

The House Committee on Judiciary Non-civil offers the following substitute to SB 350:

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 require the Department of  
4 Driver Services to maintain records of convictions for driving without a license; to provide  
5 that courts with jurisdiction over traffic offenses shall report convictions of driving without  
6 a license to the Department of Driver Services; to change certain provisions relating to  
7 driving while license suspended or revoked; to specify punishments and exceptions for  
8 driving without being licensed; to amend Code Section 42-4-14 of the Official Code of  
9 Georgia Annotated, relating to determination of nationality of person charged with felony  
10 or driving under the influence and confined in a jail facility, so as to provide for  
11 determination of nationality of person convicted of driving without being licensed; to provide  
12 an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
16 is amended by revising paragraph (3) of subsection (a) of Code Section 40-5-2, relating to  
17 keeping of records of applications for drivers' licenses and information on licensees, to read  
18 as follows:

19 "(3) Records of all accident reports and abstracts of court records of convictions of any  
20 offense listed in subsection (a) of Code Section 40-5-20, subsection (a) of Code Section  
21 40-5-54, Code Section 40-6-10, driving on a suspended license in violation of Code  
22 Section 40-5-121, administrative license suspension pursuant to Code Sections 40-5-67  
23 through 40-5-67.2, Code Section 40-5-75, Chapter 9 of this title, the 'Motor Vehicle  
24 Safety Responsibility Act,' and Chapter 34 of Title 33, the 'Georgia Motor Vehicle  
25 Accident Reparations Act,' any felony offense under this title, any offense committed  
26 while operating a commercial motor vehicle, serious traffic offenses, or other offenses

1 requiring the assessment of points on the driving record that are received by it under the  
 2 laws of this state and in connection therewith maintain convenient records or make  
 3 suitable notations in order that an individual record of each licensee or individual  
 4 showing the convictions of such licensee or individual and the traffic accidents in which  
 5 such licensee or individual has been involved shall be readily ascertainable and available  
 6 for the consideration of the department upon any application for, or application for  
 7 renewal of license and at other suitable times. For purposes of issuing a driver's operating  
 8 record to the public as provided in this Code section, the period of calculation for  
 9 compilation of such report shall be determined by the date of arrest."

## 10 SECTION 2.

11 Said chapter is further amended by revising subsection (a) of Code Section 40-5-20, relating  
 12 to driver's license requirement, surrender of prior licenses, and prohibition of local licenses,  
 13 as follows:

14 "(a) No person, except those expressly exempted in this chapter, shall drive any motor  
 15 vehicle upon a highway in this state unless such person has a valid driver's license under  
 16 this chapter for the type or class of vehicle being driven. Any person who is a resident of  
 17 this state for 30 days shall obtain a Georgia driver's license before operating a motor  
 18 vehicle in this state. Any violation of this subsection, except the violation of driving with  
 19 an expired license, shall be punished as provided in Code Section 40-5-121. Any court  
 20 having jurisdiction over traffic offenses in this state shall report to the department the name  
 21 and other identifying information of any individual convicted of driving without a license."

## 22 SECTION 3.

23 Said chapter is further amended by revising Code Section 40-5-121, relating to driving while  
 24 license suspended or revoked, as follows:

25 "40-5-121.

26 (a) Except when a license has been revoked under Code Section 40-5-58 as a habitual  
 27 violator, any person who drives a motor vehicle on any public highway of this state without  
 28 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his  
 29 or her privilege to ~~do~~ drive is suspended, disqualified, or revoked shall be guilty of a  
 30 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of  
 31 nolo contendere within five years, as measured from the dates of previous arrests for which  
 32 convictions were obtained to the date of the current arrest for which a conviction is  
 33 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be  
 34 punished by imprisonment for not less than two days nor more than 12 months, and there  
 35 may be imposed in addition thereto a fine of not less than \$500.00 nor more than

1 \$1,000.00; provided, however, that at the time of the hearing such person shall not be guilty  
2 of such offense if he or she presents the court with proof of a valid driver's license issued  
3 by this state. Such fingerprints, whether taken upon conviction or upon arrest, shall be  
4 forwarded to the Georgia Crime Information Center where an identification number shall  
5 be assigned to the individual for the purpose of tracking any future violations by the same  
6 offender. For the second ~~or subsequent~~ and third conviction within five years, as measured  
7 from the dates of previous arrests for which convictions were obtained or pleas of nolo  
8 contendere were accepted to the date of the current arrest for which a conviction is obtained  
9 or a plea of nolo contendere is accepted, such person shall be guilty of a high and  
10 aggravated misdemeanor and shall be punished by imprisonment for not less than ten days  
11 nor more than 12 months, and there may be imposed in addition thereto a fine of not less  
12 than \$1,000.00 nor more than \$2,500.00. For the fourth or subsequent conviction within  
13 five years, as measured from the dates of previous arrests for which convictions were  
14 obtained or pleas of nolo contendere were accepted to the date of the current arrest for  
15 which a conviction is obtained or a plea of nolo contendere is accepted, such person shall  
16 be guilty of a felony and shall be punished by imprisonment for not less than one year nor  
17 more than five years, and there may be imposed in addition thereto a fine of not less than  
18 \$2,500.00 nor more than \$5,000.00.

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

27 (c) For purposes of pleading nolo contendere, only one nolo contendere plea will be  
28 accepted to a charge of driving without being licensed or with a suspended or disqualified  
29 license within a five-year period as measured from date of arrest to date of arrest. All other  
30 nolo contendere pleas in this period will be considered convictions. For the purpose of  
31 imposing a sentence under this subsection, a plea of nolo contendere shall constitute a  
32 conviction. There shall be no limited driving permit available for a suspension or  
33 disqualification under this Code section.

34 (d) Notwithstanding the limits set forth in Code Section 40-5-124 and in any municipal  
35 charter, any municipal court of any municipality shall be authorized to impose the  
36 punishment for a misdemeanor or misdemeanor of a high and aggravated nature as  
37 applicable and provided for in this Code section upon a conviction of a nonfelony charge

1 of violating this Code section or upon conviction of violating any ordinance adopting the  
2 provisions of this Code section."

3 **SECTION 4.**

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

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

12 **SECTION 5.**

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

14 **SECTION 6.**

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