

Senate Bill 323

By: Senators Hill of the 6th, Balfour of the 9th and Bethel of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 driver's licenses, so as to authorize the Department of Driver Services to conduct certain tests
3 of license applicants; to clarify a term used in said chapter; to provide for additional methods
4 for demonstrating proof of license; to remove provisions relative to limited uses of an
5 ignition interlock device issued under a limited driving permit; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to driver's licenses,
10 is amended by revising subsection (c) of Code Section 40-5-5, relating to exemptions for
11 foreign citizens, as follows:

12 "(c) The commissioner is authorized to negotiate and enter into an agreement with a
13 foreign country that exempts the citizens of such foreign country from the knowledge test
14 and the on-the-road driving skills test required in Code Section 40-5-27 so long as the
15 citizen holds a valid driver's license of an equivalent class issued by such foreign country;
16 provided, however, that no such agreement shall be entered into unless the foreign country
17 offers the same reciprocity to persons holding a valid driver's license of an equivalent class
18 issued by the State of Georgia and the commissioner determines that the laws of such
19 foreign country relating to the operation of motor vehicles are sufficiently similar to such
20 laws of this state such that driving safety shall not be compromised; and provided, further,
21 that no such agreement shall be entered into unless the Department of Economic
22 Development has certified that persons or entities from such country have made or are
23 likely to make a substantial economic investment in this state that has or will lead to the
24 substantial creation of jobs in this state. The provisions of this subsection notwithstanding,
25 the department shall not be authorized to enter into any reciprocal agreement with any
26 foreign country that is designated as a state sponsor of terrorism by the United States

27 Department of State. The exemption provided for in this subsection shall not be an
 28 exemption from any other legal requirement for the issuance of a driver's license, including
 29 the requirement that the applicant demonstrate lawful presence within the United States in
 30 accordance with Code Sections 40-5-21.1 and 40-5-21.2. This subsection shall not apply
 31 to citizens of foreign countries applying for a commercial driver's license or Class M
 32 driver's license."

33 SECTION 2.

34 Said chapter is further amended by revising subsections (a) and (d) of Code Section 40-5-27,
 35 relating to examination of license applicants, as follows:

36 "(a)(1) The department shall examine every applicant for a driver's license, except as
 37 otherwise provided in this Code section. Such examination shall include a test of the
 38 applicant's eyesight, his or her ability to understand official traffic-control devices, and
 39 his or her knowledge of safe driving practices and the traffic laws of this state and shall
 40 also include a comprehensive on-the-road driving skills test during which the applicant
 41 shall be required to fully demonstrate his or her ability to exercise ordinary and
 42 reasonable control in the operation of a motor vehicle of the type or general class of
 43 vehicles he or she desires a license to drive.

44 (2) The on-the-road driving skills test requirement shall not apply to any applicant for
 45 a Class C driver's license who holds a Class D driver's license issued on or after January
 46 1, 2002.

47 (3) Neither the on-the-road driving skills test nor the knowledge test shall apply to:

48 (A) An applicant 18 years of age and older with a valid and current license, or a license
 49 that has been expired for less than two years, issued by another state of the United
 50 States or the District of Columbia; or

51 (B) An applicant who is a citizen of a foreign country with which the commissioner
 52 has entered into a reciprocal agreement pursuant to subsection (c) of Code Section
 53 40-5-5.

54 (4) The examination may also include such further physical and mental examination as
 55 the department finds necessary to determine the applicant's fitness to operate a motor
 56 vehicle safely upon the highways. The commissioner may establish by rules and
 57 regulations the type of tests or demonstrations to be made by applicants for any class of
 58 license."

59 "(d) The department shall authorize licensed driver training schools to conduct knowledge
 60 tests, on-the-road driving skills tests, and other tests required for issuance of a driver's
 61 license as provided in this subsection. ~~The department may authorize licensed driver~~
 62 ~~training schools to issue driver's licenses to successful applicants as provided in this~~

63 ~~subsection.~~ The department shall, prior to approving a licensed driver training school to
 64 conduct tests ~~or issue licenses or both~~ as provided in this subsection, make a determination
 65 that the school has been licensed for a minimum of two years and has conducted driver
 66 education courses on a full-time basis for such two-year period and that such school meets
 67 all other standards which the department may establish as a condition for approval to
 68 conduct such tests ~~or issue licenses or both~~. The department shall authorize a driver
 69 training school licensed pursuant to Chapter 13 of Title 43 and approved by the department
 70 to administer the on-the-road driving skills testing provided for in this Code section,
 71 provided that the applicant has successfully completed a driver training course which
 72 includes a minimum of 30 class hours of instruction and six hours of private in-car training.
 73 The department may establish by rules and regulations the type of tests or demonstrations
 74 to be made by applicants for any Class P instructional permit, Class C driver's license, or
 75 Class D driver's license under this Code section."

76 **SECTION 3.**

77 Said chapter is further amended by revising Code Section 40-5-29, relating to the carrying
 78 and exhibition of a driver's license, as follows:

79 "40-5-29.

80 (a) Every licensee shall have his or her driver's license in his or her immediate possession
 81 at all times when operating a motor vehicle. Any person who has one of the following in
 82 his or her immediate possession shall be considered to have such license in his or her
 83 immediate possession if such is confirmed to be valid by the department through the
 84 Georgia Crime Information Center:

85 (1) A receipt issued by the department reflecting issuance, renewal, replacement, or
 86 reinstatement of a driver's license;

87 (2) An electronic image of such receipt; or

88 (3) A wireless telecommunications device containing an electronic image of the front
 89 and back of such person's driver's license. The presentation of such image on an
 90 electronic telecommunications device shall not be deemed as consent to access any other
 91 information contained on such device for any other purposes.

92 (b) Every licensee shall display his or her license upon the demand of a law enforcement
 93 officer. A refusal to comply with such demand not only shall constitute a violation of this
 94 subsection but shall also give rise to a presumption of a violation of subsection (a) of this
 95 Code section and of Code Section 40-5-20.

96 (c) A person convicted of a violation of subsection (a) of this Code section shall be fined
 97 no more than \$10.00 if he or she produces in court a license theretofore issued to him or
 98 her and valid at the time of his or her arrest."

99

SECTION 4.

100 Said chapter is further amended by revising subsections (c) and (c.1) of Code Section
 101 40-5-64, relating to limited driving permits for certain offenders, as follows:

102 **"(c) Standards for approval.** The department shall issue a limited driving permit if the
 103 application indicates that refusal to issue such permit would cause extreme hardship to the
 104 applicant. ~~Except as otherwise provided by subsection (c.1) of this Code section, for~~ For
 105 the purposes of this Code section, 'extreme hardship' means that the applicant cannot
 106 reasonably obtain other transportation, and therefore the applicant would be prohibited
 107 from:

- 108 (1) Going to his or her place of employment or performing the normal duties of his or
 109 her occupation;
- 110 (2) Receiving scheduled medical care or obtaining prescription drugs;
- 111 (3) Attending a college or school at which he or she is regularly enrolled as a student;
- 112 (4) Attending regularly scheduled sessions or meetings of support organizations for
 113 persons who have addiction or abuse problems related to alcohol or other drugs, which
 114 organizations are recognized by the commissioner;
- 115 (5) Attending under court order any driver education or improvement school or alcohol
 116 or drug program or course approved by the court which entered the judgment of
 117 conviction resulting in suspension of his or her driver's license or by the commissioner;
- 118 (6) Attending court, reporting to a probation office or officer, or performing community
 119 service; or
- 120 (7) Transporting an immediate family member who does not hold a valid driver's license
 121 for work, medical care, or prescriptions or to school.

122 **(c.1) Exception to standards for approval.**

123 ~~(†)~~ The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code
 124 section shall not apply and shall not be considered for purposes of granting a limited
 125 driving permit or imposing conditions thereon under this Code section in the case of a
 126 driver's license suspension under paragraph (2) of subsection (a.1) of Code Section
 127 40-5-22.

128 ~~(2) An ignition interlock device limited driving permit shall be restricted to allow the~~
 129 ~~holder thereof to drive solely for the following purposes:~~

- 130 ~~(A) Going to his or her place of employment;~~
- 131 ~~(B) Attending a college or school at which he or she is regularly enrolled as a student;~~
- 132 ~~(C) Attending regularly scheduled sessions or meetings of treatment support~~
 133 ~~organizations for persons who have addiction or abuse problems related to alcohol or~~
 134 ~~other drugs, which organizations are recognized by the commissioner; and~~

135 ~~(D) Going for monthly monitoring visits with the permit holder's ignition interlock~~
136 ~~device service provider."~~

137 **SECTION 5.**

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