

**375-5-2-.02 Definitions.**

(1) Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 43, Chapter 13 of the Georgia Code, unless otherwise defined in the rule of which they are part.

(2) Motor Vehicle - Every vehicle which is self-propelled or by which any person is or property may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

(3) Driver Training School - Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, except for motorcycle operator safety training programs conducted by or on behalf of the Department of Driver Services pursuant to Chapter 15 of Title 40. The term shall also include any public school system offering a driver training course during the regular school day as part of a student curriculum at no cost to the student. Term shall not include hospitals and state licensed rehabilitation centers offering a deliver training course for the purpose of rehabilitating persons to maintain or obtain a Class C license; provided, that such facilities shall file a prescribed memorandum of understanding with the Commissioner.

(4) Limited Driver Training School – Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for the purpose of training to assist persons to obtain a Class C of Class M license through means of behind-the-wheel training, simulator training, of offering a defensive driving course consisting of less than 30 hours of classroom and six hours of behind-the-wheel training.

(5) Temporary Driver Training Permit – Any person, partnership, limited liability company, or corporation, which offers occasional driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for that does not maintain permanent classroom located within the state.

(6) Person - Every natural person, firm, partnership, limited liability company, corporation, association or school. The term “school” shall not apply to colleges conducting a driver training program.

(7) Department - The Georgia Department of Driver Services acting directly or through its duly authorized officers or agents.

(8) Distance Learning - Means the use of satellite or cable narrowcast technology to create two-way, interactive learning environment in which an instructor may simultaneously present instruction in multiple classrooms. The school is responsible for ensuring that students at all locations may clearly view the instructor and any visual aids or films used by the instructor, may comment to or ask questions of the instructor. The

school is also responsible for providing a proctor at a location used for distance learning to fulfill the school's obligations under these rules and regulations with respect to students.

(9) Proctor - A proctor serves as the school's representative at a location used for distance learning. The proctor is responsible for ensuring that all responsibilities of the school with respect to the students are fulfilled at the location. The proctor may be a licensed instructor of the school; if not, the proctor must be a high school graduate or possess a GED, be at least 18 years of age, and not have been convicted of a felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, unless he or she has received a pardon and can produce evidence of same.

(10) Driver License Examiner - Any person appointed by the Department of Driver Services for the purpose of administering driver license examinations.

(11) Driver Training Instructor - Any person, whether employed by a driver training school, limited driver training school, or operating in his or her own behalf, or whether acting in behalf of any school located within or outside the State of Georgia, including a motorcycle safety coach as defined in 375-7-4-.03(6), who gives driving instructions for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state at a driving training school, limited driver training school, whether such instruction is theoretical or practical or both.

(12) Driver Training Program - That series of courses developed or approved by the Department of Driver Services for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state to include, but not limited to a thirty (30) hour classroom and six (6) hours of actual behind the wheel instruction; classroom instruction; behind-the-wheel instruction; instruction by means of simulation training; defensive driving, distance learning, or virtual drivers training courses approved by the Department.

(13) Suspension - The privilege to operate a driver training school or to instruct (as provided in these regulations) is temporarily withdrawn by formal action of the department, which temporary withdrawal shall be for a period specifically designated by the department.

(14) Revocation - The privilege to operate a driver training school or to instruct (as provided in these regulations) is terminated by formal action of the department, which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the department after the expiration of the applicable period of time prescribed by the department. A revocation shall be for a period of at least one (1) year or indefinitely.

(15) Cancellation - A license previously issued to or presently held by a person, firm, partnership, corporation, association, or school is terminated by the Department because of some error or defect in the license or because the licensee is no longer

entitled to such license. The cancellation of a license is without prejudice, and application for a new license may be made at any time after such cancellation.

(16) Applicant - The owner of a sole proprietorship, the partners in a firm, partnership or association or the controlling stockholders of a corporation, the principal, or designated representative of a secondary school.

(17) Controlling Stockholders - All stockholders of any corporation, public or private, owning more than ten percent (10%) of the outstanding shares in such corporation.

(18) Passenger type vehicle - Any vehicle that requires a class C noncommercial driver's license.

(19) Motorcycle - Any vehicle that requires a class M driver's license.

(20) Fine – means the use of a pecuniary punishment of up to \$1,000 for each violation of the Rules and Regulations.

(21) Certificate of curriculum approval - means a certification issued by the Department authorizing the use of a specific curriculum by a driver training school. The certification shall expire on the same date as the driver training school license.

(22) Certificate of Completion – means a certificate prescribed by the Department and issued by a licensed driver training school to all students who successfully complete thirty (30) hours of classroom and six (6) hours of behind the wheel training.

(23) Simulator – means a driving apparatus that is designed as a learning tool to replicate actual driving conditions using various driving environments and situations.

(24) Limited Certificate of Completion – means a certificate prescribed by the Department and issued to all students who successfully complete a driver training course consisting of less than thirty (30) hours of classroom and six (6) hours of behind the wheel training.

(25) Virtual driver training course – means a web based course of instruction approved by the Department that provides a minimum of thirty (30) hours of on line instruction that must include training in controlling of vehicles, basic vehicle maneuvers, signs, roadway markings, driving in urban, rural, expressway and adverse conditions, maintaining the vehicle, alcohol and other drugs while driving, state insurance and Department licensing requirements.

(26) Multiple Vehicle Driving Range – means a driver training facility that enables the driver training instructor, from a position outside the vehicle utilizing electronic and/or oral communication, to instruct and supervise several students simultaneously, each of whom is operating a vehicle at an off-street facility specifically designed for that type of instruction.

Authority: O.C.G.A. §43-13-1, *et seq.*

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this proposed amendment is to include motorcycle safety coaches in the definition of driver training instructors.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES**

Verbiage was added to paragraph (11) to include motorcycle safety coaches in the driver training instructor definition.