

House Bill 367 (RULES COMMITTEE SUBSTITUTE) (AM)

By: Representatives Rice of the 51st and Parham of the 141st

A BILL TO BE ENTITLED

AN ACT

1 To amend provisions of the Official Code of Georgia Annotated relating to motor vehicles
 2 and drivers; to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia
 3 Annotated, relating to registration and licensing of motor vehicles generally, so as to change
 4 the requirements regarding replacement of license plates on private and governmental motor
 5 vehicles; to increase the license fee on governmental vehicles; to provide for disposition of
 6 the license fee on governmental vehicles; to remove the provisions regarding five-year
 7 license plates on governmental vehicles; to change the requirements as to destruction of tags
 8 from governmental vehicles; to amend Article 2 of Chapter 5 of Title 40 of the Official Code
 9 of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so
 10 as to provide that driver training schools must be licensed and in operation for two years
 11 before being authorized to conduct on-the-road driving tests; to amend Article 4 of Chapter
 12 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of licenses to
 13 persons completing a defensive driving course or alcohol or drug program, so as to provide
 14 for approval of a driver improvement clinic's curriculum; to provide for certificates of
 15 completion; to delete references to advanced defensive driving courses; to amend Title 43
 16 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to
 17 enact Chapter 12A to provide for licensing of ignition interlock device provider centers; to
 18 provide a short title; to provide for definitions; to provide for certain requirements for
 19 operators of ignition interlock device provider centers; to provide for a misdemeanor offense;
 20 to provide for rules and standards to be set by the commissioner of motor vehicle safety; to
 21 amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to
 22 instructors in driver training and operators of driver training schools, so as to provide
 23 definitions; to provide exceptions from the provisions of the chapter; to regulate licensing
 24 of driver training schools; to provide for insurance and bonds for driver training school
 25 operators; to provide for related matters; to provide effective dates; to repeal conflicting
 26 laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 367 (SUB)

1 exclusively for governmental functions, except those employed in secret investigatory
 2 police functions to which regular Georgia license plates are issued, shall be registered with
 3 the commissioner by the fiscal officers or other proper officials of the respective
 4 departments and agencies of the state, municipality, or political subdivision to which such
 5 vehicles belong prior to operation and use thereof. Such registration shall be made upon
 6 forms prescribed and prepared by the commissioner for such purpose and shall contain a
 7 brief description of the vehicle to be registered; its name and model; the name of the
 8 manufacturer; the manufacturer's vehicle identification number; the department, agency,
 9 political subdivision, or branch thereof to which such vehicle is to be registered; and such
 10 other information as to use and identity as the commissioner may require. Upon the filing
 11 of the properly executed application for registration, the commissioner, upon being
 12 satisfied that such vehicle is bona fide owned by the state or a municipality or political
 13 subdivision thereof and is to be used exclusively for governmental functions, shall issue,
 14 upon payment by such applicant of a license fee of ~~\$1.00~~ \$3.00, a license plate which shall
 15 be displayed upon such vehicle in the same manner as provided for private vehicles. The
 16 license fee, less the actual manufacturing cost of the plates which will be retained by the
 17 department, shall be deposited in the general fund of the state treasury. Such license plates
 18 shall be replaced at such time as other license plates issued for private vehicles are required
 19 to be replaced.

20 (b) For all vehicles owned by the State of Georgia or any municipality or other political
 21 subdivision of this state, except those vehicles employed in covert or secret investigatory
 22 police functions to which regular Georgia license plates are issued and those vehicles
 23 owned by the Department of Public Safety, the commissioner shall provide for ~~five-year~~
 24 registration and issuance of regular license plates for such vehicles. The ~~five-year~~ license
 25 plates issued pursuant to this subsection shall be identical in appearance to regular license
 26 plates issued for private vehicles, except that such ~~five-year~~ license plates shall not display
 27 any ~~year of registration or registration expiration~~. Such license plates may be transferred
 28 as provided for in subsection (d) of this Code section. Such ~~five-year~~ license plates shall
 29 be issued at the ~~beginning of a five-year license period as for private vehicles or shall be~~
 30 ~~issued at the time the vehicle is purchased by the state, and all such license plates shall~~
 31 ~~expire at the same time as regular license plates~~.

32 (c) All license plates issued to government vehicles pursuant to this Code section shall be
 33 marked in such a manner as to indicate the specific type of governmental unit operating the
 34 vehicle. These markings shall be prominently displayed and shall consist of one of the
 35 following appropriate legends: 'STATE,' 'CITY,' 'COUNTY,' 'AUTHORITY,' or 'BOARD.'
 36 In addition, each such license plate shall bear a county identification strip indicating the

1 county in which the vehicle is based except that vehicles owned by the state shall not be
2 required to bear such county identification strip.

3 (d) Any such license plates shall remain displayed and affixed upon such vehicle so long
4 as such vehicle continues to be owned by the state or such municipality or political
5 subdivision and used exclusively for governmental functions. Upon cessation of either
6 such ownership or use, the license plate shall be removed from such vehicle and ~~either~~
7 ~~destroyed by such agency or~~ returned to the commissioner or the county tag agent for
8 destruction. ~~If a license plate has been destroyed by the agency, certification of such~~
9 ~~destruction shall be provided by the agency to the commissioner upon a form prepared and~~
10 ~~furnished for such purpose by the commissioner.~~ In the event of a transfer of a vehicle to
11 a department or agency, or branch thereof, other than the specific one to which such vehicle
12 is registered, the commissioner shall be notified in writing by the department or agency
13 from which the same is being transferred upon a form prepared and furnished for such
14 purpose by the commissioner. ~~Such transfer shall be recorded on the registration lists~~
15 ~~maintained by the commissioner.~~ On due proof of loss of any such license plate, or of
16 mutilation due to accidental or natural causes, another license plate may be issued upon
17 application of the fiscal officer or other proper official of the department, agency, or
18 political subdivision to which any such lost plate is registered.

19 (e) No person, firm, or corporation owning or operating any such vehicle shall display
20 upon the motor vehicle any license plate provided for in this Code section unless at the
21 time of such ownership or operation such vehicle is properly registered under this Code
22 section and is owned by the state or a municipality or political subdivision of this state and
23 is being used exclusively for governmental purposes. Any person who violates this
24 subsection shall be guilty of a misdemeanor.

25 (f) This Code section shall apply to all vehicle license plates issued for governmental
26 vehicles on and after January 1, ~~1996~~ 2006."

27 SECTION 3.

28 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
29 issuance, expiration, and renewal of drivers' licenses, is amended by striking subsection (e)
30 of Code Section 40-5-27, relating to examination of applicants for drivers' licenses, and
31 inserting in its place the following:

32 "(e) If the department determines that the pilot program provided for in subsection (d) of
33 this Code section is successful, it shall authorize licensed driver training schools to conduct
34 on-the-road driving tests as provided in this subsection. The department shall, prior to
35 approving a licensed driver training school to conduct on-the-road driving tests as provided
36 in this subsection, make a determination that the school has been licensed for a minimum

1 of ~~one year~~ two years and has conducted driver education ~~and adult education~~ courses on
 2 a full-time basis for such ~~one year~~ two-year period and that such school meets all other
 3 standards which the department may establish as a condition for approval to conduct such
 4 tests. The department shall authorize a driver training school licensed pursuant to Chapter
 5 13 of Title 43 and approved by the department to administer the testing provided for in this
 6 Code section, provided that the applicant has successfully completed a driver training
 7 course which includes a minimum of 30 class hours of instruction and six hours of private
 8 in-car training. The department may establish by rules and regulations the type of tests or
 9 demonstrations to be made by applicants for any Class C or Class D driver's license under
 10 this Code section."

11 SECTION 4.

12 Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 13 restoration of licenses to persons completing a defensive driving course or alcohol or drug
 14 program, is amended by striking paragraphs (1) and (2) of subsection (a) of Code Section
 15 40-5-83, relating to operation of driver clinics and programs, and inserting in their place the
 16 following:

17 "(a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval
 18 of driver improvement clinics. To be approved, a clinic shall provide ~~and operate either~~
 19 ~~a defensive driving course, an advanced defensive driving course, or a professional~~
 20 ~~defensive driving course or any combination thereof~~ to the department for approval, or
 21 notify the department of the clinic's legal authority to use a currently approved
 22 curriculum or program, a curriculum consisting of a minimum of six hours of classroom
 23 theoretical instruction consisting of traffic safety related information designed for the
 24 improvement or remediation of an individual's knowledge of defensive driving
 25 techniques and traffic laws. Clinics shall be composed of uniform education and training
 26 programs ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem
 27 drivers. The commissioner shall establish standards and requirements concerning the
 28 contents of courses, qualifications of instructors, attendance requirements for students,
 29 and examinations. Approved clinics shall charge a fee of \$75.00 for a defensive driving
 30 course, an advanced defensive driving course, or a professional defensive driving course;
 31 except that such clinics may charge different fees of their own choosing if the person is
 32 not enrolling in such course pursuant to court order or department requirement. No clinic
 33 shall be approved unless such clinic agrees in writing to allow the examination and audit
 34 of the books, records, and financial statements of such clinic. ~~Clinics may be operated by~~
 35 ~~any individual, partnership, corporation, association, civic group, club, county,~~
 36 ~~municipality, board of education, school, or college.~~ It shall be the responsibility of the

1 clinic owner or operator to issue to each student who has passed the course a certificate
 2 of completion in the format prescribed by the department for reinstatement, points
 3 reduction, out of state reinstatement, or fulfilling a court order. The student's stated
 4 purpose for taking the course shall be noted as required by the certificate of completion.
 5 Students who are taking a class for the purpose of insurance reduction only, without any
 6 additional purpose of reinstatement, points reduction, out of state reinstatement, or
 7 fulfilling a court order, shall be given a certificate of completion noting this purpose. A
 8 certificate of completion for insurance reduction only cannot be used for the purpose of
 9 reinstatement, points reduction, out of state reinstatement, or fulfilling a court order.
 10 Driver improvement clinics may be operated by any public, private, or governmental
 11 entity; provided, however, that in any county where a driver improvement clinic is
 12 operated by a private entity, no governmental entity shall be licensed to operate a driver
 13 improvement clinic."

14 "(2) The commissioner may issue a special license to the instructor of any ~~commercial~~
 15 driver training school authorizing such instructor to teach a defensive driving course;
 16 ~~advanced defensive driving course, or professional defensive driving course~~ of a driver
 17 improvement clinic provided pursuant to this Code section if such instructor is qualified
 18 to teach a teen-age driver education course which consists of a minimum of 30 hours of
 19 classroom and six hours of behind-the-wheel training and such instructor certifies to the
 20 commissioner that he or she has provided at least 250 hours of behind-the-wheel training
 21 in a teen-age driver education course."

22 SECTION 5.

23 Said article is further amended by striking subsections (b), (c), and (d) of Code Section
 24 40-5-84, relating to reinstatement of licenses suspended for points, and inserting in their
 25 place the following:

26 "(b) The license of any person whose license is suspended for the second time as a result
 27 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120
 28 days following the date the license is suspended, be reinstated by the department upon
 29 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving
 30 course and the payment of a restoration fee of \$210.00 or \$200.00 when such reinstatement
 31 is processed by mail.

32 (c) The license of any person whose license is suspended for the first time as a result of
 33 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
 34 department immediately upon receipt by the department of a certificate of completion of
 35 ~~an approved~~ a defensive driving course and the payment of a restoration fee of \$210.00 or
 36 \$200.00 when such reinstatement is processed by mail.

1 (d) The license of any person whose license is suspended for the second time as a result
 2 of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the
 3 department immediately upon receipt by the department of a certificate of completion of
 4 ~~an advanced~~ a defensive driving course and the payment of a restoration fee of \$210.00 or
 5 \$200.00 when such reinstatement is processed by mail."

6 **SECTION 6.**

7 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 8 is amended by inserting a new chapter to read as follows:

9 "CHAPTER 12A

10 43-12A-1.

11 This chapter shall be known and may be cited as the 'Ignition Interlock Device Providers
 12 Act.'

13 43-12A-2.

14 As used in this chapter, the term:

15 (1) 'Department' means the Department of Motor Vehicle Safety acting directly or
 16 through its duly authorized officers and agents.

17 (2) 'Ignition interlock device' means a constant monitoring device certified by the
 18 commissioner of motor vehicle safety which prevents a motor vehicle from being started
 19 at any time without first determining the equivalent blood alcohol concentration of the
 20 operator through the taking of a deep lung breath sample. The system shall be calibrated
 21 so that the motor vehicle may not be started if the blood alcohol concentration of the
 22 operator, as measured by the device, exceeds 0.02 grams or if the sample is not a sample
 23 of human breath.

24 (3) 'Provider center' means a facility established for the purpose of providing and
 25 installing ignition interlock devices when their use is required by or as a result of an order
 26 of a court.

27 43-12A-3.

28 No person shall operate a provider center or engage in the practice of providing, installing,
 29 or monitoring ignition interlock devices unless a license therefor has been secured from the
 30 department.

1 43-12A-4.

2 (a) Every person who desires to operate a provider center shall meet the following
3 requirements:

4 (1) Maintain an established place of business in the state which is open to the public;

5 (2) Maintain a general liability policy of insurance, including products and completed
6 operations, with not less than \$50,000.00 of combined single limits, with an insurance
7 carrier authorized by the Commissioner of Insurance to write policies in the state.
8 Evidence of such insurance coverage, in the form of a certificate from the insurance
9 carrier, shall be filed with the department; and such certificate shall stipulate that the
10 insurance shall not be canceled except upon ten days' prior written notice to the
11 department;

12 (3) Provide a continuous surety bond in the principal sum of \$10,000.00 for the
13 protection of the contractual rights of individuals required to maintain an ignition
14 interlock device in such form as will meet with the approval of the department and
15 written by a company authorized to do business in this state; provided, however, that the
16 aggregate liability of the surety for all breaches of the condition of the bond in no event
17 shall exceed the principal sum of \$20,000.00 per location, and a single bond at such rate
18 for all locations separately licensed and operated by the same person may be provided in
19 satisfaction of this paragraph. The surety on any such bond may cancel such bond on
20 giving 30 days' notice thereof in writing to the department and shall be relieved of
21 liability for any breach of any condition of the bond which occurs after the effective date
22 of cancellation;

23 (4) Have the equipment and knowledge necessary to provide, install, and monitor
24 ignition interlock devices as prescribed by the department; and

25 (5) Pay to the department an application fee of \$250.00.

26 (b) The department shall conduct a records check for any applicant for certification as a
27 provider center operator. Each applicant shall submit two sets of classifiable fingerprints
28 to the department. The department shall transmit both sets of fingerprints to the Georgia
29 Crime Information Center, which shall submit one set of fingerprints to the Federal Bureau
30 of Investigation for a search of bureau records and an appropriate report and shall retain
31 one set of fingerprints and promptly conduct a search of state records. After receiving a
32 report from the Georgia Crime Information Center and the Federal Bureau of Investigation,
33 the department shall determine whether the applicant may be licensed. The applicant shall
34 be responsible for any fee or other charge allowed by law or rule or regulation promulgated
35 by the department, the Georgia Crime Information Center, or the Federal Bureau of
36 Investigation for the submission, processing, and review of such fingerprints.

1 (c) No applicant shall be licensed or certified who does not meet the requirements set forth
2 in Code Section 43-12A-6.

3 43-12A-5.

4 (a) No provider center shall be permitted to use, adopt, or conduct any business under any
5 name that is like or deceptively similar to any name of a Georgia corporation registered
6 with the Secretary of State.

7 (b) This Code section shall not prohibit the franchising or licensing of any part or all of the
8 name of a provider center by the owner of the rights therein to another licensed provider
9 center.

10 (c) A judicial officer, probation officer, law enforcement officer, or other officer or
11 employee of a court or any person employed by a private company which has contracted
12 to provide private probation services for misdemeanor cases, or any employee of the
13 Department of Motor Vehicle Safety or the Department of Human Resources, and any
14 immediate family member thereof shall be prohibited from owning, operating, being
15 employed by or acting as an agent or servant for, or having a financial interest in any
16 provider center.

17 43-12A-6.

18 Every person who desires to operate a provider center or to engage in the practice of
19 providing, installing, or monitoring ignition interlock devices:

20 (1) Shall not have knowingly made misleading, deceptive, untrue, or fraudulent
21 representations in the practice of a business or profession licensed under this title or on
22 any document connected therewith; or practiced fraud or deceit or intentionally made any
23 false statement in obtaining a license to practice the licensed business or profession; or
24 made a false statement or deceptive registration with the board;

25 (2) Shall not have been convicted of a second or subsequent violation of Code Section
26 40-6-391 within five years, as measured from the dates of previous arrests for which
27 convictions were obtained to the date of the current arrest for which a conviction is
28 obtained;

29 (3) Shall not have been convicted of any felony or of any crime involving theft, fraud,
30 violence, or moral turpitude in the courts of this state or any other state, territory, or
31 country or in the courts of the United States. As used in this paragraph, the term 'felony'
32 shall mean any offense which, if committed in this state, would be deemed a felony,
33 without regard to its designation elsewhere; and the term 'conviction' shall mean a finding
34 or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction
35 has been sought; and

1 (4) Shall not have been arrested, charged, and sentenced for the commission of any
2 felony, or any crime involving theft, fraud, violence, or moral turpitude, where:

3 (A) First offender treatment without adjudication of guilt pursuant to the charge was
4 granted; or

5 (B) An adjudication of guilt or sentence was otherwise withheld or not entered on the
6 charge, except with respect to a plea of nolo contendere.

7 The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating
8 to probation of first offenders, or other first offender treatment shall be conclusive
9 evidence of arrest and sentencing for such crime.

10 43-12A-7.

11 (a) The department shall issue a license certificate to each provider center operator when
12 such person has met the qualifications required under this chapter. Each provider center
13 shall be required to have a separate license for each location, but mobile units operating out
14 of a particular licensed location need not be separately licensed.

15 (b) All licenses issued to operators of provider centers pursuant to this chapter shall be
16 valid for four years from the date of issuance unless sooner canceled, suspended, or
17 revoked under Code Section 43-12A-8. All licenses shall be renewed through the
18 department as provided in subsection (d) of this Code section and shall be valid for four
19 years from the date of renewal.

20 (c) The license of each provider center operator may be renewed subject to the same
21 conditions as the original license and upon payment of a fee of \$100.00.

22 (d) All applications for renewal of a provider center operator's license shall be on a form
23 prescribed by the department and must be filed with the department not more than 60 days
24 nor fewer than ten days preceding the expiration date of the license to be renewed.

25 43-12A-8.

26 The department may cancel, suspend, revoke, or refuse to renew any provider center's
27 license upon good cause being shown and after ten days' notice to the license holder if:

28 (1) The department is satisfied that the licensee fails to meet the requirements to receive
29 or hold a license under this chapter;

30 (2) The licensee permits fraud or engages in fraudulent practices, with reference to either
31 the applicant or the department, or induces or countenances fraud or fraudulent practices
32 on the part of any applicant for a driver's license or permit;

33 (3) The licensee fails to comply with this chapter or any rule of the department made
34 pursuant thereto;

1 (4) The licensee represents himself or herself as an agent or employee of the department
 2 or uses advertising designed to lead, or which would reasonably have the effect of
 3 leading, persons to believe that such licensee is in fact an employee or representative of
 4 the department;

5 (5) The licensee or any employee or agent of the licensee directly or indirectly solicits
 6 business by personal solicitation on public property or in any department, agency, or
 7 office of the state which involves the administration of any law relating to motor vehicles,
 8 whether by telephone, mail, or electronic communications. A violation of this paragraph
 9 shall be a misdemeanor. Advertising in any mass media, including, but not limited to,
 10 newspapers, radio, television, magazines, or telephone directories, by a provider center
 11 shall not be considered a violation of this paragraph; or

12 (6) The driver's license of the licensee has been canceled, suspended, or revoked.

13 43-12A-9.

14 (a) The commissioner of motor vehicle safety is authorized to prescribe, by rule, standards
 15 for the eligibility, conduct, and equipment required for a person to be licensed to operate
 16 a provider center and to adopt other reasonable rules and regulations to carry out this
 17 chapter. Notwithstanding the foregoing, violations that are minor in nature and committed
 18 by a person, firm, or corporation shall be punished only by a written reprimand unless the
 19 person, firm, or corporation fails to remedy the violation within 30 days, in which case an
 20 administrative fine, not to exceed \$250.00, may be issued.

21 (b) The commissioner of motor vehicle safety shall have the authority to assess, after a
 22 hearing, an administrative fine not to exceed \$1,000.00 per violation against any provider
 23 center, agent, or employee that fails to comply with any requirement imposed by or
 24 pursuant to this chapter.

25 (c) The hearing and any administrative review thereof shall be conducted in accordance
 26 with the procedure for contested cases under Chapter 13 of Title 50, the 'Georgia
 27 Administrative Procedure Act.' Any person, firm, or corporation who has exhausted all
 28 administrative remedies available and who is aggrieved or adversely affected by a final
 29 order or action of the commissioner of motor vehicle safety shall have the right of judicial
 30 review thereof in accordance with Chapter 13 of Title 50. All fines recovered under this
 31 Code section shall be paid into the state treasury. The commissioner of motor vehicle
 32 safety may file in the superior court:

33 (1) Wherein the person under order resides;

34 (2) If such person is a corporation, in the county wherein the corporation maintains its
 35 principal place of business; or

36 (3) In the county wherein the violation occurred

1 a certified copy of a final order of the commissioner of motor vehicle safety, whether
 2 unappealed from or affirmed upon appeal, whereupon the court shall render judgment in
 3 accordance therewith and notify the parties. Such judgment, and any proceeding in relation
 4 thereto, shall have the same effect as though the judgment had been rendered in an action
 5 duly heard and determined by the court. The penalty prescribed in this Code section shall
 6 be concurrent, alternative, and cumulative with any and all other civil, criminal, or
 7 alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the
 8 commissioner of motor vehicle safety with respect to any violation of this chapter or any
 9 order, rules, or regulations promulgated pursuant to this chapter."

10 SECTION 7.

11 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in
 12 driver training and operators of driver training schools, is amended by striking Code Section
 13 43-13-2, relating to definitions applicable to driver training schools, and inserting in its place
 14 the following:

15 "43-13-2.

16 (a) As used in this chapter, the term:

17 (1) 'Certificate of completion' means a certificate prescribed by the department issued
 18 for the successful completion of an approved 30 hours of classroom instruction and six
 19 hours of behind-the-wheel training by a licensed driver training school.

20 ~~(3)~~(2) 'Commercial driver training school' means any person, partnership, limited
 21 liability company, or corporation giving driving instruction ~~to ten or more persons per~~
 22 ~~calendar year~~ for hire for the purpose of assisting ~~such~~ persons to meet the requirements
 23 for licensed driving of Class A or Class B motor vehicles in this state.

24 ~~(1)~~(3) 'Department' means the Department of Motor Vehicle Safety acting directly or
 25 through its duly authorized officers and agents.

26 ~~(2)~~(4) 'Driver training ~~schools~~ school' means any person, partnership, limited liability
 27 company, or corporation giving driving instruction ~~to ten or more persons per calendar~~
 28 ~~year~~ for hire for the purpose of assisting ~~such~~ persons to meet the requirements for
 29 licensed driving of Class C or Class M motor vehicles in this state, except for motorcycle
 30 operator safety training programs conducted by or on behalf of the Department of Motor
 31 Vehicle Safety pursuant to Chapter 15 of Title 40. The term shall also include any public
 32 school system offering a driver training course during the regular school day as part of
 33 a student curriculum at no cost to the student.

34 ~~(4)~~(5) 'Driver's license examiners' means examiners appointed by the Department of
 35 Motor Vehicle Safety for the purpose of giving driver's license examinations.

1 ~~(5)~~(6) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any
2 person or property is or may be transported or drawn upon, a public highway except
3 devices used exclusively upon stationary rails or tracks.

4 ~~(6)~~(7) 'Person' means every natural person, firm, partnership, limited liability company,
5 association, corporation, or school.

6 (b)(1) Except as otherwise provided in this subsection, the terms 'driver training school'
7 and 'commercial driver training school' shall not include hospitals and state licensed
8 rehabilitation centers offering a driver training course for the purpose of rehabilitating
9 persons to maintain or obtain a Class C license; except that such facilities shall be
10 required to file a memorandum of understanding with the commissioner of motor vehicle
11 safety in the prescribed format of the department.

12 (2) Any person offering a for hire defensive driving safety course for the purpose of
13 providing training to assist persons to obtain a Class C or Class M license through means
14 of behind-the-wheel training, simulator training, or a defensive driving safety course
15 consisting of less than 30 hours of classroom instruction and six hours of
16 behind-the-wheel training shall be required to obtain a limited license as a driver training
17 school, register and identify all of its vehicles, and become subject to the same insurance
18 requirements for a driver training school as outlined in Code Section 43-13-4. The
19 commissioner of motor vehicle safety shall promulgate and adopt rules and regulations
20 for the qualifications for the driver training school limited license. The commissioner
21 shall issue the driver training school limited license if the application is complete and the
22 applicant demonstrates compliance with the laws of this state and the rules and
23 regulations of the commissioner regarding insurance and safety. The driver training
24 school limited license shall be valid for a period of four years.

25 (3) Any person may obtain a temporary driver training permit for a period of seven
26 consecutive days beginning and ending on the dates specified on the face of the permit.
27 Temporary driver training permits shall be obtained by schools, individuals, or other
28 entities which offer occasional driver training instruction and which do not maintain a
29 permanent classroom located within the state. The fee for each temporary driver training
30 permit shall be \$100.00 per week and \$25.00 for each vehicle. No temporary driver
31 training permit shall be issued without the commissioner having first received satisfactory
32 proof that the applicant meets the insurance requirements as defined in Code Section
33 43-13-4 and the vehicle and safety requirements of the rules and regulations of the
34 commissioner. A temporary driver training permit shall be displayed in a conspicuous
35 location during all times instruction is being given and a copy of such permit shall be
36 located in each vehicle that is registered for the purpose of providing instruction."

SECTION 8.

Said chapter is further amended by striking Code Section 43-13-3, relating to licensing of driver training schools, and inserting in its place the following:

"43-13-3.

No person shall operate a driver training school, operate a commercial driver training school, or engage in the business of giving instruction to ten or more persons per calendar year for hire in the driving of motor vehicles or in the preparation of an applicant for examination given by driver's license examiners for a driver's license or permit unless a license, a limited license, or temporary driver training permit therefor has been secured from the department. Separate licenses shall be required for the operation of a driver training school and a commercial driver training school. A driver training school shall offer a minimum of 30 hours of classroom instruction and six hours of behind-the-wheel instruction for the purpose of assisting persons to obtain a Class C license; however, a public or private school system may contract with a licensed driver training school to provide the six hours of behind-the-wheel instruction. A driver training school shall offer a minimum of 15 hours of instruction for the purpose of assisting persons to obtain a Class M license."

SECTION 9.

Said chapter is further amended by striking paragraphs (3), (4), and (6) of Code Section 43-13-4, relating to qualification of driver training school operators, and inserting in their place the following:

"(3) Maintain bodily injury and property damage liability insurance on motor vehicles while used in driver training instruction, insuring the liability of the driver training school, the driving instructors, and any person taking instruction, in at least the following amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and, subject to such limit for one person, ~~\$200,000.00~~ \$300,000.00 for bodily injury to or death of two or more persons in any one accident and the amount of ~~\$20,000.00~~ \$50,000.00 for damage to property of others in any one accident. Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed with the department; and such certificate shall stipulate that the insurance shall not be canceled except upon ten days' prior written notice to the department. Such insurance shall be written by a company authorized to do business in this state;

(4) Provide a continuous surety company bond in the principal sum of ~~\$2,500.00~~ \$10,000.00 for the protection of the contractual rights of students in such form as will meet with the approval of the department and written by a company authorized to do business in this state; provided, however, that the aggregate liability of the surety for all

1 breaches of the condition of the bond in no event shall exceed the principal sum of
 2 ~~\$2,500.00~~ \$10,000.00 per location, and a single bond at such rate for all schools operated
 3 by the same person may be provided in satisfaction of this paragraph. The surety on any
 4 such bond may cancel such bond on giving 30 days' notice thereof in writing to the
 5 department and shall be relieved of liability for any breach of any condition of the bond
 6 which occurs after the effective date of cancellation. If at any time said bond is not valid
 7 and in force, the license of the school or program shall be deemed suspended by operation
 8 of law until a valid surety company bond is again in force;"

9 "(6) Pay to the department an application fee of \$25.00 for the approval of driver training
 10 schools and instructors, commercial driver training schools and instructors, and driver
 11 training schools limited license and instructors. These licenses and each renewal thereof
 12 shall be valid for a period of four years unless suspended or revoked prior to the
 13 expiration of that time period."

14 SECTION 10.

15 Said chapter is further amended by striking Code Section 43-13-4.1, relating to business
 16 names of driver training schools, and inserting in its place the following:

17 "43-13-4.1.

18 (a) No driver training school or commercial driver training school shall be permitted to
 19 use, adopt, or conduct any business under any name that is like or deceptively similar to
 20 any name of a Georgia corporation registered with the Secretary of State.

21 (b) This Code section shall not prohibit the franchising or licensing of any part or all of
 22 the name of a driver training school or commercial driver training school by the owner of
 23 the rights therein to another licensed driver training school or commercial driver training
 24 school."

25 SECTION 11.

26 Said chapter is further amended by striking subsection (a) of Code Section 43-13-10, relating
 27 to exceptions to the driver training school law, and inserting in its place the following:

28 "(a) This chapter shall not apply to a college conducting a ~~driver~~ or commercial driver
 29 training course; nor shall it apply to driver improvement schools operated by the state or
 30 by a county or municipality; nor shall it apply to any entity conducting a driver safety
 31 course on private property when the vehicles used in the training are licensed by the vehicle
 32 owner and are not owned, leased, or under the control of the entity conducting or
 33 sponsoring the training. Such entity shall notify the department of the dates and location
 34 of the scheduled training and provide a certificate of liability insurance in the form
 35 established by the department."

