver or drivers within the
26 immediately preceding three or five years, which period shall be specified by the

person making the request. The provisions of division (i) of this subparagraph notwithstanding, no other information concerning a driver's operating record shall be released to such agents or insurance support organizations for delivery to agents for purposes of rating;".

SECTION 2.

Said chapter is further amended by striking subsection (a) of Code Section 40-5-26, relating to applications of minors for drivers' licenses and distinctive licenses for persons under age 21, in its entirety and inserting in lieu thereof the following:

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

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

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

SECTION 3.

21 Said chapter is further amended in Code Section 40-5-27, relating to examination of
22 applicants, by striking subsection (a) and inserting in its place the following and by adding
23 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

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

10 (e) If the department determines that the pilot program provided for in subsection (d) of
11 this Code section is successful, it shall authorize licensed driver training schools to conduct
12 on-the-road driving tests as provided in this subsection. The department shall, prior to
13 approving a licensed driver training school to conduct on-the-road driving tests as provided
14 in this subsection, make a determination that the school has been licensed for a minimum
15 of one year and has conducted driver education and adult education courses on a full-time
16 basis for such one-year period and that such school meets all other standards which the
17 department may establish as a condition for approval to conduct such tests. The department
18 shall authorize a driver training school licensed pursuant to Chapter 13 of Title 43 and
19 approved by the department to administer the testing provided for in this Code section,
20 provided that the applicant has successfully completed a driver training course which
21 includes a minimum of 30 class hours of instruction and six hours of private in-car training.
22 The department may establish by rules and regulations the type of tests or demonstrations
23 to be made by applicants for any Class C or Class D driver's license under this Code
24 section."

25 **SECTION 4.**

26 Said chapter is further amended in Code Section 40-5-53, relating to when courts to send
27 licenses and reports of convictions to the department and retention of license by the
28 department, by striking subsection (a) and inserting in its place the following:

29 "(a) Whenever any person is convicted of any offense for which this chapter makes
30 mandatory the suspension of the license of such person by the department, the court in
31 which such conviction is had shall require the surrender to it of any driver's license then
32 held by the person so convicted and the court shall thereupon forward the same to the
33 department, together with the uniform citation form authorized by Article 1 of Chapter 13
34 of this title, within ten days after the conviction. Notwithstanding any other provision of
35 this title, the department shall ~~retain possession of~~ destroy any suspended or revoked
36 drivers' licenses, permits, or identification cards forwarded to it under this or any other

1 provision of law if the license's expiration date, as shown on the driver's license, is one
2 year or more away. The department shall return the issue a new driver's original license,
3 permit, or identification card upon satisfaction of the applicable reinstatement requirement,
4 including but not limited to the payment of the applicable reinstatement fee if such driver
5 applies for and is granted reinstatement while the original license is in the possession of the
6 department. No additional fee shall be required for the return of such original license
7 issuance of a replacement driver's license, permit, or identification card. The department
8 may destroy a suspended license if the license's expiration date, as shown on the license,
9 is less than one year away."

10 **SECTION 5.**

11 Said chapter is further amended in Code Section 40-5-57, relating to suspension or
12 revocation of license of habitually negligent or dangerous driver and point system, by
13 striking subsection (e) and inserting in its place the following:

14 "(e) The periods of suspension provided for in this Code section shall begin on the date the
15 license is surrendered to and received by the department, or from the date a license is
16 surrendered to a court under any provision of this chapter, or on the date that the
17 department processes the citation or conviction, whichever date shall first occur. If the
18 license cannot be surrendered to the department, the period of suspension may begin on the
19 date set forth in a sworn affidavit setting forth the date and reasons for such impossibility,
20 if the department shall have sufficient evidence to believe that the date set forth in such
21 affidavit is true; in the absence of such evidence, the date of receipt of such affidavit shall
22 be controlling."

23 **SECTION 6.**

24 Said chapter is further amended in Code Section 40-5-57.1, relating to suspension of licenses
25 of persons under age 21 for certain offenses, suspension of licenses of persons under age 18
26 for certain point accumulations, and issuance of new license following suspension, by
27 striking paragraph (1) of subsection (b) and inserting in its place the following:

28 "(1) Subject to the requirements of subsection (c) of this Code section and except as
29 otherwise provided by paragraph (2) of this subsection:

30 (A) Upon a first such suspension, be eligible to apply for license reinstatement and,
31 subject to successful recompletion of the examination requirements of Code Section
32 40-5-27 and payment of required fees, have his or her driver's license reinstated after
33 six months ~~from the date on which the suspended license was surrendered to and~~
34 ~~received by the department~~; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to successful recompletion of the examination requirements of Code Section 40-5-27 and payment of required fees, have his or her driver's license reinstated after 12 months from the date on which the suspended license was surrendered to and received by the department; or".

SECTION 7.

Said chapter is further amended in Code Section 40-5-61, relating to surrender and return of license, by striking subsection (e) and inserting in its place the following:

"(e) For the purpose of making any determination under this Code section relating to the return of revoked or suspended licenses to drivers, no the period of revocation or suspension shall begin until on the date the license is surrendered to the department or a court of competent jurisdiction under any provision of this chapter or on the date that the department processes the citation or conviction, whichever date shall first occur. If the license is lost, or for any other reason surrender to the department is impossible, the period of revocation or suspension may begin on the date set forth in a sworn affidavit setting forth the date and reasons for such impossibility, if the department shall have sufficient evidence to believe that the date set forth in such affidavit is true; in the absence of such evidence, the date of receipt of such affidavit by the department shall be controlling."

SECTION 8.

20 Said chapter is further amended in Code Section 40-5-62, relating to periods of revocation
21 and conditions to restoration of license or issuance of new license, by striking paragraph (1)
22 of subsection (a) and inserting in its place the following:

23 "(1) Five years from the date on which the revoked license was surrendered to and
24 received by the department pursuant to a person's having been declared a habitual
25 violator under Code Section 40-5-58 or from the date on which the department processed
26 the citation or conviction, reduced by a period of time equal to that period of time which
27 elapses between the date the person surrenders his driver's license to the court after
28 conviction for the offense for which the person is declared a habitual violator and the date
29 the department receives such license from the court; or".

SECTION 9.

31 Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits
32 for certain offenders, by striking subsection (e) and inserting in its place the following:

33 ^{"(e) Duration of permit.} A permit issued pursuant to this Code section shall be \$25.00 and
34 shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in

1 the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22,
2 upon the expiration of one year following the effective date of suspension of the applicant's
3 driver's license in the case of a suspension for an offense listed in Code Section 40-5-54
4 or a suspension under Code Section 40-5-57, upon the expiration of 120 days following
5 conviction in the case of a suspension in accordance with paragraph (1) of subsection (a)
6 of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of
7 30 days in the case of an administrative license suspension in accordance with paragraph
8 (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months
9 following proof of installation of an ignition interlock device in the case of a limited
10 driving permit issued to a person subject to a court order for installation and use of such
11 a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving
12 permit shall expire upon any earlier reinstatement of the driver's license. A person
13 ~~convicted of such offense whose driver's license had been surrendered to the court in~~
14 ~~which in which such conviction was adjudged~~ may apply to the department for a limited
15 driving permit immediately following such conviction if he or she has surrendered his or
16 her driver's license to the court in which the conviction was adjudged, to the department,
17 or if the department has processed the citation or conviction. Upon the applicant's
18 execution of an affidavit attesting to such facts and to the fact that the court had not
19 imposed a suspension or revocation of his or her driver's license or driving privileges
20 inconsistent with the driving privileges to be conferred by the limited driving permit
21 applied for, the department may issue such person a limited driving permit. ~~A person~~
22 ~~convicted of such offense whose driver's license had not been surrendered to such court~~
23 ~~immediately following such conviction may apply to the department for a permit. Upon the~~
24 ~~applicant's surrender to the department of his or her driver's license and the execution of~~
25 ~~a similar affidavit, or if the driver's license has been lost, upon execution of an additional~~
26 ~~affidavit to that effect, the department may issue such person a limited driving permit."~~

27 **SECTION 10.**

28 Said chapter is further amended in Code Section 40-5-75, relating to suspension of licenses
29 by operation of law, by striking subsection (b) and inserting in its place the following:
30 "(b) Whenever a person is convicted of possession, distribution, manufacture, cultivation,
31 sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate,
32 sell, or transfer a controlled substance or marijuana, or driving or being in actual physical
33 control of any moving vehicle while under the influence of such substance in violation of
34 subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section
35 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code
36 Section 40-6-391; or the law of any other jurisdiction, the court in which such conviction

is had shall require the surrender to it of any driver's license then held by the person so convicted and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur ~~of such person's conviction for the offense resulting in such suspension; provided, however, that, effective July 1, 1994, if, at the time of conviction of any offense listed in subsection (a) of this Code section, the person does not have a driver's license or the person's driver's license has been previously suspended, the periods of suspension specified by this Code section shall not commence until the person applies for the issuance or reinstatement of a driver's license."~~

SECTION 11.

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