

House Bill 1111

By: Representatives Floyd of the 147th, Rice of the 51st, Talton of the 145th, Powell of the 29th, and Forster of the 3rd

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 persons not to be licensed, minimum ages for licensees,
3 school attendance requirements, and driving training requirements; to provide for driver's
4 license fees; to provide for limited driving permits; to provide for the issuance of
5 identification cards; to provide for issuance of a commercial driver's license; to provide for
6 the contents of applications for commercial drivers' licenses; to provide for the contents of
7 commercial drivers' licenses; to provide for commercial driving disqualifications; to provide
8 for penalties for commercial driving violations; to provide for issuance of identification cards
9 for persons with disabilities; to provide for related matters; to provide an effective date; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
14 is amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages
15 for licensees, school attendance requirements, and driving training requirements, by revising
16 paragraph (2) of subsection (a.1) as follows:

17 "(2) The department shall forthwith notify by certified mail or statutory overnight
18 delivery, return receipt requested, any minor issued an instruction permit or driver's
19 license in accordance with this subsection other than a minor who has terminated his or
20 her secondary education and is enrolled in a postsecondary school or who is pursuing a
21 general educational development (GED) diploma that such minor's instruction permit or
22 driver's license is suspended subject to review as provided for in this subsection if the
23 department receives notice pursuant to Code Section ~~20-2-701~~ that indicates that such
24 minor:

25 (A) Has dropped out of school without graduating and has remained out of school for
26 ten consecutive school days;

1 (B) Has ten or more school days of unexcused absences in the current academic year
2 or ten or more school days of unexcused absences in the previous academic year; or

3 (C) Has been found in violation by a hearing officer, panel, or tribunal of one of the
4 following offenses, has received a change in placement for committing one of the
5 following offenses, or has waived his or her right to a hearing and pleaded guilty to one
6 of the following offenses:

7 (i) Threatening, striking, or causing bodily harm to a teacher or other school
8 personnel;

9 (ii) Possession or sale of drugs or alcohol on school property or at a school sponsored
10 event;

11 (iii) Possession or use of a weapon on school property or at a school sponsored event.

12 For purposes of this ~~subparagraph~~ division, the term 'weapon' shall ~~be defined in~~
13 ~~accordance with~~ have the same meaning as in Code Section 16-11-127.1 but shall not
14 include any part of an archeological or cultural exhibit brought to school in
15 connection with a school project;

16 (iv) Any sexual offense prohibited under Chapter 6 of Title 16; or

17 (v) Causing substantial physical or visible bodily harm to or seriously disfiguring
18 another person, including another student.

19 Notice given by certified mail or statutory overnight delivery with return receipt
20 requested mailed to the person's last known address shall be prima-facie evidence that
21 such person received the required notice. Such notice shall include instructions to the
22 minor to return immediately the instruction permit or driver's license to the department
23 and information summarizing the minor's right to request an exemption from the
24 provisions of this subsection. The minor so notified may request in writing a hearing
25 within ten business days from the date of receipt of notice. Within 30 days after
26 receiving a written request for a hearing, the department shall hold a hearing as provided
27 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such
28 hearing, the department shall sustain its order of suspension or rescind such order. The
29 department shall be authorized to grant an exemption from the provisions of this
30 subsection to a minor, upon such minor's petition, if there is clear and convincing
31 evidence that the enforcement of the provisions of this subsection upon such minor would
32 create an undue hardship upon the minor or the minor's family or if there is clear and
33 convincing evidence that the enforcement of the provisions of this subsection would act
34 as a detriment to the health or welfare of the minor. Appeal from such hearing shall be
35 in accordance with said chapter. If no hearing is requested within the ten business days
36 specified above, the right to a hearing shall have been waived and the instruction permit
37 or driver's license of the minor shall remain suspended. The suspension provided for in

1 this paragraph shall be for a period of one year or shall end upon the date of such minor's
 2 eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of
 3 this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has
 4 received a general educational development (GED) diploma, a high school diploma, a
 5 special diploma, a certificate of high school completion, or has terminated his or her
 6 secondary education and is enrolled in a postsecondary school, whichever comes first."

7 SECTION 2.

8 Said chapter is further amended in Code Section 40-5-25, relating to driver's license fees, by
 9 revising subsection (b) as follows:

10 "(b)(1) Each person applying for a Class P commercial or noncommercial instruction
 11 permit for a Class A, B, C, or M driver's license shall pay the applicable license fee prior
 12 to attempting the knowledge test for the instruction permit sought. If said person fails to
 13 achieve a passing score on the knowledge test, the license fee paid shall be considered a
 14 testing fee and retained by the department. Any person failing to achieve a passing score
 15 on the knowledge test for an instructional permit shall pay the applicable license fee on
 16 each subsequent attempt until successful, at which time said fee shall be his or her license
 17 fee.

18 (2) Each person applying for a Class A or B commercial driver's license shall pay the
 19 applicable license fee at the time that he or she schedules his or her appointment for said
 20 skills test. If said person fails to appear for his or her scheduled skills test appointment
 21 or fails to achieve a passing score on the skills test, the license fee paid shall be
 22 considered a testing fee and retained by the department. The person shall pay the
 23 applicable license fee on each subsequent attempt until successful, at which time said fee
 24 shall be his or her license fee. All fees retained by the department pursuant to this Code
 25 section shall be remitted to the general fund. Reserved."

26 SECTION 3.

27 Said chapter is further amended in Code Section 40-5-64, relating to limited driving permits,
 28 by revising subsection (e) as follows:

29 "(e) *Duration Fees, duration, renewal, and replacement of permit.* A permit issued
 30 pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become
 31 invalid upon the driver's eighteenth birthday in the case of a suspension under
 32 paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year
 33 following issuance thereof in the case of a suspension for an offense listed in Code Section
 34 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with
 35 paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section

1 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension
 2 in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the
 3 expiration of six months following proof of installation of an ignition interlock device in
 4 the case of a limited driving permit issued to a person subject to a court order for
 5 installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except
 6 that such limited driving permit shall expire upon any earlier reinstatement of the driver's
 7 license. A person may apply to the department for a limited driving permit immediately
 8 following such conviction if he or she has surrendered his or her driver's license to the
 9 court in which the conviction was adjudged or to the department if the department has
 10 processed the citation or conviction. Upon the applicant's execution of an affidavit
 11 attesting to such facts and to the fact that the court had not imposed a suspension or
 12 revocation of his or her driver's license or driving privileges inconsistent with the driving
 13 privileges to be conferred by the limited driving permit applied for, the department may
 14 issue such person a limited driving permit. Permits issued pursuant to this Code section
 15 are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the
 16 person has his or her license reinstated for the violation that was the basis of the issuance
 17 of the permit. Upon payment of a fee in an amount the same as that provided by Code
 18 Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a
 19 replacement for a lost or destroyed probationary driver's license issued to him or her."

20 SECTION 4.

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

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

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

27 (A) Personal appearance before the department; or

28 (B) Subject to rules or regulations of the department consistent with considerations of
 29 public safety and efficiency of service to identification card holders, means other than
 30 personal appearance which may include, without limitation, by mail or electronically.

31 The department may by such rules or regulations exempt persons renewing
 32 identification cards under this paragraph from any surrender requirement imposed
 33 under Georgia law.

34 (3) Notwithstanding any other provision of this Code section, there shall be no fee
 35 whatsoever for replacement of any identification card solely due to a change of the
 36 identification card holder's name or address, provided that such replacement

1 identification card shall be valid only for the remaining period of such original term; and
 2 provided, further, that only one such free replacement identification card may be obtained
 3 within the period for which the identification card was originally issued. Any application
 4 for the replacement of a lost identification card or due to a change in the identification
 5 card holder's name or address submitted within 150 days of the expiration of said
 6 identification card shall be treated as an application for renewal subject to the applicable
 7 fees as set forth in this Code section."

8 SECTION 5.

9 Said chapter is further amended in Code Section 40-5-147, relating to requirements for
 10 issuance of a commercial driver's license or instruction permit, by revising subsection (d) as
 11 follows:

12 "(d)(1) A commercial driver's license or commercial driver's instruction permit ~~may~~
 13 shall not be issued to a person while the person is subject to a disqualification from
 14 driving a commercial motor vehicle or while the person's driver's license or driving
 15 privilege is suspended, revoked, or canceled in this or any other licensing jurisdiction; nor
 16 may a driver's license be issued to a person who has a commercial driver's license issued
 17 by any other state unless the person first surrenders all driver's licenses issued by any
 18 other state, which license or licenses shall be returned to the issuing state or states for
 19 cancellation.

20 (2) The department shall obtain the driving record of any person who applies for a
 21 commercial driver's license from any other states in which he or she has been licensed
 22 or convicted. Upon receipt of conviction information for such a person, said convictions
 23 shall become part of the person's driving record in the State of Georgia as provided in
 24 Code Section 40-5-2. The department shall review each such person's prior driving
 25 record and impose any commercial driving disqualification to which such person is
 26 subject that was not imposed by another jurisdiction as required under federal law."

27 SECTION 6.

28 Said chapter is further amended in Code Section 40-5-149, relating to the contents of
 29 applications for commercial drivers' licenses, by revising paragraph (1) of subsection (a) as
 30 follows:

31 "(1) The full legal name and current mailing and residential address of the person;"

32 SECTION 7.

33 Said chapter is further amended in Code Section 40-5-150, relating to the contents of
 34 commercial drivers' licenses, by revising subsection (a) as follows:

1 "(a) The commercial driver's license shall be marked 'Commercial Driver's License' or
 2 'CDL' and shall be, to the maximum extent practicable, tamperproof, and shall include, but
 3 not be limited to, the following information:

- 4 (1) The full legal name and residential address of the person;
- 5 (2) The person's color photograph;
- 6 (3) A physical description of the person, including sex, height, weight, and eye color;
- 7 (4) Full date of birth;
- 8 (5) ~~The person's social security number if such person has requested the use of such~~
 9 ~~social security number on such license or another~~ license number or identifier ~~deemed~~
 10 ~~appropriate~~ assigned by the department;
- 11 (6) The person's signature;
- 12 (7) The class or type of commercial motor vehicle or vehicles which the person is
 13 authorized to drive, together with any endorsements or restrictions;
- 14 (8) The name of this state;
- 15 (9) The dates between which the license is valid; and
- 16 (10) The license fee and fees for any endorsements."

17 SECTION 8.

18 Said chapter is further amended in Code Section 40-5-151, relating to commercial driving
 19 disqualifications and suspending or revoking licenses, by revising subparagraphs (g)(1)(A)
 20 and (g)(1)(B) and paragraph (4) of subsection (g) as follows:

21 "(A) First violation — a driver who is convicted of a first violation of an out-of-service
 22 order is disqualified for a period of not less than ~~90~~ 180 days and not more than one
 23 year;

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

27 "(4) In addition to any other penalty imposed pursuant to this article, any driver who is
 28 convicted of violating an out-of-service order shall be subject to a civil penalty of not less
 29 than ~~\$1,100.00 and not to exceed \$2,750.00~~ \$2,500.00 for a first offense and not less than
 30 \$5,000.00 for a second or subsequent offense."

31 SECTION 9.

32 Said chapter is further amended in Code Section 40-5-159, relating to penalties for
 33 commercial driving violations, by revising subsection (d) as follows:

34 "(d) Any employer who knowingly allows, requires, permits, or authorizes a driver to drive
 35 a commercial motor vehicle in violation of any federal, state, or local law or regulation

1 pertaining to an out-of-service order shall be subject to a civil penalty in an amount not less
2 than \$2,750.00 and not to exceed ~~\$11,000.00~~ \$25,000.00."

3 **SECTION 10.**

4 Said chapter is further amended in Code Section 40-5-171, relating to issuance and contents
5 of identification cards for persons with disabilities, by revising subsection (b) as follows:

6 "(b) The identification card for persons with disabilities shall bear the signatures of the
7 commissioner and the Governor and shall bear an identification card number which shall
8 not be the same as the applicant's social security number, ~~unless the person specifically~~
9 ~~requests that the social security number be used, or, in the case of an individual who is not~~
10 ~~a citizen of the United States, the passport number of the person identified or any number~~
11 ~~the department deems necessary to implement this Code section."~~

12 **SECTION 11.**

13 This Act shall become effective on January 1, 2009.

14 **SECTION 12.**

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