

HOUSE SUBSTITUTE TO SENATE BILL 287

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the
 2 Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition
 3 of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so
 4 as to provide that any person convicted of a felony offense shall have such conviction
 5 demarcated on his or her driver's license for the length of his or her sentence; to provide for
 6 procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia
 7 Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide
 8 for license suspension under certain circumstances; to provide that when a person reports that
 9 his or her instructional permit or driver's license has been lost, stolen, or forged, the
 10 department shall charge a fee for a replacement permit or license; to provide that the
 11 department shall offer such license or permit holder the option of being issued a replacement
 12 permit or license with a new number; to provide that the replaced number of the lost, stolen,
 13 or forged permit or license shall be either removed from the data base of valid permits and
 14 licenses or the number in the data base shall be marked as having been reported as lost,
 15 stolen, or forged and no longer valid; to provide for related matters; to repeal conflicting
 16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the
 20 procedure for sentencing and imposition of punishment, is amended in Code Section 17-10-1,
 21 relating to the fixing of sentence, by adding a new subsection to read as follows:

22 "(h) In sentencing any defendant convicted of a felony, other than a defendant who is
 23 discharged without adjudication of guilt and who is not considered to have a criminal
 24 conviction pursuant to Article 3 of Chapter 8 of Title 42, the judge shall inform the
 25 defendant that his or her driver's license shall be submitted to the Department of Driver
 26 Services within 20 days of the date that the court imposed such sentence in order to have

27 a new driver's license issued with a demarcation for being a convicted felon and that failure
 28 to submit his or her license shall result in a license suspension. In the event that the
 29 defendant's driver's license is lost or for any other reason surrender is impossible, a sworn
 30 affidavit indicating the status of such license shall be submitted to the department. The
 31 court imposing such sentence shall forward, within three business days after such
 32 conviction, a copy of its order of the disposition of the case to the Department of Driver
 33 Services."

34 **SECTION 2.**

35 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 36 issuance, expiration, and renewal of drivers' licenses, is amended by revising subsection (a)
 37 of Code Section 40-5-31, relating to replacement permits or licenses, and adding a new
 38 subsection to read as follows:

39 "(a) In the event that an instruction permit or a driver's license issued under this chapter
 40 is lost or destroyed, the person to whom the same was issued may upon payment of the
 41 required fee and upon furnishing proof satisfactory to the department that such permit has
 42 been lost or destroyed:

- 43 (1) Obtain a new permit or license; or
 44 (2) Obtain a replacement permit or license.

45 A new permit obtained under this Code section shall be obtained in the same manner and
 46 under the same conditions and limitations as provided in Code Section 40-5-24. A new
 47 license obtained under this Code section shall be obtained in the same manner and under
 48 the same conditions and limitations as provided in Code Section 40-5-32, relating to
 49 renewals of licenses. A first replacement permit or license obtained under this Code
 50 section shall be issued only for the remaining period for which the original permit or
 51 license was issued for a fee of \$5.00, and no examination or eyesight test shall be required
 52 to obtain such replacement permit. All subsequent replacement permits or licenses
 53 obtained under this Code section shall be issued only for the remaining period for which
 54 the original permit or license was issued for a fee of \$10.00, and no examination or
 55 eyesight test shall be required to obtain such replacement permit."

56 "(e) When a person to whom an instruction permit or driver's license has been issued
 57 reports to the department that such instruction permit or driver's license has been lost,
 58 stolen, or forged and requests a replacement permit or license, pays the required fee, and
 59 provides proof sufficient to the department that such permit or license has been lost, stolen,
 60 or forged, the department shall offer to issue a replacement permit or license as provided
 61 in this Code section with a new number. If the holder of the license or permit elects to
 62 have the department issue a replacement driver's license or permit with a new number, the

63 department shall either remove the previous permit or license number from the data base
64 of valid permits and licenses maintained by the department or indicate in the data base that
65 the permit or license associated with such number has been reported as lost, stolen, or
66 forged and is no longer active or valid."

67 **SECTION 3.**

68 Said article is further amended by adding a new Code section to read as follows:

69 "40-5-38.

70 (a) Any person who has been convicted of a felony shall be issued a replacement driver's
71 license for a fee of \$25.00 bearing a demarcation of 'convicted felon,' and such license shall
72 be issued for the remaining period for which the original license was issued, and no
73 examination or eyesight test shall be required to obtain such replacement license. Renewal
74 licenses for such person shall bear such demarcation.

75 (b) The 'convicted felon' demarcation shall remain on the defendant's driver's license for
76 the length of the defendant's sentence. If the defendant's sentence expires before the
77 expiration of the license, the defendant may apply for a replacement license for a fee of
78 \$25.00 which shall not bear such demarcation for the remaining period for which the
79 original license was issued, and no examination or eyesight test shall be required to obtain
80 such replacement license.

81 (c) The defendant shall submit his or her driver's license to the department as provided by
82 subsection (h) of Code Section 17-10-1 and pursuant to the department's rules and
83 regulations governing such licenses."

84

85 **SECTION 4.**

86 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
87 cancellation, suspension, and revocation of licenses, is amended by adding a new Code
88 section to read as follows:

89 "40-5-57.4.

90 Any person who is convicted of a felony who fails to surrender his or her driver's license
91 or submit a lost license affidavit in accordance with subsection (h) of Code Section 17-10-1
92 and Code Section 40-5-38 shall have his or her license suspended for the balance of his or
93 her sentence. After the suspension period and after such person pays a restoration fee of
94 \$60.00 or, if processed by mail, \$50.00, the suspension shall terminate, and the department
95 shall return such driver's license to such person."

96

SECTION 5.

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