

Senate Bill 15

By: Senators Wiles of the 37th, Rogers of the 21st, Mullis of the 53rd and Hill of the 32nd

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 driver's license requirement,
3 surrender of prior licenses, and prohibition of local licenses; to change certain provisions
4 relating to driving while license suspended or revoked; to specify punishments for driving
5 without being licensed; to amend Code Section 42-4-14 of the Official Code of Georgia
6 Annotated, relating to determination of nationality of person charged with felony or driving
7 under the influence and confined in a jail facility, so as to provide for determination of
8 nationality of person convicted of driving without being licensed; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
13 is amended by revising subsection (a) of Code Section 40-5-20, relating to driver's license
14 requirement, surrender of prior licenses, and prohibition of local licenses, as follows:

15 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
16 vehicle upon a highway in this state unless such person has a valid driver's license under
17 this chapter for the type or class of vehicle being driven. Any person who is a resident of
18 this state for 30 days shall obtain a Georgia driver's license before operating a motor
19 vehicle in this state. Violations of this subsection shall be punished as provided in Code
20 Section 40-5-121."

21 **SECTION 2.**

22 Said chapter is further amended by revising Code Section 40-5-121, relating to driving while
23 license suspended or revoked, as follows:

1 "40-5-121.

2 (a) Except when a license has been revoked under Code Section 40-5-58 as a habitual
3 violator, any person who drives a motor vehicle on any public highway of this state without
4 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
5 or her privilege to ~~do~~ so drive is suspended, disqualified, or revoked shall be guilty of a
6 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
7 nolo contendere within five years, as measured from the dates of previous arrests for which
8 convictions were obtained to the date of the current arrest for which a conviction is
9 obtained, shall be punished by imprisonment for not less than two days nor more than 12
10 months, and there may be imposed in addition thereto a fine of not less than \$500.00 nor
11 more than \$1,000.00. For the second ~~or subsequent~~ conviction within five years, as
12 measured from the dates of previous arrests for which convictions were obtained or pleas
13 of nolo contendere were accepted to the date of the current arrest for which a conviction
14 is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a high
15 and aggravated misdemeanor and shall be punished by imprisonment for not less than ten
16 days nor more than 12 months, and there may be imposed in addition thereto a fine of not
17 less than \$1,000.00 nor more than \$2,500.00. For the third or subsequent conviction within
18 five years, as measured from the dates of previous arrests for which convictions were
19 obtained or pleas of nolo contendere were accepted to the date of the current arrest for
20 which a conviction is obtained or a plea of nolo contendere is accepted, such person shall
21 be guilty of a felony and shall be punished by imprisonment for not less than one year nor
22 more than five years, and there may be imposed in addition thereto a fine of not less than
23 \$2,500.00 nor more than \$5,000.00.

24 (b) The department, upon receiving a record of the conviction of any person under this
25 Code section upon a charge of driving a vehicle while the license of such person was
26 suspended, disqualified, or revoked, including suspensions under subsection (f) of Code
27 Section 40-5-75, shall extend the period of suspension or disqualification for six months.
28 The court shall be required to confiscate the license, if applicable, and attach it to the
29 uniform citation and forward it to the department within ten days of conviction. The period
30 of suspension or disqualification provided for in this Code section shall begin on the date
31 the person is convicted of violating this Code section.

32 (c) For purposes of pleading nolo contendere, only one nolo contendere plea will be
33 accepted to a charge of driving without being licensed or with a suspended or disqualified
34 license within a five-year period as measured from date of arrest to date of arrest. All other
35 nolo contendere pleas in this period will be considered convictions. For the purpose of
36 imposing a sentence under this subsection, a plea of nolo contendere shall constitute a

1 conviction. There shall be no limited driving permit available for a suspension or
2 disqualification under this Code section.

3 (d) Notwithstanding the limits set forth in Code Section 40-5-124 and in any municipal
4 charter, any municipal court of any municipality shall be authorized to impose the
5 punishment for a misdemeanor or misdemeanor of a high and aggravated nature as
6 applicable and provided for in this Code section upon a conviction of a non-felony charge
7 of violating this Code section or upon conviction of violating any ordinance adopting the
8 provisions of this Code section."

9 **SECTION 3.**

10 Code Section 42-4-14 of the Official Code of Georgia Annotated, relating to determination
11 of nationality of person charged with felony or driving under the influence and confined in
12 a jail facility, is amended by revising subsection (a) as follows:

13 "(a) When any person charged with a felony or with driving under the influence pursuant
14 to Code Section 40-6-391 or convicted of driving without being licensed in violation of
15 subsection (a) of Code Section 40-5-20 is confined, for any period, in the jail of the county,
16 any municipality or a jail operated by a regional jail authority, a reasonable effort shall be
17 made to determine the nationality of the person so confined."

18 **SECTION 4.**

19 This Act shall become effective on July 1, 2007.

20 **SECTION 5.**

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