

House Bill 160

By: Representatives Cole of the 125<sup>th</sup>, Neal of the 1<sup>st</sup>, Pruett of the 144<sup>th</sup>, Hanner of the 148<sup>th</sup>,  
and Talton of the 145<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated relating to fees to be paid  
2 to the Department of Driver Services; to amend Chapter 5 of Title 40 of the Official Code  
3 of Georgia Annotated, relating to drivers' licenses, so as to increase the fees paid to the  
4 Department of Driver Services for reinstatement or restoration of suspended or revoked  
5 drivers' licenses; to amend Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia  
6 Annotated, relating to speed restrictions, so as to specify that instruments charging violations  
7 of speed regulations shall state whether the violation occurred on a two-lane road or  
8 highway; to provide for an additional fee to be administered by the Department of Driver  
9 Services for certain super speeding offenses; to provide for related matters; to provide for  
10 effective dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **PART I**  
13 **SECTION 1.**

14 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
15 is amended by revising Code Section 40-5-22.1, relating to suspensions and reinstatements  
16 of drivers' licenses of children under 16 convicted of driving under the influence of alcohol  
17 or drugs, as follows:

18 "40-5-22.1.

19 Notwithstanding any other provision of law, if a child under 16 years of age is adjudicated  
20 delinquent of driving under the influence of alcohol or drugs or of possession of marijuana  
21 or a controlled substance in violation of Code Section 16-13-30 or of the unlawful  
22 possession of a dangerous drug in violation of Code Section 16-13-72 or convicted in any  
23 other court of such offenses, the court shall order that the privilege of such child to apply  
24 for and be issued a driver's license or learner's permit shall be suspended and delayed until  
25 such child is 17 years of age for a first conviction and until such child is 18 years of age for  
26 a second or subsequent such conviction. Upon reaching the required age, such license

privilege shall be reinstated if the child submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or an assessment and intervention program approved by the juvenile court and pays a reinstatement fee of \$210.00 to the Department of Driver Services ~~or \$200.00 when such application is processed by mail.~~ The reinstatement fee for a first such conviction shall be \$210.00 or \$200.00 if paid by mail. The reinstatement fee for a second such conviction shall be \$310.00 or \$300.00 if paid by mail. The reinstatement fee for a third or subsequent such conviction shall be \$410.00 or \$400.00 if paid by mail. The court shall notify the department of its order delaying the issuance of such child's license within 15 days of the date of such order. The department shall not issue a driver's license or learner's permit to any person contrary to a court order issued pursuant to this Code section."

## SECTION 2.

Said chapter is further amended in Code Section 40-5-30, relating to restrictions on drivers' licenses, by revising subsection (c) as follows:

"(c) The department, upon receiving satisfactory evidence of any violation of the restrictions of such license, may suspend the license for a period of six months. The department shall reinstate the license at the end of six months upon receipt of a reinstatement fee of \$210.00 or \$200.00 if paid by mail. No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her."

## SECTION 3.

Said chapter is further amended in Code Section 40-5-56, relating to suspension of drivers' licenses for failure to respond to citation, by revising subsection (b) as follows:

"(b) The suspension provided for in this Code section shall be for an indefinite period until such person shall respond and pay any fines and penalties imposed. Such person's license shall be reinstated if the person submits proof of payment of the fine from the court of jurisdiction and pays a restoration fee of ~~\$35.00 or \$25.00~~ \$100.00 or \$90.00 when such reinstatement is processed by mail to the department. Such suspension shall be in addition to any other suspension or revocation provided for in this chapter."

## SECTION 4.

Said chapter is further amended in Code Section 40-5-57.1, relating to license suspensions and reinstatements for young drivers, by revising subsection (c) as follows:

"(c)(1) Any driver's license suspended under subsection (a) of this Code section for commission of any offense other than violation of Code Section 40-6-391 shall not

become valid and shall remain suspended until such person submits proof of completion of a defensive driving program approved by the department and pays a fee equivalent to that required for restoration of a suspended driver's license under paragraph (1) of subsection (a) of Code Section 40-5-63; provided, however, that such fee shall not be required under this subsection if such person's driver's license was administratively suspended as a result of the offense for which the person's driver's license has been suspended pursuant to this Code section and the restoration fee was paid for such administratively suspended driver's license the applicable reinstatement fee.

(2) The reinstatement fee for a first such conviction shall be \$210.00 or \$200.00 if paid by mail. The reinstatement fee for a second or subsequent such conviction shall be \$310.00 or \$300.00 if paid by mail."

## SECTION 5.

Said chapter is further amended in Code Section 40-5-62, relating to reinstatement of license revocations, by revising subsection (b) as follows:

"(b) The department shall not issue a new license nor restore a person's suspended license or nonresident's operating privilege unless and until it is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this Code section or any other provision of this title, the department shall not issue a new license to any person whose license was revoked as a habitual violator for three violations of Code Section 40-6-391 within a five-year period unless and until such person submits proof of completion of an approved DUI Alcohol or Drug Use Risk Reduction Program. The department may issue rules and regulations providing for reinstatement hearings. In the case of a revocation pursuant to Code Section 40-5-58, the department shall charge a fee of ~~\$210.00 or \$200.00~~ \$410.00 or \$400.00 if processed by mail in addition to the fee prescribed by Code Section 40-5-25 to issue a new driver's license to a person whose driver's license has been revoked."

## SECTION 6.

Said chapter is further amended in Code Section 40-5-70, relating to license suspensions for driving without required minimum insurance, by revising subsection (a) as follows:

"(a) In addition to any other punishment, the driver's license of a person convicted under subsection (a), (b), or (c) of Code Section 40-6-10 shall be suspended for a period of 60 days. The person shall submit the driver's license to the court upon conviction, and the court shall forward the driver's license to the department. After the 60 day suspension period and when the person provides proof of having prepaid a six-month minimum

insurance policy and pays a restoration fee of ~~\$60.00 or \$50.00~~ \$210.00 or \$200.00 when processed by mail to the department, the suspension shall terminate and the department shall return the person's driver's license to such person. For a second or subsequent offense within a five-year period, the suspension period ~~will~~ shall be increased to 90 days, and, in addition to the driver's license, such person's license tag and tag registration shall also be suspended for a period of 90 days. The restoration fee for a second or subsequent offense within a five-year period shall be \$310.00 or \$300.00 if paid by mail. The procedures for submission of drivers' licenses to the court and the forwarding of such licenses to the department shall also apply to license tags and tag registrations."

#### SECTION 7.

Said chapter is further amended in Code Section 40-5-75, relating to license suspensions for drug convictions, by revising subsection (a) as follows:

"(a) The driver's license of any person convicted of any violation of the Georgia Controlled Substances Act, including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana, or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the Department of Driver Services a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail ~~unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail.~~ For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may

132 apply to the department for reinstatement of his or her driver's license by submitting proof  
133 of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the  
134 Department of Driver Services a restoration fee of ~~\$210.00 or \$200.00~~ \$310.00 or  
135 \$300.00 when such reinstatement is processed by mail ~~unless such conviction was a~~  
136 ~~recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when~~  
137 ~~such reinstatement is processed by mail.~~ For purposes of this paragraph, a plea of nolo  
138 contendere and all previous pleas of nolo contendere within such five-year period of time  
139 shall constitute a conviction; and

140 (3) Upon the third conviction of any such offense within five years, as measured from  
141 the dates of previous arrests for which convictions were obtained to the date of the  
142 current arrest for which a conviction is obtained, such person's license shall be suspended  
143 for a period of five years. At the end of two years, the person may apply to the  
144 department for a three-year driving permit upon compliance with the following  
145 conditions:

146 (A) Such person has not been convicted or pleaded nolo contendere to any drug related  
147 offense, including driving under the influence, for a period of two years immediately  
148 preceding the application for such permit;

149 (B) Such person submits proof of completion of a licensed drug treatment program.  
150 Such proof shall be submitted within two years of the license suspension and prior to  
151 the issuance of the permit. Such licensed drug treatment program shall be paid for by  
152 the offender. The offender ~~must~~ shall pay a permit fee of \$25.00 to the department;

153 (C) Such person submits proof of financial responsibility as provided in Chapter 9 of  
154 this title; and

155 (D) Refusal to issue such permit would cause extreme hardship to the applicant. For  
156 the purposes of this subparagraph, the term 'extreme hardship' means that the applicant  
157 cannot reasonably obtain other transportation, and, therefore, the applicant would be  
158 prohibited from:

159 (i) Going to his or her place of employment or performing the normal duties of his  
160 or her occupation;

161 (ii) Receiving scheduled medical care or obtaining prescription drugs;

162 (iii) Attending a college or school at which he or she is regularly enrolled as a  
163 student; or

164 (iv) Attending regularly scheduled sessions or meetings of support organizations for  
165 persons who have addiction or abuse problems related to alcohol or other drugs,  
166 which organizations are recognized by the commissioner.

167 At the end of five years from the date on which the license was suspended, the person  
168 may apply to the department for reinstatement of his or her driver's license by submitting

169 proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying  
170 to the Department of Driver Services a restoration fee of \$410.00 or \$400.00 when such  
171 reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo  
172 contendere and all previous pleas of nolo contendere within such five-year period of time  
173 shall constitute a conviction."

#### 174 **SECTION 8.**

175 Said chapter is further amended by revising Code Section 40-5-84, relating to reinstatement  
176 of suspended drivers' licenses, as follows:

177 "40-5-84.

178 (a) Except as otherwise provided, the license of any person whose license is suspended for  
179 the first time as a result of the conviction of an offense listed in Code Section 40-5-54 shall,  
180 at the expiration of 120 days following the date the license is suspended, be reinstated by  
181 the department upon receipt by the department of a certificate of completion of an  
182 approved defensive driving course and the payment of a restoration fee of \$210.00 or  
183 \$200.00 when such reinstatement is processed by mail.

184 (b) The license of any person whose license is suspended for the second time as a result  
185 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120  
186 days following the date the license is suspended, be reinstated by the department upon  
187 receipt by the department of a certificate of completion of an advanced defensive driving  
188 course and the payment of a restoration fee of ~~\$210.00 or \$200.00~~ \$310.00 or \$300.00  
189 when such reinstatement is processed by mail.

190 (c) The license of any person whose license is suspended for the first time within a  
191 five-year period as a result of the assessment of points pursuant to Code Section 40-5-57  
192 shall be reinstated by the department immediately upon receipt by the department of a  
193 certificate of completion of an approved defensive driving course and the payment of a  
194 restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail.

195 (d) The license of any person whose license is suspended for the second time within a  
196 five-year period as a result of the assessment of points pursuant to Code Section 40-5-57  
197 shall be reinstated by the department immediately upon receipt by the department of a  
198 certificate of completion of an advanced defensive driving course and the payment of a  
199 restoration fee of ~~\$210.00 or \$200.00~~ \$310.00 or \$300.00 when such reinstatement is  
200 processed by mail.

201 (e) The license of any person whose license is suspended for the third or subsequent time  
202 within a five-year period as a result of the assessment of points pursuant to Code Section  
203 40-5-57 shall be reinstated by the department upon receipt by the department of a

204 certificate of completion of an advanced defensive driving course and the payment of a  
205 restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail."

206 **SECTION 9.**

207 Said chapter is further amended in Code Section 40-5-121, relating to driving on a suspended  
208 or revoked license, by revising subsection (b) as follows:

209 "(b)(1) The department, upon receiving a record of the conviction of any person under  
210 this Code section upon a charge of driving a vehicle while the license of such person was  
211 suspended, disqualified, or revoked, including suspensions under subsection (f) of Code  
212 Section 40-5-75, shall extend the period of suspension or disqualification ~~for~~ by six  
213 months. Upon the expiration of six months from the date on which the suspension or  
214 disqualification is extended and payment of the applicable reinstatement fee, the  
215 department shall reinstate the license. The reinstatement fee for a first such conviction  
216 within a five-year period shall be \$210.00 or \$200.00 if paid by mail. The reinstatement  
217 fee for a second such conviction within a five-year period shall be \$310.00 or \$300.00  
218 if paid by mail. The reinstatement fee for a third or subsequent such conviction within  
219 a five-year period shall be \$410.00 or \$400.00 if paid by mail.

220 (2) The court shall be required to confiscate the license, if applicable, and attach it to the  
221 uniform citation and forward it to the department within ten days of conviction. The  
222 period of suspension or disqualification provided for in this Code section shall begin on  
223 the date the person is convicted of violating this Code section."

224 **PART II**

225 **SECTION 10.**

226 Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
227 speed restrictions, is amended by revising subsection (a) of Code Section 40-6-187, relating  
228 to charging violations, to read as follows:

229 "(a) In every charge of violation of any speed regulation in this chapter, the summons,  
230 uniform traffic citation, official charging instrument, or notice to appear shall specify the  
231 speed at which the defendant is alleged to have driven, ~~and also~~ the maximum speed  
232 applicable within the district or at the location, and whether the violation occurred on a  
233 two-lane road or highway. For purposes of this Code section, the term 'two-lane road or  
234 highway' means a road or highway with two lanes for through-traffic movement exclusive  
235 of any portion of the road or highway adjoining the traveled way for parking, speed change,  
236 turning, weaving, truck climbing, or other purposes supplementary to through-traffic  
237 movement."

**SECTION 11.**

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

"40-6-189.

(a) As used in this Code section, the term 'department' means the Department of Driver Services.

(b) In addition to any other fines or penalties imposed by any local jurisdiction or the department, the department shall administer and collect a fee of \$200.00 from any driver who is convicted of driving at a speed of 85 miles per hour or more on any road or highway or 75 miles per hour or more on any two-lane road or highway, as defined in Code Section 40-6-187. Such a driver, upon conviction, shall be classified as a 'super speeder.'

(c) The department shall notify offenders of the imposition of a fee under this Code section within 30 days after receipt of a qualifying ticket and notice of conviction. Failure to pay the fee imposed by this Code section within 90 days after receipt of the notice shall result in the suspension of the driver's license or driving privileges of the offender, and, in addition to the existing fees and penalties, a fee of \$50.00 shall be assessed, payable upon the application for reinstatement of the driver's license or driving privileges. Notice shall be provided by the department to the offender by first-class mail to the address shown on the records of the department. Such mailed notice shall be adequate notification of the fee imposed by this Code section and of the offender's ability to avoid a driver's license suspension by paying the fee prior to the effective date of the suspension. No other notice shall be required to make the driver's license suspension effective.

(d) The department shall be authorized to promulgate rules and regulations to implement the provisions of this Code section.

(e) All fees collected under the provisions of this Code section shall be deposited in the general fund of this state with the intent that these moneys be used to fund a trauma care system in Georgia and the direct and indirect costs associated with the administration of this Code section. The Office of Treasury and Fiscal Services shall separately account for all of the moneys received under the provisions of this Code section."

**PART III****SECTION 12.**

Part I of this Act shall become effective on July 1, 2009. Part II of this Act shall become effective on January 1, 2010.

**SECTION 13.**

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