

House Bill 494

By: Representatives Lunsford of the 110th, Rice of the 51st, Geisinger of the 48th, and Williams of the 4th

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 driver's license requirements;
3 to change certain provisions relating to driving while license is suspended or revoked; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
8 is amended by revising subsection (a) of Code Section 40-5-20, relating to driver's license
9 requirement, as follows:

10 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
11 vehicle upon a highway in this state unless such person has a valid driver's license under
12 this chapter for the type or class of vehicle being driven. Any person who is a resident of
13 this state for 30 days shall obtain a Georgia driver's license before operating a motor
14 vehicle in this state. Any violation of this subsection, except the violation of driving with
15 an expired license, or a violation of Code Section 40-5-29 if such person produces in court
16 a license issued to such person and valid at the time of such person's arrest, shall ~~be~~
17 ~~punished as provided in Code Section 40-5-121~~ not be guilty of such offenses if he or she
18 presents the court with proof of a valid driver's license issued by this state. Any court
19 having jurisdiction over traffic offenses in this state shall report to the department the name
20 and other identifying information of any individual convicted of driving without a license."

21 style="text-align:center">**SECTION 2.**

22 Said chapter is further amended by revising subsection (a) of Code Section 40-5-121, relating
23 to driving while license suspended or revoked, as follows:

24 "(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual
25 violator, any person who drives a motor vehicle on any public highway of this state without

26 being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
27 or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a
28 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
29 nolo contendere within five years, as measured from the dates of previous arrests for which
30 convictions were obtained to the date of the current arrest for which a conviction is
31 obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be
32 punished by imprisonment for not less than two days nor more than 12 months, and there
33 may be imposed in addition thereto a fine of not less than \$500.00 nor more than
34 \$1,000.00; ~~provided, however, that at the time of the hearing such person shall not be guilty~~
35 ~~of such offense if he or she presents the court with proof of a valid driver's license issued~~
36 ~~by this state.~~ Such fingerprints, taken upon conviction, shall be forwarded to the Georgia
37 Crime Information Center where an identification number shall be assigned to the
38 individual for the purpose of tracking any future violations by the same offender. For the
39 second and third conviction within five years, as measured from the dates of previous
40 arrests for which convictions were obtained or pleas of nolo contendere were accepted to
41 the date of the current arrest for which a conviction is obtained or a plea of nolo contendere
42 is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall
43 be punished by imprisonment for not less than ten days nor more than 12 months, and there
44 may be imposed in addition thereto a fine of not less than \$1,000.00 nor more than
45 \$2,500.00. For the fourth or subsequent conviction within five years, as measured from the
46 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
47 were accepted to the date of the current arrest for which a conviction is obtained or a plea
48 of nolo contendere is accepted, such person shall be guilty of a felony and shall be
49 punished by imprisonment for not less than one year nor more than five years, and there
50 may be imposed in addition thereto a fine of not less than \$2,500.00 nor more than
51 \$5,000.00."

52

SECTION 3.

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