

Senate Bill 350

By: Senators Wiles of the 37th, Rogers of the 21st, Seabaugh of the 28th, Murphy of the 27th, Johnson of the 1st and others

AS PASSED SENATE

**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 and
5 exceptions for driving without being licensed; to amend Code Section 42-4-14 of the Official
6 Code of Georgia Annotated, relating to determination of nationality of person charged with
7 felony or driving under the influence and confined in a jail facility, so as to provide for
8 determination of nationality of person convicted of driving without being licensed; to provide
9 an effective 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. Any violation of this subsection, except the violation of driving with
20 an expired license, shall be punished as provided in Code 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2 (a) Except when a license has been revoked under Code Section 40-5-58 as a habitual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~~ 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 fingerprinted and shall be punished by imprisonment for not less than
10 two days nor more than 12 months, and there may be imposed in addition thereto a fine of
11 not less than \$500.00 nor more than \$1,000.00; provided, however, that at the time of the
12 hearing such person shall not be guilty of such offense if he or she presents the court with
13 proof of a valid driver's license issued by this state. For the second ~~or subsequent~~ and third
14 conviction within five years, as measured from the dates of previous arrests for which
15 convictions were obtained or pleas of nolo contendere were accepted to the date of the
16 current arrest for which a conviction is obtained or a plea of nolo contendere is accepted,
17 such person shall be guilty of a high and aggravated misdemeanor and shall be punished
18 by imprisonment for not less than ten days nor more than 12 months, and there may be
19 imposed in addition thereto a fine of not less than \$1,000.00 nor more than \$2,500.00. For
20 the fourth or subsequent conviction within five years, as measured from the dates of
21 previous arrests for which convictions were obtained or pleas of nolo contendere were
22 accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo
23 contendere is accepted, such person shall be guilty of a felony and shall be punished by
24 imprisonment for not less than one year nor more than five years, and there may be
25 imposed in addition thereto a fine of not less than \$2,500.00 nor more than \$5,000.00.

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

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

1 imposing a sentence under this subsection, a plea of nolo contendere shall constitute a
2 conviction. There shall be no limited driving permit available for a suspension or
3 disqualification under this Code section.

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

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SECTION 3.

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

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

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SECTION 4.

20 This Act shall become effective on July 1, 2008.

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SECTION 5.

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