

House Bill 1111 (AS PASSED HOUSE AND SENATE)

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 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 amend Chapter
14 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and inspection
15 of vehicles, so as to provide for use of light-emitting diode (LED) lights on extended loads;
16 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
17 other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

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

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

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

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 paragraph (2) of subsection (a.1) as follows:

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

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

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

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

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

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

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

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

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

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

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

26 SECTION 3.

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

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

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

9 SECTION 4.

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

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

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

28 (d) Any person who receives notice from the agency that his or her registration is subject
 29 to denial or suspension may request a hearing and appeal as provided for in Code Section
 30 19-6-28.1 or 19-11-9.3. Notwithstanding any provisions of law to the contrary, the
 31 hearings and appeal procedures provided for in such Code sections shall be the only such
 32 procedures required for purposes of this Code section.

33 ~~(e) A person whose driver's license has been suspended pursuant to this Code section may~~
 34 ~~apply to the department for a restricted driving permit as provided in Code Section~~
 35 ~~40-5-71."~~

SECTION 5.

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

"(a) Notwithstanding any other provisions of this chapter or any other law to the contrary, the department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction in this state or in any other state for a traffic violation other than a parking violation. The department shall include language in the uniform traffic citation stating that failure to appear and respond to such citation shall result in the suspension of the violator's driver's license or nonresident driving privilege. The language reflected on a uniform traffic citation issued in this state shall be sufficient notice of said suspension to support a conviction for a violation of Code Section 40-5-121 if such person drives subsequent to the imposition of such a suspension following his or her failure to appear. Notwithstanding the foregoing, the department shall send notice of any suspension imposed pursuant to this Code section. Such notice shall be sent via certified mail to the address reflected on its records as the person's mailing address. The mailing of such notice by the department shall be deemed conclusively to be notice to such person of the suspension of his or her driver's license and shall be deemed to satisfy all notice requirements of law, and no further notice to the owner shall be required for the suspension provided for in this Code section."

SECTION 6.

Said chapter is further amended by revising Code Section 40-5-60, relating to when a revocation or suspension of a license is effective, as follows:

"40-5-60.

All revocations and suspensions provided for in this chapter shall be effective on the day the driver receives actual knowledge or legal notice thereof, whichever occurs first. Notice of suspension by operation of law shall be considered legal notice. Any license suspension or revocation mandated in this chapter following a person's conviction for any offense, including suspensions due to the accumulation of points pursuant to Code Section 40-5-57, shall be by operation of law."

SECTION 7.

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

"(e) Duration Fees, duration, renewal, and replacement of permit. A permit issued pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become

1 invalid upon the driver's eighteenth birthday in the case of a suspension under
 2 paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year
 3 following issuance thereof in the case of a suspension for an offense listed in Code Section
 4 40-5-54 or a suspension under Code Section 40-5-57, or a suspension in accordance with
 5 paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section
 6 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension
 7 in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the
 8 expiration of six months following proof of installation of an ignition interlock device in
 9 the case of a limited driving permit issued to a person subject to a court order for
 10 installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except
 11 that such limited driving permit shall expire upon any earlier reinstatement of the driver's
 12 license. A person may apply to the department for a limited driving permit immediately
 13 following such conviction if he or she has surrendered his or her driver's license to the
 14 court in which the conviction was adjudged or to the department if the department has
 15 processed the citation or conviction. Upon the applicant's execution of an affidavit
 16 attesting to such facts and to the fact that the court had not imposed a suspension or
 17 revocation of his or her driver's license or driving privileges inconsistent with the driving
 18 privileges to be conferred by the limited driving permit applied for, the department may
 19 issue such person a limited driving permit. Permits issued pursuant to this Code section
 20 are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the
 21 person has his or her license reinstated for the violation that was the basis of the issuance
 22 of the permit. Upon payment of a fee in an amount the same as that provided by Code
 23 Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a
 24 replacement for a lost or destroyed probationary driver's license issued to him or her."

25 **SECTION 8.**

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

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

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

32 (A) Personal appearance before the department; or

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

36 The department may by such rules or regulations exempt persons renewing

1 identification cards under this paragraph from any surrender requirement imposed
2 under Georgia law.

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

13 SECTION 9.

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

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

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

32 SECTION 10.

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

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

2 **SECTION 11.**

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

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

8 (1) The full legal name and residential address of the person;

9 (2) The person's color photograph;

10 (3) A physical description of the person, including sex, height, weight, and eye color;

11 (4) Full date of birth;

12 (5) ~~The person's social security number if such person has requested the use of such~~
13 ~~social security number on such license or another~~ license number or identifier ~~deemed~~
14 ~~appropriate~~ assigned by the department;

15 (6) The person's signature;

16 (7) The class or type of commercial motor vehicle or vehicles which the person is
17 authorized to drive, together with any endorsements or restrictions;

18 (8) The name of this state;

19 (9) The dates between which the license is valid; and

20 (10) The license fee and fees for any endorsements."

21 **SECTION 12.**

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

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

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

31 "(4) In addition to any other penalty imposed pursuant to this article, any driver who is
32 convicted of violating an out-of-service order shall be subject to a civil penalty of not less
33 than ~~\$1,100.00 and not to exceed \$2,750.00~~ \$2,500.00 for a first offense and not less than
34 \$5,000.00 for a second or subsequent offense."

1 **SECTION 13.**

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

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

8 **SECTION 14.**

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

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

17 **SECTION 15.**

18 Said title is further amended by revising Code Section 40-8-27, relating to the placement of
19 lights, flags, or strobe lamps on projecting loads, by inserting a new subsection as follows:

20 "(b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code
21 section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or
22 posts which extend more than four feet beyond the rear of the body or bed of such vehicle
23 shall have securely affixed as close as practical to the end of any such projection, one
24 light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so
25 as to be visible from the rear and from both sides of the projecting load. If the mounting
26 of one light-emitting diode (LED) light cannot be accomplished so that it is visible from
27 the rear and from both sides of the projecting load, multiple light-emitting diode (LED)
28 lights shall be utilized so as to meet the visibility requirements of this subsection. The
29 light-emitting diode (LED) light shall flash at a rate of at least 60 flashes per minute and
30 shall be plainly visible from a distance of at least 500 feet from the rear and sides at a
31 radius of 180 degrees of the projecting load at any time of the day or night. Any
32 light-emitting diode (LED) light shall be constructed of durable, weather resistant material
33 and may be powered by the vehicle's electrical system or by an independent battery
34 system, or both. If the light-emitting diode (LED) light is powered by an independent
35 battery system, the driver of the vehicle shall have in his or her immediate possession

1 charged, spare batteries for use in case of battery failure. Any solid state light-emitting
2 diode (LED) lighting that consists of multiple light-emitting diode (LED) lights shall not
3 have less than 85 percent of the light-emitting diode (LED) lights in operable condition.
4 The lights shall remain in operation at any time of the day or night when the vehicle is
5 operated on any highway or parked on the shoulder or immediately adjacent to the traveled
6 portion of any public roadway. The projecting load shall also be marked with a flag as
7 described in subsection (c) of this Code section. An emergency light permit as provided for
8 in Code Section 40-8-92 is not required on a vehicle utilizing a light-emitting diode (LED)
9 light to comply with the provisions of this Code section."

10 **SECTION 16.**

11 This Act shall become effective on January 1, 2009, except for Sections 4 and 5 which shall
12 become effective on January 1, 2010.

13 **SECTION 17.**

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