

The House Committee on Judiciary Non-civil offers the following
substitute to HB 1275:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the revocation of a commercial driver's license upon violation of Code Sections 16-8-2 through 16-8-9; to amend Code Section 40-5-151 of the Official Code of Georgia Annotated, relating to disqualification from driving, so as to disqualify certain commercial driver's license holders upon conviction of certain offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, is amended by striking paragraph (8) of subsection (a) of Code Section 16-8-12, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, and inserting in its place a new paragraph (8) to read as follows:

"(8) If the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, by imprisonment for not less than three years nor more than ten years, a fine not less than \$5,000.00 nor more than \$50,000.00, and, if applicable, the revocation of the defendant's commercial driver's license in accordance with Code Section 40-5-151, or ~~both such fine and imprisonment~~ any combination of such penalties. For purposes of this paragraph, the term 'vehicle' includes without limitation any railcar."

SECTION 2.

Code Section 40-5-151 of the Official Code of Georgia Annotated, relating to disqualification from driving, is amended by striking subsection (a) and inserting in lieu thereof the following:

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"(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year:

(1) If convicted of a first violation of:

(A) Any offense specified in Code Section 40-5-54 that occurs while the person is driving or being in actual physical control of a moving commercial motor vehicle or a moving noncommercial vehicle;

(B) Driving or being in actual physical control of a moving commercial motor vehicle while there is 0.04 percent or more by weight of alcohol in his or her blood, breath, or urine; or

(C) Driving or being in actual physical control of a moving noncommercial vehicle in violation of Code Section 40-6-391; or

(D) Code Sections 16-8-2 through 16-8-9, if the property that was the subject of the theft was a vehicle engaged in commercial transportation as set forth in paragraph (8) of subsection (a) of Code Section 16-8-12; or

(2) For refusal to submit to a test as prescribed in Code Section 40-5-55 to determine the driver's alcohol concentration while driving a commercial motor vehicle or a noncommercial motor vehicle."

SECTION 3.

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