

# Rights and Responsibilities Under Georgia Law

Dear Students, Parents and Teachers:

Over the years, the State General Assembly has enacted many laws that have had a major effect on the rights and responsibilities of children and teenagers in Georgia. This is designed to answer your questions about these laws.

In 1997, Georgia became the sixth state to pass a law requiring graduated drivers' licenses for teenagers, and the 2000 session of the General Assembly brought about significant changes in laws governing teenage driving, including new restrictions and new requirements for obtaining a driver's license.

## TRAFFIC LAWS IN GEORGIA

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### When can I start to drive?

When you are 15, you are eligible to apply for an instruction permit. This permit allows you to drive a motor vehicle while a licensed driver who is at least 21 years old is in the front seat with you. You may use this permit for two years. If you are 18 years of age, you must have your parents consent in order to apply for your permit.

### Where can I apply for an instruction permit?

You can apply for an instruction permit at any of the Georgia Exam Stations in the State.

### Do I have to have driver education or driving experience before applying for a permit?

Effective January 1, 2002, before applying for a permit you must:

1. Complete an approved driver education course in a licensed private or public driving training school as well as have a cumulative total of at least 20 hours of other supervised driving experience with 6 of those hours completed at night. The supervised driving experience must be provided by a licensed driver at least 21 years of age and must occupy the front seat.

OR

2. Complete a cumulative total of at least 40 hours of supervised driving experience with at least 6 of those hours completed at night. The supervised driving experience must be provided by a licensed driver at least 21 years of age and must occupy the front passenger seat.

- Either of the above choices must be verified in writing and signed by you or a parent/guardian (if you are under 18) in the presence of a person authorized to administer oaths.

## **How do I apply for an instruction permit? Will I be tested?**

In order to obtain your permit, you must successfully pass three tests:

- The Vision Test – Your eyesight will be tested.
- The Road Sign Test – You will be required to identify signs, signals, and markers. You must answer 15 out of 20 questions correctly in order to pass.
- The Road Rules Test – You will have to answer questioning concerning driver responsibility and your knowledge of the traffic laws and driver safety.

## **How can I prepare for the tests?**

You can pick up the Georgia Driver's Manual at any Georgia Exam Stations. The manual is free of cost and discusses Georgia driving laws and gives a description of the road signs. Study this manual thoroughly in order to be prepared for the tests.

## **Once I have passed the tests, how do I obtain my learner's permit?**

When you have passed the tests, you must pay a required fee. You will receive a receipt which you may use as your temporary permit until you receive your permit in the mail.

## **When can I apply for a driver's license?**

When you are 16, you may apply for a driver's license. This license allows you to drive a car without the presence of another license driver in the car with you. To qualify you must have a valid instruction permit which is not in suspension, and for a period of 12 months prior to making application, you must not have been convicted of certain enumerated traffic offenses such as Driving Under the Influence, Racing, Reckless Driving, and other serious traffic violations.

## **Where do I apply for a driver's license?**

As with the learner's permit, you can apply for a driver's license at any Georgia Exam Stations in the state.

## **How do I apply for a driver's license? Will I be tested?**

You must pass a road test in order to acquire your driver's license. You will be expected to perform several different maneuvers while driving, such as quick stops, parallel parking, turning, passing, signaling, etc.

## **Once I pass the driving test, how do I obtain my driver's license?**

When have you passed the tests, you will be required to pay a fee. You will receive a receipt which you may use as your temporary license until you receive your permanent license in the mail. Remember to always carry your license with you when you drive.

### **Once I receive my driver's license, what restrictions apply?**

Effective January 1, 2002, upon receipt of your license, you will be subjected to the following restrictions:

1. If you are 16 or 17 years of age, you may not drive between midnight and 6 a.m. NO EXCEPTIONS.
2. During the first six months after receiving your license, you may not have any passengers that are not members of your immediate family.
3. Any time after the first six months, you are not permitted to have more than three passengers in the car who are under the age of 21 and not members of your immediate family.

### **When can I obtain the next higher license level?**

You may move to the next higher license level when you have reached the age of 18, and 12 consecutive months have passed in which you have not been convicted of certain enumerated traffic offenses such as Driving Under the Influence, Racing, Reckless Driving, and other serious traffic offenses.

### **In order to obtain a driver's license or instruction permit, must I be enrolled in school?**

If you are under the age of 18, an instruction permit or a driver's license will not be issued unless you are attending a public or private school and have satisfied the attendance requirements or you are enrolled in a home education program. In addition, a learner's permit or a driver's license can be obtained if you present proof that you have received a high school diploma, a general educational development (GED) equivalency diploma, or a certificate of high school completion; have received permission of your parent or guardian to withdraw from school; or have enrolled in a postsecondary school.

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## **Teenage and Adult Driver Responsibility Act**

Below is a summary of the major legislative provisions concerning DUI and teen driving laws. We hope that you find this summary a useful guide.

If you have any questions please feel free to [contact](#) the Office of the Solicitor General.

1. **Nolo Contendere Plea** will be treated as a conviction for any DUI. Previously, some DUI violators could save their driver's license by pleading Nolo Contendere (no contest). Now Nolo Contendere pleas are considered as convictions for all DUI arrests.
2. **Zero tolerance for alcohol usage by drivers under the age of 21 years.** A driver under 21 years old is guilty of DUI if his alcohol concentration is 0.02 grams or more.
3. **Lower alcohol level to commit a per se DUI.** The alcohol concentration level at which a person age 21 or older commits a per se DUI offense has now been lowered from 0.10 to 0.08 grams of alcohol. A per se DUI is one where no evidence of impaired driving is needed, only the evidence of the driver's alcohol concentration.
4. **Mandatory jail time for all DUI violators.** All DUI violators, upon conviction, spend time in jail. An offender who has not had a conviction arising from a DUI arrest during the previous five (5) years shall spend a minimum of twenty-four (24) hours in jail. Repeat DUI offenders face a mandatory 3 days in jail for the second conviction, and 15 days for the third.

5. **Substance abuse treatment program for second time DUI violators.**  
A driver, who has a second DUI conviction within a five (5) year period, must undergo a clinical evaluation for alcohol or substance abuse and if a problem is indicated, he must complete an alcohol or substance abuse program before he can apply for reinstatement of his license, and must use an ignition interlock device.
6. **License Tag seizure for violators and mandatory driver's license suspension.**  
In addition to any other penalty, any driver who receives a conviction for a second or subsequent DUI in a five year period faces a mandatory surrender of all license plates registered to the driver. Also the driver will receive a "hard" (no limited permit available) suspension of his driver's license for one year. Upon the third DUI conviction within 5 years, the driver will be declared a habitual violator, and receive a five year revocation of his license, with the first two years being a "hard" suspension.
7. **Open containers of alcohol prohibited.**  
Open containers of alcohol are now prohibited in the passenger area of a motor vehicle to include a driver and/or passenger.
8. **Road rage now has a name.**  
Operating a vehicle with intent to harass or intimidate another driver is a misdemeanor of a high and aggravated nature and is called Aggressive Driving.
9. **Special suspension provisions for drivers under 21 years of age.**  
The driver's license of any person under twenty-one (21) years of age shall be suspended if he or she is convicted of any of the following:
  - o hit and run,
  - o aggressive driving,
  - o racing,
  - o D.U.I.
  - o using a motor vehicle in fleeing or attempting to elude a peace officer,
  - o reckless driving,
  - o underage purchasing or knowingly possessing any alcoholic beverage while operating a motor vehicle,
  - o misrepresenting his age in any manner whatever for the purpose of obtaining any alcoholic beverage,
  - o misrepresenting his identity or using any false identification for the purpose of purchasing or obtaining any alcoholic beverage, or
  - o any offense for which four or more points are assessable under O.C.G.A. § 40-5- 57 (e.g. passing of a school bus, improper passing, or speeding in excess of the speed limit by 24 m.p.h. or more).

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<b>10. Convictions for moving violations in Georgia are assessed points as follows:</b>	
Aggressive driving	6 points
Reckless driving	4 points
Unlawful passing of a school bus	6 points
Improper passing on a hill or a curve	4 points
Exceeding the speed limit by more than 14 miles per hour but less than 19 m.p.h	2 points
Exceeding the speed limit by 19 m.p.h. or more but less than 24 m.p.h	3 points
Exceeding the speed limit by 24 m.p.h. or more but less than 34 m.p.h	4 points
Exceeding the speed limit by 34 m.p.h. or more	6 points
Disobedience of any traffic control device or traffic officer	3 points
Too fast for conditions	0 points
Possessing an open container of an alcoholic beverage while driving	2 points
Failure to adequately secure a load, except fresh farm produce, (accident)	2 points
Violation of child safety restraint requirements, first offense	1 point
Violation of child safety restraint requirements, second or subsequent offense	2 points
All other moving traffic violations which are not speed limit violations	3 points

11. Except for a driver under 21 years old, convicted of DUI with an alcohol concentration of 0.08 grams or more, upon a first conviction, the violator's license shall be suspended for six months from the date of conviction. Violators under 21 years old convicted of DUI with an alcohol concentration of 0.08 grams or more, or violators under 21 years old with their second or subsequent suspension or conviction, shall have their license suspended for a minimum of twelve months. If the suspension was for DUI, then the driver must complete DUI school before applying for license reinstatement, otherwise the driver must complete a defensive driving program.

Any driver under age 18, who accumulates four or more points on his driving record within a twelve month period, shall have his or her driver's license suspended for six months for the first suspension, and twelve months for any subsequent suspension.

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**12. Intermediate drivers license for teen drivers and limitations on driving privileges .**

Prior to 1997, a fifteen year old could apply for an instructional permit which was valid for one year. To receive the permit the applicant had to pass all tests for a regular Class C license except for the driving test. At age sixteen, the applicant could then apply for a Class C license.

A fifteen year old can still apply for an instruction permit if he passes all tests for a Class C drivers license except for the driving test. The new instruction/learner's permit is valid for two years.

Anyone who is sixteen but less than eighteen may apply for a Class D drivers license (intermediate license) if he has had an instruction permit for a period of twelve (12) months without any suspensions of the permit. If an applicant is at least sixteen years of age but less than eighteen years of age and meets this criteria, then he may receive a Class D driver's license provided he passes the road driving test for a Class C vehicle.

The holder of a Class D driver's license can operate a Class C vehicle under the following conditions:

1. No driving between Midnight and 6:00 a.m., no exceptions such employment, school, etc.,
2. No driving with any passenger in the car who is not an immediate family member for the first 6 months following license issuance; thereafter the Class D driver cannot drive on the public roads with more than three other passengers in the vehicle less than 21 years of age, who are not members of the driver's immediate family. A more comprehensive on-the-road driving test must be taken and passed.

Persons under eighteen years of age who are licensed in another jurisdiction and who drive in Georgia must comply with the limitation imposed on Class D license holders. Also, persons who are licensed in another jurisdiction, who apply for a license in Georgia, do not have to take any tests if they are eighteen years of age or older. Otherwise, new residents must take the tests required for a Class D license. Furthermore, anyone who is at least eighteen years of age may apply for a Class C driver's license. To be eligible for the Class C license, the applicant must have been issued a Class D license, and the Class D license could not have been suspended for a period of twelve (12) consecutive months prior to making application for the license. An applicant who is eighteen years of age or older and who has never had a Class D license, may apply for a Class C license provided that he meets the requirements for the license including passing all required tests.

Any driver who applies for an initial Class D license must have completed:

3. An approved driver education course and a cumulative total of at least 20 hours of supervised driving of which at least six must be at night; or
4. A cumulative total of at least 40 hours of supervised driving of which at least six hours must be at night. Supervised driving may be provided by any licensed Class C driver who is at least 21 years of age with a sworn affidavit from parents/legal guardians certifying such instruction.

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**13. No school equals no drivers license for persons under eighteen years of age.**

No instruction permit nor any driver's license may be issued to a person who is younger than 18 years of age unless at the time he applies for the instruction permit or driver's license:

1. He presents acceptable proof that he has received a high school diploma, a GED diploma, a special diploma ,or a certificate of high school completion,
2. He presents proof that he has parental or guardian permission to withdraw from school,
3. or, the records of the department indicate that said applicant:
  - a. Is enrolled in and not under suspension from a public or private school and satisfies relevant attendance requirements as set forth below, or
  - b. Is enrolled in a home education program which satisfies the requirements of state law.

The Department of Public Safety shall notify any minor driver who has been issued an instruction permit or drivers license that his permit or license is suspended subject to review if the Department's records

indicate that such minor:

4. Has dropped out without graduating and has remained out for ten consecutive school days;
5. Has more than ten consecutive school days of unexcused absences in any semester or combination of two consecutive quarters; or
6. Has been suspended from school for:
  - a. Threatening, striking, or causing bodily harm to a teacher or other school personnel;
  - b. Possession or sale of drugs or alcohol on school property; or
  - c. Possession or use of a weapon on school property. An archeological or cultural exhibit brought to school associated with a project is not considered a "weapon" .

The suspension shall be until the minor's eighteenth (18) birthday. Regardless of when the minor turns eighteen (18) years of age or when he resumes regular studies, the license or permit is suspended for a minimum of ninety (90) days.

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