

House Bill 113

By: Representatives Carson of the 46th, Lumsden of the 12th, Hitchens of the 161st, Belton of the 112th, and Smith of the 134th

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 drivers' licenses, so as to prohibit license and
3 instruction permit holders under 18 years of age from using a stand-alone electronic device
4 or wireless telecommunications device while operating a motor vehicle; to provide for
5 exceptions; to provide for a civil penalty; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
10 issuance, expiration, and renewal of drivers' licenses, is amended by revising Code Section
11 40-5-24, relating to instruction permits, graduated licensing and related restrictions, and
12 temporary licenses, as follows:

13 "40-5-24.

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

24 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, any person
25 holding a valid Class C instruction permit may drive a Class C motor vehicle when
26 accompanied by a disabled parent or guardian who has been issued an identification

27 card containing the international handicapped symbol pursuant to Article 8 of this
28 chapter.

29 (C) A person who has been issued an instruction permit under this subsection shall be
30 prohibited from operating a motor vehicle upon the highways of this state while using
31 a stand-alone electronic device or wireless telecommunications device as such terms
32 are defined in Code Section 40-6-241 unless such use is to report a traffic accident,
33 medical emergency, fire, an actual or potential criminal or delinquent act, or road
34 condition which causes an immediate and serious traffic or safety hazard. A violation
35 of this subparagraph shall result in the imposition of a civil penalty of \$150.00 for each
36 violation.

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

52 (B) A person who is at least 16 years of age who has been issued an instruction permit
53 under this subsection and has never been issued a Class D driver's license under
54 subsection (b) of this Code section will become eligible for a Class D driver's license
55 under subsection (b) of this Code section upon completion of an approved driver
56 education training course as provided in subsection (a.2) of Code Section 40-5-22,
57 provided that such person has a valid instruction permit which is not under suspension,
58 and, for a period of not less than 12 consecutive months prior to making application for
59 a Class D driver's license, has not been convicted of a violation of Code Section
60 40-6-391, hit and run or leaving the scene of an accident in violation of Code Section
61 40-6-270, racing on highways or streets, using a motor vehicle in fleeing or attempting
62 to elude an officer, reckless driving, or convicted of any offense for which four or more
63 points are assessable under subsection (c) of Code Section 40-5-57.

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

66 (b)(1) ~~Any~~ Upon application by any resident of this state who ~~is at least 17 years of age~~
67 ~~and who, for a period of at least 12 months, had a valid instruction permit issued under~~
68 ~~subsection (a) of this Code section may apply to the department for a Class D driver's~~
69 ~~license to operate a noncommercial Class C vehicle if such resident has otherwise~~
70 ~~complied with all prerequisites for the issuance of such Class D driver's license as~~
71 ~~provided in subsection (a) of this Code section, provided that a resident at least 17 years~~
72 ~~of age who has at any age surrendered to the department shall issue such license upon~~
73 ~~surrender of a valid instruction permit or driver's license issued by the department. The~~
74 ~~department may allow an applicant who has been issued an instruction permit or driver's~~
75 ~~license by another state or the District of Columbia or who has submitted to the~~
76 ~~department proof, to the satisfaction of the department, of a valid instruction permit or~~
77 ~~driver's license issued by another state or the District of Columbia may to apply his or her~~
78 ~~driving record under such previously issued permit or driver's license toward meeting the~~
79 ~~eligibility requirements for a Class D driver's license the same as if such previously~~
80 ~~issued permit or driver's license were an instruction permit issued under subsection (a)~~
81 ~~of this Code section; provided, however, that a person such an eligible applicant who is~~
82 ~~at least 16 less than 17 years of age and meets all of the other qualifications of this~~
83 ~~paragraph except for age who has completed shall complete~~ an approved driver education
84 training course as provided in subsection (a.2) of Code Section 40-5-22 ~~may apply for~~
85 ~~prior to issuance of a Class D driver's license.~~

86 (2) ~~The department shall, after all applicable requirements have been met, issue to the~~
87 ~~applicant a Class D driver's license which issued pursuant to this Code section shall~~
88 ~~entitle the applicant, while having such license in his or her immediate possession, to~~
89 ~~drive a Class C motor vehicle upon the public highways of this state under the following~~
90 ~~conditions:~~

91 (A) Any Class D license holder shall not drive a Class C motor vehicle ~~on~~ upon the
92 ~~public roads, streets, or highways of this state between:~~

93 (i) Between the hours of 12:00 Midnight and 5:00 A.M. eastern standard time or
94 eastern daylight time, whichever is applicable; ~~and~~

95 (B)(ii) While using a stand-alone electronic device or wireless telecommunications
96 device as such terms are defined in Code Section 40-6-241 unless such use is to report
97 a traffic accident, medical emergency, fire, an actual or potential criminal or
98 delinquent act, or road condition which causes an immediate and serious traffic or
99 safety hazard; and

100 ~~(i)(iii) Any Class D license holder shall not drive a Class C motor vehicle upon the~~
 101 ~~public roads, streets, or highways of this state when~~ When more than three other
 102 passengers in the vehicle who are not members of the driver's immediate family are
 103 less than 21 years of age;

104 ~~(ii)(B)(i)~~ During the first six-month period immediately following issuance of such
 105 license, any Class D license holder shall not drive a Class C motor vehicle upon the
 106 ~~public roads, streets, or highways of this state when any other passenger in the vehicle~~
 107 is not a member of the driver's immediate family.

108 ~~(iii)(ii) During~~ Notwithstanding the provisions of division (i) of this subparagraph,
 109 ~~during~~ the second six-month period immediately following issuance of such license,
 110 any Class D license holder shall not drive a Class C motor vehicle upon the ~~public~~
 111 ~~roads, streets, or highways of this state when more than one other passenger in the~~
 112 vehicle who is not a member of the driver's immediate family is less than 21 years of
 113 age;

114 (C)(i) Except as provided for in division (ii) of this subparagraph, provided, however,
 115 ~~that~~ a Class D license holder shall not be charged with a violation of this paragraph
 116 alone but may be charged with violating this paragraph in addition to any other traffic
 117 offense; and

118 (ii) A violation of division (ii) of subparagraph (A) of this paragraph shall result in
 119 the imposition of a civil penalty of \$150.00 for each violation; and

120 ~~(D)~~ For purposes of this paragraph, the term 'immediate family' shall include the
 121 license holder's parents and step-parents, grandparents, siblings and step-siblings,
 122 children, and any other person who resides at the license holder's residence.

123 (3) A person who is at least 18 years of age who has been issued a Class D driver's
 124 license under this subsection and has never been issued a Class C driver's license under
 125 this chapter will become eligible for a Class C driver's license under this chapter only if
 126 such person has a valid Class D driver's license which is not under suspension and, for
 127 a period of not less than 12 consecutive months prior to making application for a Class
 128 C driver's license, has not been convicted of a violation of Code Section 40-6-391, hit and
 129 run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on
 130 highways or streets, using a motor vehicle in fleeing or attempting to elude an officer,
 131 reckless driving, or convicted of any offense for which four or more points are assessable
 132 under subsection (c) of Code Section 40-5-57 ~~and is at least 18 years of age.~~

133 (c) Any resident of this state who is at least 17 years of age may apply to the department
 134 for a noncommercial Class M motorcycle instruction permit. The department shall, after
 135 the applicant has successfully passed all parts of the examination other than the driving test,
 136 issue to the applicant an instruction permit which shall entitle the applicant, while having

137 such permit in his or her immediate possession, to drive a motorcycle or a motor driven
138 cycle upon the public highways of this state for a period of six months; provided, however,
139 that a person who is at least 16 years of age and meets all of the other qualifications of this
140 subsection except for age who has completed an approved driver education training course
141 as provided in subsection (a.2) of Code Section 40-5-22 may apply for a Class M
142 motorcycle instruction permit. A motorcycle instruction permit shall not be valid when
143 carrying passengers, on a limited access highway, ~~or~~ at night, or while using a stand-alone
144 electronic device or wireless telecommunications device as such terms are defined in Code
145 Section 40-6-241 unless such use is to report a traffic accident, medical emergency, fire,
146 an actual or potential criminal or delinquent act, or road condition which causes an
147 immediate and serious traffic or safety hazard. Use of such devices shall be considered an
148 offense of improper use of a motorcycle instruction permit and shall result in the
149 imposition of a civil penalty of \$150.00.

150 (d) Any resident of this state who is at least 18 years of age may apply to the department
151 for an instruction permit to operate noncommercial vehicles in Classes E and F. Such
152 permits may be issued only to persons with valid commercial or noncommercial Class C
153 licenses or persons who have passed all required tests for a commercial or noncommercial
154 Class C license. The department shall, after the applicant has successfully passed all parts
155 of the appropriate examination other than the skill and driving test, issue to the applicant
156 an instruction permit which shall entitle the applicant, while having the permit in his or her
157 immediate possession, to operate a vehicle of the appropriate noncommercial class upon
158 the public highways of this state for a period of 12 months when accompanied by a
159 licensed driver, qualified in the vehicle being operated, who is fit and capable of exercising
160 control over the vehicle, and who is occupying a seat beside the driver as an instructor.
161 Prior to being issued a driver's license for Classes E and F, the applicant shall pass a
162 knowledge and skill test for driving a Class E or F motor vehicle as provided by the
163 commissioner.

164 (e) The department shall issue a temporary driver's permit to an applicant for a driver's
165 license permitting him or her to operate a specified type or class of motor vehicle while the
166 department is completing its investigation and determination of all facts relative to such
167 applicant's eligibility to receive a driver's license. Such permit must be in his or her
168 immediate possession while operating a motor vehicle, and it shall be invalid when the
169 applicant's license has been issued or for good cause has been refused. Such permit shall
170 be valid for no more than 45 days. When a license has been refused, the permit shall be
171 returned to the department within ten days of receipt of written notice of refusal.

172 (f) For the purposes of this Code section, the term 'approved driver education training
173 course' shall include those driver education training courses approved by the Department
174 of Driver Services."

175 **SECTION 2.**

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