

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 21 of Title 15, Part 2 of Article 6 of Chapter 2 of Title 20,
2 and Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the Georgia
3 Driver's Education Commission, competencies and core curriculum for elementary and
4 secondary education, and drivers' licenses, respectively, so as to ensure teenage drivers are
5 equipped for driving on public roads; to repeal a provision which sunsets the collection of
6 additional penalties upon fines for the violation of traffic laws; to require public schools with
7 grades nine through 12 to offer an elective driver education and training course; to change
8 the minimum age for the issuance of certain licenses and permits; to amend provisions to
9 conform with such minimum age change; to provide for related matters; to provide for
10 effective dates and a contingent effective date; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

15 Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
16 the Georgia Driver's Education Commission, is amended by repealing subsection (c) of Code
17 Section 15-21-179, relating to the sunset provision on additional penalties for violation of
18 traffic laws or ordinances.

PART II
SECTION 2-1.

21 Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
22 relating to competencies and core curriculum for elementary and secondary education, is
23 amended by adding a new Code section to read as follows:

24 "20-2-149.3.

25 (a) For purposes of this Code section, the term 'driver education and training' means a
 26 course, including, but not limited to, classroom instruction; behind-the-wheel instruction;
 27 instruction by means of simulation training; and defensive driving, distance learning, or
 28 virtual driver training programs, approved by the Department of Driver Services for the
 29 purpose of assisting persons to meet the requirements for licensed driving of Class C or
 30 Class M motor vehicles in this state.

31 (b) Beginning in the 2017-2018 school year, each local board of education which operates
 32 a school with grades nine through 12 shall provide an elective course in driver education
 33 and training for one-half unit of credit.

34 (c) The provisions required by this Code section shall be construed as cumulative and in
 35 addition to the provisions of Code Section 20-2-151.2 and Chapter 13 of Title 43, 'The
 36 Driver Training School and Commercial Driver Training School License Act,' and shall
 37 not be deemed as the only option by which a student may obtain driver education and
 38 training."

39 **PART III**

40 **SECTION 3-1.**

41 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 42 is amended by revising paragraph (11) of subsection (a) of Code Section 40-5-21, relating
 43 to exemptions to licensing requirements, as follows:

44 "(11) Any resident who is ~~15~~ 16 years of age or over while taking actual in-car training
 45 in a training vehicle other than a commercial motor vehicle under the direct personal
 46 supervision of a driving instructor approved by the Department of Education or a driving
 47 instructor when such driving instructor and training vehicle are licensed by the
 48 department in accordance with the provisions of Chapter 13 of Title 43, 'The Driver
 49 Training School and Commercial Driver Training School License Act.' As used in the
 50 previous sentence, the term 'commercial motor vehicle' shall have the meaning specified
 51 in Code Section 40-5-142. All vehicles utilized for the in-car training authorized under
 52 this paragraph shall be equipped with dual controlled brakes and shall be marked with
 53 signs in accordance with the rules of the department clearly identifying such vehicles as
 54 training cars belonging to a licensed driving school. A driving instructor shall test the
 55 eyesight of any unlicensed person who will be receiving actual in-car training prior to
 56 commencement of such training, and no unlicensed driver shall receive in-car training
 57 unless such person has at least the visual acuity and horizontal field of vision as is
 58 required for issuance of a driver's license in subsection (c) of Code Section 40-5-27; and"

SECTION 3-2.

Said chapter is further amended in Code Section 40-5-22, relating to minimum ages of persons to be licensed, driving training requirements, and limited driving permits, by revising subsection (a.2) as follows:

"(a.2)(1) On and after ~~January 1, 2002~~ July 1, 2017, the department shall not issue any initial Class D driver's license or, in the case of a person who has never been issued a Class D driver's license by the department or the equivalent thereof by any other jurisdiction, any initial Class C driver's license unless such person:

~~(A) Is is at least 16 17 years of age and has completed an approved driver education course in a licensed private or public driver training school and in addition has a cumulative total of at least 40 hours of other supervised driving experience including at least six hours at night, all of which is verified in writing signed before a person authorized to administer oaths by a parent or guardian of the applicant or by the applicant if such person is at least 18 years of age; or~~

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

(2) The commissioner shall by rule or regulation establish standards for approval of any driver education course for purposes of ~~subparagraph (A) of~~ paragraph (1) of this subsection, provided that such course shall be designed to educate young drivers about safe driving practices and the traffic laws of this state and to train young drivers in the safe operation of motor vehicles; and provided, further, that the commissioner shall provide for the approval of courses from other states to satisfy the requirements of this paragraph for any child moving into this state within nine months of his or her ~~sixteenth~~ seventeenth birthday when the child's parent is in the active military service of the United States.

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

96 (4) For the purposes of this Code section, the term 'approved driver education training
97 course' shall include those driver education training courses approved by the Department
98 of Driver Services.

99 (5) For purposes of this Code section, the term 'approved driver education training
100 course' shall include instruction given in the course of a home education program that
101 satisfies the reporting requirements of all state laws governing such programs, provided
102 that such instruction utilizes a curriculum approved by the department."

103 SECTION 3-3.

104 Said chapter is further amended by revising Code Section 40-5-22.1, relating to reinstatement
105 of license of child under 16 years of age convicted of driving under the influence of alcohol
106 or drugs, as follows:

107 "40-5-22.1.

108 Notwithstanding any other provision of law, if a child under ~~16~~ 17 years of age is
109 adjudicated delinquent of driving under the influence of alcohol or drugs or of possession
110 of marijuana or a controlled substance in violation of Code Section 16-13-30 or of the
111 unlawful possession of a dangerous drug in violation of Code Section 16-13-72 or
112 convicted in any other court of such offenses, the court shall order that the privilege of such
113 child to apply for and be issued a driver's license or learner's permit shall be suspended and
114 delayed until such child is ~~17~~ 18 years of age for a first conviction and until such child is
115 ~~18~~ 19 years of age for a second or subsequent such conviction. Upon reaching the required
116 age, such license privilege shall be reinstated if the child submits proof of completion of
117 a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention
118 program approved by the juvenile court and pays a reinstatement fee to the Department of
119 Driver Services. The reinstatement fee for a first such conviction shall be \$210.00 or
120 \$200.00 if paid by mail. The reinstatement fee for a second such conviction shall be
121 \$310.00 or \$300.00 if paid by mail. The reinstatement fee for a third or subsequent such
122 conviction shall be \$410.00 or \$400.00 if paid by mail. The court shall notify the
123 department of its order delaying the issuance of such child's license within 15 days of the
124 date of such order. The department shall not issue a driver's license or learner's permit to
125 any person contrary to a court order issued pursuant to this Code section."

126 SECTION 3-4.

127 Said chapter is further amended in Code Section 40-5-24, relating to instruction permits,
128 graduated licensing, and temporary licenses, by revising subsection (a) as follows:

129 "(a)(1)(A) ~~Any~~ On or after July 1, 2017, any resident of this state who is at least ~~15~~ 16
130 years of age may apply to the department for an instruction permit to operate a

131 noncommercial Class C vehicle. The department shall, after the applicant has
 132 successfully passed all parts of the examination referred to in Code Section 40-5-27
 133 other than the driving test, issue to the applicant an instruction permit which shall
 134 entitle the applicant, while having such permit in his or her immediate possession, to
 135 drive a Class C vehicle upon the public highways for a period of ~~two years~~ one year
 136 when accompanied by a person at least 21 years of age who is licensed as a driver for
 137 a commercial or noncommercial Class C vehicle, who is fit and capable of exercising
 138 control over the vehicle, and who is occupying a seat beside the driver.

139 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, any person
 140 holding a valid Class C ~~instructional~~ instruction permit may drive a Class C motor
 141 vehicle when accompanied by a disabled parent or guardian who has been issued an
 142 identification card containing the international handicapped symbol pursuant to Article
 143 8 of this chapter.

144 (2) A person who has been issued an instruction permit ~~under this subsection~~ to operate
 145 a noncommercial Class C vehicle prior to July 1, 2017, and has never been issued a Class
 146 D driver's license under subsection (b) of this Code section will become eligible for a
 147 Class D driver's license under subsection (b) of this Code section only if such person is
 148 at least 17 years of age, has a valid instruction permit which is not under suspension, and,
 149 for a period of not less than 12 consecutive months prior to making application for a
 150 Class D driver's license, has not been convicted of a violation of Code Section 40-6-391,
 151 hit and run or leaving the scene of an accident in violation of Code Section 40-6-270,
 152 racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an
 153 officer, reckless driving, or ~~convicted of~~ any offense for which four or more points are
 154 assessable under subsection (c) of Code Section 40-5-57; provided, however, that a
 155 person who is at least 16 years of age and meets all of the other qualifications of this
 156 paragraph except for age who has completed an approved driver education training course
 157 as provided in subsection (a.2) of Code Section 40-5-22 will be eligible for a Class D
 158 driver's license.

159 (3) A person who has been issued an instruction permit under this subsection on or after
 160 July 1, 2017, and has never been issued a Class D driver's license under subsection (b)
 161 of this Code section will become eligible for a Class D driver's license under
 162 subsection (b) of this Code section only if such person is at least 18 years of age, has a
 163 valid instruction permit which is not under suspension, and, for a period of not less than
 164 12 consecutive months prior to making application for a Class D driver's license, has not
 165 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
 166 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using
 167 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or any

168 offense for which four or more points are assessable under subsection (c) of Code Section
 169 40-5-57; provided, however, that a person who is at least 17 years of age and meets all
 170 of the other qualifications of this paragraph except for age who has completed an
 171 approved driver education training course as provided in subsection (a.2) of Code Section
 172 40-5-22 will be eligible for a Class D driver's license.

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

175 **SECTION 3-5.**

176 Said chapter is further amended in Code Section 40-5-75, relating to suspension of licenses
 177 by operation of law, by revising subsection (f) as follows:

178 "(f) Licensed drivers who are ~~16~~ 17 years of age who are adjudicated in a juvenile court
 179 pursuant to this Code section may, at their option, complete a DUI Alcohol or Drug Use
 180 Risk Reduction Program or an assessment and intervention program approved by the
 181 juvenile court."

182 **PART IV**

183 **SECTION 4-1.**

184 (a) Part I of this Act shall become effective on July 1, 2017, only if there is ratified at the
 185 November, 2016, general election a constitutional amendment authorizing the General
 186 Assembly to dedicate revenues for the funding of driver education and training for teenagers.
 187 If no such amendment is proposed by the General Assembly, if such amendment is rejected
 188 by the electors, or if the election to ratify the proposed amendment is not held at the time of
 189 the 2016 general election, this Act shall be repealed on July 1, 2017.

190 (b) Part II and Part III of this Act shall become effective on July 1, 2016, except that this Act
 191 shall become effective for purposes of promulgating rules or regulations upon its approval
 192 by the Governor or upon its becoming law without such approval.

193 **SECTION 4-2.**

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