

The House Committee on Judiciary Non-civil offers the following substitute to HB 415:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for the expiration of temporary licenses or special identification cards; to provide for suspensions based on driving under the influence convictions; to provide for administrative license suspensions to count against the total suspension provided; to amend Code Section 40-16-4 of the Official Code of Georgia Annotated, relating to duties of the commissioner of driver services, so as to provide for powers and duties of investigators; to provide for related matters; to repeal conflicting laws; to provide an effective date; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-21.1, relating to temporary licenses, permits, or special identification cards and foreign licenses or identification cards as evidence of legal presence in the United States, is revised in subsection (a) as follows:

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

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

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

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

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

(5) Approved deferred action status; or

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

may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time

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1 of the applicant's authorized stay in the United States. If the federal documentation does
2 not specify the period of the applicant's authorized stay, the temporary license, permit, or
3 special identification card shall expire at the end of one year or as otherwise provided for
4 in this chapter."

5 SECTION 2.

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

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

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

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

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

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

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

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

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

30 SECTION 3.

31 Said chapter is further amended in Code Section 40-5-57, relating to suspension or
32 revocation of license of habitually negligent or dangerous driver and point system, by adding
33 a new subsection to read as follows:

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

SECTION 4.

Said chapter is further amended in Code Section 40-5-57.1, relating to suspension of licenses of persons under age 21 for certain offenses, suspension of licenses of persons under age 18 for certain point accumulations, and issuance of new license following suspension, by revising subsections (b), (b.1), and (d) in their entirety as follows:

"(b) A person whose driver's license has been suspended under subsection (a) of this Code section shall:

(1) Subject to the requirements of subsection (c) of this Code section:

(A) Except as provided in paragraph (2) of this subsection, upon a first such suspension for an offense other than a first violation of Code Section 40-6-391, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after 12 months; or

(2)(A) If the driver's license was suspended upon conviction for violation of Code Section 40-6-391, be subject to the provisions of Code Section 40-5-63.

(B) If such driver was convicted of driving under the influence of alcohol or of having an unlawful alcohol concentration and is otherwise subject to the provisions of paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for a limited driving permit under Code Section 40-5-64, and:

(i) Upon a first suspension pursuant to this Code section for a first conviction for a violation of Code Section 40-6-391, the period of suspension shall be six months if the driver's alcohol concentration at the time of the offense was less than 0.08 grams; or

(ii) Upon a first suspension pursuant to this Code section for a first conviction for a violation of Code Section 40-6-391, the period of suspension shall be 12 months if the driver's alcohol concentration at the time of the offense was 0.08 grams or greater.

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

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

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

SECTION 5.

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

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

SECTION 6.

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

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

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

(A) Personal appearance before the department; or

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

(3) Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any identification card solely due to a change of the identification card holder's name or address, provided that such replacement identification card shall be valid only for the remaining period of such original term; and provided, further, that only one such free replacement identification card may be obtained within the period for which the identification card was originally issued. Any application for the replacement of a lost identification card or due to a change in the identification card holder's name or address submitted within 150 days of the expiration of said

1 identification card shall be treated as an application for renewal subject to the applicable
2 fees as set forth in this Code section."

3 **SECTION 7.**

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

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

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

12 **SECTION 8.**

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

14 **SECTION 9.**

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