

House Bill 42

By: Representative Franklin of the 39th

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 motor vehicle drivers' licenses, so as
3 to provide for seizure, suspension, and revocation of drivers' licenses for certain conduct; to
4 provide that persons convicted of certain offenses shall not be licensed again; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
8 cancellation, suspension, and revocation of motor vehicle drivers' licenses, is amended by
9 adding a new Code Section 40-5-54.2 to read as follows:

10 "40-5-54.2.

11 (a) Whenever any person is charged with the offenses of:

12 (1)(A) Homicide by vehicle, as defined by Code Section 40-6-393; or

13 (B) Feticide by vehicle, as defined by Code Section 40-6-393.1; and

14 (2)(A) Violating Code Section 40-6-391 where the person's alcohol concentration at
15 the time of the offense was 0.08 grams or more; or

16 (B) Exceeding the maximum lawful speed limit by 24 miles per hour or more

17 and such charges arise out of the same course of conduct, the law enforcement officer shall
18 take the driver's license of the person so charged. The driver's license shall be attached
19 to the court's copy of the citation and complaint form and shall be forwarded to the court
20 having jurisdiction of the offenses. A copy of the citation and complaint form shall be
21 forwarded, within ten days of issue, to the department. Taking the driver's license as
22 required in this Code section shall not prohibit any law enforcement officer or agency from
23 requiring any cash bond authorized by Article 1 of Chapter 6 of Title 17.
24

1 (b)(1) No temporary driving permit shall be issued to a person whose driver's license has
2 been seized as provided by this Code section.

3 (2) Upon the receipt of a sworn written report of the law enforcement officer that the
4 officer had reasonable grounds to believe the arrested person had committed offenses
5 arising out of the same course of conduct which constitute grounds for seizure of a
6 driver's license under subsection (a) of this Code section, the department shall suspend
7 the person's driver's license, subject to review as provided in this chapter.

8 (c)(1) If the person is convicted of violating or enters a plea of nolo contendere to
9 offenses arising out of the same course of conduct which constitute grounds for seizure
10 of a driver's license under subsection (a) of this Code section, the court shall, within ten
11 days of such conviction or plea, forward the person's driver's license and the record of
12 the disposition of the case to the department, and the department shall forthwith revoke
13 the person's driver's license. The department shall not issue any new or renewal driver's
14 license or permit to any person who is convicted of violating or enters a plea of nolo
15 contendere to offenses arising out of the same course of conduct which constitute grounds
16 for revocation under this subsection.

17 (2) If the person is not convicted of violating and does not enter a plea of nolo
18 contendere to offenses arising out of the same course of conduct which constitute grounds
19 for seizure of a driver's license under subsection (a) of this Code section, and the court
20 is in possession of the driver's license, the court shall upon adjudication or dismissal of
21 the charges return the driver's license to the person and notify the department forthwith
22 of the disposition of the case, and the suspension of the driver's license shall terminate
23 upon such adjudication or dismissal; unless the license is in suspension or revocation for
24 any other offense, in which case the court shall forward the license to the department."

25 SECTION 2.

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28 SECTION 3.

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