

House Bill 160 (AS PASSED HOUSE AND SENATE)

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:

**PART I**

**SECTION 1.**

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

17 "40-5-22.1.

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

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

### 38 **SECTION 2.**

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

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

### 47 **SECTION 3.**

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

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

### 56 **SECTION 4.**

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

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

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

69 (2) The reinstatement fee for a first such conviction shall be \$210.00 or \$200.00 if paid  
 70 by mail. The reinstatement fee for a second or subsequent such conviction shall be  
 71 \$310.00 or \$300.00 if paid by mail."

## 72 **SECTION 5.**

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

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

## 88 **SECTION 6.**

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

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

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

105

### SECTION 7.

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

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

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

128 (2) Upon the second conviction of any such offense within five years, as measured from  
 129 the dates of previous arrests for which convictions were obtained to the date of the  
 130 current arrest for which a conviction is obtained, the period of suspension shall be for  
 131 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."

238 **SECTION 11.**

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

240 "40-6-189.241 (a) As used in this Code section, the term 'department' means the Department of Driver  
242 Services.243 (b) In addition to any other fines or penalties imposed by any local jurisdiction or the  
244 department, the department shall administer and collect a fee of \$200.00 from any driver  
245 who is convicted of driving at a speed of 85 miles per hour or more on any road or highway  
246 or 75 miles per hour or more on any two-lane road or highway, as defined in Code Section  
247 40-6-187. Such a driver, upon conviction, shall be classified as a 'super speeder.'248 (c) The department shall notify offenders of the imposition of a fee under this Code section  
249 within 30 days after receipt of a qualifying ticket and notice of conviction. Failure to pay  
250 the fee imposed by this Code section within 90 days after receipt of the notice shall result  
251 in the suspension of the driver's license or driving privileges of the offender, and, in  
252 addition to the existing fees and penalties, a fee of \$50.00 shall be assessed, payable upon  
253 the application for reinstatement of the driver's license or driving privileges. Notice shall  
254 be provided by the department to the offender by first-class mail to the address shown on  
255 the records of the department. Such mailed notice shall be adequate notification of the fee  
256 imposed by this Code section and of the offender's ability to avoid a driver's license  
257 suspension by paying the fee prior to the effective date of the suspension. No other notice  
258 shall be required to make the driver's license suspension effective.259 (d) The department shall be authorized to promulgate rules and regulations to implement  
260 the provisions of this Code section.261 (e) All fees collected under the provisions of this Code section shall be deposited in the  
262 general fund of this state with the intent that these moneys be used to fund a trauma care  
263 system in Georgia and the direct and indirect costs associated with the administration of  
264 this Code section. The Office of Treasury and Fiscal Services shall separately account for  
265 all of the moneys received under the provisions of this Code section."266 **PART III**267 **SECTION 12.**268 Part I of this Act shall become effective on July 1, 2009. Part II of this Act shall become  
269 effective on January 1, 2010.270 **SECTION 13.**

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