

House Bill 466

By: Representatives Powell of the 32nd, Williams of the 145th, Ridley of the 6th, Corbett of the 174th, Petrea of the 166th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 and Chapter 13 of Title 43 of the Official Code of Georgia
2 Annotated, relating to relating to drivers' licenses and driver training schools, respectively,
3 so as to reduce the number of required hours in the intervention component of DUI Alcohol
4 or Drug Use Risk Reduction Programs; to allow licensed driver training schools to conduct
5 on-the-road testing; to provide for driving training requirements; to provide for waiver of
6 certain fees; to provide for standards for examination of applicants by a driver training
7 school; to provide for issuance of a license to driving school instructors to teach certain
8 courses and perform driver's examinations; to provide for definitions and conforming
9 changes; to provide for related matters; to provide for an effective date and applicability; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
14 is amended in Code Section 40-5-1, relating to definitions, by revising paragraph (10) and
15 by adding a new paragraph to read as follows:

H. B. 466

16 "(8.1) 'Driver training school' means any person licensed by the department pursuant to
17 Chapter 13 of Title 43."

18 "(10) 'Intervention component' means a program which delivers therapeutic education
19 about alcohol and drug use and driving and peer group counseling concerning alcohol and
20 drug use over a period of ~~20~~ 16 hours utilizing a methodology and curriculum approved
21 and certified by the ~~Department of Driver Services~~ department for the DUI Alcohol or
22 Drug Use Risk Reduction Programs under subsection (e) of Code Section 40-5-83."

23 **SECTION 2.**

24 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be
25 licensed, minimum ages for licensees, school enrollment requirements, driving training
26 requirements, limited driving permit, and expired licenses, by revising
27 subparagraph (a.2)(1)(A) and paragraphs (4) and (5) of subsection (a.2), as follows:

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

34 "(4) For ~~the~~ purposes of this Code section, the term 'approved driver education training
35 course' shall include those driver education training courses approved by the ~~Department~~
36 ~~of Driver Services~~.

37 ~~(5) For purposes of this Code section, the term 'approved driver education training~~
38 ~~course' shall include~~ department and instruction given in the course of a home education
39 program that satisfies the reporting requirements of all state laws governing such
40 programs, provided that such instruction utilizes a curriculum approved by the

41 department. Such courses may be offered through in-person instruction, online courses,
42 or remote participation platforms."

43 **SECTION 3.**

44 Said chapter is further amended in Code Section 40-5-25, relating to applications, fees,
45 waiver of fees, and provisions for voluntary participation in various programs, by revising
46 paragraph (2) of subsection (b) as follows:

47 "(2) The department shall waive the license fee for each person applying for a Class P
48 noncommercial instruction permit for a Class C driver's license when the noncommercial
49 knowledge test is to be administered by a ~~licensed~~ driver training school or public or
50 private high school authorized to administer such tests as provided for in subsection (d)
51 of Code Section 40-5-27."

52 **SECTION 4.**

53 Said chapter is further amended in Code Section 40-5-27, relating to examination of
54 applicants for drivers' licenses, by revising subsection (d) as follows:

55 "(d)(1) The department shall authorize ~~licensed~~ driver training schools qualified pursuant
56 to the provisions of this subsection to conduct knowledge tests, on-the-road driving ~~skills~~
57 tests, and other tests required for issuance of a driver's license ~~as provided in this~~
58 ~~subsection~~. The department shall, prior to approving a ~~licensed~~ driver training school to
59 conduct tests as provided in this subsection, make a determination that the school has
60 been licensed for a minimum of ~~two~~ five years and has conducted driver education
61 training courses on a full-time basis for such ~~two-year period~~ and that such school meets
62 ~~all other standards which the department may establish as a condition for approval to~~
63 ~~conduct such tests. The department shall authorize a driver training school licensed~~
64 ~~pursuant to Chapter 13 of Title 43 and approved by the department to administer the~~
65 ~~on-the-road driving skills testing provided for in this Code section, provided that the~~

66 ~~applicant has successfully completed: five-year period. A driver training school~~
67 ~~otherwise qualified to conduct tests pursuant to this subsection shall be limited to~~
68 ~~providing the on-the-road driving test to a person who completes the required driver~~
69 ~~education training with such school and has otherwise satisfied the requirements of this~~
70 ~~chapter.~~

71 ~~(A)(i) A classroom or online driver training course licensed by the department and~~
72 ~~which includes a minimum of 30 class hours of instruction, and~~

73 ~~(ii) Six hours of private in-car instruction provided by a licensed instructor employed~~
74 ~~by the licensed driver training school administering such on-the-road driving skills~~
75 ~~test.~~

76 ~~(B) For any applicant 18 years of age or older, a minimum of six hours of private in-car~~
77 ~~instruction provided by a licensed instructor employed by the licensed driver training~~
78 ~~school administering such on-the-road driving skills test.~~

79 (2) The department may establish by rules and regulations the type of tests or
80 demonstrations to be made by applicants for any Class P instruction permit, Class C
81 driver's license, or Class D driver's license under this Code section.

82 (3) The department may authorize public and private high schools to conduct knowledge
83 tests required for issuance of a Class P instruction permit or Class D driver's license or
84 both."

85 SECTION 5.

86 Said chapter is further amended by replacing "driver education or improvement school" with
87 "driver training school" wherever the former appears in:

88 (1) Code Section 40-5-58, relating to habitual violators and probationary licenses;

89 (2) Code Section 40-5-64, relating to limited driving permits for certain offenders; and

90 (3) Code Section 40-5-64.1, relating to ignition interlock device limited driving permits.

SECTION 6.

91

92 Said chapter is further amended in Code Section 40-5-83, relating to establishment, approval,
93 and operation of clinics and programs, out-of-state certificates of completion, instructor
94 licenses, fees, and submission of fingerprints by applicants, by revising paragraphs (1.1)
95 and (2) of subsection (a) as follows:

96 ~~"(1.1)(2)(A)~~ (A) No driver improvement clinic shall be permitted to use, adopt, or conduct
97 any business under any name that is like or deceptively similar to any name used by any
98 other driver improvement clinic, Georgia company, or Georgia corporation registered
99 with the Secretary of State. This subparagraph shall not prohibit the franchising or
100 licensing of any part or all of the name of a driver improvement clinic by the owner or
101 the rights thereof to another licensed driver improvement clinic.

102 (B) This paragraph shall not prohibit the franchising or licensing of any part or all of
103 the name of a clinic by the owner of the rights therein to another licensed driver
104 improvement clinic.

105 ~~(2) The commissioner may issue a special license to the instructor of any licensed driver~~
106 ~~training school authorizing such instructor to teach a defensive driving course at a driver~~
107 ~~improvement clinic approved pursuant to this Code section if such instructor is qualified~~
108 ~~to teach a teen-age driver education course which consists of a minimum of 30 hours of~~
109 ~~classroom and six hours of behind-the-wheel training and such instructor certifies to the~~
110 ~~commissioner that he or she has provided at least 300 hours of behind-the-wheel training~~
111 ~~in a teen-age driver education course."~~

112

SECTION 7.

113 Said chapter is further amended in Code Section 40-5-147, relating to requirements for
114 issuance of commercial driver's license or instruction permit, administration of skills test by
115 third party, waiver or exemption, and disqualification and notice, by revising paragraph (2)
116 of subsection (a) as follows:

117 "(2) The department may authorize a ~~person~~ third party, including an agency of this or
 118 another state, an employer, a ~~private driver training facility, or other private institution~~
 119 a driver training school, or a public or private high school or a department, agency, or
 120 instrumentality of a local government, to administer the skills test specified by this Code
 121 section, provided that:

122 (A) The test is the same which would otherwise be administered by the state;

123 (B) The third party has entered into an agreement with the state which complies with
 124 the requirements set forth in 49 C.F.R. Part 383.75;

125 (C) The third party complies with all other requirements set by the department by
 126 regulations; and

127 (D) The third party possesses and maintains a surety bond in an amount to be set by the
 128 department through regulations. Such amount shall be sufficient to pay for retesting of
 129 drivers if required due to examiners engaging in fraudulent activities related to the skills
 130 test."

131 **SECTION 8.**

132 Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training
 133 schools, is amended in Code Section 43-13-2, relating to definitions, by revising
 134 paragraph (3) as follows:

135 "(3) 'Driver training course' means ~~a course including but not limited to classroom~~
 136 ~~instruction; behind-the-wheel instruction; instruction by means of simulation training;~~
 137 ~~and defensive driving, distance learning, or virtual driver training courses approved by~~
 138 ~~the Department of Driver Services~~ instruction for the purpose of assisting persons to meet
 139 the requirements for licensed driving of Class C or Class M motor vehicles in this state
 140 and which may be offered through in-person instruction, online courses, or remote
 141 participation platforms."

142 **SECTION 9.**

143 Said chapter is further amended by adding a new Code section to read as follows:

144 "43-13-6.2.

145 (a) The commissioner of driver services shall be authorized to issue a special license to the
146 instructor of any driver training school authorizing such instructor to teach a defensive
147 driving course at a driver improvement clinic approved pursuant to Code Section 40-5-83
148 if such instructor is qualified to teach a teen-age driver education course which consists of
149 a minimum of 30 hours of classroom and six hours of behind-the-wheel training and such
150 instructor certifies to the commissioner that he or she has provided at least 300 hours of
151 behind-the-wheel training in a teen-age driver education course.

152 (b) The commissioner of driver services shall be authorized to issue a special license to the
153 instructor of any driver training school authorizing such instructor to serve as a driver's
154 license examiner and conduct tests required for issuance of a driver's license pursuant to
155 subsection (d) of Code Section 40-5-27 if such instructor has held his or her license with
156 a driver training school for at least six months and certifies to the commissioner that he or
157 she has provided at least 500 hours of behind-the-wheel training."

158 **SECTION 10.**

159 This Act shall become effective on July 1, 2021, and shall apply to offenses committed on
160 or after that date.

161 **SECTION 11.**

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