

House Bill 534

By: Representatives Jenkins of the 110<sup>th</sup>, Reichert of the 126<sup>th</sup>, Ray of the 128<sup>th</sup>, Holland of the 157<sup>th</sup> and Cox of the 105<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide improved collection of fines imposed in criminal and ordinance violation cases;  
 2 to amend Chapter 5 of Title 15 of the Official Code of Georgia Annotated, relating to  
 3 administration of courts of record, so as to provide for the collection of unpaid court fines  
 4 by an arm of the Administrative Office of the Courts; to create the Office of Fine Collections  
 5 within the Administrative Office of the Courts and provide for the office's administration;  
 6 to provide for payment of fine collections in part into the general fund of the state treasury  
 7 and in part to the political subdivisions to which the fines are owed; to provide for the  
 8 refusal and suspension of driver's licenses and professional and business licenses in the cases  
 9 of licensees and applicants owing unpaid fines; to provide administrative and quasi-judicial  
 10 procedures for such licensing sanctions; to provide for rules and regulations; to provide for  
 11 judicial determination of fines to be so enforced; to provide for respective powers of the  
 12 courts and the office with respect to fines to be so enforced; to provide for conforming  
 13 amendments to laws relating to driver's and professional and business licenses; to amend  
 14 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment  
 15 proceedings, so as provide for the power of courts and the Office of Fine Collections to  
 16 collect fines through garnishment; to amend Code Section 2-7-102 of the Official Code of  
 17 Georgia Annotated, relating to grounds for denial, suspension, and revocation of various  
 18 pesticide licenses, so as to provide for the denial or suspension of a license for failure to pay  
 19 a fine; to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to  
 20 financial institutions, so as to provide for the denial or suspension of licenses for check  
 21 cashers and for mortgage lenders and brokers for failure to pay a fine; to amend Chapter 5  
 22 of Title 10 of the Official Code of Georgia Annotated, the "Georgia Securities Act of 1973,"  
 23 so as to provide for the denial or suspension of licenses for securities salespersons and  
 24 investment advisers or investment adviser representatives; to amend Part 2 of Article 1 of  
 25 Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the practice of  
 26 professional forestry, so as to provide for the denial or suspension of a license for failure to  
 27 pay a fine; to amend Code Section 26-4-60 of the Official Code of Georgia Annotated,  
 28 relating to the suspension or revocation of licenses for pharmacists, so as to provide for the

1 denial or suspension of a license for failure to pay a fine; to amend Code Section 33-23-21  
 2 of the Official Code of Georgia Annotated, relating to grounds for refusal, suspension, or  
 3 revocation of the licenses of insurance agents and others, so as to provide for the denial or  
 4 suspension of a license for failure to pay a fine; to amend Code Section 33-23-22 of the  
 5 Official Code of Georgia Annotated, relating to notice of suspension or revocation of the  
 6 licenses of insurance agents and others, so as to provide for a specific hearing; to amend  
 7 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
 8 cancellation, suspension, and revocation of driver's licenses, so as to provide for denial or  
 9 suspension of license for failure to pay a fine; to amend Code Section 43-1-19 of the Official  
 10 Code of Georgia Annotated, relating to grounds for refusing to grant or revoking licenses by  
 11 state licensing boards, so as to provide for the denial or suspension of a license for failure to  
 12 pay a fine; to amend Code Section 43-39A-14 of the Official Code of Georgia Annotated,  
 13 relating to the refusal of classification of real estate appraisers, so as to provide for the denial  
 14 or suspension of an appraiser's license for failure to pay a fine; to amend Code Section  
 15 43-40-15 of the Official Code of Georgia Annotated, relating to the granting, revocation, or  
 16 suspension of real estate licenses, so as to include the failure to pay a fine as a ground for  
 17 refusing to grant or for suspending licenses; to provide for hearing and appeal procedures;  
 18 to provide for related matters; to provide effective dates; to repeal conflicting laws; and for  
 19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**  
 22 **SECTION 1-1.**

23 Chapter 5 of Title 15 of the Official Code of Georgia Annotated, relating to administration  
 24 of courts of record, is amended by striking Code Section 15-5-24, relating to duties of the  
 25 Administrative Office of the Courts, and inserting in its place a new Code section to read as  
 26 follows:

27 "15-5-24.

28 Under the supervision and direction of the Judicial Council, the Administrative Office of  
 29 the Courts shall perform the following duties:

30 (1) Consult with and assist judges, administrators, clerks of court, and other officers and  
 31 employees of the court pertaining to matters relating to court administration and provide  
 32 such services as are requested;

- 1 (2) Examine the administrative and business methods and systems employed in the  
 2 offices related to and serving the courts and make recommendations for necessary  
 3 improvement;
- 4 (3) Compile statistical and financial data and other information on the judicial work of  
 5 the courts and on the work of other offices related to and serving the courts, which data  
 6 and information shall be provided by the courts;
- 7 (4) Analyze data relating to civil cases collected pursuant to subsection (b) of Code  
 8 Section 9-11-3 and subsection (b) of Code Section 9-11-58 and provide such data,  
 9 analysis, or both data and analysis to the courts and agencies of the judicial branch,  
 10 agencies of the executive branch, and the General Assembly;
- 11 (5) Examine the state of the dockets and practices and procedures of the courts and make  
 12 recommendations for the expedition of litigation;
- 13 (6) Act as fiscal officer and prepare and submit budget estimates of state appropriations  
 14 necessary for the maintenance and operation of the judicial system;
- 15 (7) Formulate and submit recommendations for the improvement of the judicial system;
- 16 (8) Perform such additional duties as may be assigned by the Judicial Council; ~~and~~  
 17 (9) Operate the Office of Fine Collections of the Administrative Office of the Courts, as  
 18 provided for in Article 8 of this chapter; and
- 19 ~~(9)~~(10) Prepare and publish an annual report on the work of the courts and on the  
 20 activities of the Administrative Office of the Courts."

21 **SECTION 1-2.**

22 Said Chapter 5 of Title 15 is further amended by adding at the end thereof a new Article 8  
 23 to read as follows:

24 "ARTICLE 8

25 15-5-120.

26 As used in this article, the term:

- 27 (1) 'Fine' means any monetary fine imposed in any criminal or ordinance violation case  
 28 by any superior court, state court, probate court, magistrate court, or municipal court of  
 29 this state or any political subdivision of this state. Fine also includes any additional  
 30 penalty or surcharge or costs added to any fine pursuant to law, including without  
 31 limitation Chapter 21 of this title and Code Sections 47-11-51 and 47-17-60.
- 32 (2) 'Office' means the Office of Fine Collections of the Administrative Office of the  
 33 Courts, as created by Code Section 15-5-121.

1 (3) 'Unpaid fine' means any fine which has not been paid in full according to the terms  
2 of the court order imposing the fine and which has been certified to Office of Fine  
3 Collections as an unpaid fine by the court in which the fine was imposed.

4 15-5-121.

5 There is created within the Administrative Office of the Courts an Office of Fine  
6 Collections. All personnel within the office shall be personnel of the Administrative Office  
7 of the Courts and shall be subject to the direction and control of the director of the  
8 Administrative Office of the Courts in the same manner as other employees of the  
9 Administrative Office of the Courts.

10 15-5-122.

11 (a) The primary function of the Office of Fine Collections shall be the collection of unpaid  
12 fines owed to the state or any political subdivision of the state. The proceeds collected by  
13 the office from any unpaid fine owed to the state shall be deposited in the general fund of  
14 the state treasury. The proceeds collected by the office from each unpaid fine owed to a  
15 political subdivision of the state shall be distributed as follows:

16 (1) Five percent of the amount collected shall be paid into the general fund of the state  
17 treasury in order to defray the costs of administration and collection; and

18 (2) The remainder of the amount collected shall be transmitted to the political  
19 subdivision to which the fine is owed to be applied and distributed by that political  
20 subdivision as provided by law, including remittance of any additional penalties or  
21 surcharges to the purposes specified by law.

22 (b) The office shall make use of the procedures specified in Code Section 15-5-123 to  
23 collect unpaid fines through licensing sanctions. In addition to such licensing procedures,  
24 in collecting a fine the office may make use of any collection procedure or remedy which  
25 is authorized for use by the officers of the court in which fine was imposed. Without  
26 limiting the generality of the foregoing, the office may use garnishment and continuing  
27 garnishment for the collection of fines, as specified in Code Sections 18-4-60 and  
28 18-4-110.

29 15-5-123.

30 (a) As used in this Code section, the term:

31 (1) 'Applicant' means any person applying for issuance or renewal of a license.

32 (2) 'Certified list' means a list provided by the office of the names of persons owing  
33 unpaid fines being enforced under this article.

34 (3) 'Delinquent obligor' means any obligor who owes an unpaid fine and who appears on  
35 the office's certified list.

1 (4) 'License' means a certificate, permit, registration, or any other authorization issued  
2 by any licensing entity that allows a person to operate a motor vehicle or to engage in a  
3 profession, business, or occupation.

4 (5) 'Licensee' means any person holding a license.

5 (6) 'Licensing entity' means any state agency, department, or board of this state which  
6 issues or renews any license, certificate, permit, or registration to authorize a person to  
7 drive a motor vehicle or to engage in a profession, business, or occupation including  
8 those under Article 3 of Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application  
9 Act of 1976'; Article 4A of Chapter 1 of Title 7, relating to check cashers; Article 13 of  
10 Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Part 2 of Article  
11 1 of Chapter 6 of Title 12, relating to foresters; Chapter 4 of Title 26, relating to  
12 pharmacists; Chapter 23 of Title 33, relating to insurance agents, counselors, and other  
13 personnel; Chapter 1 of Title 43, relating to professions and businesses; Chapter 39A of  
14 Title 43, relating to real estate appraisers; or Chapter 40 of Title 43, relating to real estate  
15 brokers and salespersons.

16 (b) The office shall maintain a state-wide certified list of those persons owing unpaid fines  
17 which have been certified to the office by a court for enforcement under this article. The  
18 certified list must be updated on a monthly basis. The office shall submit to each licensing  
19 entity a certified list with the name, social security number, if known, date of birth, and last  
20 known address of each person on the list.

21 (c) On or before January 1, 2002, all licensing entities shall implement procedures to  
22 accept and process the list provided by the office in accordance with this Code section.

23 (d) Promptly after receiving the certified list from the office all licensing entities shall  
24 determine whether an applicant or licensee is on the most recent certified list. If an  
25 applicant or licensee is on the certified list, the licensing entity shall immediately notify the  
26 office. That notification shall include the applicant's or licensee's last known mailing  
27 address on file with the licensing entity.

28 (e) After receiving notice from a licensing entity of applicants or licensees who are on the  
29 certified list, the office shall immediately notify those individuals as specified in subsection  
30 (f) of this Code section of the office's intent to request that all pertinent licensing entities  
31 suspend all licenses or withhold issuance or renewal of any license.

32 (f) Notice to the delinquent obligor shall include the address and telephone number of the  
33 office and shall inform the delinquent obligor of the office's intent to submit the delinquent  
34 obligor's name to relevant licensing entities and to request that the licensing entities  
35 withhold issuance or renewal of the license, or suspend the license. The notice must also  
36 inform the delinquent obligor of the following:

1 (1) The delinquent obligor has 20 days from the date of mailing or statutory overnight  
2 delivery to reach an agreement to pay the unpaid fine with the office. If an agreement  
3 cannot be reached within that time or if the delinquent obligor does not respond within  
4 that time, the office will send notice to the licensing entities requesting that the licenses  
5 be suspended or the licensure applications be denied;

6 (2) The delinquent obligor may request an administrative hearing and judicial review of  
7 that hearing under subsection (g) of this Code section. A request for a hearing must be  
8 made in writing and must be received by the office within 20 days from the date of  
9 mailing of the notice; and

10 (3) If the delinquent obligor requests a hearing within 20 days of the date of mailing of  
11 the notice, the office shall stay all action pending the hearing and any appeals.

12 (g) All delinquent obligors subject to the sanctions imposed in this Code section shall have  
13 the right to a hearing before an administrative law judge of the Office of State  
14 Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A delinquent  
15 obligor who requests a hearing within the time prescribed in subsection (f) of this Code  
16 section shall receive a hearing. The hearing shall be conducted as provided in Article 2 of  
17 Chapter 13 of Title 50 within 45 days after such demand is received. The only issues at the  
18 hearing will be the following:

19 (1) Whether there is an unpaid fine being enforced pursuant to this article;

20 (2) Whether the licensee or applicant is the person sentenced to pay that fine;

21 (3) Whether the licensee or applicant has paid all or part of the unpaid fine; or

22 (4) Whether the licensee or applicant is able to pay the unpaid fine in full or in  
23 installments.

24 With respect to the issues listed in this subsection, evidence relating to the ability of a  
25 delinquent obligor to pay the unpaid fine shall be considered in making the decision to  
26 either suspend a license or deny the issuance or renewal of a license under this Code  
27 section. The administrative law judge shall be authorized to enter into an agreement or  
28 enter an order requiring periodic payments and, in such event, the administrative law judge  
29 shall be authorized to issue a release for the delinquent obligor to obtain each license or  
30 licenses.

31 (h) The decision at the hearing shall be subject to appeal and judicial review pursuant to  
32 Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g)  
33 of this Code section. Notwithstanding any hearing requirements for suspension and denials  
34 within each licensing entity, the hearing and appeal procedures outlined in this Code  
35 section shall be the only hearing required to suspend a license or deny the issuance or  
36 renewal of a license under this Code section.

1 (i) The office shall use a release form to notify the licensee or applicant and the licensing  
2 entity if it is determined that:

3 (1) The licensee or applicant does not owe an unpaid fine or has paid a previously unpaid  
4 fine;

5 (2) The licensee or applicant is unable to pay an unpaid fine, either in full or in  
6 installments; or

7 (3) The licensee or applicant has entered into an agreement for the payment of the unpaid  
8 fine in installments.

9 Upon receipt of such a release, the licensing entity shall promptly thereafter issue or  
10 reinstate the license, unless the office certifies subsequent to the issuance of the release that  
11 the licensee or applicant is no longer in compliance with an installment payment  
12 agreement.

13 (j) The Administrative Office of the Courts shall, and the licensing entities as appropriate  
14 may, adopt regulations necessary to implement this Code section.

15 (k) Any licensing entity receiving an inquiry as to the license status of an applicant who  
16 has had an application for issuance or renewal of a license denied under this Code section  
17 shall respond only that the license was suspended or the licensure application was denied  
18 pursuant to this Code section.

19 15-5-124.

20 (a) Any court of this state or a political subdivision of this state may certify unpaid fines  
21 to the Office of Fine Collections for enforcement and collection by the office. No court,  
22 however, shall be required to certify any unpaid fines to the office.

23 (b) A court may certify any or all unpaid fines imposed by the court to the office. The  
24 decision as to which unpaid fines to certify shall be made for each court by order of the  
25 chief judge or other judge or judges having authority to manage the business of the court.  
26 The order may enumerate unpaid fines to be certified either individually or by class or  
27 status.

28 (c) The certification of unpaid fines pursuant to the court's order shall be carried out by  
29 the clerk of court in accordance with the court's order and in accordance with rules and  
30 regulations adopted by the Administrative Office of the Courts to govern the form and  
31 manner of certification.

32 (d) After an unpaid fine has been certified to the office by a court, that court and its  
33 personnel shall not accept any payment on the unpaid fine from the delinquent obligor and  
34 shall accept such payment only from the office.

1 (e) Nothing in this article shall prevent a court from enforcing payment of an unpaid fine  
 2 through revocation of probation, revocation of suspended sentence, citation for contempt,  
 3 or other appropriate judicial process; but when payment is so enforced, if the unpaid fine  
 4 has been certified to the office then payment shall be to the office and not to the court."

### 5 SECTION 1-3.

6 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment  
 7 proceedings, is amended by striking Code Section 18-4-60, relating to right to garnishment  
 8 after judgment, and inserting in its place a new Code section to read as follows:

9 "18-4-60.

10 (a) In all cases where a money judgment shall have been obtained in a court of this state  
 11 or in a federal court sitting in this state, the plaintiff shall be entitled to the process of  
 12 garnishment.

13 (b) In all cases where a fine or other monetary penalty has been imposed in a court of this  
 14 state or a political subdivision of this state, the fine or other monetary penalty may be  
 15 enforced through the process of garnishment in the same manner as a money judgment in  
 16 a civil case. Such garnishment proceedings may be brought in the name of the state or in  
 17 the name of the political subdivision to which the fine or other penalty is owed by any  
 18 official having the duty or power to collect such fine or other monetary penalty. The  
 19 provisions of this subsection or the institution of proceedings under this subsection shall  
 20 not be construed to limit or abate any other procedure or remedy for collection of such a  
 21 fine or other monetary penalty, except to the extent of amounts actually collected through  
 22 garnishment."

### 23 SECTION 1-4.

24 Said Chapter 4 of Title 18 is further amended by striking Code Section 18-4-110, relating to  
 25 right to process of continuing garnishment, and inserting in its place a new Code section to  
 26 read as follows:

27 "18-4-110.

28 (a) In addition to garnishment proceedings otherwise available under this chapter, in cases  
 29 where a money judgment shall have been obtained in a court of this state or a federal court  
 30 sitting in this state, the plaintiff shall be entitled to the process of continuing garnishment  
 31 against any garnishee who is an employer of the defendant against whom the judgment has  
 32 been obtained. Unless otherwise specifically provided in this article, the methods, practices,  
 33 and procedures for continuing garnishment shall be the same as for any other garnishment  
 34 as provided in this chapter, including, but not limited to, those proceedings after answer as  
 35 provided in Code Section 18-4-89.

1 (b) In all cases where a fine or other monetary penalty has been imposed in a court of this  
 2 state or a political subdivision of this state, the fine or other monetary penalty may be  
 3 enforced through the process of continuing garnishment in the same manner as a money  
 4 judgment in a civil case. Such continuing garnishment proceedings may be brought in the  
 5 name of the state or in the name of the political subdivision to which the fine or other  
 6 penalty is owed by any official having the duty or power to collect such fine or other  
 7 monetary penalty. The provisions of this subsection or the institution of proceedings under  
 8 this subsection shall not be construed to limit or abate any other procedure or remedy for  
 9 collection of such a fine or other monetary penalty, except to the extent of amounts actually  
 10 collected through continuing garnishment."

11 **PART II**

12 **SECTION 2-1.**

13 Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for  
 14 denial, suspension, and revocation of various pesticide licenses, is amended by adding at the  
 15 end thereof a new subsection (e) to read as follows:

16 "(e) The Commissioner may suspend any pesticide contractor's license or certified  
 17 commercial pesticide applicator's license, or refuse to grant or renew either license upon  
 18 notice to the Commissioner by the Office of Fine Collections of the Administrative Office  
 19 of the Courts that:

20 (1) The applicant for or holder of such license is the delinquent obligor of an unpaid fine;

21 and

22 (2) The hearings and appeals procedures provided in Code Section 15-5-123 shall be the  
 23 only such procedures required under this article."

24 **SECTION 2-2.**

25 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial  
 26 institutions, is amended by striking subsection (d) of Code Section 7-1-707, relating to  
 27 suspension of licenses of check cashers generally, and inserting in its place a new subsection  
 28 (d) to read as follows:

29 "(d) The provisions of this Code section shall not apply when a license is denied or  
 30 suspended as provided in Code Section 7-1-707.1 or 7-1-707.2."

31 **SECTION 2-3.**

32 Said chapter is further amended by adding following Code Section 7-1-707.1 a new Code  
 33 section to read as follows:

1 "7-1-707.2.

2 (a) The department shall suspend, as provided for in Code Section 15-5-123, the license  
3 of any check casher upon receipt of a record from the Office of Fine Collections of the  
4 Administrative Office of the Courts stating that such licensee owes an unpaid fine.

5 (b) The department shall deny, as provided for in for Code Section 15-5-123, the  
6 application or renewal of any applicant or licensee upon receipt of a record from the Office  
7 of Fine Collections of the Administrative Office of the Courts stating that such applicant  
8 or licensee owes an unpaid fine.

9 (c) Notwithstanding any other provisions of law, the hearings and appeals procedures  
10 provided for in Code Section 15-5-123, where applicable, shall be the only such procedures  
11 required to suspend a license or deny the issuance or renewal of an application for a license  
12 under this article."

13 **SECTION 2-4.**

14 Said chapter is further amended in Code Section 7-1-1017, relating to the suspension or  
15 revocation of licenses for mortgage lenders and mortgage brokers, by inserting a new  
16 paragraph (4) of subsection (a) to read as follows:

17 "(4) Where an applicant or licensee has been found to owe an unpaid fine as provided in  
18 Code Section 15-5-123, such fact is sufficient grounds for refusal of a license or  
19 suspension of a license. In such actions, the hearing and appeal procedures provided for  
20 in Code Section 15-5-123 shall be the only such procedures required under this article."

21 **SECTION 2-5.**

22 Chapter 5 of Title 10 of the Official Code of Georgia Annotated, the "Georgia Securities Act  
23 of 1973," is amended in Code Section 10-5-4, relating to grounds for denial, suspension, or  
24 revocation of a registration of a dealer, salesperson, or investment adviser, by inserting a new  
25 subsection (g) at the end thereof to read as follows:

26 "(g) The commissioner shall deny, suspend, deny renewal of, or revoke the registration of  
27 a dealer, salesperson, investment adviser, or investment adviser representative upon notice  
28 from the Office of Fine Collections of the Administrative Office of the Courts stating that  
29 such registrant owes an unpaid fine, as provided in Code Section 15-5-123.  
30 Notwithstanding any other provisions of law, the hearing and appeals procedures provided  
31 for in Code Section 15-5-123 shall be the only such procedures required to suspend, deny,  
32 or deny the renewal of an application for registration under this chapter."

**SECTION 2-6.**

Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the practice of professional forestry, is amended by adding immediately following Code Section 12-6-49.2 the following:

"12-6-49.3.

(a) The board shall suspend, as provided for in Code Section 15-5-123, the license of any registered forester upon receipt of a record from the Office of Fine Collections of the Administrative Office of the Courts stating that such licensee owes an unpaid fine.

(b) The board shall deny the application or renewal, as provided in for Code Section 15-5-123, of any applicant or licensee upon receipt of a record from the Office of Fine Collections of the Administrative Office of the Courts that such applicant or licensee owes an unpaid fine.

(c) Notwithstanding any other provisions of law, the hearings and appeals procedures provided for in Code Section 15-5-123 shall be the only such procedures required to suspend a license or deny the issuance or renewal of an application for a license under this part."

**SECTION 2-7.**

Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to the suspension or revocation of licenses for pharmacists, is amended by adding a new subsection (l) to read as follows:

"(l) The board shall have the power to suspend any license issued under Article 3 of this chapter when such holder owes an unpaid fine as provided in Code Section 15-5-123. The board shall also have the power to deny the application for issuance or renewal of a license under Article 3 of this chapter when such applicant owes an unpaid fine and is not in satisfactory repayment status as provided in Code Section 15-5-123. The hearings and appeals procedures provided for in Code Section 15-5-123 shall be the only such procedures required to suspend or deny any license issued under Article 3 of this chapter."

**SECTION 2-8.**

Code Section 33-23-21 of the Official Code of Georgia Annotated, relating to grounds for refusal, suspension, or revocation of the licenses of insurance agents and others, is amended by striking the word "or" at the end of paragraph (19); by replacing the period at the end of paragraph (20) with the symbol and word "; or"; and by adding thereafter a new paragraph (21) to read as follows:





1 "(d) A person whose driver's license has been suspended pursuant to Code Section  
2 40-5-70, 40-5-54.1, 40-5-54.2, or this Code section or as a result of a conviction under  
3 Code Section 40-6-10 may apply to the Department of Public Safety for a restricted driving  
4 permit as provided in this Code section. A person whose driver's license was surrendered  
5 may apply to the department for a restricted driving permit immediately following the  
6 conviction or suspension."

7 **PART IV**  
8 **SECTION 4-1.**

9 Code Section 40-5-71 of the Official Code of Georgia Annotated, relating to procedure upon  
10 notice of insurance cancellation; lapse fee; suspension of license; and restricted driving  
11 permits, is amended by striking subsection (d) in its entirety and inserting in lieu thereof the  
12 following:

13 "(d) A person whose driver's license has been suspended pursuant to Code Section 40-5-70,  
14 40-5-54.1, 40-5-54.2, or this Code section or as a result of a conviction under Code Section  
15 40-6-10 may apply to the department for a restricted driving permit as provided in this  
16 Code section. A person whose driver's license was surrendered may apply to the  
17 department for a restricted driving permit immediately following the conviction or  
18 suspension."

19 **PART V**  
20 **SECTION 5-1.**

21 (a) This Act shall become effective for administrative purposes upon approval of this Act  
22 by the Governor or upon this Act becoming effective without such approval. For all other  
23 purposes, including collection of fines and suspension of licenses under this Act, the Act  
24 shall become effective January 1, 2002, except as otherwise provided by subsection (b) of  
25 this section.

26 (b) Each provision amended in Part IV of this Act shall become effective and supersede that  
27 respective provision amended in Part III of this Act on January 1, 2002, or on such date  
28 thereafter as an Act approved April 28, 2000 (Ga. L. 2000, p. 951), becomes effective as  
29 provided in Section 13-1 of that 2000 Act, whichever last occurs.

30 **SECTION 5-2.**

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