

The House Committee on Motor Vehicles offers the following substitute to HB 1274:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-5-61 of the Official Code of Georgia Annotated, relating to
2 surrender and return of license, so as to provide that if a court or the department has not
3 secured a driver's license within 10 days following the date of final conviction giving rise
4 to the suspension, then the revocation or suspension shall begin upon the expiration of the
5 10 day period; to provide for applicability; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 40-5-61 of the Official Code of Georgia Annotated, relating to surrender and
10 return of license, is amended by striking subsection (e) of said Code section and inserting in
11 its place the following:

12 "(e) For the purpose of making any determination under this Code section relating to the
13 return of revoked or suspended licenses to drivers, no period of revocation or suspension
14 shall begin until the license is surrendered to the department or a court of competent
15 jurisdiction under any provision of this chapter, whichever date shall first occur; provided,
16 however, that if neither the department nor the court has secured the surrender of the
17 license within 10 days following the date of the final conviction or other event giving rise
18 to the revocation or suspension, then the revocation or suspension shall begin upon the
19 expiration of said 10 day period. If the license is lost, or for any other reason surrender to
20 the department is impossible, the period of revocation or suspension may begin on the date
21 set forth in a sworn affidavit setting forth the date and reasons for such impossibility, if the
22 department shall have sufficient evidence to believe that the date set forth in such affidavit
23 is true; in the absence of such evidence, the date of receipt of such affidavit by the
24 department shall be controlling. This subsection shall apply to any person whose license
25 has been suspended or revoked on and after January 1, 2003."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.