

Senate Bill 401

By: Senators Kemp of the 3rd, Meyer von Bremen of the 12th, Harp of the 16th, Hecht of the 34th and Tanksley of the 32nd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to cancellation, suspension, and revocation of drivers' licenses, so as to change
3 certain provisions relating to suspension of license or driving privilege for failure to respond
4 to citation and reinstatement of license; to change certain provisions relating to suspension
5 of licenses of persons under age 21 for certain offenses and issuance of new licenses
6 following suspensions; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
11 cancellation, suspension, and revocation of drivers' licenses, is amended by striking
12 subsection (a) of Code Section 40-5-56, relating to suspension of license or driving privilege
13 for failure to respond to citation and reinstatement of license, and inserting in its place the
14 following:

15 "(a) Notwithstanding any other provisions of this chapter or any other law to the contrary,
16 the department shall suspend the driver's license or privilege to operate a motor vehicle in
17 this state of any person who has failed to respond to a citation to appear before a court of
18 competent jurisdiction of this state, ~~or of any other state,~~ or of the United States for a traffic
19 violation other than a parking violation. The department shall forthwith notify such person
20 that his or her license is to be suspended subject to review as provided for in this chapter."

21 **SECTION 2.**

22 Said article is further amended by striking subsection (a) of Code Section 40-5-57.1, relating
23 to suspension of licenses of persons under age 21 for certain offenses and issuance of new
24 licenses following suspensions, and inserting in lieu thereof the following:

1 "(a) Notwithstanding any other provision of this chapter, the driver's license of any person
2 who was under 21 years of age ~~convicted~~ at the time of committing an offense of hit and
3 run or leaving the scene of an accident in violation of Code Section 40-6-270, racing on
4 highways or streets, using a motor vehicle in fleeing or attempting to elude an officer,
5 reckless driving, any offense for which four or more points are assessable under
6 subsection (c) of Code Section 40-5-57, purchasing an alcoholic beverage in violation of
7 paragraph (2) of subsection (a) of Code Section 3-3-23, violation of paragraph (3) or (5)
8 of subsection (a) of Code Section 3-3-23, or violation of Code Section 40-6-391 shall be
9 suspended by the department as provided by this Code section upon conviction of such
10 offense; and the driver's license of any person under 18 years of age who has accumulated
11 a violation point count of four or more points under Code Section 40-5-57 in any
12 consecutive 12 month period shall be suspended by the department as provided by this
13 Code section. A plea of nolo contendere shall be considered a conviction for purposes of
14 this subsection. Notice of suspension shall be given by certified mail or statutory overnight
15 delivery, return receipt requested; or, in lieu thereof, notice may be given by personal
16 service upon such person. Such license shall be surrendered within ten days of notification
17 of such suspension. Notice given by certified mail or statutory overnight delivery, return
18 receipt requested, mailed to the person's last known address shall be prima-facie evidence
19 that such person received the required notice."

20 **SECTION 3.**

21 This Act shall become effective July 1, 2002.

22 **SECTION 4.**

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