

House Bill 1252 (AS PASSED HOUSE AND SENATE)

By: Representatives Rice of the 51<sup>st</sup>, Murphy of the 23<sup>rd</sup>, Talton of the 145<sup>th</sup>, and Dollar of the 45<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 driver training schools, so as to provide for relevant definitions; to clarify the qualifications  
3 for a limited and temporary driver school permit; to provide qualifications for commercial  
4 driver training school operators; to provide standards for business names of driver training  
5 schools; to provide for fees; to provide for related matters; to provide for an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training  
10 schools, is amended by striking Code Section 43-13-2, relating to definitions relative to  
11 driver training schools, in its entirety and inserting in its place the following:

12 "43-13-2.

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

14 (1) 'Commercial driver training school,' except as provided in subsection (b) of this Code  
15 section, means any person, partnership, limited liability company, or corporation giving  
16 driving instruction for hire to ten or more persons per calendar year for the purpose of  
17 assisting such persons to meet the requirements for licensed driving of Class A or Class  
18 B motor vehicles in this state.

19 (2) 'Department' means the Department of Driver Services acting directly or through its  
20 duly authorized officers and agents.

21 (3) 'Driver training course' means a course including but not limited to classroom  
22 instruction; behind-the-wheel instruction; instruction by means of simulation training;  
23 and defensive driving, distance learning, or virtual driver training courses approved by  
24 the Department of Driver Services for the purpose of assisting persons to meet the  
25 requirements for licensed driving of Class C or Class M motor vehicles in this state.

1 (4) 'Driver training schools school,' except as provided in subsection (b) of this Code  
 2 section, means any person, partnership, limited liability company, or corporation giving  
 3 driving instruction for hire to ten or more persons per calendar year for the purpose of  
 4 assisting such persons to meet the requirements for licensed driving of Class C or Class  
 5 M motor vehicles in this state, except for motorcycle operator safety training programs  
 6 conducted by or on behalf of the Department of Driver Services pursuant to Chapter 15  
 7 of Title 40. The term shall also include any public school system offering a driver  
 8 training course during the regular school day as part of a student curriculum at no cost to  
 9 the student.

10 ~~(4)~~(5) 'Driver's license examiners' means examiners appointed by the Department of  
 11 Driver Services for the purpose of giving driver's license examinations.

12 ~~(5)~~(6) 'Motor vehicle' means every vehicle which is self-propelled upon, or by which any  
 13 person or property is or may be transported or drawn upon, a public highway except  
 14 devices used exclusively upon stationary rails or tracks.

15 ~~(6)~~(7) 'Person' means every natural person, firm, partnership, limited liability company,  
 16 association, corporation, or school.

17 (b) The terms 'commercial driver training school' as defined in paragraph (2) of subsection  
 18 (a) of this Code section and 'driver training school' as defined in paragraph (4) of  
 19 subsection (a) of this Code section shall not include:

20 (1) Hospitals and state licensed rehabilitation centers offering a driver training course for  
 21 the purpose of rehabilitating persons to maintain or obtain a Class C license; provided,  
 22 however, that such facilities shall be required to file a memorandum of understanding  
 23 with the commissioner of the Department of Driver Services in the prescribed format of  
 24 the department;

25 (2) Any person, partnership, limited liability company, or corporation offering a for-hire  
 26 defensive driving safety course for the purpose of providing training to assist persons to  
 27 obtain a Class C or Class M license through means of behind-the-wheel training,  
 28 simulator training, or offering a defensive driving safety course consisting of less than 30  
 29 hours of classroom and six hours of behind-the-wheel training. These entities shall be  
 30 required to obtain a limited license as a driver training school, register and identify all of  
 31 its vehicles, and shall become subject to the same insurance requirements for a driver  
 32 training school as outlined in Code Section 43-13-4. Limited driver training schools  
 33 offering classroom or simulator training only will not be required to comply with the  
 34 liability insurance requirements outlined in Code Section 43-13-4. The commissioner of  
 35 the Department of Driver Services shall promulgate and adopt rules and regulations for  
 36 the qualifications and establish the application fees for the driver training school limited  
 37 license. The commissioner shall issue the driver training school limited license if the

1 application is complete and the applicant demonstrates compliance with the laws of this  
 2 state and the rules and regulations of the commissioner regarding insurance and safety.  
 3 The driver training school limited license shall be valid for a period of four years; or  
 4 (3) Any person, partnership, limited liability company, or corporation which offers  
 5 occasional driver training instruction. These entities may obtain a temporary driver  
 6 training permit for a period of seven consecutive days beginning and ending on the dates  
 7 specified on the face of the permit. Temporary driver training permits shall be obtained  
 8 by schools, individuals, or other entities which offer occasional driver training instruction  
 9 that do not maintain a permanent classroom located within the state. The fee for each  
 10 temporary driver training permit shall be \$100.00 per week and \$25.00 for each vehicle.  
 11 No temporary driver training permit shall be issued without the commissioner having first  
 12 received satisfactory proof that the applicant meets the insurance requirements as defined  
 13 in Code Section 43-13-4 and the vehicle and safety requirements as set forth in the rules  
 14 and regulations of the commissioner. A temporary driver training permit shall be  
 15 displayed in a conspicuous location at any time instruction is being given and a copy of  
 16 such permit shall be located in each vehicle that is registered for the purpose of providing  
 17 instruction."

## 18 SECTION 2.

19 Said chapter is further amended by striking Code Section 43-13-3, relating to license  
 20 requirements for driver training school operators, in its entirety and inserting in its place the  
 21 following:

22 "43-13-3.

23 No person shall operate a driver training school, operate a commercial driver training  
 24 school, or engage in the business of giving instruction for hire to ten or more persons per  
 25 calendar year in the driving of motor vehicles or in the preparation of an applicant for  
 26 examination given by driver's license examiners for a driver's license or permit unless a  
 27 license, a limited license, or a temporary driver training permit therefor has been secured  
 28 from the department. Separate licenses shall be required for the operation of a driver  
 29 training school and a commercial driver training school."

## 30 SECTION 3.

31 Said chapter is further amended by striking Code Section 43-13-4, relating to qualifications  
 32 of driver training school operators, in its entirety and inserting in its place the following:

1 "43-13-4.

2 Every person who desires to operate a driver training school or a commercial driver  
3 training school shall meet the following requirements:

4 (1) Be of good moral character;

5 (2) Maintain an established place of business in the State of Georgia which is open to the  
6 public;

7 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
8 while used in driver training instruction, insuring the liability of the driver training  
9 school, the driving instructors, and any person taking instruction, in at least the following  
10 amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and,  
11 subject to such limit for one person, ~~\$200,000.00~~ \$300,000.00 for bodily injury to or  
12 death of two or more persons in any one accident and the amount of ~~\$20,000.00~~  
13 \$50,000.00 for damage to property of others in any one accident. Evidence of such  
14 insurance coverage, in the form of a certificate from the insurance carrier, shall be filed  
15 with the department; and such certificate shall stipulate that the insurance shall not be  
16 canceled except upon ten days' prior written notice to the department. Such insurance  
17 shall be written by a company authorized to do business in this state;

18 (4) Provide a continuous surety company bond in the principal sum of \$2,500.00 for the  
19 protection of the contractual rights of students in such form as will meet with the  
20 approval of the department and written by a company authorized to do business in this  
21 state; provided, however, that the aggregate liability of the surety for all breaches of the  
22 condition of the bond in no event shall exceed the principal sum of \$2,500.00 per  
23 location, and a single bond at such rate for all schools operated by the same person may  
24 be provided in satisfaction of this paragraph. The surety on any such bond may cancel  
25 such bond on giving 30 days' notice thereof in writing to the department and shall be  
26 relieved of liability for any breach of any condition of the bond which occurs after the  
27 effective date of cancellation. If at any time said bond is not valid and in force, the  
28 license of the school or program shall be deemed suspended by operation of law until a  
29 valid surety company bond is again in force;

30 (5) Have the equipment necessary to the giving of proper instruction in the operation of  
31 motor vehicles as prescribed by the department; and

32 (6) Pay to the department an application fee of ~~\$25.00~~ for the approval of driver training  
33 schools and instructors, commercial driver training schools and instructors, and limited  
34 license driver training schools and instructors. The amount of this fee shall be established  
35 by the commissioner of driver services and shall, as best as the commissioner shall  
36 determine, approximate the expense incurred by the department in consideration of the

1 license applications. These licenses and each renewal thereof shall be valid for a period  
 2 of four years unless suspended or revoked prior to the expiration of that time period."

#### 3 **SECTION 4.**

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

6 "43-13-4.1.

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

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

#### 13 **SECTION 5.**

14 Said chapter is further amended by striking paragraphs (2) and (5) of Code Section 43-13-5,  
 15 relating to qualifications of driver training school instructors, in their entirety and inserting  
 16 in their respective places the following:

17 "(2) Present to the department evidence of credit in driver education and safety from an  
 18 accredited college or university equivalent to credits in those subjects which are required  
 19 of instructors in the public schools of this state or give satisfactory performance on a  
 20 written, oral, performance, or combination examination administered by the department  
 21 testing both knowledge of the field of driver education and skills necessary to instruct and  
 22 impart driving skills and safety to students. The examination shall be administered  
 23 quarterly or upon the written application of four or more prospective licensees. The  
 24 examination fee shall ~~not exceed \$25.00~~ be established by the commissioner of driver  
 25 services;"

26 "(5) Pay to the department an application fee of ~~\$5.00~~ to be established by the  
 27 commissioner of driver services."

#### 28 **SECTION 6.**

29 This Act shall become effective on July 1, 2006.

#### 30 **SECTION 7.**

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