

House Bill 419

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 Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to commercial drivers' licenses, so as to provide for definitions of certain terms; to
3 change provisions relating to issuance of commercial drivers' licenses and permits; to
4 provide for expiration of commercial drivers' licenses; to provide for disqualifications,
5 revocations, and suspensions of commercial drivers' licenses; to provide penalties for
6 violations; to provide for related matters; to provide an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 7 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
11 commercial drivers' licenses, is amended by revising Code Section 40-5-142, relating to
12 definitions of terms, as follows:

13 "40-5-142.

14 As used in this article, the term:

15 (1) 'Alcohol' means:

16 (A) Beer, ale, port, or stout and other similar fermented beverages, including sake or
17 similar products, of any name or description containing one-half of 1 percent or more
18 of alcohol by volume, brewed or produced from malt, wholly or in part, or from any
19 substitute therefor;

20 (B) Wine of not less than one-half of 1 percent of alcohol by volume;

21 (C) Distilled spirits which means that substance known as ethyl alcohol, ethanol, or
22 spirits of wine in any form, including all dilutions and mixtures thereof from whatever
23 source or by whatever process produced; or

24 (D) Any substance containing any form of alcohol, including, but not limited to,
25 ethanol, methanol, propanol, and isopropanol.

26 (2) 'Alcohol concentration' means:

1 (A) The number of grams of alcohol per 100 milliliters of blood;

2 (B) The number of grams of alcohol per 210 liters of breath; or

3 (C) The number of grams of alcohol per 67 milliliters of urine.

4 (3) 'Commerce' means:

5 (A) Trade, traffic, and transportation within the jurisdiction of the United States
6 between locations in a state and between a location in a state and a location outside
7 such state including a location outside the United States; and

8 (B) Trade, traffic, and transportation in the United States which affects any trade,
9 traffic, and transportation described in subparagraph (A) of this paragraph.

10 (4) 'Commercial Driver License Information System' (CDLIS) means the information
11 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, Title
12 XII, Public Law 99-570, to serve as a clearing-house for locating information related to
13 the licensing and identification of commercial motor vehicle drivers.

14 (5) 'Commercial driver's instruction permit' means a permit issued pursuant to
15 subsection (c) of Code Section 40-5-147.

16 (6) 'Commercial driver's license' (CDL) means a license issued in accordance with the
17 requirements of this article to an individual which authorizes the individual to drive a
18 class of commercial motor vehicle.

19 (7) 'Commercial motor vehicle' means a motor vehicle designed or used to transport
20 passengers or property:

21 (A) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such
22 lesser rating as determined by federal regulation;

23 (B) If the vehicle is designed to transport 16 or more passengers, including the driver;
24 or

25 (C) If the vehicle is transporting hazardous materials as designated under 49 U.S.C.
26 Section 5103 and is required to be placarded in accordance with the Motor Carrier
27 Safety Rules prescribed by the United States Department of Transportation, Title 49
28 C.F.R. Part 172, subpart F or is transporting any quantity of a material listed as a select
29 agent or toxin in Title 42 C.F.R. Part 73;

30 provided, however, that for the purposes of this article, no agricultural vehicle,
31 commercial vehicle operated by military personnel for military purposes, recreational
32 vehicle, or fire-fighting or emergency equipment vehicle shall be considered a
33 commercial vehicle. As used in this paragraph, the term 'fire-fighting or emergency
34 equipment vehicle' means an authorized emergency vehicle as defined in paragraph (5)
35 of Code Section 40-1-1; provided, however, that the vehicle must be equipped with
36 audible and visible signals and shall be subject to traffic regulations in accordance with
37 the requirements of Code Section 40-6-6. As used in this paragraph, the term 'agricultural

1 vehicle' means a farm vehicle which is controlled and operated by a farmer, including
2 operation by employees or family members; used to transport agricultural products, farm
3 machinery, or farm supplies to or from a farm; and operated within 150 miles of such
4 person's farm; which vehicle is not used in the operations of a common or contract
5 carrier. Any other waiver by the Federal Motor Carrier Safety Administration pursuant
6 to Federal Law 49 C.F.R. Parts 383 and 384 of the United States Department of
7 Transportation shall supersede state law in authorizing the Department of Driver Services
8 to exempt said classes.

9 (8) 'Controlled substance' means any substance so defined under Code Section 16-13-21
10 and includes all substances listed in Schedules I through V of 21 C.F.R. Part 1308, as
11 they may be revised from time to time.

12 (9) 'Conviction' means an unvacated adjudication of guilt, or a determination that a
13 person has violated or failed to comply with the law in a court of original jurisdiction or
14 by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral
15 deposited to secure the person's appearance in court, a plea of guilty or nolo contendere
16 accepted by the court, the payment of a fine or court cost, or violation of a condition of
17 release without bail, regardless of whether the penalty is rebated, suspended, or probated.

18 (10) 'Disqualification' means any of the following:

19 (A) The suspension, revocation, or cancellation of a commercial driver's license by any
20 state or jurisdiction of issuance;

21 (B) The withdrawal of a person's privilege to drive a commercial motor vehicle by any
22 state or by any other jurisdiction as the result of a violation of any state or local law
23 relating to motor vehicle traffic control, other than parking, vehicle weight, or vehicle
24 defect violations; or

25 (C) A determination by the Federal Motor Carrier Safety Administration that a person
26 is not qualified to operate a commercial motor vehicle.

27 (11) 'Drive' means to operate or be in actual physical control of a motor vehicle in any
28 place open to the general public for purposes of vehicular traffic. For purposes of Code
29 Sections 40-5-151 and 40-5-152, 'drive' includes operation or actual physical control of
30 a motor vehicle anywhere in this state, in any other state, or in any foreign jurisdiction.

31 (12) 'Driver' means any person who drives, operates, or is in actual physical control of
32 a commercial motor vehicle in any place open to the general public for purposes of
33 vehicular traffic or who is required to hold a commercial driver's license.

34 (13) 'Driver's license' means a license issued by a state to any individual which
35 authorizes the individual to drive a motor vehicle.

1 (13.1) 'Driving a ~~commercial~~ vehicle ~~while~~ under the ~~influence of alcohol~~ influence'
 2 means committing any one or more of the following acts while a person is driving or in
 3 actual physical control of a moving commercial or noncommercial motor vehicle:

4 (A) ~~Driving while the person's alcohol concentration is 0.04 percent or more by weight~~
 5 ~~of alcohol in his or her blood, breath, or urine;~~

6 ~~(B) Driving under the influence of alcohol, as prescribed by Code Section 40-6-391;~~
 7 ~~or any law or ordinance equivalent thereto in this state, in any other state, or in any~~
 8 ~~foreign jurisdiction; or~~

9 ~~(C)~~(B) Refusal to submit to state-administered chemical testing when requested to do
 10 so by a law enforcement officer.

11 (14) 'Employer' means any person, including the United States, a state, or a political
 12 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person
 13 to drive a commercial motor vehicle on its behalf.

14 (14.1) 'Fatality' means the death of a person as a result of a motor vehicle crash.

15 (15) 'Felony' means any offense under state or federal law that is punishable by death,
 16 by imprisonment for life, or by imprisonment for more than 12 months.

17 (16) 'Foreign jurisdiction' means any jurisdiction other than a state of the United States.

18 (17) 'Gross vehicle weight rating' (GVWR) means the value specified by the
 19 manufacturer or manufacturers as the maximum loaded weight of a single or a
 20 combination (articulated) vehicle, or registered gross weight, whichever is greater. The
 21 gross vehicle weight rating of a combination (articulated) vehicle, commonly referred to
 22 as the 'gross combination weight rating' (GCWR), is the gross vehicle weight rating of
 23 the power unit plus the gross vehicle weight rating of the towed unit or units. In the
 24 absence of a value specified for the towed unit or units by the manufacturer or
 25 manufacturers, the gross vehicle weight rating of a combination (articulated) vehicle is
 26 the gross vehicle weight rating of the power unit plus the total weight of the towed unit
 27 or units, including the loads on them.

28 (18) 'Hazardous materials' ~~has the meaning the term has under 49 U.S.C.A. Section 5101;~~
 29 ~~et seq.~~ means any material that has been designated as hazardous under 49 U.S.C. Section
 30 5103 and is required to be placarded in accordance with the Motor Carrier Safety Rules
 31 prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172,
 32 subpart F or any quantity of a material listed as a select agent or toxin in Title 42 C.F.R.
 33 Part 73.

34 (18.1) 'Imminent hazard' means the existence of a condition that presents a substantial
 35 likelihood that death, serious illness, severe personal injury, or a substantial
 36 endangerment to health, property, or the environment may occur before the reasonably

1 foreseeable completion date of a formal proceeding begun to lessen the risk of that death,
2 illness, injury, or endangerment.

3 (18.2) 'Major traffic violation' means a conviction of any of the following offenses or a
4 conviction of any law or ordinance equivalent thereto in this state, in any other state, or
5 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless
6 otherwise specified, a noncommercial motor vehicle:

7 (A) Driving a vehicle under the influence in violation of Code Section 40-6-391;

8 (B) Hit and run or leaving the scene of an accident in violation of Code Section
9 40-6-270, failure to report striking an unattended vehicle in violation of Code Section
10 40-6-271, failure to report striking a fixed object in violation of Code Section 40-6-272,
11 or failure to report an accident in violation of Code Section 40-6-273;

12 (C) Except as provided in subsection (b) of Code Section 40-5-151, any felony in the
13 commission of which a motor vehicle is used;

14 (D) Driving a commercial motor vehicle while the person's commercial driver's
15 license or commercial driving privilege is revoked, suspended, canceled, or
16 disqualified;

17 (E) Homicide by vehicle in violation of Code Section 40-6-393;

18 (F) Racing on highways or streets in violation of Code Section 40-6-186;

19 (G) Using a motor vehicle in fleeing or attempting to elude an officer in violation of
20 Code Section 40-6-395;

21 (H) Fraudulent or fictitious use of or application for a license as provided in Code
22 Section 40-5-120 or 40-5-125;

23 (I) Operating a motor vehicle with a revoked, canceled, or suspended registration in
24 violation of Code Section 40-6-15;

25 (J) Violating Code Sections 16-8-2 through 16-8-9, if the property that was the subject
26 of the theft was a vehicle engaged in commercial transportation of cargo or any
27 appurtenance thereto or the cargo being transported therein or thereon, as set forth in
28 paragraph (8) of subsection (a) of Code Section 16-8-12; or

29 (K) Refusing to submit to a state administered chemical test requested by a law
30 enforcement officer pursuant to Code Section 40-5-55.

31 (19) 'Motor vehicle' means a vehicle, machine, tractor, trailer, or semitrailer propelled
32 or drawn by mechanical power used on highways, or any other vehicle required to be
33 registered under the laws of this state, but does not include any vehicle, machine, tractor,
34 trailer, or semitrailer operated exclusively on a rail.

35 (19.1) 'Noncommercial motor vehicle' means a motor vehicle or combination of vehicles
36 not defined by the term 'commercial motor vehicle' in this Code section or in the
37 regulations of the department for the purpose of licensure.

1 (20) 'Nonresident commercial driver's license' means a commercial driver's license
2 issued by a state to any individual who resides in a foreign jurisdiction.

3 (21) ~~'Out-of-service~~ Out-of-service order' means a temporary prohibition against driving
4 a commercial motor vehicle.

5 (21.1) 'School bus' means a commercial motor vehicle used to transport pre-primary,
6 primary, or secondary school students from home to school, from school to home, or to
7 and from school sponsored events. The term does not include a bus used as a common
8 carrier.

9 (22) 'Serious traffic violation' means conviction of any of the following offenses or a
10 conviction of any law or ordinance equivalent thereto in this state, in any other state, or
11 in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless
12 otherwise specified, a noncommercial motor vehicle:

13 (A) Speeding 15 or more miles per hour above the posted speed limit;

14 (B) Reckless driving, ~~as defined under state or local law~~;

15 (C) Following another vehicle too closely, ~~as defined under state or local law~~;

16 (D) Improper or erratic lane change ~~which presents a risk to any other vehicle~~, but not
17 including failure to signal a lane change;

18 (E) A violation, arising in connection with a fatal crash, of state law or a local
19 ordinance, relating to motor vehicle traffic control, excluding parking, weight, length,
20 height, and vehicle defect violations, but excluding homicide by vehicle as defined in
21 Code Section 40-6-393;

22 (F) A railroad grade crossing violation ~~as defined under state law or local ordinance~~
23 in a noncommercial motor vehicle;

24 (G) Driving a commercial motor vehicle without obtaining a commercial driver's
25 license;

26 (H) Driving a commercial motor vehicle without a ~~valid~~ commercial driver's license
27 in the driver's immediate possession, but excluding such violations when the person's
28 commercial driver's license or commercial driving privilege is suspended, revoked,
29 canceled, or disqualified; or

30 (I) Driving a commercial motor vehicle without a commercial driver's license of the
31 proper class ~~and/or~~ and endorsements for the specific vehicle being operated or for the
32 passengers or type of cargo transported.

33 (23) 'State' means a state of the United States and the District of Columbia.

34 (24) 'Tank vehicle' means any commercial motor vehicle designed to transport any liquid
35 or gaseous materials within a tank that is either permanently or temporarily attached to
36 the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and

1 portable tanks as defined by federal law. However, the term 'tank vehicle' shall not
2 include a portable tank having a rated capacity under 1,000 gallons.

3 (25) 'United States' means the 50 states and the District of Columbia."

4 **SECTION 2.**

5 Said article is further amended by revising Code Section 40-5-147, relating to the
6 requirements for issuing a commercial driver's license or instruction permit, by adding a new
7 subsection as follows:

8 "(e) The department is authorized to promulgate rules necessary to grant a waiver or
9 exemption of the physical requirements for a commercial driver's license or a commercial
10 driver's instruction permit in 49 C.F.R. Part 391, Subpart E; provided, however, that the
11 person who is applying for a commercial driver's license or a commercial driver's
12 instruction permit or who has previously been issued a commercial driver's license and
13 who is granted the waiver or exemption shall only be authorized to drive a commercial
14 motor vehicle in this state. Notwithstanding this subsection, the department shall not grant
15 any type of waiver or exemption of said physical requirements unless such type of waiver
16 or exemption has previously been granted by the Federal Motor Carrier Safety
17 Administration."

18 **SECTION 3.**

19 Said article is further amended by revising subsection (g) of Code Section 40-5-150, relating
20 to commercial driver's licenses, as follows:

21 "(g) Except as provided for in Code Section 40-5-21.1, the The commercial driver's license
22 shall expire on the licensee's birthdate in the ~~fourth~~ fifth year following the issuance of
23 such license."

24 **SECTION 4.**

25 Said article is further amended by revising Code Section 40-5-151, relating to
26 disqualifications from commercial driving, as follows:

27 "40-5-151.

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

30 ~~(1) If~~ if convicted of a first violation of: a major traffic violation as defined in paragraph
31 (18.2) of Code Section 40-5-142.

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

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

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

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

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

12 (b) Any person is disqualified from driving a commercial motor vehicle for a period of ~~not~~
 13 ~~less than~~ three years if convicted of a first violation of using a commercial motor vehicle
 14 in the commission of a felony or for offenses a major traffic violation specified in
 15 subsection (a) of this Code section, provided that the vehicle being operated or used in
 16 connection with such violation or commission of such felony is transporting a hazardous
 17 material required to be placarded under Section 105 of the Hazardous Material
 18 Transportation Act.

19 (c) Any person is disqualified from driving a commercial motor vehicle for life if
 20 convicted of ~~two or more violations of any of the offenses specified in subsection (a) of~~
 21 ~~Code Section 40-5-54, paragraph (1) of subsection (b) of Code Section 40-5-146, or Code~~
 22 ~~Section 40-6-391, the refusal to submit to state administered chemical testing as prescribed~~
 23 ~~by Code Section 40-5-55; a second or subsequent major traffic violation as defined in~~
 24 ~~paragraph (18.2) of Code Section 40-5-142 or any combination of those such violations~~
 25 ~~offenses or refusals, arising from two or more separate incidents.~~

26 (d) The department may issue regulations establishing guidelines, including conditions,
 27 under which a disqualification for life under subsection (c) of this Code section may be
 28 reduced to a period of not less than ten years. The department is not authorized to make
 29 any other reduction in a term of disqualification or to issue a limited or other permit or
 30 license that would allow the operation of a commercial motor vehicle during the term of
 31 disqualification mandated by this Code section.

32 (e) Any person is disqualified from driving a commercial motor vehicle for life who
 33 knowingly uses a commercial motor vehicle in the commission of any felony involving the
 34 manufacture, distribution, cultivation, sale, transfer of, trafficking in, or dispensing of a
 35 controlled substance or marijuana, or possession with intent to manufacture, distribute,
 36 cultivate, sell, transfer, traffic in, or dispense a controlled substance or marijuana.

1 (f)(1) ~~Except as otherwise provided by paragraph (2) of this subsection, any Any person~~
 2 is disqualified from driving a commercial motor vehicle for a period of:

3 ~~(1) Not not less than 60 days if convicted of two serious traffic violations or 120 days if~~
 4 ~~convicted of three serious traffic violations committed in a commercial motor vehicle or~~
 5 ~~a noncommercial motor vehicle as defined in paragraph (22) of Code Section 40-5-142~~
 6 ~~arising from separate incidents occurring within a three-year period as measured from the~~
 7 ~~dates of arrests for which convictions were obtained; or~~

8 ~~(2) If the serious traffic violation committed in a commercial motor vehicle is a railroad~~
 9 ~~grade crossing violation, the person shall be disqualified from driving a commercial~~
 10 ~~motor vehicle for a period of not less than 60 days upon the first conviction within a~~
 11 ~~three-year period as measured from the dates of arrests for which convictions were~~
 12 ~~obtained, for not less than 120 days if convicted of two railroad grade crossing violations~~
 13 ~~arising from separate incidents within a three-year period as measured from the dates of~~
 14 ~~arrests for which convictions were obtained, or for not less than one year if convicted of~~
 15 ~~three railroad grade crossing violations arising from separate incidents within a three-year~~
 16 ~~period as measured from the dates of arrests for which convictions were obtained Not less~~
 17 ~~than 120 days if convicted of a third or subsequent serious traffic violation as defined in~~
 18 ~~paragraph (22) of Code Section 40-5-142 arising from separate incidents occurring within~~
 19 ~~a three-year period as measured from the dates of arrests for which convictions were~~
 20 ~~obtained.~~

21 (g)(1) Any person is disqualified from driving a commercial motor vehicle based on the
 22 following violations of out-of-service orders:

23 (A) First violation — a driver who is convicted of a first violation of an out-of-service
 24 order is disqualified for a period of not less than 90 days and not more than one year;

25 (B) Second violation — a driver who is convicted of two violations of out-of-service
 26 orders in separate incidents is disqualified for a period of not less than one year and not
 27 more than five years; and

28 (C) Third or subsequent violation — a driver who is convicted of three or more
 29 violations of out-of-service orders in separate incidents is disqualified for a period of
 30 not less than three years and not more than five years.

31 (2) Whenever the operator of a commercial motor vehicle is issued an out-of-service
 32 order, a copy of such order shall be issued to the operator of the commercial motor
 33 vehicle, the operator of the commercial motor vehicle's employer, and a copy or notice
 34 of such out-of-service order shall be provided to the department. The form of such
 35 out-of-service order, the procedures for notifying the department upon the issuance of
 36 such an order, and other matters relative to the issuance of out-of-service orders and

1 violations thereof shall be provided in rules and regulations promulgated by the
2 commissioner.

3 (3) Any person is disqualified for a period of not less than 180 days nor more than two
4 years if the driver is convicted of a first violation of an out-of-service order while
5 transporting hazardous materials required to be placarded under Section 105 of the
6 Hazardous Materials Transportation Act, or while operating commercial motor vehicles
7 designed to transport more than 15 passengers, including the driver. A driver is
8 disqualified for a period of not less than three years nor more than five years if, during
9 any ten-year period, the driver is convicted of any subsequent violations of out-of-service
10 orders, in separate incidents, while transporting hazardous materials required to be
11 placarded under Section 105 of the Hazardous Materials Transportation Act, or while
12 operating commercial motor vehicles designed to transport more than 15 passengers,
13 including the driver.

14 (4) In addition to any other penalty imposed pursuant to this article, any driver who is
15 convicted of ~~a railroad grade crossing violation in a commercial vehicle~~ violating an
16 out-of-service order shall be subject to a civil penalty of not less than \$1,100.00 and not
17 to exceed \$2,750.00.

18 (h) After suspending, revoking, or canceling a commercial driver's license, the department
19 shall update its records to reflect that action within ten days. After suspending, revoking,
20 or canceling a nonresident commercial driver's privileges, the department shall notify the
21 licensing authority of the state which issued the commercial driver's license within ten
22 days.

23 (i) Any person is disqualified from driving a commercial motor vehicle for a period of not
24 less than 60 days if it is determined, in a check of an applicant's license status and record
25 prior to issuing a commercial driver's license or at any time after the commercial driver's
26 license is issued, that the applicant has falsified information on his or her application or any
27 related filing.

28 (j)(1) Any person is disqualified from driving a commercial vehicle for a period of not
29 less than 30 days if the department receives notification from the Federal Motor Carrier
30 Safety Administration that the person poses an imminent hazard.

31 (2) If the Federal Motor Carrier Safety Administration notifies the department that a
32 person's driving constitutes an imminent hazard and imposes a disqualification greater
33 than 30 days, the person shall be disqualified from driving a commercial vehicle for the
34 period designated by the Federal Motor Carrier Safety Administration, not to exceed one
35 year.

1 (k)(1) Any person is disqualified from operating a commercial motor vehicle if convicted
 2 of any of the following railroad grade crossing offenses while operating a commercial
 3 motor vehicle:

4 (A) Failing to slow down and check the tracks are clear of an approaching train before
 5 proceeding;

6 (B) Failing to stop before reaching the crossing if the tracks are not clear;

7 (C) Failing to stop before driving onto the crossing;

8 (D) Failing to leave sufficient space to drive completely through a railroad crossing
 9 without stopping;

10 (E) Failing to obey a traffic-control device or the directions of an enforcement official
 11 at a railroad crossing; or

12 (F) Failing to negotiate a crossing because of insufficient undercarriage clearance.

13 (2)(A) Upon a first conviction for an offense listed in paragraph (1) of this subsection,
 14 the period of disqualification shall be 60 days.

15 (B) Upon a second conviction within a three-year period for an offense listed in
 16 paragraph (1) of this subsection arising from a separate incident within a three-year
 17 period, the period of disqualification shall be 120 days.

18 (C) Upon a third or subsequent conviction within a three-year period for an offense
 19 listed in paragraph (1) of this subsection arising from a separate incident, the period of
 20 disqualification shall be one year.

21 (l)(1) All disqualifications as provided for in subsection (f) of this Code section shall
 22 become effective upon the date that the department processes the citation or conviction,
 23 provided that no such disqualification is in effect; if such disqualification is in effect the
 24 subsequent disqualification shall not take effect until the current disqualification expires.

25 (2) Notwithstanding paragraph (1) of this subsection, any other disqualification as
 26 provided for in this Code section shall become effective upon the date that the department
 27 processes the citation or conviction and may run concurrently to any other
 28 disqualifications in effect.

29 (m) All disqualifications provided for in this Code section shall be imposed based on
 30 offenses in state law or on offenses of any laws or ordinances equivalent thereto in this
 31 state, in any other state, or in any foreign jurisdiction."

32 SECTION 5.

33 Said article is further amended by revising Code Section 40-5-159, relating to the suspension
 34 of commercial driver's licenses and driving privileges, as follows:

1 "40-5-159.

2 (a) Any person who drives a commercial motor vehicle while in violation of the provisions
3 of Code Section 40-5-143 or any employer who knowingly allows, requires, permits, or
4 authorizes a driver to drive a commercial motor vehicle in violation of the provisions of
5 subsection (b) of Code Section 40-5-145 shall be guilty of a felony and, upon conviction
6 thereof, shall be punished as follows:

7 (1) Except as provided for in subsections (d) and (e) of this Code section, by By a civil
8 penalty of \$2,500.00 for each offense; and

9 (2) By a fine of \$5,000.00, imprisonment for not more than 90 days, or both, for each
10 offense.

11 (b) Any employer who reports fraudulent information to the department regarding an
12 employee's employment or experience as required under 49 C.F.R. Part 383 shall be guilty
13 of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00.

14 (c)(+) Any person who drives a commercial motor vehicle while in violation of the
15 provisions mandated under Code Section 40-5-146 shall be guilty of a misdemeanor and,
16 upon conviction thereof, shall be fined not less than \$500.00. ~~The department shall
17 suspend the commercial driver's license or commercial driving privilege of any driver
18 convicted of violating subsection (a) or paragraph (1) of subsection (b) of Code Section
19 40-5-146 for a period of six months.~~

20 (2) ~~The department shall suspend the commercial driver's license or commercial driving
21 privilege of any person who is convicted of violating Code Section 40-5-29 in a
22 commercial vehicle for a period of six months.~~

23 (d) Any employer who knowingly allows, requires, permits, or authorizes a driver to drive
24 a commercial motor vehicle in violation of any federal, state, or local law or regulation
25 pertaining to ~~railroad grade crossings~~ an out-of-service order shall be subject to a civil
26 penalty in an amount not less than \$2,750.00 and not to exceed \$11,000.00.

27 (e) Any employer who knowingly allows, requires, permits, or authorizes a driver to drive
28 a commercial motor vehicle in violation of any federal, state, or local law or regulation
29 pertaining to railroad grade crossings shall be subject to a civil penalty not to exceed
30 \$10,000.00."

31 **SECTION 6.**

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

33 **SECTION 7.**

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