

House Bill 415

By: Representatives Floyd of the 147th, Rice of the 51st, Powell of the 29th, and Bearden of the 68th

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 provide for the expiration of temporary licenses or special
3 identification cards; to provide that pleas of nolo contendere shall be treated as a conviction
4 in certain instances; to provide for suspensions based on driving under the influence
5 convictions; to provide for administrative license suspensions to count against the total
6 suspension provided; to amend Code Section 40-16-4 of the Official Code of Georgia
7 Annotated, relating to duties of the commissioner of driver services, so as to provide for
8 powers and duties of investigators; to provide for related matters; to repeal conflicting laws;
9 to provide an effective date; 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 in Code Section 40-5-21.1, relating to temporary licenses, permits, or special
14 identification cards and foreign licenses or identification cards as evidence of legal presence
15 in the United States, is revised in subsection (a) as follows:

16 "(a) Notwithstanding any other provision of this title, an applicant who presents in person
17 valid documentary evidence of:

18 (1) Admission to the United States in a valid, unexpired nonimmigrant status;

19 (2) A pending or approved application for asylum in the United States;

20 (3) Admission into the United States in refugee status;

21 (4) An approved application for temporary protected status in the United States;

22 (5) Approved deferred action status; or

23 (6) Other federal documentation verified by the United States Department of Homeland
24 Security to be valid documentary evidence of lawful presence in the United States under
25 federal immigration law

1 may be issued a temporary license, permit, or special identification card. Such temporary
 2 license, permit, or special identification card shall be valid only during the period of time
 3 of the applicant's authorized stay in the United States. If the federal documentation does
 4 not specify the period of the applicant's authorized stay, the temporary license, permit, or
 5 special identification card shall expire at the end of one year or as otherwise provided for
 6 in this chapter."

7 SECTION 2.

8 Said chapter is further amended in Code Section 40-5-22, relating to persons not to be
 9 licensed, minimum ages for licensees, school attendance requirements, and driving training
 10 requirements, by revising subsection (c) as follows:

11 "(c) The department shall not issue any driver's license to nor renew the driver's license
 12 of any person:

13 (1) Whose ~~license has~~ driver's license or driving privileges have been suspended during
 14 such suspension, or whose ~~license has~~ driver's license or driving privileges have been
 15 revoked, except as otherwise provided in this chapter;

16 (2) Whose ~~license is~~ driver's license or driving privileges are currently under suspension
 17 or revocation in any other jurisdiction upon grounds which would authorize the
 18 suspension or revocation of a driver's license or driving privileges under this chapter;

19 (3) Who is a habitual user of alcohol or any drug to a degree rendering him or her
 20 incapable of safely driving a motor vehicle;

21 (4) Who has previously been adjudged to be afflicted with or suffering from any mental
 22 disability or disease and who has not at the time of application been restored to
 23 competency by the methods provided by law;

24 (5) Who is required by this chapter to take an examination, unless such person shall have
 25 successfully passed such examination;

26 (6) Who the commissioner has good cause to believe would not, by reason of physical
 27 or mental disability, be able to operate a motor vehicle with safety upon the highway; or

28 (7) Whose driver's license or driving privileges issued by any other jurisdiction is
 29 suspended or revoked by such other jurisdiction during the period such ~~license is~~ driver's
 30 license or driving privileges are suspended or revoked by such other jurisdiction."

31 SECTION 3.

32 Said chapter is further amended in Code Section 40-5-54, relating to mandatory suspension
 33 of license and notice of suspension, by adding a new subsection to read as follows:

34 "(c) A plea of nolo contendere to any offense listed in this Code section shall be treated as
 35 a conviction."

1 (b.1) An administrative license suspension pursuant to Code Section 40-5-67.1 shall be
 2 counted toward fulfillment of any period of suspension subsequently imposed as a result
 3 of a conviction of violating Code Section 40-6-391 which arises out of the same violation
 4 for which the administrative license suspension was imposed. An administrative license
 5 suspension pursuant to Code Section 40-5-67.1 shall run concurrently with any revocation
 6 of such driver's license pursuant to a subsequent determination that such person is a
 7 habitual violator."

8 "(d)(1) A suspension provided for in this Code section shall be imposed based on the
 9 person's age on the date of the conviction giving rise to the suspension.

10 (2) Each offense for which a conviction was obtained shall be treated as a separate
 11 transaction for the purpose of imposing points hereunder, even if said convictions arise
 12 from a single incident."

13 SECTION 6.

14 Said chapter is further amended in Code Section 40-5-75, relating to suspension of licenses
 15 by operation of law, by adding a new subsection to read as follows:

16 "(i) Notwithstanding any other provision of this chapter to the contrary, the suspension
 17 imposed pursuant to this Code section shall be in addition to and run consecutively to any
 18 other suspension imposed by the department at the time of the conviction that results in
 19 said suspension. If the person has never been issued a driver's license, the person shall not
 20 be eligible for a driver's license for the applicable period of suspension following his or her
 21 submission of an application for issuance thereof."

22 SECTION 7.

23 Said chapter is further amended in Code Section 40-5-103, relating to the issuance of
 24 identification card fees, by adding a new subsection to read as follows:

25 "(f)(1) Every identification card shall be renewed on or before its expiration upon
 26 application, payment of the required fee, and, if applicable, satisfactory completion of any
 27 other requirements imposed by law.

28 (2) An application for renewal of an identification card may be submitted by means of:

29 (A) Personal appearance before the department; or

30 (B) Subject to rules or regulations of the department which shall be consistent with
 31 considerations of public safety and efficiency of service to identification card holders,
 32 means other than such personal appearance which may include, without limitation, by
 33 mail or electronically. The department may by such rules or regulations exempt
 34 persons renewing identification cards under this paragraph from any surrender
 35 requirement imposed under Georgia law.

1 (3) Notwithstanding any other provision of this Code section, there shall be no fee
2 whatsoever for replacement of any identification card solely due to a change of the
3 identification card holder's name or address, provided that such replacement
4 identification card shall be valid only for the remaining period of such original term; and
5 provided, further, that only one such free replacement identification card may be obtained
6 within the period for which the identification card was originally issued. Any application
7 for the replacement of a lost identification card or due to a change in the identification
8 card holder's name or address submitted within 150 days of the expiration of said
9 identification card shall be treated as an application for renewal subject to the applicable
10 fees as set forth in this Code section."

11 **SECTION 8.**

12 Code Section 40-16-4 of the Official Code of Georgia Annotated, relating to duties of the
13 commissioner of driver services, is amended by revising subsection (e) in its entirety as
14 follows:

15 "(e)(1) The commissioner shall have the authority to appoint and employ 30 investigators
16 who shall be certified peace officers pursuant to the provisions of Chapter 8 of Title 35,
17 the 'Georgia Peace Officer Standards and Training Act.'

18 (2) The investigators of the department shall have jurisdiction throughout this state with
19 such duties and powers as are prescribed by law."

20 **SECTION 9.**

21 This Act shall become effective on January 1, 2008.

22 **SECTION 10.**

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