

House Bill 558

By: Representative Gardner of the 57th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to issuance, expiration, and renewal of licenses, so as to provide for restrictions on
3 the issuance and use of instruction permits and graduated drivers' licenses; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
8 issuance, expiration, and renewal of licenses, is amended in Code Section 40-5-24, relating
9 to instruction permits, graduated licensing and related restrictions, and temporary licenses,
10 by revising subsections (a) through (c) as follows:

11 "40-5-24.

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

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

27 (2) A person who has been issued an instruction permit under this subsection and has
28 never been issued a Class D driver's license under subsection (b) of this Code section will
29 become eligible for a Class D driver's license under subsection (b) of this Code section
30 only if such person is at least 17 years of age, has a valid instruction permit which is not
31 under suspension, and, for a period of not less than 12 consecutive months prior to
32 making application for a Class D driver's license, has not been convicted of a violation
33 of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of
34 Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing
35 or attempting to elude an officer, reckless driving, or convicted of any offense for which
36 four or more points are assessable under subsection (c) of Code Section 40-5-57;
37 provided, however, that a person who is at least 16 years and six months of age and meets
38 all of the other qualifications of this paragraph except for age who has completed an
39 approved driver education training course as provided in subsection (a.2) of Code Section
40 40-5-22 will be eligible for a Class D driver's license.

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

43 (b)(1) Any resident of this state who is at least 17 years of age and who, for a period of
44 at least 12 months, had a valid instruction permit issued under subsection (a) of this Code
45 section may apply to the department for a Class D driver's license to operate a
46 noncommercial Class C vehicle if such resident has otherwise complied with all
47 prerequisites for the issuance of such Class D driver's license as provided in
48 subsection (a) of this Code section, provided that a resident at least 17 years of age who
49 has at any age surrendered to the department a valid instruction permit or driver's license
50 issued by another state or the District of Columbia or who has submitted to the
51 department proof, to the satisfaction of the department, of a valid instruction permit or
52 driver's license issued by another state or the District of Columbia may apply his or her
53 driving record under such previously issued permit or driver's license toward meeting the
54 eligibility requirements for a Class D driver's license the same as if such previously
55 issued permit or driver's license were an instruction permit issued under subsection (a)
56 of this Code section; provided, however, that a person who is at least 16 years and six
57 months of age and meets all of the other qualifications of this paragraph except for age
58 who has completed an approved driver education training course as provided in
59 subsection (a.2) of Code Section 40-5-22 may apply for a Class D driver's license.

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

- 64 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public
 65 roads, streets, or highways of this state between the hours of 12:00 Midnight and 5:00
 66 A.M. eastern standard time or eastern daylight time, whichever is applicable; and
- 67 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the
 68 public roads, streets, or highways of this state when more than ~~three~~ one other
 69 ~~passengers~~ passenger in the vehicle who ~~are~~ is not ~~members~~ a member of the driver's
 70 immediate family ~~are~~ is less than ~~21~~ 18 years of age.
- 71 (ii) During the six-month period immediately following issuance of such license, any
 72 Class D license holder shall not drive a Class C motor vehicle upon the public roads,
 73 streets, or highways of this state between the hours of 9:00 P.M. and 5:00 A.M.
 74 eastern standard time or eastern daylight time, whichever is applicable, and when any
 75 other passenger in the vehicle is not a member of the driver's immediate family.
- 76 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the
 77 second six-month period immediately following issuance of such license, any Class
 78 D license holder shall not drive a Class C motor vehicle upon the public roads, streets,
 79 or highways of this state when more than one other passenger in the vehicle who is
 80 not a member of the driver's immediate family is less than 21 years of age;
 81 provided, however, that a Class D license holder shall not be charged with a violation of
 82 this paragraph alone but may be charged with violating this paragraph in addition to any
 83 other traffic offense.
- 84 (C) For purposes of this paragraph, the term 'immediate family' shall include the
 85 license holder's parents and step-parents, grandparents, siblings and step-siblings,
 86 children, and any other person who resides at the license holder's residence.
- 87 (3) A person who has been issued a Class D driver's license under this subsection and has
 88 never been issued a Class C driver's license under this chapter will become eligible for
 89 a Class C driver's license under this chapter only if such person has a valid Class D
 90 driver's license which is not under suspension and, for a period of not less than 12
 91 consecutive months prior to making application for a Class C driver's license, has not
 92 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
 93 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using
 94 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or convicted
 95 of any offense for which four or more points are assessable under subsection (c) of Code
 96 Section 40-5-57 and is at least 18 years of age.
- 97 (c) Any resident of this state who is at least 17 years of age may apply to the department
 98 for a noncommercial Class M motorcycle instruction permit. The department shall, after
 99 the applicant has successfully passed all parts of the examination other than the driving test,
 100 issue to the applicant an instruction permit which shall entitle the applicant, while having

101 such permit in his or her immediate possession, to drive a motorcycle or a motor driven
102 cycle upon the public highways for a period of six months; provided, however, that a
103 person who is at least 16 years and six months of age and meets all of the other
104 qualifications of this subsection except for age who has completed an approved driver
105 education training course as provided in subsection (a.2) of Code Section 40-5-22 may
106 apply for a Class M motorcycle instruction permit. A motorcycle instruction permit shall
107 not be valid when carrying passengers, on a limited access highway, or at night."

108 **SECTION 2.**

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