

House Bill 1275 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 129<sup>th</sup>, Floyd of the 147<sup>th</sup>, Rynders of the 152<sup>nd</sup>, Graves of the 12<sup>th</sup>, and Channell of the 116<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to theft, so as to provide for the revocation of a commercial driver's license upon  
3 violation of Code Sections 16-8-2 through 16-8-9; to amend Chapter 5 of Title 40 of the  
4 Official Code of Georgia Annotated, relating to driver's licenses, so as to provide for the  
5 acquisition and admission of evidence regarding driving under the influence under certain  
6 circumstances; to disqualify certain commercial driver's license holders upon conviction of  
7 certain offenses; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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

24 **SECTION 2.**

1 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to driver's licenses,  
 2 is amended by inserting a new subsection (d.1) in Code Section 40-5-67.1, relating to  
 3 chemical tests, to read as follows:

4 "(d.1) Nothing in this Code section shall be deemed to preclude the acquisition or  
 5 admission of evidence of a violation of Code Section 40-6-391 if obtained by voluntary  
 6 consent or a search warrant as authorized by the Constitution or laws of this state or the  
 7 United States."

8 **SECTION 3.**

9 Said chapter is further amended by striking subsection (a) of Code Section 40-5-151, relating  
 10 to disqualification from driving, and inserting in lieu thereof the following:

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

13 (1) If convicted of a first violation of:

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

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

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

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

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

28 **SECTION 4.**

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