

House Bill 678

By: Representatives Rice of the 64th, Massey of the 24th and Rogers of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to
2 chemical tests, implied consent notices, rights of motorists, test results, refusal to submit,
3 suspension or denial, hearing and review, compensation of officers, and inspection and
4 certification of breath-testing instruments, so as to provide that district attorneys and
5 solicitors may represent the arresting law enforcement officer to assist with proper
6 presentation of the case; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to chemical tests,
11 implied consent notices, rights of motorists, test results, refusal to submit, suspension or
12 denial, hearing and review, compensation of officers, and inspection and certification of
13 breath-testing instruments, is amended by striking paragraph (1) of subsection (g) and
14 inserting in its place the following:

15 "(g)(1) A person whose driver's license is suspended or who is disqualified from
16 operating a commercial motor vehicle pursuant to this Code section shall request, in
17 writing, a hearing within ten business days from the date of personal notice or receipt of
18 notice sent by certified mail or statutory overnight delivery, return receipt requested, or
19 the right to said hearing shall be deemed waived. Within 30 days after receiving a written
20 request for a hearing, the department shall hold a hearing as is provided in Chapter 13 of
21 Title 50, the 'Georgia Administrative Procedure Act.' Any attorney making an
22 appearance at such hearing on behalf of the person whose driver's license has been
23 suspended shall file a notice of appearance with the department prior to the date of such
24 hearing. The Attorney General or a deputy or assistant thereof may appear as legal
25 counsel for the department in any such hearing. District attorneys and municipal court

1 and other solicitors may represent the law enforcement officer who made the arrest to
2 assist with proper presentation of the case. The hearing shall be recorded."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.