

House Bill 223

By: Representatives Waites of the 60<sup>th</sup>, Jones of the 53<sup>rd</sup>, Beasley-Teague of the 65<sup>th</sup>, McClain of the 100<sup>th</sup>, and Sharper of the 177<sup>th</sup>

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:

13 PART I  
14 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.

19 PART II  
20 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 of, including, but not limited to, classroom instruction; behind-the-wheel  
 27 instruction; instruction by means of simulation training; and defensive driving, distance  
 28 learning, or virtual driver training programs, approved by the Department of Driver  
 29 Services for the purpose of assisting students to meet the requirements for licensed driving  
 30 of Class C or Class M motor vehicles in this state.

31 (b) Beginning in the 2018-2019 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. Such elective course shall be taught by a driving  
 34 instructor licensed by the Department of Driver Services in accordance with the provisions  
 35 of Chapter 13 of Title 43, 'The Driver Training School and Commercial Driver Training  
 36 School License Act,' or approved by the Professional Standards Commission with a Safety  
 37 and Driver Education endorsement.

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

42 **PART III**

43 **SECTION 3-1.**

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

47 "(11) Any resident who is ~~15~~ 16 years of age or over while taking actual in-car training  
 48 in a training vehicle other than a commercial motor vehicle under the direct personal  
 49 supervision of a driving instructor approved by the Professional Standards Commission  
 50 with a Safety and Driver Education endorsement or a driving instructor when such  
 51 driving instructor and training vehicle are licensed by the department in accordance with  
 52 the provisions of Chapter 13 of Title 43, 'The Driver Training School and Commercial  
 53 Driver Training School License Act.' As used in the previous sentence, the term  
 54 'commercial motor vehicle' shall have the meaning specified in Code Section 40-5-142.  
 55 All vehicles utilized for the in-car training authorized under this paragraph shall be  
 56 equipped with dual controlled brakes and shall be marked with signs in accordance with  
 57 the rules of the department clearly identifying such vehicles as training cars ~~belonging~~  
 58 ~~to a licensed driving school.~~ A driving instructor shall test the eyesight of any unlicensed

59 person who will be receiving actual in-car training prior to commencement of such  
 60 training, and no unlicensed driver shall receive in-car training unless such person has at  
 61 least the visual acuity and horizontal field of vision as is required for issuance of a  
 62 driver's license in subsection (c) of Code Section 40-5-27; and"

### 63 SECTION 3-2.

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

67 "(a.2)(1) On and after ~~January 1, 2002~~ July 1, 2018, the department shall not issue any  
 68 initial Class D driver's license or, in the case of a person who has never been issued a  
 69 Class D driver's license by the department or the equivalent thereof by any other  
 70 jurisdiction, any initial Class C driver's license unless such person:

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

77 ~~(B) Is at least 17 years of age and has completed a cumulative total of at least 40 hours~~  
 78 ~~of supervised driving experience including at least six hours at night, and the same is~~  
 79 ~~verified in writing signed before a person authorized to administer oaths by a parent or~~  
 80 ~~guardian of the applicant or by the applicant if such person is at least 18 years of age;~~  
 81 ~~provided, however, that a person 17 years of age or older who becomes a resident of~~  
 82 ~~this state, who meets all of the qualifications for issuance of a Class C license with the~~  
 83 ~~exception of the completion of an approved driver education training course and at least~~  
 84 ~~40 hours of supervised driving experience as required by this subsection, and who has~~  
 85 ~~in his or her immediate possession a valid license equivalent to a Class C license issued~~  
 86 ~~to him or her in another state or country shall be entitled to receive a Class C license.~~

87 (2) The commissioner shall by rule or regulation establish standards for approval of any  
 88 driver education course for purposes of ~~subparagraph (A) of~~ paragraph (1) of this  
 89 subsection, provided that such course shall be designed to educate young drivers about  
 90 safe driving practices and the traffic laws of this state and to train young drivers in the  
 91 safe operation of motor vehicles; ~~and~~ provided, further, that the commissioner shall  
 92 provide for the approval of courses from other states to satisfy the requirements of this  
 93 paragraph for any child moving into this state within nine months of his or her ~~sixteenth~~

94 seventeenth birthday when the child's parent is in the active military service of the United  
95 States.

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

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

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

### 108 SECTION 3-3.

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

112 "40-5-22.1.

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

**SECTION 3-4.**

129  
130 Said chapter is further amended in Code Section 40-5-24, relating to instruction permits,  
131 graduated licensing, and temporary licenses, by revising subsection (a) as follows:

132       “(a)(1)(A) ~~Any~~ On or after July 1, 2018, any resident of this state who is at least ~~15~~ 16  
133 years of age may apply to the department for an instruction permit to operate a  
134 noncommercial Class C vehicle. The department shall, after the applicant has  
135 successfully passed all parts of the examination referred to in Code Section 40-5-27  
136 other than the driving test, issue to the applicant an instruction permit which shall  
137 entitle the applicant, while having such permit in his or her immediate possession, to  
138 drive a Class C vehicle upon the public highways for a period of ~~two years~~ one year  
139 when accompanied by a person at least 21 years of age who is licensed as a driver for  
140 a commercial or noncommercial Class C vehicle, who is fit and capable of exercising  
141 control over the vehicle, and who is occupying a seat beside the driver.

142       (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, any person  
143 holding a valid Class C ~~instructional~~ instruction permit may drive a Class C motor  
144 vehicle when accompanied by a disabled parent or guardian who has been issued an  
145 identification card containing the international handicapped symbol pursuant to Article  
146 8 of this chapter.

147       (2) A person who has been issued an instruction permit ~~under this subsection~~ to operate  
148 a noncommercial Class C vehicle prior to July 1, 2018, and has never been issued a Class  
149 D driver's license under subsection (b) of this Code section will become eligible for a  
150 Class D driver's license under subsection (b) of this Code section only if such person is  
151 at least 17 years of age, has a valid instruction permit which is not under suspension, and,  
152 for a period of not less than 12 consecutive months prior to making application for a  
153 Class D driver's license, has not been convicted of a violation of Code Section 40-6-391,  
154 hit and run or leaving the scene of an accident in violation of Code Section 40-6-270,  
155 racing on highways or streets, using a motor vehicle in fleeing or attempting to elude an  
156 officer, reckless driving, or ~~convicted of~~ any offense for which four or more points are  
157 assessable under subsection (c) of Code Section 40-5-57; provided, however, that a  
158 person who is at least 16 years of age and meets all of the other qualifications of this  
159 paragraph except for age who has completed an approved driver education training course  
160 as provided in subsection (a.2) of Code Section 40-5-22 will be eligible for a Class D  
161 driver's license.

162       (3) A person who has been issued an instruction permit under this subsection on or after  
163 July 1, 2018, and has never been issued a Class D driver's license under subsection (b)  
164 of this Code section will become eligible for a Class D driver's license under subsection  
165 (b) of this Code section only if such person is at least 18 years of age, has a valid

166 instruction permit which is not under suspension, and, for a period of not less than 12  
 167 consecutive months prior to making application for a Class D driver's license, has not  
 168 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene  
 169 of an accident in violation of Code Section 40-6-270, racing on highways or streets, using  
 170 a motor vehicle in fleeing or attempting to elude an officer, reckless driving, or any  
 171 offense for which four or more points are assessable under subsection (c) of Code Section  
 172 40-5-57; provided, however, that a person who is at least 17 years of age and meets all  
 173 of the other qualifications of this paragraph except for age who has completed an  
 174 approved driver education training course as provided in subsection (a.2) of Code Section  
 175 40-5-22 will be eligible for a Class D driver's license.

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

### 178 SECTION 3-5.

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

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

## 185 PART IV

### 186 SECTION 4-1.

187 (a) Part II of this Act shall become effective on July 1, 2019, only if there is ratified at the  
 188 November, 2018, general election a constitutional amendment authorizing the General  
 189 Assembly to dedicate revenues for the funding of driver education and training for teenagers.  
 190 If no such amendment is proposed by the General Assembly, if such amendment is rejected  
 191 by the electors, or if the election to ratify the proposed amendment is not held at the time of  
 192 the November, 2018, general election, this Act shall be repealed on July 1, 2019.

193 (b) Part I and Part III of this Act shall become effective on July 1, 2017, except that this Act  
 194 shall become effective for purposes of promulgating rules or regulations upon its approval  
 195 by the Governor or upon its becoming law without such approval.

### 196 SECTION 4-2.

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