

House Bill 491

By: Representatives Powell of the 23<sup>rd</sup>, Porter of the 119<sup>th</sup>, Parham of the 94<sup>th</sup> and Black of the 144<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Employees' Retirement System of Georgia, so as to provide that certain employees of the  
3 Department of Motor Vehicle Safety shall be entitled to certain retirement benefits offered  
4 to law enforcement officers; to provide for an enhanced employer contribution by the  
5 Department of Motor Vehicle Safety; to provide conditions for an effective date and  
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'  
10 Retirement System of Georgia, is amended by striking in its entirety paragraph (1) of  
11 subsection (b) of Code Section 47-2-110, relating to retirement ages, application and  
12 eligibility for a retirement allowance, suspension of retirement allowance upon  
13 reemployment, and health benefits, and inserting in lieu thereof the following:

14 "(b)(1) Effective July 1, 1983, no member of the retirement system may be required to  
15 retire because of age except the following members:

16 (A) Those employed as prison guards by the Department of Corrections;

17 (B) Those employed by the Uniform Division of the Department of Public Safety as  
18 officers and troopers;

19 (C) Those employed by the Department of Natural Resources as conservation rangers;

20 (D) Those employed by the Department of Revenue as alcohol and tobacco officers or  
21 agents;

22 (E) Those employed as officers or agents of the Georgia Bureau of Investigation;

23 (F) Those employed by the Department of Transportation as enforcement officers prior  
24 to July 1, 2001;

25 (G) Those employed by the Department of Motor Vehicle Safety as enforcement  
26 officers on or after July 1, 2001; ~~and~~

1 (H) Those employed by the State Board of Pardons and Paroles as parole officers as  
2 well as other employees of said board who possess the power of arrest; and

3 (I) Those employed by the Department of Motor Vehicle Safety who are required by  
4 the terms of their employment to comply with the requirements of Chapter 8 of Title  
5 35, the 'Georgia Peace Officer Standards and Training Act.'"

## 6 SECTION 2.

7 Said chapter is further amended by striking in its entirety subsection (b) of Code Section  
8 47-2-111, relating to a retirement allowance for certain members subject to the provisions  
9 of Code Section 47-2-123 and persons eligible to retire at age 55, and inserting in lieu thereof  
10 the following:

11 "(b) Any other provision of this chapter to the contrary notwithstanding, any member  
12 employed by the Uniform Division of the Department of Public Safety as an officer, a  
13 noncommissioned officer, or a trooper; by the Georgia Bureau of Investigation as an officer  
14 or agent; by the Department of Natural Resources as a conservation ranger; by the  
15 Department of Motor Vehicle Safety who is required by the terms of his or her employment  
16 to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer  
17 Standards and Training Act,' or by the Department of Revenue as an alcohol and tobacco  
18 officer or agent or as an officer or agent of the Special Investigations Unit shall be eligible  
19 to retire at age 55 if he or she has the minimum number of years of creditable service  
20 provided in Code Section 47-2-110, and upon retirement such member shall be paid not  
21 less than the service retirement allowance which would have been payable to such member  
22 upon service retirement at age 65 without a change in compensation and with the same  
23 number of years' creditable service to which such member is entitled at the time of  
24 retirement."

## 25 SECTION 3.

26 Said chapter is further amended by striking in its entirety subsection (a) of Code Section  
27 47-2-221, relating to disability allowances payable to personnel for disabilities arising in the  
28 line of duty, and inserting in lieu thereof the following

29 "(a)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123,  
30 any member of the Uniform Division of the Department of Public Safety, any  
31 conservation ranger of the Department of Natural Resources, any officer or agent of the  
32 Georgia Bureau of Investigation, any employee of the Department of Motor Vehicle  
33 Safety who is required by the terms of his or her employment to comply with the  
34 requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training  
35 Act,' and any alcohol and tobacco officer or agent of the Department of Revenue who,

1 while a contributing member of this retirement system and upon becoming permanently  
2 disabled due to an act of external violence or injury incurred in line of duty, becomes  
3 eligible for disability retirement allowances shall, after a medical examination and upon  
4 certification by the medical board that such member is, in their opinion, permanently  
5 disabled, be entitled to a monthly allowance as computed on the member's life  
6 expectancy without option. Such monthly allowance as shall be payable to the member  
7 only, during his or her life or length of disability, shall not exceed 80 percent of the  
8 service allowance that would have been payable to the member had he or she  
9 accumulated not more than 30 years of creditable service and had retired at age 65. Such  
10 allowance shall be computed on the basis of the member's monthly earnable  
11 compensation for the month in which his or her permanent disability occurred. Such  
12 permanent disability retirement shall apply regardless of the length of service of any such  
13 member; and such member shall be deemed to have acquired 30 or more years of  
14 creditable service. In addition, a member so disabled in the line of duty shall receive a  
15 monthly supplemental benefit which shall be in the amount of \$5.00 per month for each  
16 year of creditable service as a member of the Uniform Division of the Department of  
17 Public Safety, conservation ranger of the Department of Natural Resources, alcohol and  
18 tobacco officer or agent of the Department of Revenue, any employee of the Department  
19 of Motor Vehicle Safety who is required by the terms of his or her employment to comply  
20 with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and  
21 Training Act,' or as an officer or agent of the Georgia Bureau of Investigation. Such  
22 additional monthly supplemental benefit shall in no event exceed \$150.00 per month.  
23 Any other provision of law to the contrary notwithstanding, any member of the Uniform  
24 Division of the Department of Public Safety who retired prior to July 1, 1970, as a result  
25 of becoming permanently disabled due to an act of external violence or injury incurred  
26 in the line of duty and who was a member of the retirement system on the date of the  
27 injury or act of violence shall be entitled to and shall receive the monthly supplemental  
28 benefit provided for in this subsection.

29 (2) In lieu of the foregoing, any member so disabled in the line of duty shall be entitled  
30 to receive a minimum monthly disability retirement benefit equal to 2 percent of his or  
31 her monthly earnable compensation for the month in which his or her permanent  
32 disability occurred for each year of creditable service determined as though he or she had  
33 continued in service in the Uniform Division of the Department of Public Safety, as a  
34 conservation ranger of the Department of Natural Resources, as an employee of the  
35 Department of Motor Vehicle Safety, as an alcohol and tobacco officer or agent of the  
36 Department of Revenue, or as an officer or agent of the Georgia Bureau of Investigation  
37 until his or her mandatory retirement age."



1 become effective and shall be automatically repealed in its entirety on July 1, 2004, as  
2 required by subsection (a) of Code Section 47-20-50.

3 **SECTION 7.**

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