

SENATE SUBSTITUTE TO HB 258

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to the
 2 qualifications for a driver's license, so as to allow any person 15 years of age or older who
 3 has a parent or guardian who is medically incapable of being licensed to operate a motor
 4 vehicle to drive with the disabled person in the vehicle; to amend Code Section 40-5-24 of
 5 the Official Code of Georgia Annotated, relating to the issuance of instruction permits, so as
 6 to allow a holder of a valid instruction permit to drive with a disabled guardian or parent who
 7 has been issued an identification card containing the international handicapped symbol; to
 8 amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use
 9 of safety belts in passenger vehicles, so as to eliminate certain exceptions to the required use
 10 of safety belts; to provide for related matters; to provide for an effective date; to repeal
 11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to the
 14 qualifications for a driver's license, is amended by revising subsection (b) as follows:

15 "(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person
 16 14 years of age who has a parent or guardian who is medically incapable of being
 17 licensed to operate a motor vehicle due to visual impairment may apply for and, subject
 18 to the approval of the commissioner, may be issued a restricted noncommercial Class P
 19 instruction permit for the operation of a noncommercial Class C vehicle. Any person
 20 permitted pursuant to this subsection shall be accompanied by such visually impaired
 21 parent or guardian whenever operating a motor vehicle.

22 (2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15
 23 years of age or older who has a parent or guardian who is medically incapable of being
 24 licensed to operate a motor vehicle due to physical impairment and has been issued an
 25 identification card containing the international handicapped symbol pursuant to Article
 26

27 8 of this chapter may apply for and, subject to the approval of the commissioner, may be
 28 issued a restricted noncommercial Class P instruction permit for the operation of a
 29 noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall
 30 be accompanied whenever operating a motor vehicle by such physically impaired parent
 31 or guardian or by a person at least 21 years of age who is licensed as a driver for a
 32 commercial or noncommercial Class C vehicle, who is fit and capable of exercising
 33 control over the vehicle, and who is occupying a seat beside the driver. The department
 34 shall require satisfactory proof that the physically impaired parent or guardian previously
 35 held a valid driver's license in the State of Georgia, another state, or the District of
 36 Columbia before issuing an instructional permit pursuant to this paragraph."

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SECTION 2.

38 Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to the issuance of
 39 instruction permits, is amended by revising paragraph (1) of subsection (a) as follows:

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

50 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, any person
 51 holding a valid Class C instructional permit may drive a Class C motor vehicle when
 52 accompanied by a disabled parent or guardian who has been issued an identification
 53 card containing the international handicapped symbol pursuant to Article 8 of this
 54 chapter."

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SECTION 2.1.

56 Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use of
 57 safety belts in passenger vehicles, is amended by revising subsection (a) as follows:

58 "(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle,
 59 including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to
 60 carry ten passengers or ~~less~~ fewer and used for the transportation of persons; provided,
 61 however, that such term shall not include motorcycles; motor driven cycles; or off-road

62 vehicles or farm vehicles as defined in Code Section 40-2-150 being used by an owner,
63 driver, or occupant 18 years of age or older but shall not mean pickup trucks, motorcycles,
64 motor driven cycles, or vehicles equipped for off-road use, provided that the term
65 'passenger vehicle' includes any sport utility vehicle and also includes pickup trucks for any
66 occupant who is under 18 years of age."

67 **SECTION 3.**

68 This Act shall become effective on June 1, 2009.

69 **SECTION 4.**

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