

House Bill 466 (AS PASSED HOUSE AND SENATE)

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 provide for driver education training courses; to provide for requirements for the
4 issuance of Class C and Class D drivers' licenses; to provide for exemptions; to allow driver
5 training schools to conduct on-the-road testing; to provide for driving training requirements;
6 to provide for waiver of certain fees; to provide for standards for examination of applicants
7 by a driver training school; to provide for issuance of a license to driving school instructors
8 to teach certain courses and perform driver's examinations; to provide for transfer of
9 ownership of driver training schools, risk reduction programs, and driver improvement
10 programs; to provide for definitions and conforming changes; to provide for related matters;
11 to repeal 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 adding new paragraphs to read
16 as follows:

H. B. 466

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 **SECTION 2.**

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

23 "40-5-10.

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

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

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

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

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

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

39 **SECTION 3.**

40 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be
41 licensed, minimum ages for licensees, school enrollment requirements, driving training

42 requirements, limited driving permit, and expired licenses, by revising subsections (a)
43 and (a.2) as follows:

44 "(a) Except as otherwise provided in this Code section, the department shall not issue any
45 Class C driver's license to any person who is under 18 years of age or Class M driver's
46 license to any person who is under ~~the age of~~ 17 years of age, except that the department
47 may, under subsection (a) of Code Section 40-5-24, issue a Class P instruction permit
48 permitting the operation of a noncommercial Class C vehicle to any person who is at least
49 15 years of age, and may, under ~~subsection (b) of~~ Code Section 40-5-24, issue a Class D
50 driver's license permitting the operation of a noncommercial Class C vehicle to any person
51 who is at least ~~17~~ 16 years of age. ~~On and after January 1, 1985, the department shall not~~
52 ~~issue any driver's license to any person under 18 years of age unless such person presents~~
53 ~~a certificate or other evidence acceptable to the department which indicates satisfactory~~
54 ~~completion of an alcohol and drug course as prescribed in subsection (b) of Code Section~~
55 ~~20-2-142; provided, however, that a person under 18 years of age who becomes a resident~~
56 ~~of this state and who has in his or her immediate possession a valid license issued to him~~
57 ~~or her in another state or country shall not be required to take or complete the alcohol and~~
58 ~~drug course.~~ The department shall not issue a driver's license or a Class P instruction
59 permit for the operation of a Class A or B vehicle or any commercial driver's license to any
60 person who is under ~~the age of~~ 18 years of age."

61 "(a.2)(1) Except as otherwise provided in paragraph (2) of this subsection ~~On and after~~
62 ~~January 1, 2002,~~ the department shall not issue any initial Class D driver's license or, in
63 the case of a person who has never been issued a Class D driver's license by the
64 department or the equivalent thereof by any other jurisdiction, any initial Class C driver's
65 license to a person under 18 years of age unless such person:

66 (A) Is at least 16 years of age ~~and has~~;

67 (B) Has completed an ~~approved~~ a driver education course ~~in a licensed private or~~
68 ~~public driver training school and in addition has a~~;

69 (C) Has completed an alcohol and drug course as prescribed in subsection (b) of Code
70 Section 20-2-142; and

71 (D) Has completed a cumulative total of at least 40 hours of other supervised driving
72 experience, including at least six hours at night, all of which is verified in writing
73 signed before a person authorized to administer oaths by a parent or guardian of the
74 applicant or by the applicant if such person is at least 18 years of age; or provided,
75 however, that such affidavit shall not be required when behind-the-wheel training has
76 been provided by a driver training school.

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~~

85 (2) Any person under 18 years of age who has in his or her immediate possession a valid
86 license equivalent to a Class C license issued to him or her in another state or country
87 shall be entitled to receive a Class C license.

88 ~~(2)(3) The commissioner shall by rule or regulation establish standards for approval of~~
89 ~~any driver education course for purposes of subparagraph (A) of paragraph (1) of this~~
90 ~~subsection, provided that such course shall be designed to educate young drivers about~~
91 ~~safe driving practices and the traffic laws of this state and to train young drivers in the~~
92 ~~safe operation of motor vehicles, and provided, further, that the commissioner shall~~
93 ~~provide for the approval of courses from other states to satisfy the requirements of this~~
94 ~~paragraph Code section for any child moving into this state within nine months of his or~~

95 her sixteenth birthday when the child's parent is in the active military service of the
96 United States.

97 ~~(3)~~(4) For purposes of supervised driving experience under paragraph (1) of this
98 subsection, supervision shall be provided by a person at least 21 years of age who is
99 licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and
100 capable of exercising control over the vehicle, and who is occupying a seat beside the
101 driver.

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

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

109 **SECTION 4.**

110 Said chapter is further amended in Code Section 40-5-24, relating to instruction permits,
111 graduated licensing and related restrictions, and temporary licenses, by revising
112 paragraphs (2) and (3) of subsection (a) and subsections (b), (c), and (f) as follows:

113 ~~"(2) A person who has been issued an instruction permit under this subsection and has~~
114 ~~never been issued a Class D driver's license under subsection (b) of this Code section will~~
115 ~~become eligible for a Class D driver's license under subsection (b) of this Code section~~
116 ~~only if such person is at least 17 years of age, has a valid instruction permit which is not~~
117 ~~under suspension, and, for a period of not less than 12 consecutive months prior to~~
118 ~~making application for a Class D driver's license, has not been convicted of a violation~~
119 ~~of Code Section 40-6-391, hit and run or leaving the scene of an accident in violation of~~
120 ~~Code Section 40-6-270, racing on highways or streets, using a motor vehicle in fleeing~~

121 ~~or attempting to elude an officer, reckless driving, or convicted of any offense for which~~
122 ~~four or more points are assessable under subsection (c) of Code Section 40-5-57;~~
123 ~~provided, however, that a person who is at least 16 years of age and meets all of the other~~
124 ~~qualifications of this paragraph except for age who has completed an approved driver~~
125 ~~education training course as provided in subsection (a.2) of Code Section 40-5-22 will~~
126 ~~be eligible for a Class D driver's license.~~

127 ~~(3)(2)~~ This subsection does not apply to instruction permits for the operation of
128 motorcycles.

129 ~~(b)(1)(A) Except as provided in subparagraph (B) of this paragraph, any~~ Any resident
130 of this state who is at least ~~17~~ 16 years of age and who, for a period of at least 12
131 months, had a valid instruction permit issued under subsection (a) of this Code section
132 may apply to the department for a Class D driver's license to operate a noncommercial
133 Class C vehicle if such resident has ~~otherwise complied with all prerequisites for the~~
134 ~~issuance of such Class D driver's license as provided in subsection (a) of this Code~~
135 ~~section, provided that a:~~

136 (i) For a period of not less than 12 consecutive months prior to making application
137 for a Class D driver's license, not been convicted of a violation of Code
138 Section 40-6-391, hit and run or leaving the scene of an accident in violation of Code
139 Section 40-6-270, racing on highways or streets in violation of Code
140 Section 40-6-186, using a motor vehicle in fleeing or attempting to elude an officer
141 in violation of Code Section 40-6-395, reckless driving in violation of Code
142 Section 40-6-390, or convicted of any offense for which four or more points are
143 assessable under subsection (c) of Code Section 40-5-57; and

144 (ii) Completed the requisite courses and supervised driving experience set forth in
145 subsection (a.2) of Code Section 40-5-22.

146 (B) Any resident at least 17 years of age who has at any age surrendered to the
147 department a valid instruction permit or driver's license issued by another state or the

148 District of Columbia or who has submitted to the department proof, to the satisfaction
149 of the department, of a valid instruction permit or driver's license issued by another
150 state or the District of Columbia may apply his or her driving record under such
151 previously issued permit or driver's license toward meeting the eligibility requirements
152 for a Class D driver's license the same as if such previously issued permit or driver's
153 license were an instruction permit issued under subsection (a) of this Code section;
154 ~~provided, however, that a person who is at least 16 years of age and meets all of the~~
155 ~~other qualifications of this paragraph except for age who has completed an approved~~
156 ~~driver education training course as provided in subsection (a.2) of Code Section~~
157 ~~40-5-22 may apply for a Class D driver's license.~~

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

162 (A) Any Class D license holder shall not drive a Class C motor vehicle on the public
163 roads, streets, or highways of this state between the hours of 12:00 Midnight and
164 5:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

165 (B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the
166 public roads, streets, or highways of this state when more than three other passengers
167 in the vehicle who are not members of the driver's immediate family are less than 21
168 years of age.

169 (ii) During the six-month period immediately following issuance of such license, any
170 Class D license holder shall not drive a Class C motor vehicle upon the public roads,
171 streets, or highways of this state when any other passenger in the vehicle is not a
172 member of the driver's immediate family.

173 (iii) Notwithstanding the provisions of division (i) of this subparagraph, during the
174 second six-month period immediately following issuance of such license, any Class

175 D license holder shall not drive a Class C motor vehicle upon the public roads, streets,
176 or highways of this state when more than one other passenger in the vehicle who is
177 not a member of the driver's immediate family is less than 21 years of age;
178 provided, however, that a Class D license holder shall not be charged with a violation of
179 this paragraph alone but may be charged with violating this paragraph in addition to any
180 other traffic offense.

181 (C) For purposes of this paragraph, the term 'immediate family' shall include the
182 license holder's parents and ~~step-parents~~ stepparents, grandparents, siblings and
183 ~~step-siblings~~ stepsiblings, children, and any other person who resides at the license
184 holder's residence.

185 (3) A person who has been issued a Class D driver's license under this subsection and has
186 never been issued a Class C driver's license under this chapter will become eligible for
187 a Class C driver's license under this chapter only if such person has a valid Class D
188 driver's license which is not under suspension and, for a period of not less than 12
189 consecutive months prior to making application for a Class C driver's license, has not
190 been convicted of a violation of Code Section 40-6-391, hit and run or leaving the scene
191 of an accident in violation of Code Section 40-6-270, racing on highways or streets in
192 violation of Code Section 40-6-186, using a motor vehicle in fleeing or attempting to
193 elude an officer in violation of Code Section 40-6-395, reckless driving in violation of
194 Code Section 40-6-390, or convicted of any offense for which four or more points are
195 assessable under subsection (c) of Code Section 40-5-57 and is at least 18 years of age;
196 provided, however, that any person at least 17 years of age who provides proof of
197 military enlistment and meets all other qualifications of this paragraph, except that such
198 person has held a Class D driver's license for a period of less than 12 consecutive months,
199 shall be eligible for a Class C driver's license.

200 (c) Any resident of this state who is at least 17 years of age may apply to the department
201 for a noncommercial Class M motorcycle instruction permit. The department shall, after

202 the applicant has successfully passed all parts of the examination other than the driving test,
203 issue to the applicant an instruction permit which shall entitle the applicant, while having
204 such permit in his or her immediate possession, to drive a motorcycle or a motor driven
205 cycle upon the public highways for a period of six months; provided, however, that a
206 person who is at least 16 years of age and meets all of the other qualifications of this
207 subsection except for age who has completed ~~an approved~~ a driver education training
208 course ~~as provided in subsection (a.2) of Code Section 40-5-22~~ may apply for a Class M
209 motorcycle instruction permit. A motorcycle instruction permit shall not be valid when
210 carrying passengers, on a limited access highway, or at night."

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

214

SECTION 5.

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

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

223 "(f) The General Assembly finds that it is in the best interests of this state to encourage
224 alcohol and drug education to inform young people of the dangers involved in consuming
225 alcohol or certain drugs while operating a motor vehicle. The General Assembly further
226 finds that parental or guardian involvement in an alcohol and drug awareness program will
227 assist in reducing the number of young persons involved in driving under the influence of

228 drugs or alcohol. To promote these purposes, where a parent or guardian successfully
229 participates in the parent-guardian component of the alcohol and drug course required by
230 subsection (a) (a.2) of Code Section 40-5-22 as prescribed in subsection (b) of Code
231 Section 20-2-142, each parent or guardian shall be entitled to a one-time three-year online
232 motor vehicle report."

233 **SECTION 6.**

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

236 "~~(d)(1)~~ The department shall authorize ~~licensed~~ driver training schools qualified pursuant
237 to the provisions of this subsection to conduct knowledge tests, on-the-road driving ~~skills~~
238 tests, and other tests required for issuance of a driver's license; provided that any driver
239 training school authorized to conduct such tests shall continue to provide driver education
240 training courses on a full-time basis during any period of time such school is authorized to
241 conduct testing. ~~as provided in this subsection. The department shall, prior to approving~~
242 ~~a licensed driver training school to conduct tests as provided in this subsection, make a~~
243 ~~determination that the school has been licensed for a minimum of two years and has~~
244 ~~conducted driver education courses on a full-time basis for such two-year period and that~~
245 ~~such school meets all other standards which the department may establish as a condition~~
246 ~~for approval to conduct such tests.~~

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

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

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

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

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

262 (2) The department shall authorize a driver training school which has administered the
263 on-the-road driving test as provided for in subparagraph (A) of paragraph (1) of this
264 subsection for five years or more to administer the on-the road driving test to any
265 applicant 17 years of age or older; provided, however that any driver training school
266 which had administered the on-the-road driving test as provided for in subparagraph (A)
267 of paragraph (1) of this subsection for at least two years on January 1, 2021, shall be
268 authorized to administer the on-the road driving test to any applicant 17 years of age or
269 older.

270 ~~(2)~~(3) The department may establish by rules and regulations the type of tests or
271 demonstrations to be made by applicants for any Class P instruction permit, Class C
272 driver's license, or Class D driver's license under this Code section.

273 ~~(3)~~(4) The department may authorize public and private high schools to conduct
274 knowledge tests required for issuance of a Class P instruction permit or Class D driver's
275 license or both."

276 **SECTION 7.**

277 Said chapter is further amended in Code Section 40-5-83, relating to establishment, approval,
278 and operation of clinics and programs, out-of-state certificates of completion, instructor

279 licenses, fees, and submission of fingerprints by applicants, by revising paragraphs (1.1) and
280 (2) of subsection (a) and subsection (c) as follows:

281 ~~"(1.1)(2)(A)~~ (A) No driver improvement clinic shall be permitted to use, adopt, or conduct
282 any business under any name that is like or deceptively similar to any name used by any
283 other driver improvement clinic, Georgia company, or Georgia corporation registered
284 with the Secretary of State. This subparagraph shall not prohibit the franchising or
285 licensing of any part or all of the name of a driver improvement clinic by the owner or
286 the rights thereof to another licensed driver improvement clinic.

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

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

297 "(c) The commissioner shall be authorized to issue a special license to the instructor of any
298 driver improvement clinic who is qualified to teach the alcohol and drug course prescribed
299 in subsection (b) of Code Section 20-2-142. A driver improvement clinic shall offer such
300 alcohol and drug course only through a qualified instructor and shall not charge a fee for
301 such course of more than \$25.00. The commissioner shall be authorized to issue a special
302 license to a licensed instructor of any driver training school to teach the alcohol and drug
303 course prescribed in subsection (b) of Code Section 20-2-142 who is qualified to teach a
304 ~~teen-age~~ driver education training course, which course consists of a minimum of 30 hours
305 of classroom and six hours of behind-the-wheel training. The alcohol and drug program

306 may be included in the 30 hours of classroom training as part of a curriculum approved by
307 the department. Any fee authorized by law for such a drug and alcohol course may be
308 included in the tuition charge for a ~~teen-age~~ driver education training course. Any text or
309 workbook provided or required by the ~~Department of Driver Services~~ department for such
310 alcohol and drug course shall be provided by the department at the same fee as currently
311 charged by the department to any public or private school, contractor, or appropriate
312 representative currently teaching the program."

313 **SECTION 8.**

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

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

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

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

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

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

332 **SECTION 9.**

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

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

343 **SECTION 10.**

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

345 "43-13-6.2.

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

354 (b) The commissioner of driver services shall be authorized to issue a special license to the
355 instructor of any driver training school authorizing such instructor to serve as a driver's
356 license examiner and conduct tests required for issuance of a driver's license pursuant to
357 subsection (d) of Code Section 40-5-27 if such instructor has held his or her license with

358 a driver training school for at least six months and certifies to the commissioner that he or
359 she has provided at least 500 hours of behind-the-wheel training."

360 **SECTION 11.**

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

362 "43-13-7.1.

363 Whenever there is a change in ownership of a driver training school, DUI Alcohol or Drug
364 Use Risk Reduction Program, or driver improvement program, the department shall be
365 notified no later than 30 days after such change in ownership. After any change in
366 ownership to any person otherwise qualified to operate a driver training school, DUI
367 Alcohol or Drug Use Risk Reduction Program, or driver improvement program pursuant
368 to this chapter or Title 40, the department shall consider the duration of operation of any
369 previous owner in any required calculation for duration of operation by a successor owner."

370 **SECTION 12.**

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