

House Bill 466 (COMMITTEE SUBSTITUTE)

By: Representatives Powell of the 32<sup>nd</sup>, Williams of the 145<sup>th</sup>, Ridley of the 6<sup>th</sup>, Corbett of the 174<sup>th</sup>, Petrea of the 166<sup>th</sup>, 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 provide for driver education training courses; to  
5 allow driver training schools to conduct on-the-road testing; to provide for driving training  
6 requirements; to provide for waiver of certain fees; to provide for standards for examination  
7 of applicants by a driver training school; to provide for issuance of a license to driving school  
8 instructors to teach certain courses and perform driver's examinations; to provide for transfer  
9 of ownership of driver training schools; to provide for definitions and conforming changes;  
10 to provide for related matters; to provide for an effective date and applicability; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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17 "(8.1) 'Driver education training course' means any course approved by the department  
18 pursuant to Code Section 40-5-10.

19 (8.2) 'Driver training school' means any person licensed by the department pursuant to  
20 Chapter 13 of Title 43."

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

26 **SECTION 2.**

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

28 "40-5-10.

29 (a) The department shall establish standards for approval of curriculum for a driver  
30 education training course, provided that such course shall be designed to educate young  
31 drivers about safe driving practices and the traffic laws of this state and to train young  
32 drivers in the safe operation of motor vehicles.

33 (b) The department shall provide for the approval of similar courses from other states to  
34 satisfy the requirements of this chapter relating to driver education training courses for any  
35 child moving into this state within nine months of his or her sixteenth birthday when the  
36 child's parent is in the active military service of the United States.

37 (c) Driver education training courses may be offered:

38 (1) By the department, a driver training school, a public or private high school, or a home  
39 education instructor; and

40 (2) Through in-person instruction, online courses, or remote participation platforms  
41 provided by in-person instruction providers.

42 (d) The department shall promulgate rules and regulations to implement the provisions of  
 43 this Code section."

44 **SECTION 3.**

45 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be  
 46 licensed, minimum ages for licensees, school enrollment requirements, driving training  
 47 requirements, limited driving permit, and expired licenses, by revising subsection (a.2) as  
 48 follows:

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

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

59 (B) Is at least 17 years of age and has completed a cumulative total of at least 40 hours  
 60 of supervised driving experience, including at least six hours at night, ~~and the same~~  
 61 which is verified in writing and signed before a person authorized to administer oaths  
 62 by a parent or guardian of the applicant or by the applicant if such person is at least 18  
 63 years of age; provided, however, that a person 17 years of age or older who becomes  
 64 a resident of this state, who meets all of the qualifications for issuance of a Class C  
 65 license with the exception of the completion of ~~an approved~~ a driver education training  
 66 course and at least 40 hours of supervised driving experience as required by  
 67 subparagraph (A) of this subsection, and who has in his or her immediate possession

68 a valid license equivalent to a Class C license issued to him or her in another state or  
69 country shall be entitled to receive a Class C license.

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

78 ~~(3)~~(2) For purposes of supervised driving experience under paragraph (1) of this  
79 subsection, supervision shall be provided by a person at least 21 years of age who is  
80 licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and  
81 capable of exercising control over the vehicle, and who is occupying a seat beside the  
82 driver.

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

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

90 **SECTION 4.**

91 Said chapter is further amended in Code Section 40-5-24, relating to instruction permits,  
92 graduated licensing and related restrictions, and temporary licenses, by revising  
93 paragraph (2) of subsection (a) and subsections (c) and (f) as follows:

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94       "(2) A person who has been issued an instruction permit under this subsection and has  
95       never been issued a Class D driver's license under subsection (b) of this Code section will  
96       become eligible for a Class D driver's license under subsection (b) of this Code section  
97       only if such person is at least 17 years of age, has a valid instruction permit which is not  
98       under suspension, and, for a period of not less than 12 consecutive months prior to  
99       making application for a Class D driver's license, has not been convicted of a violation  
100       of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of  
101       Code Section 40-6-270, racing on highways or streets in violation of Code Section  
102       40-6-186, using a motor vehicle in fleeing or attempting to elude an officer in violation  
103       of Code Section 40-6-395, reckless driving in violation of Code Section 40-6-390, or  
104       convicted of any offense for which four or more points are assessable under subsection  
105       (c) of Code Section 40-5-57; provided, however, that a person who is at least 16 years of  
106       age and meets all of the other qualifications of this paragraph except for age who has  
107       completed ~~an approved~~ a driver education training course as ~~provided in subsection (a.2)~~  
108       ~~of Code Section 40-5-22~~ will be eligible for a Class D driver's license."

109       "(c) Any resident of this state who is at least 17 years of age may apply to the department  
110       for a noncommercial Class M motorcycle instruction permit. The department shall, after  
111       the applicant has successfully passed all parts of the examination other than the driving test,  
112       issue to the applicant an instruction permit which shall entitle the applicant, while having  
113       such permit in his or her immediate possession, to drive a motorcycle or a motor driven  
114       cycle upon the public highways for a period of six months; provided, however, that a  
115       person who is at least 16 years of age and meets all of the other qualifications of this  
116       subsection except for age who has completed ~~an approved~~ a driver education training  
117       course as ~~provided in subsection (a.2) of Code Section 40-5-22~~ may apply for a Class M  
118       motorcycle instruction permit. A motorcycle instruction permit shall not be valid when  
119       carrying passengers, on a limited access highway, or at night."

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

123 **SECTION 5.**

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

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

132 **SECTION 6.**

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

135 "~~(d)(1)~~ The department shall authorize ~~licensed~~ driver training schools qualified pursuant  
136 to the provisions of this subsection to conduct knowledge tests, on-the-road driving ~~skills~~  
137 tests, and other tests required for issuance of a driver's license; provided that any driver  
138 training school authorized to conduct such tests shall continue to provide driver education  
139 training courses on a full-time basis during any period of time such school is authorized to  
140 conduct testing. ~~as provided in this subsection. The department shall, prior to approving~~  
141 ~~a licensed driver training school to conduct tests as provided in this subsection, make a~~  
142 ~~determination that the school has been licensed for a minimum of two years and has~~  
143 ~~conducted driver education courses on a full-time basis for such two-year period and that~~

144 ~~such school meets all other standards which the department may establish as a condition~~  
145 ~~for approval to conduct such tests.~~

146 (1) The department shall authorize a driver training school ~~licensed pursuant to~~  
147 ~~Chapter 13 of Title 43 and approved by the department~~ which has been licensed for a  
148 minimum of two years and conducted driver education training courses on a full-time  
149 basis for at least two years to administer the on-the-road driving skills testing provided  
150 for in this Code section, provided that ~~the applicant has successfully completed:~~

151 (A)(i) An applicant under 18 years of age has successfully completed:

152 (i) ~~A classroom or online driver education~~ training course licensed by the department  
153 ~~and~~ which includes a minimum of 30 class hours of instruction; and

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

157 (B) ~~For any~~ An applicant 18 years of age or older; has successfully completed a  
158 minimum of six hours of private in-car instruction provided by a licensed instructor  
159 employed by the licensed driver training school administering such on-the-road driving  
160 skills test.

161 (2) The department shall authorize a driver training school which has administered the  
162 on-the-road driving test as provided for in subparagraph (A) of paragraph (1) of this  
163 subsection for five years or more to administer the on-the road driving test to any  
164 applicant 17 years of age or older; provided, however that any driver training school  
165 which had administered the on-the-road driving test as provided for in subparagraph (A)  
166 of paragraph (1) of this subsection for at least two years on January 1, 2021, shall be  
167 authorized to administer the on-the road driving test to any applicant 17 years of age or  
168 older.

169 ~~(2)~~(3) The department may establish by rules and regulations the type of tests or  
 170 demonstrations to be made by applicants for any Class P instruction permit, Class C  
 171 driver's license, or Class D driver's license under this Code section.

172 ~~(3)~~(4) The department may authorize public and private high schools to conduct  
 173 knowledge tests required for issuance of a Class P instruction permit or Class D driver's  
 174 license or both."

175 **SECTION 7.**

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

180 ~~(1.1)~~(2)(A) No driver improvement clinic shall be permitted to use, adopt, or conduct  
 181 any business under any name that is like or deceptively similar to any name used by any  
 182 other driver improvement clinic, Georgia company, or Georgia corporation registered  
 183 with the Secretary of State. This subparagraph shall not prohibit the franchising or  
 184 licensing of any part or all of the name of a driver improvement clinic by the owner or  
 185 the rights thereof to another licensed driver improvement clinic.

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

189 ~~(2) The commissioner may issue a special license to the instructor of any licensed driver  
 190 training school authorizing such instructor to teach a defensive driving course at a driver  
 191 improvement clinic approved pursuant to this Code section if such instructor is qualified  
 192 to teach a teen-age driver education course which consists of a minimum of 30 hours of  
 193 classroom and six hours of behind-the-wheel training and such instructor certifies to the~~

194 commissioner that he or she has provided at least 300 hours of behind-the-wheel training  
195 in a teen-age driver education course."

196 "(c) The commissioner shall be authorized to issue a special license to the instructor of any  
197 driver improvement clinic who is qualified to teach the alcohol and drug course prescribed  
198 in subsection (b) of Code Section 20-2-142. A driver improvement clinic shall offer such  
199 alcohol and drug course only through a qualified instructor and shall not charge a fee for  
200 such course of more than \$25.00. The commissioner shall be authorized to issue a special  
201 license to a licensed instructor of any driver training school to teach the alcohol and drug  
202 course prescribed in subsection (b) of Code Section 20-2-142 who is qualified to teach a  
203 ~~teen-age~~ driver education training course, which course consists of a minimum of 30 hours  
204 of classroom and six hours of behind-the-wheel training. The alcohol and drug program  
205 may be included in the 30 hours of classroom training as part of a curriculum approved by  
206 the department. Any fee authorized by law for such a drug and alcohol course may be  
207 included in the tuition charge for a ~~teen-age~~ driver education training course. Any text or  
208 workbook provided or required by the ~~Department of Driver Services~~ department for such  
209 alcohol and drug course shall be provided by the department at the same fee as currently  
210 charged by the department to any public or private school, contractor, or appropriate  
211 representative currently teaching the program."

212

### SECTION 8.

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

217 "(2) The department may authorize a ~~person~~ third party, including an agency of this or  
218 another state, an employer, a ~~private driver training facility, or other private institution~~  
219 driver training school, or a public or private high school or a department, agency, or

220 instrumentality of a local government, to administer the skills test specified by this Code  
 221 section, provided that:

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

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

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

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

231 **SECTION 9.**

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

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

242 **SECTION 10.**

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

244 "43-13-6.2.

245 (a) The commissioner of driver services shall be authorized to issue a special license to the  
246 instructor of any driver training school authorizing such instructor to teach a defensive  
247 driving course at a driver improvement clinic approved pursuant to Code Section 40-5-83  
248 if such instructor is qualified to teach a driver education training course in accordance with  
249 Chapter 5 of Title 40 which consists of a minimum of 30 hours of classroom and six hours  
250 of behind-the-wheel training and such instructor certifies to the commissioner that he or  
251 she has provided at least 300 hours of behind-the-wheel training in a driver education  
252 training course in accordance with Chapter 5 of Title 40.

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

259 **SECTION 11.**

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

261 "43-13-7.2.

262 Whenever there is a change in ownership of a driver training school, the department shall  
263 be notified no later than 30 days after such change in ownership. After any change in  
264 ownership to any person otherwise qualified to operate a driver training school pursuant  
265 to this chapter, the department shall consider the duration of operation of any previous  
266 owner in any required calculation for duration of operation by a successor owner."

267

**SECTION 12.**

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

270

**SECTION 13.**

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