

## Senate Bill 226

By: Senators Smith of the 52nd, Thomas of the 54th, Mullis of the 53rd, Cagle of the 49th, Unterman of the 45th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 superior courts, so as to update the priorities of distributions of fines; to amend Chapter 21  
3 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition  
4 of fines, so as to provide a short title; to create the Georgia Driver's Education Commission;  
5 to provide for the membership, appointment, terms, and duties of such commission; to  
6 provide for the ability of the commission to accept federal grants and funds and donations  
7 from other sources and the disposition of such funds; to provide for the imposition,  
8 collection, and disposition of certain additional fees for violation of certain criminal and  
9 traffic laws of this state; to provide for appropriations; to amend Article 2 of Chapter 5 of  
10 Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and  
11 renewal of drivers' licenses, so as to change the minimum age for the issuance of certain  
12 licenses and permits; to provide that a Class D license holder, during the second six-month  
13 period following issuance of such license, may transport only one other passenger in the  
14 vehicle who is less than 21 years of age and is not a member of the driver's immediate  
15 family; to provide for revocation of minors' permits and drivers' licenses upon requests by  
16 persons who signed and verified the minors' applications; to provide for issuance of new  
17 instruction permits and drivers' licenses following such revocations; to provide for a  
18 mandatory waiting period; to provide for insurance matters related to such revocations; to  
19 provide for related matters; to provide for effective dates and applicability; to repeal  
20 conflicting laws; and for other purposes.

21 WHEREAS, Joshua Brown, the son of Alan and LuGina Brown, was killed in a tragic  
22 automobile accident on July 9, 2003; and

23 WHEREAS, the death of this young man has underscored the need for a greater effort to  
24 train Georgia young people in how to drive; and

1 WHEREAS, the state should assist in getting more young people into these driver education  
2 and training programs.

3 NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

4 **SECTION 1**

5 Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts,  
6 is amended by inserting a new paragraph (.1) in Code Section 15-6-95, relating to priorities  
7 of distributions of fines and forfeitures, to read as follows:

8 "(.1) The amount provided for in subsection (a) of Code Section 15-21-179;"

9 **SECTION 2.**

10 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and  
11 disposition of fines, is amended by adding a new Article 10 to read as follows:

12 "ARTICLE 10

13 15-21-170.

14 This article shall be known and may be cited as 'Joshua's Law.'

15 15-21-171.

16 As used in this article, the term 'commission' means the Georgia Driver's Education  
17 Commission created in Code Section 15-21-172.

18 15-21-172.

19 There is established the Georgia Driver's Education Commission, which is assigned to the  
20 Department of Motor Vehicle Safety for administrative purposes only, as prescribed in  
21 Code Section 50-4-3.

22 15-21-173.

23 (a) The Georgia Driver's Education Commission shall consist of nine members who shall  
24 serve for terms of four years, except that with respect to the first members appointed, three  
25 members shall be appointed for a term of three years, three for a term of two years, and  
26 three for a term of one year. The State Board of Education shall appoint one member of  
27 the commission and the Department of Motor Vehicle Safety shall appoint two members  
28 of the commission. The director of the Governor's Office of Highway Safety shall appoint  
29 one member of the commission. The remaining four members of the commission shall be

1 appointed by the Governor, two of whom shall be public school driver's education  
 2 providers and the other two shall be private driver's education providers. The Governor  
 3 shall also establish initial terms of office for all nine members of the commission within  
 4 the limitations of this subsection.

5 (b) In the event of death, resignation, disqualification, or removal for any reason of any  
 6 member of the commission, the vacancy shall be filled in the same manner as the original  
 7 appointment and the successor shall serve for the unexpired term.

8 (c) Membership on the commission does not constitute a public office, and no member  
 9 shall be disqualified from holding public office by reason of his or her membership.

10 (d) The Governor shall designate a chairperson of the commission from among the  
 11 members, which chairperson shall serve in that position at the pleasure of the Governor.  
 12 The commission may elect such other officers and committees as it considers appropriate.

13 (e) The commission, with the approval of the Governor, may employ such professional,  
 14 technical, or clerical personnel as deemed necessary to carry out the purposes of this  
 15 article.

16 15-21-174.

17 Members of the commission shall serve without compensation but shall receive the same  
 18 expense allowance per day as that received by a member of the General Assembly for each  
 19 day such member of the commission is in attendance at a meeting of such commission, plus  
 20 either reimbursement for actual transportation costs while traveling by public carrier or the  
 21 same mileage allowance for use of a personal car in connection with such attendance as  
 22 members of the General Assembly receive. Such expense and travel allowance shall be  
 23 paid in lieu of any per diem, allowance, or other remuneration now received by any such  
 24 member for such attendance.

25 15-21-175.

26 (a) The commission shall do all of the following:

27 (1) Meet at such times and places as it shall determine necessary or convenient to  
 28 perform its duties. The commission shall also meet on the call of the chairperson or the  
 29 Governor;

30 (2) Maintain minutes of its meetings;

31 (3) Adopt rules and regulations for the transaction of its business;

32 (4) Accept applications for disbursements of available moneys;

33 (5) Maintain records of all expenditures of the commission, funds received as gifts and  
 34 donations, and disbursements made; and

1 (6) Conform to the standards and requirements prescribed by the state auditor pursuant  
2 to Chapter 6 of Title 50.

3 (b) The commission shall utilize existing state resources and staff of participating  
4 departments whenever practicable.

5 15-21-176.

6 The commission may recommend to the Governor and the General Assembly changes in  
7 state programs, statutes, policies, budgets, and standards relating to the provision of driver  
8 education and training in this state, with the objective of maximizing participation in  
9 driver's education and training and accident reduction.

10 15-21-177.

11 The commission may accept federal funds granted by Congress or executive order for the  
12 purposes of this article as well as gifts and donations from individuals, private  
13 organizations, or foundations. The acceptance and use of federal funds do not commit state  
14 funds and do not place an obligation upon the General Assembly to continue the purposes  
15 for which the federal funds are made available.

16 15-21-178.

17 The commission may authorize the disbursement of available funds from moneys  
18 appropriated to the commission by the General Assembly for purposes of providing driver  
19 education and training to a person, entity, or program eligible pursuant to criteria to be set  
20 by the commission. Nothing in this Code section shall be construed to limit the authority  
21 of the Department of Motor Vehicle Safety under Chapter 13 of Title 43, 'The Driver  
22 Training School and Commercial Driver Training School License Act.'

23 15-21-179.

24 (a) In every case in which any court in this state shall impose a fine or bond payment,  
25 which shall be construed to include costs, for any violation of the traffic laws of this state  
26 or for violations of ordinances of political subdivisions which have adopted by reference  
27 the traffic laws of this state, there shall be imposed as an additional penalty a sum equal to  
28 5 percent of the original fine.

29 (b) Such sums shall be in addition to any amount required to be paid into any pension,  
30 annuity, or retirement fund under Title 47 or any other law and in addition to any other  
31 amounts provided for in this article.

32 (c) This Code section shall be repealed in its entirety on June 30, 2008, unless extended  
33 by an Act of the General Assembly.

1 15-21-180.

2 (a) The sums provided for in Code Section 15-21-179 shall be assessed and collected by  
3 the clerk or other court officer charged with the duty of collecting moneys from fines and  
4 shall be paid over by the last day of the following month to the Georgia Superior Court  
5 Clerks' Cooperative Authority for remittance to the Office of Treasury and Fiscal Services  
6 to be deposited into the general fund of the state treasury.

7 (b) Any person whose duty it is to collect and remit the sums provided for in this article  
8 who refuses to so remit shall be guilty of a misdemeanor.

9 15-21-181.

10 As soon as practicable after the end of each fiscal year, the Office of Treasury and Fiscal  
11 Services shall report the amount of funds received pursuant to Code Section 15-21-179 to  
12 the Office of Planning and Budget and the commission. It is the intent of the General  
13 Assembly that, subject to appropriation, an amount equal to such proceeds received from  
14 such fines in any fiscal year shall be made available during the following fiscal year to the  
15 commission for the purposes set forth in Code Section 15-21-178."

16 **SECTION 3.**

17 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
18 issuance, expiration, and renewal of drivers' licenses, is amended by striking Code Section  
19 40-5-22, relating to persons not to be licensed and minimum ages for licenses, and inserting  
20 in lieu thereof a new Code Section 40-5-22 to read as follows:

21 "40-5-22.

22 (a) ~~The~~ Except as otherwise provided in this Code section, the department shall not issue  
23 any Class C driver's license to any person who is under 18 years of age or Class M driver's  
24 license to any person who is under the age of ~~16~~ 17 years, except that the department may,  
25 under subsection (a) of Code Section 40-5-24, issue a Class P instruction permit permitting  
26 the operation of a noncommercial Class C vehicle to any person who is at least 15 years  
27 of age, and may, under subsection (b) of Code Section 40-5-24, issue a Class D driver's  
28 license permitting the operation of a noncommercial Class C vehicle to any person who is  
29 at least ~~16~~ 17 years of age. On and after January 1, 1985, the department shall not issue  
30 any driver's license to any person under 18 years of age unless such person presents a  
31 certificate or other evidence acceptable to the department which indicates satisfactory  
32 completion of an alcohol and drug course as prescribed in subsection (b) of Code Section  
33 20-2-142; provided, however, that a person under 18 years of age who becomes a resident  
34 of this state and who has in his or her immediate possession a valid license issued to him  
35 or her in another state or country shall not be required to take or complete the alcohol and

1 drug course. The department shall not issue a driver's license or a Class P instruction  
 2 permit for the operation of a Class A or B vehicle or any commercial driver's license to any  
 3 person who is under the age of 18 years.

4 (a.1)(1) The department shall not issue an instruction permit or driver's license to a  
 5 person who is younger than 18 years of age unless at the time such minor submits an  
 6 application for an instruction permit or driver's license the applicant presents acceptable  
 7 proof that he or she has received a high school diploma, a general educational  
 8 development (GED) diploma, a special diploma, or a certificate of high school  
 9 completion; or has terminated his or her secondary education and is enrolled in a  
 10 postsecondary school or the records of the department indicate that said applicant:

11 (A) Is enrolled in and not under suspension from a public or private school and has  
 12 satisfied relevant attendance requirements as set forth in paragraph (2) of this  
 13 subsection for a period of one academic year prior to application for an instruction  
 14 permit or driver's license; or

15 (B) Is enrolled in a home education program that satisfies the requirements of all state  
 16 laws governing such courses.

17 The department shall notify such minor of his or her ineligibility for an instruction permit  
 18 or driver's license at the time of such application.

19 (2) The department shall forthwith notify by certified mail or statutory overnight  
 20 delivery, return receipt requested, any minor issued an instruction permit or driver's  
 21 license in accordance with this subsection other than a minor who has terminated his or  
 22 her secondary education and is enrolled in a postsecondary school that such minor's  
 23 instruction permit or driver's license is suspended subject to review as provided for in this  
 24 subsection if the department receives notice pursuant to Code Section 20-2-701 that  
 25 indicates that such minor:

26 (A) Has dropped out of school without graduating and has remained out of school for  
 27 ten consecutive school days;

28 (B) Has more than ten school days of unexcused absences in any semester or  
 29 combination of two consecutive quarters; or

30 (C) Has been suspended from school for:

31 (i) Threatening, striking, or causing bodily harm to a teacher or other school  
 32 personnel;

33 (ii) Possession or sale of drugs or alcohol on school property;

34 (iii) Possession or use of a weapon on school property. For purposes of this  
 35 subparagraph, the term 'weapon' shall be defined in accordance with Code Section  
 36 16-11-127.1 but shall not include any part of an archeological or cultural exhibit  
 37 brought to school in connection with a school project;

1 (iv) Any sexual offense prohibited under Chapter 6 of Title 16; or

2 (v) Causing substantial physical or visible bodily harm to or seriously disfiguring  
3 another person, including another student.

4 Notice given by certified mail or statutory overnight delivery with return receipt  
5 requested mailed to the person's last known address shall be prima-facie evidence that  
6 such person received the required notice. Such notice shall include instructions to the  
7 minor to return immediately the instruction permit or driver's license to the department  
8 and information summarizing the minor's right to request an exemption from the  
9 provisions of this subsection. The minor so notified may request in writing a hearing  
10 within ten business days from the date of receipt of notice. Within 30 days after  
11 receiving a written request for a hearing, the department shall hold a hearing as provided  
12 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such  
13 hearing, the department shall sustain its order of suspension or rescind such order. The  
14 department shall be authorized to grant an exemption from the provisions of this  
15 subsection to a minor, upon such minor's petition, if there is clear and convincing  
16 evidence that the enforcement of the provisions of this subsection upon such minor would  
17 create an undue hardship upon the minor or the minor's family or if there is clear and  
18 convincing evidence that the enforcement of the provisions of this subsection would act  
19 as a detriment to the health or welfare of the minor. Appeal from such hearing shall be  
20 in accordance with said chapter. If no hearing is requested within the ten business days  
21 specified above, the right to a hearing shall have been waived and the instruction permit  
22 or driver's license of the minor shall remain suspended. The suspension provided for in  
23 this paragraph shall be for a period of one year or shall end upon the date of such minor's  
24 eighteenth birthday, whichever comes first.

25 (3) The State Board of Education and the commissioner of motor vehicle safety are  
26 authorized to promulgate rules and regulations to implement the provisions of this  
27 subsection.

28 (a.2)(1) On and after January 1, 2002, the department shall not issue any initial Class D  
29 driver's license or, in the case of a person who has never been issued a Class D driver's  
30 license by the department or the equivalent thereof by any other jurisdiction, any initial  
31 Class C driver's license unless such person:

32 (A) ~~Has~~ Is at least 16 years of age and has completed an approved driver education  
33 course in a licensed private or public driver training school and in addition a cumulative  
34 total of at least ~~20~~ 40 hours of other supervised driving experience including at least six  
35 hours at night, all of which is verified in writing signed before a person authorized to  
36 administer oaths by a parent or guardian of the applicant or by the applicant if such  
37 person is at least 18 years of age; or

1 (B) ~~Has~~ Is at least 17 years of age and has completed a cumulative total of at least 40  
 2 hours of supervised driving experience including at least six hours at night, and the  
 3 same is verified in writing signed before a person authorized to administer oaths by a  
 4 parent or guardian of the applicant or by the applicant if such person is at least 18 years  
 5 of age; provided, however, that a person 17 years of age or older who becomes a  
 6 resident of this state, who meets all of the qualifications for issuance of a Class C  
 7 license with the exception of the completion of an approved driver's training course and  
 8 at least 40 hours of supervised driving experience as required by this subsection, and  
 9 who has in his or her immediate possession a valid license equivalent to a Class C  
 10 license issued to him or her in another state or country shall be entitled to receive a  
 11 Class C license.

12 (2) The commissioner shall by rule or regulation establish standards for approval of any  
 13 driver education course for purposes of subparagraph (A) of paragraph (1) of this  
 14 subsection, provided that such course shall be designed to educate young drivers about  
 15 safe driving practices and the traffic laws of this state and to train young drivers in the  
 16 safe operation of motor vehicles.

17 (3) For purposes of supervised driving experience under paragraph (1) of this subsection,  
 18 supervision shall be provided by a person at least 21 years of age who is licensed as a  
 19 driver for a commercial or noncommercial Class C vehicle, who is fit and capable of  
 20 exercising control over the vehicle, and who is occupying a seat beside the driver.

21 (b) Notwithstanding the provisions of subsection (a) of this Code section, any person 14  
 22 years of age who has a parent or guardian who is medically incapable of being licensed to  
 23 operate a motor vehicle due to visual impairment may apply for and, subject to the  
 24 approval of the commissioner, may be issued a restricted noncommercial Class P  
 25 instruction permit for the operation of a noncommercial Class C vehicle. Any person  
 26 permitted pursuant to this subsection shall be accompanied by such visually impaired  
 27 parent or guardian whenever operating a motor vehicle.

28 (c) The department shall not issue any driver's license to nor renew the driver's license of  
 29 any person:

30 (1) Whose license has been suspended during such suspension, or whose license has  
 31 been revoked, except as otherwise provided in this chapter;

32 (2) Whose license is currently under suspension or revocation in any other jurisdiction  
 33 upon grounds which would authorize the suspension or revocation of a license under this  
 34 chapter;

35 (3) Who is a habitual user of alcohol or any drug to a degree rendering him incapable of  
 36 safely driving a motor vehicle;

1 (4) Who has previously been adjudged to be afflicted with or suffering from any mental  
 2 disability or disease and who has not at the time of application been restored to  
 3 competency by the methods provided by law;

4 (5) Who is required by this chapter to take an examination, unless such person shall have  
 5 successfully passed such examination;

6 (6) Who the commissioner has good cause to believe would not, by reason of physical  
 7 or mental disability, be able to operate a motor vehicle with safety upon the highway; or

8 (7) Whose license issued by any other jurisdiction is suspended or revoked by such other  
 9 jurisdiction during the period such license is suspended or revoked by such other  
 10 jurisdiction."

#### 11 SECTION 4.

12 Said article is further amended by striking Code Section 40-5-24, relating to instruction  
 13 permits and graduated licensing, and inserting in lieu thereof a new Code Section 40-5-24  
 14 to read as follows:

15 "40-5-24.

16 (a)(1) Any resident of this state who is at least 15 years of age may apply to the  
 17 department for an instruction permit to operate a noncommercial Class C vehicle. The  
 18 department shall, after the applicant has successfully passed all parts of the examination  
 19 referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an  
 20 instruction permit which shall entitle the applicant, while having such permit in his or her  
 21 immediate possession, to drive a Class C vehicle upon the public highways for a period  
 22 of two years when accompanied by a person at least 21 years of age who is licensed as  
 23 a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of  
 24 exercising control over the vehicle, and who is occupying a seat beside the driver.

25 (2) A person who has been issued an instruction permit under this subsection and has  
 26 never been issued a Class D driver's license under subsection (b) of this Code section will  
 27 become eligible for a Class D driver's license under subsection (b) of this Code section  
 28 only if such person is at least ~~16~~ 17 years of age, has a valid instruction permit which is  
 29 not under suspension, and, for a period of not less than 12 consecutive months prior to  
 30 making application for a Class D driver's license, has not been convicted of a violation  
 31 of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of  
 32 Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing  
 33 or attempting to elude an officer, reckless driving, or convicted of any offense for which  
 34 four or more points are assessable under subsection (c) of Code Section 40-5-57;  
 35 provided, however, that a person who is at least 16 years of age and meets all of the other  
 36 qualifications of this paragraph except for age who has completed an approved driver

1 education training course as provided in subsection (a.2) of Code Section 40-5-22 will  
 2 be eligible for a Class D driver's license.

3 (3) This subsection does not apply to instruction permits for the operation of  
 4 motorcycles.

5 (b)(1) Any resident of this state who is at least ~~16~~ 17 years of age and who, for a period  
 6 of at least 12 months, had a valid instruction permit issued under subsection (a) of this  
 7 Code section may apply to the department for a Class D driver's license to operate a  
 8 noncommercial Class C vehicle if such resident has otherwise complied with all  
 9 prerequisites for the issuance of such Class D driver's license as provided in subsection  
 10 (a) of this Code section, provided that a resident at least ~~16~~ 17 years of age who has at  
 11 any age surrendered to the department a valid instruction permit or driver's license issued  
 12 by another state or the District of Columbia or who has submitted to the department  
 13 proof, to the satisfaction of the department, of a valid instruction permit or driver's  
 14 license issued by another state or the District of Columbia may apply his or her driving  
 15 record under such previously issued permit or driver's license toward meeting the  
 16 eligibility requirements for a Class D driver's license the same as if such previously  
 17 issued permit or driver's license were an instruction permit issued under subsection (a)  
 18 of this Code section; provided, however, that a person who is at least 16 years of age and  
 19 meets all of the other qualifications of this paragraph except for age who has completed  
 20 an approved driver education training course as provided in subsection (a.2) of Code  
 21 Section 40-5-22 may apply for a Class D driver's license.

22 (2) The department shall, after all applicable requirements have been met, issue to the  
 23 applicant a Class D driver's license which shall entitle the applicant, while having such  
 24 license in his or her immediate possession, to drive a Class C vehicle upon the public  
 25 highways of this state under the following conditions:

26 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public  
 27 roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00  
 28 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

29 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the  
 30 public roads, streets, or highways of this state when more than three other passengers  
 31 in the vehicle who are not members of the driver's immediate family are less than 21  
 32 years of age.

33 (ii) During the six-month period immediately following issuance of such license, any  
 34 Class D license holder shall not drive a Class C motor vehicle upon the public roads,  
 35 streets, or highways of this state when any other passenger in the vehicle is not a  
 36 member of the driver's immediate family;

1 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the  
 2 second six-month period immediately following issuance of such license, any Class D  
 3 license holder shall not drive a Class C motor vehicle upon the public roads, streets,  
 4 or highways of this state when more than one other passenger in the vehicle who is  
 5 not a member of the driver's immediate family is less than 21 years of age;

6 provided, however, that a Class D license holder shall not be charged with a violation of  
 7 this paragraph alone but may be charged with violating this paragraph in addition to any  
 8 other traffic offense.

9 (3) A person who has been issued a Class D driver's license under this subsection and  
 10 has never been issued a Class C driver's license under this chapter will become eligible  
 11 for a Class C driver's license under this chapter only if such person has a valid Class D  
 12 driver's license which is not under suspension and, for a period of not less than 12  
 13 consecutive months prior to making application for a Class C driver's license, has not  
 14 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene  
 15 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using  
 16 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted  
 17 of any offense for which four or more points are assessable under subsection (c) of Code  
 18 Section 40-5-57 and is at least 18 years of age.

19 (c) Any resident of this state who is at least ~~16~~ 17 years of age may apply to the  
 20 department for a noncommercial Class M motorcycle instruction permit. The department  
 21 shall, after the applicant has successfully passed all parts of the examination other than the  
 22 driving test, issue to the applicant an instruction permit which shall entitle the applicant,  
 23 while having such permit in his or her immediate possession, to drive a motorcycle or a  
 24 motor driven cycle upon the public highways for a period of six months; provided,  
 25 however, that a person who is at least 16 years of age and meets all of the other  
 26 qualifications of this subsection except for age who has completed an approved driver  
 27 education training course as provided in subsection (a.2) of Code Section 40-5-22 may  
 28 apply for a Class M motorcycle instruction permit. A motorcycle instruction permit shall  
 29 not be valid when carrying passengers, on a limited access highway, or at night.

30 (d) Any resident of this state who is at least 18 years of age may apply to the department  
 31 for an instruction permit to operate noncommercial vehicles in Classes A and B. Such  
 32 permits may be issued only to persons with valid commercial or noncommercial Class C  
 33 licenses or persons who have passed all required tests for a commercial or noncommercial  
 34 Class C license. The department shall, after the applicant has successfully passed all parts  
 35 of the appropriate examination other than the skill and driving test, issue to the applicant  
 36 an instruction permit which shall entitle the applicant, while having the permit in his or her  
 37 immediate possession, to operate a vehicle of the appropriate noncommercial class upon

1 the public highways for a period of 12 months when accompanied by a licensed driver,  
 2 qualified in the vehicle being operated, who is fit and capable of exercising control over  
 3 the vehicle, and who is occupying a seat beside the driver as an instructor. Prior to being  
 4 issued a driver's license for Classes A and B, the applicant shall pass a knowledge and skill  
 5 test for driving a Class A or B vehicle as provided by the commissioner.

6 (e) The department shall issue a temporary driver's permit to an applicant for a driver's  
 7 license permitting him or her to operate a specified type or class of motor vehicle while the  
 8 department is completing its investigation and determination of all facts relative to such  
 9 applicant's eligibility to receive a driver's license. Such permit must be in his or her  
 10 immediate possession while operating a motor vehicle, and it shall be invalid when the  
 11 applicant's license has been issued or for good cause has been refused. Such permit shall  
 12 be valid for no more than 45 days. When a license has been refused, the permit shall be  
 13 returned to the department within ten days of receipt of written notice of refusal."

#### 14 SECTION 5.

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

18 "(a)(1) The application of any person under the age of 18 years for an instruction permit  
 19 or driver's license shall be:

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

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

30 (2)(A) A person who signed and verified a minor's successful application for an  
 31 instruction permit or driver's license may subsequently during such minority request  
 32 revocation of the minor's instruction permit or driver's license by written notice to the  
 33 department on such form as specified thereby, signed and verified before a person  
 34 authorized to administer oaths. If the request for revocation is submitted by a licensed  
 35 driver training instructor acting as an agent on behalf of the father, mother, or guardian  
 36 of the applicant, such agency must be evidenced by permission for the revocation of

1 such parent or guardian which has been granted in writing and signed and verified by  
 2 such parent or guardian before a person authorized to administer oaths. Upon receipt  
 3 of such request and payment of a fee in an amount equivalent to that which was  
 4 required for issuance of the instruction permit or driver's license, and after a mandatory  
 5 three business day waiting period, during which the request for revocation may be  
 6 withdrawn but the fee shall not be returned, the department shall revoke the minor's  
 7 instruction permit or driver's license.

8 (B) A minor whose instruction permit or driver's license has been revoked under this  
 9 paragraph shall not be eligible for issuance of another instruction permit or driver's  
 10 license until he or she reaches 18 years of age, unless consent for issuance of an  
 11 instruction permit or driver's license has been granted as provided by  
 12 subparagraphs (A) and (B) of paragraph (1) of this subsection upon application of the  
 13 minor made not sooner than three months after the effective date of revocation.

14 (C) The provisions of Code Section 40-5-62 shall not apply to a person whose  
 15 instruction permit or driver's license has been revoked under this paragraph.

16 (D) A revocation of a minor's instruction permit or driver's license under this  
 17 paragraph shall not be deemed a revocation for purposes of any increase in insurance  
 18 rates or cancellation of any policy of motor vehicle insurance for which the minor is not  
 19 the sole named insured, but such a policy may be amended so as to remove such minor  
 20 from the list of named insureds under such policy."

## 21 SECTION 6.

22 The provisions of this Act shall not apply to or otherwise affect any valid license or  
 23 instructional permit which has been issued to any person by this state and which is in effect  
 24 on the effective date of this Act. On and after the effective date of this Act, no new license  
 25 or instructional permit shall be issued except in compliance with the provisions of this Act.

## 26 SECTION 7.

27 Section 2 of this Act shall become effective upon its approval by the Governor or upon its  
 28 becoming law without such approval and shall apply to all traffic offenses committed on and  
 29 after such date. The remaining sections of this Act shall become effective on January 1,  
 30 2007, subject to available funds.

## 31 SECTION 8.

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