

SENATE SUBSTITUTE to HB 1111:

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 provide for information to be released by the Department of Driver
 3 Services for purposes of voter registration; to provide for persons not to be licensed,
 4 minimum ages for licensees, school attendance requirements, and driving training
 5 requirements; to provide for driver's license fees; to provide for denial or suspension of
 6 license for noncompliance with child support order; to provide for suspension of license or
 7 driving privilege for failure to respond to citation; to provide for a revocation or suspension
 8 of a license to be effective by operation of law; to provide for limited driving permits; to
 9 provide for the issuance of identification cards; to provide for issuance of a commercial
 10 driver's license; to provide for the contents of applications for commercial drivers' licenses;
 11 to provide for the contents of commercial drivers' licenses; to provide for commercial
 12 driving disqualifications; to provide for penalties for commercial driving violations; to
 13 provide for issuance of identification cards for persons with disabilities; to provide for related
 14 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

17 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 18 is amended in Code Section 40-5-2, relating to keeping of records of applications for licenses
 19 and information on licensees, by revising paragraph (6) of subsection (f) as follows:

20 "(6)(A) The information required to be made available regarding voter registration
 21 pursuant to Code Section 21-2-221 and for the purposes set forth in such Code section;
 22 and

23 (B) Information sufficient for use in verifying a registered voter's identity by the
 24 Secretary of State, the county election superintendent, or the county registrar, including
 25 name, address, date of birth, gender, driver identification number, photograph, and
 26 signature; and"

SECTION 2.

Said chapter is further amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licensees, school attendance requirements, and driving training requirements, by revising paragraph (2) of subsection (a.1) as follows:

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

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

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

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

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

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

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

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

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

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

Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the

1 provisions of this subsection. The minor so notified may request in writing a hearing
 2 within ten business days from the date of receipt of notice. Within 30 days after
 3 receiving a written request for a hearing, the department shall hold a hearing as provided
 4 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such
 5 hearing, the department shall sustain its order of suspension or rescind such order. The
 6 department shall be authorized to grant an exemption from the provisions of this
 7 subsection to a minor, upon such minor's petition, if there is clear and convincing
 8 evidence that the enforcement of the provisions of this subsection upon such minor would
 9 create an undue hardship upon the minor or the minor's family or if there is clear and
 10 convincing evidence that the enforcement of the provisions of this subsection would act
 11 as a detriment to the health or welfare of the minor. Appeal from such hearing shall be
 12 in accordance with said chapter. If no hearing is requested within the ten business days
 13 specified above, the right to a hearing shall have been waived and the instruction permit
 14 or driver's license of the minor shall remain suspended. The suspension provided for in
 15 this paragraph shall be for a period of one year or shall end upon the date of such minor's
 16 eighteenth birthday or, if the suspension was imposed pursuant to subparagraph (A) of
 17 this paragraph, upon receipt of satisfactory proof that the minor is pursuing or has
 18 received a general educational development (GED) diploma, a high school diploma, a
 19 special diploma, a certificate of high school completion, or has terminated his or her
 20 secondary education and is enrolled in a postsecondary school, whichever comes first."

21 SECTION 3.

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

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

32 (2) Each person applying for a Class A or B commercial driver's license shall pay the
 33 applicable license fee at the time that he or she schedules his or her appointment for said
 34 skills test. If said person fails to appear for his or her scheduled skills test appointment
 35 or fails to achieve a passing score on the skills test, the license fee paid shall be
 36 considered a testing fee and retained by the department. The person shall pay the

1 applicable license fee on each subsequent attempt until successful, at which time said fee
 2 shall be his or her license fee. All fees retained by the department pursuant to this Code
 3 section shall be remitted to the general fund. Reserved."

4 SECTION 4.

5 Said chapter is further amended in Code Section 40-5-54.1, relating to denial or suspension
 6 of license for noncompliance with child support order, by revising subsections (b) through
 7 (e) as follows:

8 "(b) The department shall suspend, as provided in Code Sections 19-6-28.1 and 19-11-9.3,
 9 the license of any driver upon receiving a record from the agency or a court of competent
 10 jurisdiction stating that such driver is not in compliance with an order for child support.
 11 The department shall send notice of any suspension imposed pursuant to this Code section.
 12 Such notice shall be sent via certified mail return receipt requested to the address reflected
 13 on its records as the driver's mailing address. The mailing of such notice by the
 14 department shall be deemed conclusively to be notice to such driver of the suspension of
 15 his or her driver's license and shall be deemed to satisfy all notice requirements of law, and
 16 no further notice to the driver shall be required for the suspensions provided for in this
 17 Code section.

18 (c) The suspension or denial of an application for issuance or renewal of a license shall be
 19 for an indefinite period and until such person shall provide proof of compliance with an
 20 order for child support. Such person's license shall be reinstated if the person submits proof
 21 of compliance with an order for child support from the agency or court of competent
 22 jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is
 23 processed by mail for the return of his or her license.

24 (d) Any person who receives notice from the agency that his or her registration is subject
 25 to denial or suspension may request a hearing and appeal as provided for in Code Section
 26 19-6-28.1 or 19-11-9.3. Notwithstanding any provisions of law to the contrary, the
 27 hearings and appeal procedures provided for in such Code sections shall be the only such
 28 procedures required for purposes of this Code section.

29 ~~(e) A person whose driver's license has been suspended pursuant to this Code section may~~
 30 ~~apply to the department for a restricted driving permit as provided in Code Section~~
 31 ~~40-5-71."~~

32 SECTION 5.

33 Said chapter is further amended in Code Section 40-5-56, relating to suspension of license
 34 or driving privilege for failure to respond to citation, by revising subsection (a) as follows:

1 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with
 2 paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section
 3 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension
 4 in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the
 5 expiration of six months following proof of installation of an ignition interlock device in
 6 the case of a limited driving permit issued to a person subject to a court order for
 7 installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except
 8 that such limited driving permit shall expire upon any earlier reinstatement of the driver's
 9 license. A person may apply to the department for a limited driving permit immediately
 10 following such conviction if he or she has surrendered his or her driver's license to the
 11 court in which the conviction was adjudged or to the department if the department has
 12 processed the citation or conviction. Upon the applicant's execution of an affidavit
 13 attesting to such facts and to the fact that the court had not imposed a suspension or
 14 revocation of his or her driver's license or driving privileges inconsistent with the driving
 15 privileges to be conferred by the limited driving permit applied for, the department may
 16 issue such person a limited driving permit. Permits issued pursuant to this Code section
 17 are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the
 18 person has his or her license reinstated for the violation that was the basis of the issuance
 19 of the permit. Upon payment of a fee in an amount the same as that provided by Code
 20 Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a
 21 replacement for a lost or destroyed probationary driver's license issued to him or her."

22 SECTION 8.

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

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

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

29 (A) Personal appearance before the department; or

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

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

1 (3) Notwithstanding any other provision of this Code section, there shall be no fee
 2 whatsoever for replacement of any identification card solely due to a change of the
 3 identification card holder's name or address, provided that such replacement
 4 identification card shall be valid only for the remaining period of such original term; and
 5 provided, further, that only one such free replacement identification card may be obtained
 6 within the period for which the identification card was originally issued. Any application
 7 for the replacement of a lost identification card or due to a change in the identification
 8 card holder's name or address submitted within 150 days of the expiration of said
 9 identification card shall be treated as an application for renewal subject to the applicable
 10 fees as set forth in this Code section."

11 SECTION 9.

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

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

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

30 SECTION 10.

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

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

SECTION 13.

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

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

SECTION 14.

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

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

SECTION 15.

This Act shall become effective on January 1, 2009.

SECTION 16.

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