

Senate Bill 115

By: Senator Wiles of the 37th

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 license required; to change  
3 certain provisions relating to driving while license is suspended or revoked or without being  
4 licensed; to provide for penalties; to provide for related matters; to provide an effective date;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,  
9 is amended by revising subsections (a) and (b) of Code Section 40-5-20, relating to license  
10 required, as follows:

11 "(a)(1) No person, except those expressly exempted in this chapter, shall drive any motor  
12 vehicle upon a highway in this state ~~unless such person has a valid driver's license~~  
13 without being validly licensed under this chapter for the type or class of vehicle being  
14 driven. Any person who is a resident of this state for 30 days shall obtain a Georgia  
15 driver's license before operating a motor vehicle in this state.

16 (2)(A) Any violation of this subsection, except the violation of driving with an expired  
17 license, or a violation of Code Section 40-5-29 if such person produces in court a  
18 license issued to such person and valid at the time of such person's arrest, Violation of  
19 paragraph (1) of this subsection shall be punished as provided in Code  
20 Section 40-5-121, except as otherwise provided by subparagraph (B) or (C) of this  
21 paragraph.

22 (B) If such person was previously licensed under this chapter for the type or class of  
23 vehicle being driven and such license merely expired without renewal, then such person  
24 shall be subject to punishment under Code Section 40-5-120; provided, however, that  
25 such charge shall be dismissed if at the time of the hearing such previously licensed

26 person presents to the court a currently valid license issued under this chapter for the  
 27 type or class of vehicle that was driven.

28 (C) If a resident of this state was licensed by another state for the type or class of  
 29 vehicle being driven but was eligible for and failed to obtain a license under this chapter  
 30 as required by paragraph (1) of this subsection, then such person shall be subject to  
 31 punishment under Code Section 40-5-120; provided, however, that such charge shall  
 32 be dismissed if at the time of the hearing such previously licensed person presents to  
 33 the court a currently valid license issued under this chapter for the type or class of  
 34 vehicle that was driven.

35 (3) Driving while being validly licensed but without having such license in immediate  
 36 possession shall not be an offense under paragraph (1) of this subsection but shall instead  
 37 be subject to the provisions of Code Section 40-5-29.

38 (4) Any court having jurisdiction over traffic offenses in this state shall report to the  
 39 department the name and other identifying information of any individual convicted of  
 40 driving without a license being validly licensed.

41 (b) No person, except those expressly exempted in this chapter, shall steer or, while within  
 42 the passenger compartment of such vehicle, exercise any degree of physical control of a  
 43 vehicle being towed by a motor vehicle upon a highway in this state ~~unless such person has~~  
 44 ~~a valid driver's license~~ without being validly licensed under this chapter for the type or  
 45 class of vehicle being towed."

46 **SECTION 2.**

47 Said chapter is further amended by revising subsection (a) of Code Section 40-5-121, relating  
 48 to driving while license is suspended or revoked or without being licensed, as follows:

49 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual  
 50 violator, any person who drives a motor vehicle on any public highway of this state without  
 51 being validly licensed as required by subsection (a) of Code Section 40-5-20 or at a time  
 52 when his or her privilege to so drive is suspended, disqualified, or revoked shall be guilty  
 53 of a misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea  
 54 of nolo contendere within five years, as measured from the dates of previous arrests for  
 55 which convictions were obtained to the date of the current arrest for which a conviction is  
 56 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be  
 57 punished by imprisonment for not less than two days nor more than 12 months, and there  
 58 may be imposed in addition thereto a fine of not less than \$500.00 nor more than  
 59 \$1,000.00; ~~provided, however, that at the time of the hearing such person shall not be guilty~~  
 60 ~~of such offense if he or she presents the court with proof of a valid driver's license issued~~  
 61 ~~by this state.~~ Such fingerprints, taken upon conviction, shall be forwarded to the Georgia

62 Crime Information Center where an identification number shall be assigned to the  
63 individual for the purpose of tracking any future violations by the same offender. For the  
64 second and third conviction within five years, as measured from the dates of previous  
65 arrests for which convictions were obtained or pleas of nolo contendere were accepted to  
66 the date of the current arrest for which a conviction is obtained or a plea of nolo contendere  
67 is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall  
68 be punished by imprisonment for not less than ten days nor more than 12 months, and there  
69 may be imposed in addition thereto a fine of not less than \$1,000.00 nor more than  
70 \$2,500.00. For the fourth or subsequent conviction within five years, as measured from the  
71 dates of previous arrests for which convictions were obtained or pleas of nolo contendere  
72 were accepted to the date of the current arrest for which a conviction is obtained or a plea  
73 of nolo contendere is accepted, such person shall be guilty of a felony and shall be  
74 punished by imprisonment for not less than one year nor more than five years, and there  
75 may be imposed in addition thereto a fine of not less than \$2,500.00 nor more than  
76 \$5,000.00."

77 **SECTION 3.**

78 This Act shall become effective upon its approval by the Governor or upon its becoming law  
79 without such approval.

80 **SECTION 4.**

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