

House Bill 1168 (AS PASSED HOUSE AND SENATE)

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 2 of Title 40 of the Official Code of Georgia Annotated, relating to
2 registration and licensing of motor vehicles, so as to change certain provisions relating to
3 lapse fees; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
4 relating to motor vehicle drivers' licenses, so as to change certain provisions relating to
5 furnishing of information; to provide that licensed driver training instructors may under
6 certain conditions act as agents for parents or guardians for purposes of applications for
7 drivers' licenses or instruction permits; to provide that the Department of Motor Vehicle
8 Safety may authorize licensed driver training schools to administer the driver's examination;
9 to change certain requirements relating to pamphlets issued by the department; to change
10 certain provisions relating to suspension of driving privilege of a nonresident; to amend
11 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to inspection of
12 motor vehicles, so as to clarify certain provisions relating to vehicle identification rules; to
13 amend Chapter 9 of Title 40 of the Official Code of Georgia Annotated, relating to reporting
14 accidents and proof of financial responsibility, so as to change certain provisions relating to
15 issuance of forms by the department; to provide for related matters; to repeal conflicting
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and
20 licensing of motor vehicles, is amended in Code Section 40-2-137, relating to definitions,
21 notification of coverage termination, lapse fee, promulgation of rules and regulations, and
22 suspension of vehicle registrations, by adding a new subsection (g) to read as follows:

23 "(g) The county tax commissioner shall have the authority to waive a lapse fee if sufficient
24 proof is provided that no actual lapse in coverage occurred. This proof must be retained by
25 the county tax commissioner for audit purposes."

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

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

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

SECTION 5.

Said chapter is further amended in Code Section 40-5-32, relating to expiration and renewal of licenses and reexamination required, by striking subsection (c) of said Code section and inserting in its place the following:

"(c)(1) The department shall require every person applying for renewal of a driver's license to take and pass successfully such test of his or her eyesight as the department shall prescribe, unless otherwise provided by rule or regulation for purposes of paragraph (2) of subsection (b) of this Code section.

~~(2) At the time of the renewal, the department shall issue a pamphlet containing information pertaining to new traffic laws and to traffic laws most frequently violated.~~

~~(3)~~(2) The commissioner may issue such rules and regulations as are necessary to implement this subsection."

SECTION 6.

Said chapter is further amended by striking Code Section 40-5-51, relating to suspension of driving privilege of nonresident, reporting convictions, suspensions, and revocations of nonresidents, and inserting in its place the following:

"40-5-51.

(a) The privilege of driving a motor vehicle on the highways of this state given to a nonresident under this chapter shall be subject to suspension or revocation by the department ~~in like manner and for like cause as a driver's license issued under this chapter may be suspended or revoked~~ only when suspension or revocation is required by law for the violation. No points shall be assessed as provided in Code Section 40-5-57 for any violation committed by a nonresident.

(b) The department is required, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(c) When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides."

SECTION 7.

Said chapter is further amended in Code Section 40-5-54, relating to mandatory suspension of license and notice of suspension, by striking subsection (b) of said Code section and inserting in its place the following:

1 "(b) All judges of all courts having jurisdiction of the offenses set forth in subsection (a)
 2 of this Code section shall, at the time of sentencing, give notice to the defendant on forms
 3 ~~provided~~ prescribed by the department of the suspension of the defendant's driver's license.
 4 The period of suspension shall be determined by the department for the term authorized by
 5 law. The court shall forward the notice of suspension and the defendant's driver's license
 6 to the department within ten days from the date of conviction. The department shall notify
 7 the defendant of the period of suspension at the address provided by the defendant."

8 **SECTION 8.**

9 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to inspection of
 10 motor vehicles, is amended in Code Section 40-8-9, relating to compliance with federal
 11 provisions, by striking said Code section and inserting in its place the following:

12 "40-8-9.

13 It shall be unlawful to operate in this state any truck or truck tractor having a gross weight
 14 of 43,000 or more pounds which does not comply with the vehicle identification rules of
 15 the commissioner promulgated pursuant to Chapter 7 of Title 46 and Chapter 16 of this title
 16 or the vehicle identification rules of the United States Department of Transportation."

17 **SECTION 9.**

18 Chapter 9 of Title 40 of the Official Code of Georgia Annotated, relating to reporting
 19 accidents and giving proof of financial responsibility, is amended in Code Section 40-9-3,
 20 relating to administration of chapter, rules and regulations, hearings, and appeals, by striking
 21 subsection (a) of said Code section and inserting in its place the following:

22 "(a) The commissioner shall administer and enforce this chapter and is authorized to adopt
 23 and enforce rules and regulations necessary for its administration. The commissioner shall
 24 ~~prescribe and provide~~ suitable forms requisite or deemed necessary for the purposes of this
 25 chapter."

26 **SECTION 10.**

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