

Senate Bill 402

By: Senators Ginn of the 47th, Albers of the 56th, Summers of the 13th, Williams of the 25th, Goodman of the 8th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to
 2 instruction permits, graduated licensing and related restrictions, and temporary licenses
 3 relative to the operation of a motor vehicle, so as to revise restrictions upon the operation of
 4 Class C motor vehicles by Class D license holders with certain passengers in the vehicle; to
 5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction
 9 permits, graduated licensing and related restrictions, and temporary licenses relative to the
 10 operation of a motor vehicle, is amended by revising paragraph (2) of subsection (b) as
 11 follows:

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

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16 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public
17 roads, streets, or highways of this state between the hours of 12:00 Midnight and
18 5:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

19 (B)(i) Except as otherwise provided in division (ii) of this subparagraph, any Any
20 Class D license holder shall not drive a Class C motor vehicle upon the public roads,
21 streets, or highways of this state when more than three other passengers in the vehicle
22 who are not members of the driver's immediate family are less than 21 years of age.

23 (ii) During the ~~six-month~~ twelve-month period immediately following issuance of
24 such license, any Class D license holder shall not drive a Class C motor vehicle upon
25 the public roads, streets, or highways of this state when any more than one other
26 passenger in the vehicle who is not a member of the driver's immediate family;

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

32 provided, however, that a Class D license holder shall not be charged with a violation of
33 this paragraph alone but may be charged with violating this paragraph in addition to any
34 other traffic offense; and

35 (C) For purposes of this paragraph, the term 'immediate family' shall include the
36 license holder's parents and stepparents, grandparents, siblings and stepsiblings,
37 children, and any other person who resides at the license holder's residence."

38 SECTION 2.

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