

Senate Bill 59

By: Senators Loudermilk of the 52nd, Heath of the 31st, Hill of the 32nd, Gooch of the 51st and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the
2 issuance of license plates, payment and disposition of fees, compensation of tag agents, and
3 required identification, so as to require a sworn statement by an applicant for a tag renewal;
4 to amend Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to
5 driver's license requirements, surrender of prior licenses, and prohibition of local licenses,
6 so as to modify the defense for a violation of this Code section; to amend Code Section
7 40-5-121 of the Official Code of Georgia Annotated, relating to driving while a license is
8 suspended or revoked, so as to modify the penalties for a violation of driving without a
9 license or driving with a suspended or revoked driver's license; to provide for related matters;
10 to provide for an effective date and applicability; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of
15 license plates, payment and disposition of fees, compensation of tag agents, and required
16 identification, is amended in subsection (d) as follows:

17 "(d) The initial issuance of any tag, ~~on or after July 1, 2007,~~ shall not be made unless the
18 applicant presents at the time of application a valid Georgia driver's license or Georgia
19 identification card. This subsection shall not apply to those applicants expressly exempted
20 in Code Section 40-5-21. An applicant for a tag renewal shall sign a statement under
21 penalty of perjury to the effect that such person is in possession of a valid Georgia driver's
22 license or Georgia identification card. The signed statement shall include the applicant's
23 driver's license or identification card number. A person making a false statement in his or
24 her application for a tag renewal shall be guilty of a violation of Code Section 16-10-20,
25 relating to making false statements and writings in matters within the jurisdiction of the
26 state or political subdivision of this state, and shall be punished in accordance with the

27 provisions of that Code section. A renewal notice issued by a tag agent shall include the
 28 statement required by this subsection on the renewal notice form to be filled out and
 29 returned by the applicant with an appropriate space for the applicant to sign the statement
 30 and provide his or her driver's license or identification card number."

31 **SECTION 2.**

32 Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to driver's license
 33 requirements, surrender of prior licenses, and prohibition of local licenses, is amended in
 34 subsection (a) as follows:

35 "(a) No person, except those expressly exempted in this chapter, shall drive any motor
 36 vehicle upon a highway in this state unless such person has a valid driver's license under
 37 this chapter for the type or class of vehicle being driven. Any person who is a resident of
 38 this state for 30 days shall obtain a Georgia driver's license before operating a motor
 39 vehicle in this state. Any violation of this subsection shall be punished as provided in Code
 40 Section 40-5-121, except the violation of driving with an expired license; or a violation of
 41 Code Section 40-5-29, ~~or if~~ If such person produces in court a ~~valid~~ driver's license issued
 42 by this state to such person, which was valid at the time of the alleged offense, then he or
 43 she shall not be guilty of ~~such offenses~~ a violation of this Code section. Any court having
 44 jurisdiction over traffic offenses in this state shall report to the department the name and
 45 other identifying information of any individual convicted of driving without a license."

46 **SECTION 3.**

47 Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to driving while
 48 a license is suspended or revoked, is amended in subsection (a) 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 licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his
 52 or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a
 53 misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of
 54 nolo contendere within five years, as measured from the dates of previous arrests for which
 55 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 ~~\$1,000.00~~
 59 \$2,500.00. Such fingerprints, taken upon conviction, shall be forwarded to the Georgia
 60 Crime Information Center where an identification number shall be assigned to the
 61 individual for the purpose of tracking any future violations by the same offender. For the

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

75 **SECTION 4.**

76 This Act shall become effective on July 1, 2011, and shall apply to offenses committed on
 77 or after such date; provided, however, that the requirements of Section 1 of this Act shall
 78 apply to applications for tag renewals due on or after July 1, 2012.

79 **SECTION 5.**

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