

House Bill 1274 (FLOOR SUBSTITUTE) (AM)

By: Representatives Powell of the 23rd, Parham of the 94th, and Martin of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
2 drivers' licenses, so as to change certain provisions relating to furnishing of information; to
3 change certain provisions relating to suspension of drivers' licenses; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
8 is amended in Code Section 40-5-2, relating to keeping of records of applications for licenses
9 and information on licensees and furnishing of information, by striking division (c)(1)(B)(ii)
10 and inserting in its place the following:

11 "(ii) For the purpose of ascertaining necessary rating information by an insurance
12 agent or insurer pursuant to ~~an insurer's~~ a contract with the Georgia Technology
13 Authority for the immediate on-line electronic furnishing of limited rating information
14 to such insurer's agents and insurance support organizations. Limited rating
15 information furnished under this division shall include only the number of violations
16 of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,
17 or other intoxicating substances, and the number and type of other moving traffic
18 violations which were committed by the proposed insured driver or drivers within the
19 immediately preceding three or five years, which period shall be specified by the
20 person making the request. The provisions of division (i) of this subparagraph
21 notwithstanding, no other information concerning a driver's operating record shall be
22 released to such agents or insurance support organizations for delivery to agents for
23 purposes of rating;"

SECTION 4.

Said chapter is further amended in Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, suspension of licenses of persons under age 18 for certain point accumulations, and issuance of new license following suspension, by striking paragraph (1) of subsection (b) and inserting in its place the following:

"(1) Subject to the requirements of subsection (c) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to successful recompletion of the examination requirements of Code Section 40-5-27 and payment of required fees, have his or her driver's license reinstated after six months ~~from the date on which the suspended license was surrendered to and received by the department;~~ and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to successful recompletion of the examination requirements of Code Section 40-5-27 and payment of required fees, have his or her driver's license reinstated after 12 months ~~from the date on which the suspended license was surrendered to and received by the department; or"~~

SECTION 5.

Said chapter is further amended in Code Section 40-5-61, relating to surrender and return of license, by striking subsection (e) and inserting in its place the following:

"(e) For the purpose of making any determination under this Code section relating to the return of revoked or suspended licenses to drivers, ~~no~~ the period of revocation or suspension shall begin ~~until~~ on the date the license is surrendered to the department or a court of competent jurisdiction under any provision of this chapter or on the date that the department processes the citation or conviction, whichever date shall first occur. If the license is lost, or for any other reason surrender to the department is impossible, the period of revocation or suspension may begin on the date set forth in a sworn affidavit setting forth the date and reasons for such impossibility, if the department shall have sufficient evidence to believe that the date set forth in such affidavit is true; in the absence of such evidence, the date of receipt of such affidavit by the department shall be controlling."

SECTION 6.

Said chapter is further amended in Code Section 40-5-62, relating to periods of revocation and conditions to restoration of license or issuance of new license, by striking paragraph (1) of subsection (a) and inserting in its place the following:

1 ~~a similar affidavit, or if the driver's license has been lost, upon execution of an additional~~
 2 ~~affidavit to that effect, the department may issue such person a limited driving permit."~~

3 **SECTION 8.**

4 Said chapter is further amended in Code Section 40-5-75, relating to suspension of licenses
 5 by operation of law, by striking subsection (b) and inserting in its place the following:

6 "(b) Whenever a person is convicted of possession, distribution, manufacture, cultivation,
 7 sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate,
 8 sell, or transfer a controlled substance or marijuana, or driving or being in actual physical
 9 control of any moving vehicle while under the influence of such substance in violation of
 10 subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section
 11 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code
 12 Section 40-6-391; or the law of any other jurisdiction, the court in which such conviction
 13 is had shall require the surrender to it of any driver's license then held by the person so
 14 convicted and the court shall thereupon forward such license and a copy of its order to the
 15 department within ten days after the conviction. The periods of suspension provided for in
 16 this Code section shall begin on the date of surrender of the driver's license or on the date
 17 that the department processes the conviction or citation, whichever shall first occur ~~of such~~
 18 ~~person's conviction for the offense resulting in such suspension; provided, however, that,~~
 19 ~~effective July 1, 1994, if, at the time of conviction of any offense listed in subsection (a)~~
 20 ~~of this Code section, the person does not have a driver's license or the person's driver's~~
 21 ~~license has been previously suspended, the periods of suspension specified by this Code~~
 22 ~~section shall not commence until the person applies for the issuance or reinstatement of a~~
 23 ~~driver's license."~~

24 **SECTION 9.**

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